
Appeal Decision

Site visit made on 2 June 2020

by William Walton BA MSc Dip Env Law LLM CPE BVC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st July 2020

Appeal Ref: APP/P2365/W/20/3244675

Asmall House Farm, Asmall Lane, Scarisbrick L40 8JL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
 - The appeal is made by Mr and Mrs Pratt against the decision of West Lancashire Borough Council.
 - The application Ref 2019/0928/FUL, dated 12 September 2019, was refused by notice dated 15 November 2019.
 - The development proposed is the proposed re-use and alteration of an agricultural building to form a single dwelling house, with associated garden and car parking.
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Decision

1. The appeal is allowed and planning permission is granted for the re-use and alteration of an agricultural building to form a single dwelling with associated garden and car parking at Asmall House Farm, Asmall Lane, Scarisbrick L40 8JL in accordance with the terms of the application Ref 2019/0928/FUL, dated 15 September 2019, subject to the Schedule of Conditions attached to this decision.

Main Issues

2. The main issues are:
 - Whether or not the proposed development would be inappropriate development in the Green Belt;
 - The effect of the proposed development upon the openness and the character and appearance of the Green Belt;
 - Whether the location of the proposed development is appropriate;
 - Whether the proposed development incorporates adequate foul and surface water drainage facilities; and
 - If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations that amount to the very special circumstances necessary to justify the proposal.

Reasons

Whether Inappropriate Development

3. The appeal building is an unused 'L'-shaped barn to the rear of Asmall House Farm which fronts onto Asmall Road. The development proposal comprises the re-use of this building to form a single-family dwelling incorporating an integrated double garage, the use of the former farmyard for car parking and the formation of a garden to the rear. The works would include the installation of dark grey zinc cladding around the existing walls and agricultural-style zinc cladding as replacement for the existing asbestos roof. There would be new openings for doors and windows with frames constructed of dark grey steel.
4. The property sits within the Green Belt where any development that is categorised as being 'inappropriate' is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. However, under Paragraph 146d) of the National Planning Policy Framework (the Framework) it is advised that the re-use of a building would not constitute inappropriate development so long as it is of permanent and substantial construction, that it would preserve the openness of the Green Belt and would not conflict with the purpose of including land within it.
5. The barn is an imposing and formidable structure. There are no obvious signs of any dilapidation and I have seen no evidence that might lead me to question the building's structural integrity. It has a concrete floor with walls made of breeze block to a height of around 2 metres with corrugated steel above. The 2 longer side elevations each measure around 20 metres in length with the 4 shorter elevations each measuring around 10 metres. The larger of the 2 components is around 10 metres in height and the other section is slightly lower. Both sections have a pitched roof.
6. Consequently, I see no reason why, for the purposes of Paragraph 146c), the appeal building should not be treated as being of a permanent and substantial construction. It therefore accords with Policy GN1 of the West Lancashire Local Plan 2012-2027 Development Plan Document 2013 (DPD) which requires that new development maintains the character of the Green Belt. However, in order to determine whether or not it is inappropriate development it is necessary to consider whether its re-use would preserve the openness of the Green Belt or conflict with the purpose of including land within it. This is dealt with under the next main issue.

Openness and Character & Appearance

7. The proposal does not involve the extension to, or the part demolition of, the existing barn. Nevertheless, it does involve the installation of new zinc clad walls and roof and new door and window openings. Moreover, it would also involve transforming a neglected area of open land to the rear of the barn into a garden. This area would be the near mirror image of the footprint of the existing barn and so would extend around 20 metres from the side elevation towards the adjacent fields. In addition, there would be spaces for 2 cars in front of the integrated double garage.
8. The installation of the zinc cladding would change the appearance of the building. It would not, however, amount to a rebuilding of the existing structure and therefore constitute a new building. Instead, it would transform

what is currently a rather unsightly spectacle of mixed materials into what would be an attractive dwelling whilst retaining its distinctive profile and so preserving its agricultural associations. This would not urbanise the Green Belt and so would not undermine the purpose of including land within it.

