
Appeal Decision

Site visit made on 23 February 2021

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 April 2021

Appeal Ref: APP/F2360/W/20/3263291

Land adjoining Tusons Farm, Gill Lane, Walmer Bridge, Preston PR4 5GN

- 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 Mr V Fitzell against the decision of South Ribble Borough Council.
 - The application Ref 07/2020/00220/OUT, dated 24 February 2020, was refused by notice dated 31 July 2020.
 - The development proposed is described as outline application for 9 no. detached dwellings and garages (access applied for).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal seeks outline planning permission with access applied for. All other matters are reserved. I have considered the appeal on the same basis. For the avoidance of doubt, I have taken the Masterplan plan Ref MP03-01 as being illustrative only.
3. I note that minor amendments were made to the access track and site area during the planning application process. I have made my decision based on the amended plans.

Main Issues

4. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt, having regard to any relevant development plan policies and the National Planning Policy Framework (the Framework);
 - if the proposed development is inappropriate development, its effect on the openness of the Green Belt;
 - the effect of the proposal on the living conditions of occupiers of existing neighbouring properties, with particular regard to traffic movements;
 - the effect of the proposal on the character and appearance of the area, and
 - if the proposed development is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly

outweighed by other considerations that amount to the very special circumstances required to justify the development.

Reasons

Whether inappropriate development

5. Policy G1 of the South Ribble Local Plan-2015, (LP), reflects Green Belt policy outlined in the Framework. Apart from specified exceptions, Policy G1 states that planning permission for new buildings in the Green Belt will not be granted unless very special circumstances exist. One of the exceptions in the policy, G1 'e', includes limited infilling in villages, which is the same as the exception in sub paragraph 145 'e' of the Framework. In this regard, therefore, Policy G1 is consistent with the Framework.
6. The terms 'limited', 'infilling' and 'village' are not defined in the Framework and I have not been provided with any evidence that such terms are defined in the LP. Both parties agree that Walmer Bridge is a village, and I agree with this view. The parties also agree that the site is outside of the village settlement boundary, as defined in the LP, which I also accept to be the case. The parties are aware of case law which has found that a settlement boundary defined in a LP is not necessarily determinative. For the purposes of this case, I consider the settlement boundary not to be determinative.
7. The parties disagree on whether the site is within the village, the appellant believing it is, the Council considering it isn't. The appellant also believes that the existing 3 dwellings at the Tusons Farm complex (TFC) and a site immediately north of the existing dwellings which has extant planning permission for 4 dwellings (SEPP), are also within the village.
8. I note that at the time of my visit, development of the SEPP had not commenced. I understand from the appellant, which the Council has not challenged, that most of the conditions on the extant planning permission Ref 07/2017/1754/FUL have been discharged. I also understand, from the appellant's final comments, that a further planning consent to vary the design and siting of the dwellings approved under 07/2017/1754/FUL has been granted at the site since the appeal was made, Ref 07/2020/01010/VAR. Although such factors may indicate the likelihood of the SEPP being implemented, at this stage it cannot be guaranteed that this will occur. Nevertheless, I have taken account of the possibility of the development being implemented in assessing the context of the site and in reaching my decision.
9. In addition to the matter of settlement boundaries, the appellant refers to other aspects noted by the Inspector in appeal Ref APP/R0660/W/17/3170279, Land at Rectory Farm, (APP/LRF), to support his view that the site is within the village. The appellant considers that features of the appeal site are comparable to features that contributed to the decision reached by the Inspector in the APP/LRF. These factors are: i) 2 of the appeal site boundaries were adjacent to a large housing estate, ii) there had been a recent planning permission on neighbouring land for a small group of dwellings, iii) the appeal scheme would take its access from that provided for the neighbouring development, and iv) as a consequence of these factors the site would be surrounded by houses on 3 sides that were deemed to be within the village, and the proposal would not have extended north of the defined built extent of the settlement.

