
Appeal Decision

Site visit made on 6 October 2020 by C McDonagh BA (Hons) MA MRTPI

by Susan Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 November 2020

Appeal Ref: APP/P2365/W/20/3256383

45 Carr Lane, Tarleton PR4 6BS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr James Flannery against the decision of West Lancashire Borough Council.
 - The application Ref 2020/0364/FUL, dated 1 May 2020, was refused by notice dated 7 July 2020.
 - The development proposed is the demolition of existing stables and erection of one dormer bungalow.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr James Flannery against West Lancashire Borough Council. This application is the subject of a separate Decision.

Appeal Procedure

3. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary matter

4. The appellant disputes the relevance of Policy GN1 of the West Lancashire Local Plan Development Plan Document (DPD). However, while the Plan predates the latest iteration of the National Planning Policy Framework (the Framework), GN1 clearly states that development proposals within the Green Belt will be assessed against national policy and any relevant local plan policies.
5. Policy GB3 of the Development in the Green Belt Supplementary Planning Document (the SPD) is inconsistent with the Framework insofar as it permits the redevelopment of previously developed sites provided the proposed development would not have a greater impact than the existing development on the openness of the Green Belt or the purposes of including land within the Green Belt. Nevertheless, the SPD outlines that it should be read alongside other relevant guidance, including the Framework. I have therefore determined the appeal accordingly.

Main Issues

6. The main issues for consideration in this appeal are:

- Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
- Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations and if so, whether this would amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development in Green Belt

7. Paragraph 143 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 states that the construction of new buildings in the Green Belt is inappropriate unless it meets one of the seven specified exceptions. Exceptions include 145(g); the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings).
8. The appeal site is comprised of an 'L' shaped stable block which is not currently in use. It is surrounded by a dwelling at 45 Carr Lane, open countryside to two sides and another field enclosed by trees and tall hedgerows lining Carr Lane to the other. Overall, the site has a semi-rural character on the edge of the settlement.
9. There is no dispute between the parties that the site constitutes previously developed land. Nevertheless, to meet the test of this exception, the Framework also states that development should not have a greater impact on the openness of the Green Belt than the existing development. Openness, in Green Belt terms, is generally considered to mean the absence of built development.
10. Paragraph 133 of the Framework states that a fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
11. It is clear that the existing stable building has an impact on the openness of the Green Belt. However, in spatial terms, the proposed bungalow would be larger than the stables both in terms of its ridge height and overall volume, despite the change from a hipped to a gable roof. A significant amount of hardstanding to afford vehicular access to the dwelling from the existing field gate would be required and, furthermore, there would be a degree of general domestic paraphernalia associated with the dwelling, such as sheds or furniture, as well as parked cars. While I appreciate that the reason for proposing the dwelling in a different location to the stable was to establish a suitable separation distance to the existing property at 45 Carr Lane, removing one structure and replacing it with something materially larger in a different location would not offset the loss of openness.

12. Visually the proposal would be partially screened from Carr Lane by the hedge on one side. However, trees do not screen the entire southern boundary and the dwelling would be visible when they are not in leaf. In addition, the impact of a development on openness is also related to its purpose rather than just its size. In this case, the existing building reflects the nature of its use in its simple construction and the character of the semi-rural environment. However, on the basis of the evidence before me, the domestic character and appearance of the proposed dwelling, combined with the activity associated with a permanent house, would have a considerably greater impact on openness than the existing building. In combination, these elements would have a greater impact on openness of the Green Belt than the existing development both visually and spatially.
13. Consequently, taking all the above together, this proposal would fail to preserve the openness of the Green Belt. Thus, given that the proposal would not preserve openness it would not fall within exception set out in 145g of the Framework and therefore constitutes inappropriate development in the Green Belt.

Other considerations

14. I note the suggestion that a condition requiring the agreement of a landscaping plan could have been added to any approval to address the issue of hardstanding and its impact on openness. However, given there is no existing surfacing from the stables to the field gate, I am not convinced a condition would resolve this issue. Therefore, such a condition would have a limited effect.
15. A proposed fallback position whereby the appellant could extend the existing stables by up to 40% in line with the SPD is asserted to represent the very special circumstances required to justify the proposal. This is on the basis that the resulting stables would cause more harm to the openness of the Green Belt than the proposal. However, the stables are clearly disused and have been for some time from my observations. Whilst I note the assertion that, in the event of the appeal being dismissed, a new use would be found for the building, there is no suggestion of what that use would be. On that basis I am unconvinced that an extension of the building, the fallback position, would be carried out. As such the fallback position carries only limited weight in favour of the appeal.

Very Special Circumstances and Conclusion

16. Paragraph 144 of the Framework states that substantial weight should be given to any harm to the Green Belt and that very special circumstances 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. I have found that the proposal would be inappropriate development in the Green Belt and that it would be harmful to the openness of the Green Belt. These matters carry substantial weight.
17. As explained above I give limited weight to the material considerations cited in support of the proposal and conclude that, taken individually and together, they do not outweigh the totality of the harm the scheme would cause. Consequently, there are not the very special circumstances necessary to justify inappropriate development in the Green Belt.

18. As such the proposal would conflict with Policy GN1 of the DPD, and with Green Belt policy as set out in paragraphs 143 - 145 of the Framework.

Recommendation

19. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

C McDonagh

APPEAL PLANNING OFFICER

Inspector's Decision

20. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

S Ashworth

INSPECTOR