9. The conversion of a modest sized area of unused and neglected land and the addition of parking for two vehicles in what was a farmyard might be described as the 'trappings of domestic occupation'¹. The proposed garden would not trespass beyond the surrounds of the existing building into adjacent farmland and would improve the currently neglected area. Consequently, the proposed garden and car parking area would not present any greater bulk than is currently associated with the farm and so would not compromise the openness of the Green Belt nor would it conflict with the purpose of including land within it.
10. For the reasons set out above the proposal would neither prejudice the openness of the Green Belt nor harm its character and appearance. Consequently, it would accord with Policies GN1 and GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document 2013 (DPD) which require that new development maintains the character and the landscape of the surrounding rural area.
11. Furthermore, the proposal would accord with the Council's 'Development in the Green Belt' Supplementary Planning Document 2015 which advises that conversions of non-residential structures should maintain and enhance the character and appearance of the wider landscape and improve the external appearance of the building. Thus, it would not be inappropriate development in the Green Belt obviating any need to find very special circumstances to justify it.

Appropriate Location

12. The development proposal would be located within a small group of buildings occupying both sides of Asmall Lane. Within about 200 metres in either direction along this road are around 6 dwellings. In addition, there are a number of other substantial agricultural buildings and an equine facility.
13. Both parties made reference to the 'Braintree' Court of Appeal judgment². From that judgment I conclude that a proposed dwelling should not be isolated from existing settlements. However, as I have explained, Asmall House Farm sits within a small group of buildings which represents a small settlement. Consequently, the proposal would not be inconsistent with the advice contained in Paragraph 79 of the Framework.
14. This small settlement is around 2km from the centre of the major market town of Ormskirk. Pedestrian access is provided the length of the route along a pavement adjacent to the largely unlit Asmall Lane. This is a distance that could be walked by a reasonably fit adult in around 25 minutes. Whilst it is highly likely that the occupants would have access to a car, I do not consider that it unreasonable to believe that they might choose to make such a journey by bicycle or by foot, in particular during the spring and summer months when

¹ See APP/F4410/W/16/3145675 – Highfield Farm, Westfield Lane, Kirk Smeaton, Pontefract WF8 3LT.

² See Braintree District Council v Secretary of State for Communities and Local Government & Others [2018] EWCA Civ610.

there are more hours of daylight. Consequently, on balance, the proposal is not within an unsustainable location.

15. For the above reasons I have found that the proposal would not constitute an isolated dwelling and would allow for access to lower and higher order services at a nearby town by bicycle and on foot. It would therefore accord with Policy GN1 of the DPD which requires that new development in the Green Belt should be accessible. I do not consider that Policy RS1 of the DPD has any application to this proposal since it does not address changes of use from agricultural to residential uses and, to this extent, the DPD is non-compliant with the more recently published Framework.

Appropriate Drainage Facilities

16. The submitted planning application contained very little information as to how surface and foul water would be dealt with. A Drainage Strategy Report was submitted by the Appellant in January 2020 after the determination of the application. This report recommends that a combination of Sustainable Drainage Systems be used to remove surface and foul water from the development. This would include installation of a porous paved driveway so as give a similar effect to an area of grass with rainwater from downpipes taken to soakaways. Foul water from the WCs and sinks would run through pipes to a Biodisc sewerage treatment plant located underground on one side of the proposed garden. Pre-treated sewerage effluent would run through a pipe to an underground sampling chamber for soakaway located on the other side of the garden.
17. This is a common means of removing surface and foul water from a single dwelling not linked to the mains sewerage system. However, the Council's Drainage Officer commented that that without a percolation test to determine the soil infiltration rate there is no reason to believe that a soakaway would work in this particular location given existing knowledge of the soil conditions.
18. This notwithstanding, I consider that the appellant has provided a considerable amount of information setting out how it would deal with surface and foul water. I note that the Council has agreed to see the matter dealt with through a condition and I consider this to be the appropriate way of resolving the matter.
19. Thus, the proposal does contain the information required by the Council to properly assess the relevant surface and foul water drainage issues. Consequently, it accords with Policy GN3 of the DPD which requires that the applicant demonstrates that sustainable drainage systems have been properly explored and that the proposal does not conflict with the need to protect ground water sources.

Other Matters

20. Reference was made in the in the objection by the Scarisbrick Parish Council to the proposal not satisfying the 'reasonably necessary for the purposes of agriculture within that unit' test set out in Part 6 (Class A) of the 2nd Schedule of the Town and Country Planning (General Permitted Development) (England) Order 2015. For the avoidance of doubt, that statutory test applies to those wishing to construct a barn for agricultural purposes and not to those seeking to convert an existing barn to residential use.