10. I appreciate that on paper there may appear to be some similarities between the appeal site in APP/LRF and the appeal site of concern here. I do not have the full details of the APP/LRF before me, and consequently cannot be certain of the overall extent to which the sites are comparable. However, with regard to the points referred to by the appellant, a significant difference between the Inspector's assessment and conclusions on the appeal site APP/LRF and the appeal site of concern here, is that to my mind in this case neither the appeal site, the existing dwellings nor the SEPP read, when assessed on the ground, as being located within the village.
11. The access point and access track from Gill Lane which would serve the proposed 9 dwellings is part of the site. The access point and track as it exists currently serve the existing 3 dwellings at the TFC and would also serve the 4 dwellings at the SEPP. For reasons explained below, the location and appearance of the access and track, and their relationship with dwellings to the west and a field to the east, lead me to conclude that the existing/proposed access and track do not read as being within the village.
12. Thus, the access is set back a little from Gill Lane and is readily identifiable as an access serving a farm, given that i) the name of the farm is attached to a steel post-and-rail fence at the side of the access, and ii) there is a cattle grid at the access point. Both features are indicators that one may be in the countryside.
13. To the west of the access track is the eastern side boundary of number 4 Gill Lane and the rear boundaries of numbers 20-40 Rockburgh Crescent. These properties have boundary treatments along their eastern boundary comprising of fences, hedges, and a few trees. There is also a grass verge located between the eastern boundaries of these properties and the access track. Additionally, the dwellings of Nos 20-40 Rockburgh Crescent have their backs turned away from the access track. Within this context, to my mind, the eastern gable and boundary of number 4 Gill Lane serves to denote the end of the village boundary on the northern side of Gill Lane. Furthermore, the relationship between Nos 20-40 Rockburgh Crescent and the access track as described lead me to conclude that the eastern boundaries of these properties also denote a boundary edge of the village.
14. Additionally, there is a field located immediately east of the access and track, which also has an access into it, with steel bar gate across, positioned close to the existing access point to the TFC. In my opinion, the access and track read as being associated with the field rather than the properties on Gill Lane and Rockburgh Crescent. Taken together, in my view, the access, track and field read as being land within the countryside, outside of and separate from the village.
15. The area of the site where the proposed dwellings would be constructed is a field with an agricultural land use, apparently currently used as grazing/meadow land. The appellant suggests the appeal site area is just under 1 ha. The size of the field creates a significant gap between the properties on Great Gill and the 3 dwellings at the TFC. The field is bounded to the south and west by the rear boundaries of dwellings on Rockburgh Crescent and Great Gill respectively. Immediately beyond the eastern boundary of the field is an agricultural building, the 3 dwellings at the TFC and the SEPP for 4 dwellings. The northern boundary of the site abuts open countryside.

16. Again, the properties on Rockburgh Crescent and Great Gill are oriented such that their backs are turned to the field and their rear boundaries comprise of fences, hedges, and a few trees. The part of the eastern boundary of the field closest to the agricultural building and the dwellings at the TFC also has trees, shrubs, hedges and fences along it, which serve to screen these buildings in views across the field from dwellings on Great Gill and some of the properties on Rockburgh Crescent. To the east and north of the TFC and the SEPP is agricultural land in the open countryside.
17. The density, pattern of development, plot sizes and designs of properties on Rockburgh Crescent and Great Gill differ significantly to the density, pattern of development, plot sizes and designs of the existing properties at the TFC. Thus, Rockburgh Crescent and Great Gill are part of residential development that is fairly dense, laid out in linear blocks, with properties sited within modest sized plots and, although there are variations in appearance, the appearance of the properties is typical of suburban housing developments. In contrast, the 3 dwellings at the TFC have been constructed at a lower density, the pattern of development is more organic, the plot sizes are larger, and the properties have more of an individual design. I acknowledge that the layout of the SEPP for 4 dwellings close to the dwellings at the TFC would be laid out in the style of a geometric shape around a courtyard. However, the density would still be fairly low, the plot sizes would be generous, and the designs would be more bespoke.
18. For the reasons outlined above, my reading on the ground leads me to conclude that neither the existing/proposed access and access track, the area of land where the proposed dwellings would be sited, the existing buildings at the TFC, and the SEPP are within the village of Walmer.
19. Having reached this conclusion, it is not necessary to consider the concepts of 'limited' or 'infilling', as whatever my conclusions on these matters would not alter the consequence of my concluding the site is not within the village. As the site is not within a village the proposal cannot constitute limited infilling in a village. I therefore conclude that the proposal would be inappropriate development in the Green Belt, which is harmful by definition.

