
Appeal Decision

Site visit made on 30 November 2020

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th January 2021

Appeal Ref: APP/P2365/W/20/3258240

Holmelea, Holmeswood Road, Rufford L40 1TZ

- 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 Miss Caroline Pring against the decision of West Lancashire Borough Council.
 - The application Ref 2019/1102/FUL, dated 29 October 2019, was refused by notice dated 25 February 2020.
 - The development proposed is wooden horse field shelter.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would represent inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant Development Plan policies;
 - the effect of the proposed development on the openness of the Green Belt and the purposes of including land within it; and
 - if the proposed development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposal.

Reasons

3. The appeal site is located within the large rear garden of a two-storey detached dwelling within the village of Holmeswood. This back garden is fenced-off from a much larger open horse paddock which lies further to the rear beyond it. The fence comprises timber posts and has an approximate height of 1.5 metres.

Whether inappropriate development

4. Policy GN1 of the adopted West Lancashire Local Plan (WLLP) aims to prevent inappropriate development in the Green Belt. The National Planning Policy Framework (the Framework) at paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new

buildings is regarded as inappropriate in the Green Belt save for several specified exceptions under paragraph 145 of the Framework.

5. One such exception is for proposals for the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Consequently, given that it states that development proposals in the Green Belt would be assessed against national policy and any relevant Local Plan policies, I consider Policy GN1 to be broadly consistent with the Framework.
6. While on my site visit, I observed that there were two small horses in the paddock to the rear of the appeal site which is clearly used for equestrian purposes. However, I also observed that the piece of open land where the proposal is located contained two garden chairs, two sets of football goalposts with nets, a football, a basketball and other children's play equipment, such as a trampoline, which suggests that this area is primarily used as a garden/play area that is ancillary to the main dwelling.
7. Furthermore, the fact that this area is fenced off from the horse paddock, with no apparent gate, means that it is unlikely that this area is also used for equestrian purposes. Moreover, I also observed that the proposal has wooden flooring comprising grooved timber decking which when combined with the presence of the garden chairs, also increases the likelihood that it is also used in conjunction with the fenced-off garden area for purposes ancillary to the dwelling rather than for equestrian activity.
8. Accordingly, I find that the proposal does not fall within exception b) of Paragraph 145 of the Framework. To this extent, and in principle, the proposal would be inappropriate development within the Green Belt in conflict with the aims of the Framework. It would also conflict with the aims of Policy GN1 in this regard.

Openness and Green Belt purposes

9. As set out in the Framework, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open as set out in Paragraph 133.
10. The proposal is located within an open garden area where there is currently no development. In simple spatial terms, this has a clear and demonstrable effect on the openness of the Green Belt by introducing development to land which was previously permanently open. The construction of a stable block on the appeal site therefore has brought about built development where there was previously none.
11. I acknowledge that the size of the building means that the encroachment is not significant in scale. Nevertheless, it still represents an encroachment, which is at odds with the requirements of the Framework.
12. Furthermore, given the open nature of both the appeal site and the paddock field beyond it, there is a clear link between their respective senses of 'openness' which when assessed as a whole has been harmed by the introduction of the proposal as it has had a discernible adverse visual impact in this regard. As a result, the proposal in this case erodes the openness of the

Green Belt and therefore clearly conflicts with the fundamental aim of national Green Belt policy.

13. Consequently, I consider that the proposal does not preserve the openness of the Green Belt or safeguard the countryside from encroachment. The proposed development therefore conflicts with Policy GN1 of the WLLP which aims to ensure that development proposals are appropriate in the Green Belt.

Other considerations

14. No other considerations have been put before me that would weigh in favour of the proposal.

Planning balance and conclusion

15. Paragraphs 143 and 145 of the Framework indicate that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances as does Policy GN1 of the WLLP.
16. In the context of the above, very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations. Consequently, other considerations weighing in favour of the development must clearly outweigh any harm.
17. I therefore conclude that there are no other considerations that weigh in favour of the proposal which would clearly outweigh the substantial harm by reason of inappropriateness that I have identified. In this case, the substantial weight to be given to Green Belt harm has not been clearly outweighed by the other considerations sufficient to demonstrate very special circumstances. The proposal would therefore conflict with paragraphs 143 and 145 of the Framework and Policy GN1 of the WLLP, which aim to ensure that only appropriate development is permitted in the Green Belt.
18. Accordingly, I conclude that the appeal should be dismissed.

C Coyne

INSPECTOR