21. Notwithstanding their proximity, the small stables to the side of the barn would not materially diminish the living conditions of the prospective occupants of the appeal dwelling. The entrance to the farmyard is quite narrow but is sufficiently wide to allow vehicles to safely access to and from Asmall Lane which seemed to be relatively lightly trafficked. An issue was raised about the need to restrict the hours during which construction can take place to protect the living conditions of neighbours and I have acceded to that request though including an appropriate condition. Finally, concerns were raised about the disposal of asbestos. This is dealt with under a separate statutory regime and therefore is not a matter relevant to this decision.

Conclusion and Conditions

22. I have found that the barn building is a substantial and permanent structure and that the appeal proposal constitutes a form of development that neither prejudices the openness of the Green Belt nor the purpose of including land within it. Therefore, it does not constitute inappropriate development within the Green Belt. Consequently, there is no requirement for the appellant to adduce very special circumstances to justify the proposal.
23. Furthermore, I have found that the proposal would not lead to the creation of an isolated dwelling nor would it be in an unsustainable location. Finally, I consider that the appellant has furnished sufficient information in regard to drainage to allow the proposal to be considered. Consequently, the appeal is allowed.
24. In addition to the standard condition requiring implementation of the permission within 3 years I have, for the purposes of certainty, included a condition requiring implementation in accordance with the approved plans. To protect the living conditions of neighbours I have imposed a condition restricting the hours of building operations. Further, I have stipulated that the Appellant must submit to, and receive in writing permission from, the Council details regarding the external materials to ensure that the scheme accords with good planning. As per the final main issue, I have included a condition requiring agreement from the Council for an appropriate drainage scheme to ensure the satisfactory disposal of surface and foul water.
25. Exceptionally, I have imposed a condition withdrawing permitted development rights in regard to the land around the dwelling so as to protect the openness of the Green Belt. The hardstanding areas are to be porous to allow satisfactory surface water drainage. I have also required that a landscaping plan be submitted to, and agreed by, the Council within 3 months of the commencement of construction to ensure certainty. In order to protect bats and their habitats I have included a condition requiring implementation of recommendations of a survey report carried out by Rachel Hacking Ecology in 2018. Finally, to encourage use of more sustainable modes of transportation I have imposed a condition requiring installation of a vehicle electrical charging point.

William Walton

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:

Plan reference 1666/PL11 Rev A and 1666/PL12 Rev A received by the Local Planning Authority on 13/09/2019.
3. Construction work shall be restricted to 0800-1800hrs Monday to Friday and shall not take place on Bank Holidays.
4. No development above slab level shall take place until full details and samples of the external materials to be used for the construction of the dwelling have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
5. No development shall take place until a scheme for the separate foul and surface water drainage of the site, including any necessary attenuation measures, has been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be implemented in full prior to first occupation of the building/s and maintained as such at all times for the duration of the development.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent Orders or statutory provision re-enacting the provisions of these Orders no garages, extensions, alterations, porches, out buildings, swimming pools, hardstandings or means of enclosure shall be erected or undertaken without the express written permission of the Local Planning Authority.
7. The proposed hardstanding areas shall be made of a porous materials or provision shall be made to direct run off water from the hard surface to a permeable or porous area or surface within the site boundaries.
8. Within three months of commencement of the development, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall show the location, branch spread, and species of all existing trees and hedges; the location, species and number of all proposed trees, shrubs and hedges; and the location of all existing and proposed grassed and hard surfaced areas. Trees and shrubs planted shall comply with BS. 3936 (Specification of Nursery Stock) and shall be planted in accordance with BS. 4428 (General Landscape Operations). Within a period of 9 months from the date when any part of the development is brought into use the approved landscaping scheme shall be carried out. All planting shall be maintained and dead or dying material shall be replaced for a period of seven years from the agreed date of planting.
9. The recommendations contained within paragraph 4.0 of Daytime Bat Survey (Rachel Hacking Ecology, May 2019) received by the Local Planning Authority on 20/09/2019 shall be implemented in full throughout the duration of the development.

10. Prior to the first occupation of each dwelling, it shall be provided with an electric vehicle charging point which shall be retained for that purpose thereafter.

END