Effect on openness

20. Paragraph 133 of the Framework states that the essential characteristics of Green Belts are their openness and permanence; and sub paragraph 134 (c) of the Framework advises that one of the purposes of Green Belts is to assist in safeguarding the countryside from encroachment. The openness of the Green Belt has both spatial and visual dimensions.
21. The proposal would introduce an access road and buildings, i.e. 9 detached dwellings and associated garages, into a field that is currently open, outside of the village and in the Green Belt. Although scale, layout, appearance and landscaping are matters to be determined at a later date, given the size of the site each of the properties are likely to be sited in plots of a significant size. I consider that properties of a size that would be in keeping with other properties in the area, along with detached garages, an access road and the domestic paraphernalia that would likely be sited within the gardens associated with the dwellings, would inevitably reduce the spatial openness of the Green Belt. Furthermore, given the appearance of the field as it exists, the function it performs in keeping the built-up boundary of the village separate from the

properties at the TFC, and the scale of the development proposed, I consider the proposal would encroach into the Green Belt, thereby threatening one of the purposes of Green Belt land. For these reasons I conclude that the effect on the spatial openness of the Green Belt would be significant.

22. Additionally, the open field is currently visible from properties along part of Rockburgh Crescent and Great Gill and from sections of a Public Right Of Way (PROW) that runs along the existing access track. The proposed development would be highly visible from the properties referred to and from sections of the PROW. As such, I consider that the effect of the proposal on the visual openness of the Green Belt would also be significant.

Effect on living conditions of existing occupiers

23. The Council considers that the additional traffic that would be generated by the proposed dwellings would detrimentally harm the living conditions of occupiers of the existing properties on Rockburgh Crescent which back onto the access track. I understand that the SEPP used to be a livery, the size of which could have apparently generated a not insubstantial amount of traffic, including horse boxes and trailers. Within this context, I consider the additional traffic generated by the proposal would not significantly harm the living conditions of occupiers of the existing properties on Rockburgh Crescent.

Effect on the character and appearance of the area

24. Details already provided above give an impression of the character and appearance of the area. To summarise, the site comprises an existing farm access, access track and open field which have a typical rural character and appearance, as do the TFC, SEPP, and fields east and north of the site. Immediately west of the access track and field and south-west of the site is the built-up development of Walmer Village, which has the character and appearance of a typical suburban village.
25. I have found that the proposed development would encroach into the Green Belt and would have a significant effect on both its spatial and visual openness. Although layout, scale and appearance are matters reserved for determination later, bearing in mind the size of the site and the number of dwellings proposed, the proposal is highly likely to result in development of a density significantly lower than the density of residential development east of the site, and more akin to the density of development on the TFC and SEPP. Additionally, it is also likely that the plot sizes of each of the proposed dwellings would be considerably larger than those of dwellings to the east, and more akin to the plot sizes of dwellings at the TFC and SEPP. Overall, I am not confident, given the number of dwellings proposed and the size of the site, that a balance could be reached on the site to reflect, and be in keeping with the density, layout, plot sizes and appearance of the existing development west of the access track and also the existing and approved development east of the field within which the proposed dwellings would be sited.
26. I note the appellant's comments regarding the density of the SEPP and consistency of Council decision-taking. Although I do not know the full details of the SEPP, I understand it consisted of redevelopment of a brownfield site in the Green Belt. As such development cannot have a greater impact on the openness of the Green Belt than the existing, a constraint is placed on the details of the development. Additionally, given the site's proximity to the

properties at the TFC, I can appreciate that the Council is likely to have sought to achieve a development in keeping with the density of the TFC, as this is the immediate context within which the site sits.

