
Appeal Decision

Site visit made on 24 January 2020

by R Cooper BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th April 2020

Appeal Ref: APP/M2325/W/19/3239663

Syke Hall, Church Road, Warton, Lancashire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by James Industrial Limited against the decision of Fylde Borough Council.
 - The application Ref 19/0426, dated 2 July 2019, was refused by notice dated 28 August 2019.
 - The development proposed is the redevelopment of the site containing a single dwelling with four dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline with approval sought for access, layout and scale, and all other matters reserved for future consideration. Therefore, I have dealt with the appeal and considered the submitted drawings on this basis.
3. The southern part of the site is within the settlement boundary of Warton and has permission in principle for two dwellings. The matters in dispute relate to the northern part of the site which would accommodate an additional two dwellings within the Green Belt. I have proceeded on this basis.

Main Issues

4. The appeal site lies within an area of Green Belt. Therefore, the main issues in this case are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and Local Plan; and
 - The effect of the proposal on the openness of the Green Belt and character and appearance of the area; and
 - If the proposal would be inappropriate development, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

5. The northern part of the site falls within designated Green Belt. Policy GD2 of the Fylde Local Plan to 2032 (2018) states that in such areas national policy for development in the Green Belt will be applied. The National Planning Policy Framework (the Framework) identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. In addition, the construction of new buildings should be regarded as inappropriate in the Green Belt subject to a number of exceptions including those set out in paragraph 145 of the Framework. This includes criteria e) limited infilling in villages.
6. The appellant submits that the development proposed would constitute limited infilling in villages and accords with criteria e). There is no formal definition of what constitutes limited infilling within the Framework, and the Council do not provide a definition in the adopted development plan. It is therefore a matter of fact and planning judgement for the planning decision-maker. With this in mind, I have had regard to the nature and size of the development proposed, the location of the appeal site and its relationship to existing adjoining development.
7. Whilst the northern part of the site's location falls outside of the settlement boundary on the proposals map of the Local Plan, I understand this does not necessarily mean the site falls outside of the village. However, I have had regard to the location of the appeal site, its physical context, and its relationship to existing adjoining development. Whilst the appeal site is relatively close to the core of Warton, when driving past the site along Church Road there is a clear transition between the built up part of the village, and the northern part of the appeal site, which is more open in appearance and rural in character.
8. I have also considered the presence of buildings on the recent housing development opposite the appeal site. However, Church Road provides a clear distinction between this built up area to the east, and the appeal site and open countryside to the west of Church Road.
9. Whilst I note the speed limit signage further out from the village, near the junction of Hillock Lane, and I understand highway improvement works are proposed in the vicinity of the site, this does not necessitate that the appeal site falls within the physical built up extent of the settlement. And for the reasons outlined above, in my view the northern part of the site falls very much within open countryside, outside of the built up part of the village. Therefore, cannot be considered as infill housing within Warton.
10. The site frontage extends into the Green Belt along Church Road from the existing derelict building onsite, up to the garden of the dwelling at No 125 Church Road. Both parties refer to this as approximately 75m. No 125 clearly stands alone within the open countryside, the northern part of the appeal site providing a significant break from the built part of the village and the property.
11. Whilst only two of the proposed dwellings would fall within the Great Belt, the arrangement of dwellings and detached garages within this break would be

elongated along the northern part of the site and would appear as substantial development along Church Road. Therefore, in my view, the development would not be limited in this regard.

12. Consequently, the proposed development would not constitute an exception under criterion e) of paragraph 145. I conclude that the proposed development would be inappropriate development in the Green Belt. It would conflict with Policy GD2 of the Fylde Local Plan to 2032 (2018) and paragraph 145 of the National Planning Policy Framework which collectively seek to protect the Green Belt from inappropriate development and preserve its openness.

Openness and character and appearance

13. Paragraph 133 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It identifies openness as an essential characteristic of the Green Belt. There is no definition of 'openness' in the Framework.
14. The appeal site is open in appearance. At the time of my visit the site appeared to have recently been cleared of vegetation, however, the boundary hedgerows, trees and timber fencing were still evident, and these features contribute to the site's rural character.
15. While the appellant states that they are not wedded to the submitted site layout, the application sought approval of layout, scale and access in detail. I am therefore required to consider the appeal based on the submitted plans relating to these details.
16. The scale schedule submitted with the application indicates that the dwellings would be two storeys. The dwellings, detached garages, hard surfacing, domestic paraphernalia would appear as an extension of the village, which would encroach into the countryside, reducing openness and having an urbanising effect, visually out of kilter with the open appearance and rural character of the site.
17. I accept that the detail of the elevation's appearance is a reserved matter, and that a suitable design could be achieved to reflect nearby buildings. However, this does not lessen my concern with regards to the harm caused by their prominent and unduly imposing nature, that would cause a loss of openness, and harm the character and appearance of the area, particularly when viewed from Church Road.
18. For the reasons outlined above, the proposed dwellings would reduce the openness of the Green Belt and harm the character and appearance of the area. Therefore, it would not accord with Policies GD2, GD7, and ENV1 of the Fylde Local Plan to 2032 (2018), Policy BWNE2 of the Bryning and Warton Neighbourhood Plan (2017), and paragraphs 127, 130, 133, 133 and 170 of the Framework which collectively seek that new development respects local character and preserves the openness of the Green Belt.

Other considerations

19. The proposal would provide four additional homes.
20. The development would provide an active street frontage, the density reflects the local area, and the detailed design of the buildings could be dealt with at reserved matters stage.
21. I also note that the proposal would not harm the living conditions of neighbouring occupiers, there would be no significant effects on the operation of the local highway network, the site does not comprise of best and most versatile agricultural land, any tree loss could be mitigated by replacement planting, the site is of limited biodiversity value, and the proposal would not impact on any national or local landscape designations.
22. While the proposal would make a limited contribution to housing, the other matters above attract minimal or neutral weight.

Overall Balance

23. The proposal is inappropriate development in the Green Belt and would cause harm to the openness of the Green Belt, it would also have an adverse impact on the character and appearance of the area.
24. The Framework states that inappropriate development should not be approved except in very special circumstances. These will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Substantial weight must be given to the harm to the Green Belt due to the inappropriate nature of the proposed development and the harm that this would cause to openness. On the other hand, the dwellings would make a limited contribution to housing. However, the factors in favour of the proposal do not outweigh the harm that would be caused to the Green Belt.
25. The proposal does not accord with Policy GD2 of the Fylde Local Plan to 2032 (2018) and paragraphs 133 to 146 of the National Planning Policy Framework which collectively seek to preserve openness and assist in safeguarding the countryside from encroachment.

Other Matters

26. I have considered the various appeal decisions referred to by the appellant which have been allowed elsewhere. These differ significantly from the case before me, including in relation to existing built form nearby, or the scale and nature of the developments proposed. In any event, I am required to reach conclusions based on the individual circumstances of this appeal. My findings above are therefore unaffected.

Conclusion

27. For the reasons given above, the appeal is dismissed.

R Cooper

INSPECTOR