
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: 18th January 2021

Appeal Ref: APP/P2365/W/20/3258850

Land between 3 & 4 Broad Lane, Downholland Cross, Aughton, Ormskirk L39 7HS

- 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 Jacton Properties Ltd against the decision of West Lancashire Borough Council.
 - The application Ref 2020/0356/OUT, dated 28 April 2020, was refused by notice dated 16 July 2020.
 - The development proposed is to develop the land by the erection of two detached dwellings (outline with all matters reserved apart from access).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application has been submitted in outline with all matters, apart from access, reserved for future consideration. I have dealt with the proposal on that basis, treating details such as those on the proposed block and elevations plans as an indication of the dwellings that would likely be erected on the site. It is clear that the main parties have considered the indicative plans from the point of view as to whether in principle harm would be caused to the Green Belt.

Main Issues

3. 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

Whether inappropriate development

4. It is a matter of dispute between the main parties as to whether or not the appeal site is located within the village of Downholland Cross. From my observations when on my visit, the site appears to be within a reasonable walking, cycling and driving distance of the New Scarisbrick Arms public house which is located more centrally within the village. In addition, based on the evidence before me, the site is also linked to the more built-up part of the village by footpaths and public transport. Consequently, and bearing in mind the Braintree judgement¹, I consider the appeal site to be linked-to and located within the village of Downholland Cross.
5. It is not a matter of dispute between the main parties that the appeal site is also within 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.
6. Policy GN1 of the adopted West Lancashire Local Plan (WLLP) aims to prevent inappropriate development in the Green Belt. 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.
7. Policy RS1 sets out a settlement strategy for the Borough that outlines where particular types of residential development would be permitted including on land outside the boundaries of identified settlements which it classifies as being either Protected Land or Green Belt. Within the Green Belt the policy only permits very limited affordable housing of up to 4 units and even then, only if it is proven that there are no suitable sites in non-Green Belt areas. However, this approach is not entirely consistent with the Framework and consequently I afford this policy limited weight.
8. The construction of new buildings is regarded as inappropriate in the Green Belt save for several specified exceptions under paragraph 145 of the Framework. One such exception is where a proposal would constitute "*limited infilling in villages*". There is no specific definition of 'limited infilling' within the Framework. However, infilling is normally associated with the completion of an otherwise substantial built up frontage of several dwellings or at the very least, consolidation of a largely built up area.
9. The appeal site is situated between two detached dwellings which also have detached outbuildings to their sides. However, while one of these outbuildings has the same building line as its host dwelling and the indicatively proposed dwellings, the other is set further back and at an oblique angle to its respective host property and the indicatively proposed dwellings.
10. Consequently, even though the indicative proposal would insert two detached dwellings into the gap between these respective outbuildings and would have a frontage aligned with one of them, a larger gap would still remain between them and the outbuilding on the other side given that it would be set further

¹ *Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd* [2017] EWHC 2743 (Admin); [2018] EWCA Civ 610

back. Furthermore, as well as there being a sizeable gap between them, given the location and orientation of the detached outbuilding, their front elevations would also not be fully aligned meaning that they would also not be part of the same frontage. Therefore, the proposal would not result in the completion of an otherwise substantial built-up frontage of several buildings.

11. I acknowledge that the submitted plans show only an indicative proposal. However, I do not have any other indicative plan(s) before me showing whether it would be possible to erect different proposed dwellings on the site. Consequently, and even if I were to completely disregard the indicative plans for the purposes of considering the effect of the proposal on the Green Belt, I would conclude that I had insufficient information before me to reach a decision, in principle, that the development would not be inappropriate development in the Green Belt.
12. For these reasons the outline appeal scheme does not have the characteristics normally associated with limited infill development in a village and therefore cannot be treated as being within the exceptions identified in paragraph 145 of the Framework. Consequently, I conclude that the indicative proposal would not meet criterion (e) of paragraph 145 of the Framework and would therefore be inappropriate development.
13. The appellant has also drawn my attention to several appeal decisions for residential development in the Green Belt which were allowed². However, each of these schemes was considered by the decision maker to represent limited infill residential development whereas for the reasons I have already outlined above the proposal before me does not. Therefore, whilst I do not have the full details of these appeal schemes before me, for the aforesaid reasons they do not alter my assessment of the proposal in this case, which I have assessed on its own merits.

Openness and Green Belt purposes

14. 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.
15. The potential construction of a pair of detached dwellings on the appeal site would result in built development where there is presently none. The footprint of the indicatively proposed dwellings, their scale and massing, would lead to a loss of openness on the appeal site which would be particularly noticeable in relation to the view of the open land to the rear of the appeal site from the public highway.
16. As a result, given the clear linkage between the undeveloped appeal site and the more open agricultural land behind it, and the fact that it has the characteristics of more open countryside rather than as part of the built-up area of a village, I find that the indicative proposal would lead to a demonstrable loss of openness to the Green Belt causing significant harm.
17. Furthermore, in principle the erection of two dwellings on the appeal site would lead to encroachment of development into the countryside, which would fail to serve the related Green Belt purpose and therefore it would clearly conflict with

² Refs: APP/R0660/W/14/3000822; APP/R0660/A/14/2226714; APP/A0665/W/15/3016547; APP/A0665/W/18/3198387; APP/A0665/W/19/3222690; APP/C4235/W/19/3239419 & APP/A0665/W/20/3247387.

the fundamental aim of national Green Belt policy. Consequently, it would also conflict with the aims of Policy GN1.

Other considerations

18. In support of the appeal scheme the appellant has argued that the proposal would be in a sustainable location and that it would, as a result, assist in supporting rural services in a sustainable manner. I therefore acknowledge that, given its small scale, the proposal would potentially provide limited social, economic and environmental benefits in favour of the proposal in this regard.
19. I also note that no objections were received from interested parties or the local Parish Council. However, given my findings on the proposal's impact on openness and encroachment into the countryside, I afford these considerations little weight.

Planning balance and conclusion

20. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 of the Framework also sets out that any harm to the Green Belt should be afforded substantial weight. In addition, the indicative plans demonstrate that such dwellings would have adverse impacts on openness and the Green Belt purpose of safeguarding the countryside from encroachment. Even if I were to completely disregard the indicative plans for the purposes of considering the effect of the proposal on Green Belt, I would conclude that I had insufficient information before me to reach a decision that the development would not be inappropriate development in the Green Belt. Either way, these are matters to which I afford substantial weight in the planning balance.
21. 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. Principal amongst these is the fact that the proposal would provide limited social, environmental and economic benefits. Whilst I acknowledge this, and the other identified considerations put forward by the appellant, the Framework makes it clear that all development in the Green Belt is subject to stringent national planning policy tests, which I have applied.
22. I therefore conclude that the identified other considerations put forward which weigh in favour of the proposal fail to clearly outweigh the substantial harm by reason of inappropriateness and conflict with the Green Belt purpose of safeguarding the countryside from encroachment. 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.
23. Accordingly, there would be conflict with Policy GN1 of the WLLP and Paragraph 143 of the Framework. For this reason, and having regard to all relevant matters, I conclude that the appeal should be dismissed.

C Coyne

INSPECTOR