27. I also note the appellant's references to the Council having, on other occasions, granted planning permission for development on open fields. I do not have the full details of the cases the appellant refers to before me and therefore cannot be sure of the extent to which they are comparable to the scheme before me. Regardless, each case must be decided on its individual merits.
28. For these reasons, I conclude that the proposal would erode the open, rural character and appearance of the site, which I consider would significantly harm the character and appearance of the area. The proposal is also likely to result in a form of development that would not be in keeping with, and further harm, the character and appearance of the area. Consequently, the proposal does not accord with LP Policy G17 (a & b), which require development to respect the character of the site and the local area and not to have a detrimental impact on neighbouring buildings as a result of, among other things, plot density.

Other considerations

29. The Council considers it has a sufficient supply of land to meet its housing requirements. However, the appellant considers the development plan housing target to be out-of-date and therefore the LP settlement boundaries to also be out-of-date. As such, the appellant contends that paragraph 11 (d) of the Framework is engaged, i.e. planning permission should be granted unless i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development, or ii) any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
30. Footnote 6, paragraph 11 (d) of the Framework, confirms that land designated as Green Belt is one of the areas designated as being of particular importance. As such, a proposal that does not accord with Green Belt policies in the Framework provides a clear reason for refusal. I have concluded that the proposal constitutes inappropriate development in the Green Belt, that the proposal would encroach into the Green Belt, and that the proposal would have a significant impact on the spatial and visual openness of the Green Belt. Therefore, the application of policies in the Framework which protect the Green Belt provide a clear reason for dismissing the appeal.
31. I have not been provided with details of the Council's supply of housing land and the appellant has not given any indication of what he considers would be the extent of the Council's housing land supply should the development plan housing target and LP settlement boundaries be out-of-date.
32. However, even if the Council's supply of housing land was significantly below what is required, the best-case scenario for the appellant would be that I attach significant weight to the provision of 9 dwellings and their contribution to the housing needs of the area. The proposal would assist in meeting the Government's objective of boosting the supply of homes, to which I attach moderate weight. The proposal would provide some economic benefits, during the construction phase and the contribution of future occupiers to the local economy, to which I attach moderate weight given the limited scale of such

economic benefits. Future occupiers of the proposed dwellings would also contribute socially to the local community; however, as I consider the local community to be of a sufficient size and scale to be able to sustain itself socially, I attach limited weight to this factor. The site is located within proximity of a range of services and facilities that would meet many of the day-to-day needs of future occupiers. However, as the purpose of the planning system is to contribute to the achievement of sustainable development (Paragraph 7 of the Framework) I consider this to be a neutral factor.

Other Matters

33. The Council states that the proposed access would not be of an adoptable standard, and therefore it does not accord with LP Policy G17 (d). Additionally, reason for refusal 3 states that the proposal would be contrary to LP Policy G17 (c). I have not been provided with the reasons the Council considers the proposed access track would not be adoptable. However, even if this is the case, I note that the Local Highway Authority did not object to the proposal or raise any concerns with regards to highway safety or the residual cumulative impacts of additional traffic on the surrounding highway network. In my view, the access track as proposed, including the 2 m wide footway, does not raise any highway safety issues, including pedestrian safety of users of the PROW, or any issues relating to additional traffic on the surrounding highway network. As such, I consider these matters are not reasons for withholding planning permission.

Planning Balance

34. I have found that the proposal constitutes inappropriate development in the Green Belt, would encroach into the Green Belt and would significantly harm its spatial and visual openness. As such, the proposal would compromise the objectives of the Framework to keep Green Belt land permanently open. I have also found that the proposal would significantly harm the character and appearance of the area.

35. Notwithstanding my conclusions regarding living conditions and highway matters, in accordance with the Framework, substantial weight is attached to any harm to the Green Belt. Furthermore, the Framework advises that very special circumstances will not exist unless harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. For the reasons given, I conclude that the harms by reason of inappropriateness, encroachment, spatial and visual openness and character and appearance of the area, have not been clearly outweighed by other considerations as outlined above. Consequently, the very special circumstances required to justify the proposed development do not exist. As such, the proposal does not accord with Policy G1 of the LP or Green Belt policies in the Framework.

Conclusion

36. For the reasons outlined above, I conclude that the appeal is dismissed.

J Williamson

INSPECTOR