
Appeal Decision

Site visit made on 9 November 2020 by Hannah Ellison BSc (Hons) MSc MRTPI

Decision by Susan Ashworth BA (Hons) BPL MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2020

Appeal Ref: APP/D2320/D/20/3258210

Woodland Manor, Private Road, Hoghton PR5 0DE

- 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 Craig Harrison against the decision of Chorley Borough Council.
 - The application Ref 20/00263/FULHH, dated 9 March 2020, was refused by notice dated 26 June 2020.
 - The development proposed is a double garage and hobbies room.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. 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.

Main Issues

3. The main issues in this case are:
 - Whether the proposal would be inappropriate development in the Green Belt; and
 - If found to be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations and if so, whether this amounts to the very special circumstances required to justify the proposal.

Reasons

Inappropriate development and openness

4. The appeal site includes a large detached dwelling with detached garage and outbuildings, set within extensive grounds and in a raised position well away from the highway. This proposal seeks to erect a detached double garage with storage space to the front of the host dwelling.
5. The Council has not referred to any specific development plan policies within the decision notice. However, the appellant has identified Policy BNE5 of the Chorley Local Plan 2012-2026, Site Allocations and Development Management

- Policies, Development Plan Document (July 2015) (the LP) and I have been provided with a copy. This Policy sets out the criteria where the redevelopment of previously developed sites in the Green Belt will be permitted.
6. This Policy appears broadly consistent with the policies of the National Planning Policy Framework (the Framework) in relation to development in the Green Belt. The Framework establishes that new buildings in the Green Belt are inappropriate. However, it sets out certain circumstances, listed in paragraphs 145 and 146, which can be considered as exceptions.
 7. The exception set out in paragraph 145g relates to development that involves limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings). Previously developed land, as defined in the Framework, is land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. Gardens within built-up areas are excluded from the definition.
 8. The site forms part of the garden of the host property and the Council does not dispute that the site constitutes previously developed land. The appellant considers that the proposal represents limited infilling of previously developed land, as set out within both Policy BNE5 of the LP and the Framework.
 9. The proposed building would be sited beyond the front elevation of the host dwelling, in a part of the site which is currently laid to lawn with landscaped areas of shrubs and trees. The building would accommodate two vehicles, with an additional store attached to the side. It would be a storey and a half in scale, with the roof space over the garage utilised as a storage/games room. The proposal would therefore be of a considerable scale and mass, thus occupying a substantial area of this part of the front garden. The introduction of additional hardstanding would further extend the driveway which would also add to the quantum of proposed development.
 10. The built form within the appeal site is largely clustered around the host dwelling, particularly beyond its side and rear elevations. This proposal would be positioned to the front of the host dwelling and would be noticeably separated from the main cluster of built form. The nearest built form to the north of the appeal site is Woodland Grange which is significantly well away from the existing built form of the appeal site and is read as a separate cluster of development.
 11. Consequently, this proposal would not be read in the context of existing development as it is significantly detached from the main bulk of development at the appeal site and at the adjacent site. Taking this into consideration, and the overall nature and size of the development, this proposal would not constitute limited infilling.
 12. Notwithstanding this, even if I were to agree that the proposal would constitute limited infilling on previously developed land, to meet the test of Policy BNE5 of the LP and the exception in paragraph 145g of the Framework it would also need to be demonstrated that the development would have no greater impact on the openness of the Green Belt. It is to these matters that I now turn.

13. 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. The assessment of openness requires a consideration of both visual and spatial aspects.
14. There is extensive hedge coverage along the northern boundary of the appeal site with Woodland Grange and, whilst the valley drops away steeply to the west, there is substantial tree coverage within the valley. Thus, despite the appeal site's elevated position above the highway, as it is set back by a considerable degree and within a mature wooded setting, the proposed building would be largely screened from views within the wider Green Belt. It would not therefore have a significant visual impact upon the openness of the Green Belt.
15. Nevertheless, there are no buildings, structures or other development on the part of the appeal site where the proposed building would be positioned. The site is maintained as lawn and there is a degree of separation between the existing buildings on the site due to the distance and an area of shrubs and planting. The introduction of substantial built form and associated hardstanding to this open and green part of the appeal site would increase the overall bulk of development within the site and it would encroach further towards the built form at Woodland Grange. The proposal would therefore reduce the spatial openness of this part of the Green Belt and, given that the site lies outside an urban area and within the countryside, would conflict with one of the purposes of the Green Belt which is to assist in safeguarding the countryside from encroachment.
16. Consequently, taking all the above together and in the light of the relevant case law to which my attention has been drawn, this proposal would have a materially greater impact on the openness of the Green Belt than the existing site. It would not therefore fall within any of the exceptions under paragraphs 145 and 146 of the Framework and thus would constitute inappropriate development in the Green Belt. For the same reasons the proposal would also conflict with Policy BNE5 of the LP.

Other considerations

17. The appellant suggests that the previous planning permission¹ for the conversion and extension of the existing garage and store generates the requirement for the proposed building. However, that permission has not yet been implemented and, moreover, at the time of my site visit I observed that further outbuildings were being erected. I am not therefore persuaded that this proposal is the minimum necessary to provide the required parking and storage space. I therefore afford this consideration limited weight.

Whether very special circumstances exist

18. The Framework states that inappropriate development is harmful to the Green Belt and should not be permitted except in very special circumstances. 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.

¹ Permission Ref: 19/01144/FULHH

19. The proposal would constitute inappropriate development in the Green Belt. It would also cause, albeit moderate, harm to its openness. Nevertheless, in accordance with the Framework, I afford this harm to the Green Belt substantial weight. The advanced consideration in support of the appeal does not clearly outweigh the harm I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion and Recommendation

20. The proposed development conflicts with the development plan and there are no material considerations that indicate a decision otherwise would be appropriate. Therefore, for the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

Hannah Ellison

Appeal Planning Officer

Inspector's Decision

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

Susan Ashworth

INSPECTOR