



Appeal Decisions

Site Visit made on 22 June 2021

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 6th September 2021

Appeal A Ref: APP/P2365/W/21/3273708

Marshall's Farm Middle Meanygate, Tarleton, Preston PR4 6LP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- The appeal is made by Mr L Dagnall against the decision of West Lancashire Borough Council.
- The application Ref 2021/0124/PNA, dated 29 January 2021, was refused by notice dated 26 March 2021.
- The development proposed is erection of single storey flat roof extension to dwellinghouse. The proposal includes windows at first floor to match existing windows at ground floor of same size and proportions.

Appeal B Ref: APP/P2365/W/21/3270117

Marshall's Farm, Middle Meanygate, Tarleton, Preston PR4 6LP

- 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 Dagnall against the decision of West Lancashire Borough Council.
- The application Ref 2020/0435/FUL, dated 28 May 2020, was refused by notice dated 3 September 2020.
- The development proposed is demolition of existing six stall stable, erection of two stall stable together with installation of pitched roof to existing flat roof bungalow.

Decision

1. Appeal A is dismissed.
2. Appeal B is allowed and planning permission is granted for demolition of existing six stall stable, erection of two stall stable together with installation of pitched roof to existing flat roof bungalow at Marshall's Farm, Middle Meanygate, Tarleton, Preston PR4 6LP in accordance with the terms of the application, Ref 2020/0435/FUL, dated 28 May 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Existing and Proposed Plans received by the Local Planning Authority on 29 January 2021, including Location plan, Site plan, Proposed Ground and First Floor Plans, Proposed Elevations, Proposed replacement stables.
 - 3) The external surfaces of the extension hereby permitted shall match those used in the construction of the existing building.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order

revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration of the dwellinghouse shall be constructed other than those expressly authorised by this permission.

Applications for costs

3. An application for an award of costs was made by Mr Dagnall against West Lancashire Borough Council. That application is the subject of a separate Decision.

Procedural Matters

4. The revised National Planning Policy Framework (the Framework) was published in July 2021 and I have had regard to it accordingly. The parties have also been provided with the opportunity to comment on the implications of the revisions for their cases.
5. As set out in the banner heading above, there are 2 appeals on this site. I have considered each scheme on its individual merits.

Appeal A

6. Class AA (b) of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) grants planning permission, subject to meeting qualifying criteria, for the enlargement of a one storey dwellinghouse consisting of the construction of one additional storey, immediately above the topmost storey of the dwellinghouse, together with any engineering operations reasonably necessary for the purpose of that construction.
7. Development is permitted by Class AA subject to specific conditions, including sub-paragraph (2)(c) the roof pitch of the principal part of the dwellinghouse following the development must be the same as the roof pitch of the existing dwellinghouse. Paragraph AA.2 requires the developer to apply to the local planning authority for prior approval in relation to matters in sub-paragraph (3)(a). Although not specified, the council's reason for refusal indicates that it refused prior approval solely under the matter described in AA.2(3)(a)(ii) the external appearance of the dwellinghouse, including the design and architectural features of the principal elevation of the dwellinghouse, and any side elevation of the dwellinghouse that fronts a highway.
8. Paragraph AA.3 (12) states that in determining the application, regard should be had to the Framework, so far as relevant to the subject matter of the prior approval, as if the application were a planning application. I have determined the appeal accordingly.

Main Issues

9. Therefore, the main issue in Appeal A is the effect of the development on the external appearance of the dwellinghouse.
10. The main issues in Appeal B are:
 - i) Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;

- ii) The effect of the proposal on the openness of the Green Belt; and
- iii) If the proposal is inappropriate development, 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 it.

Reasons

Appeal A

11. The appeal property is a detached single storey dwelling with a flat roof. It is set back from Middle Meanygate behind an enclosed hardstanding frontage. There is a pitch roof detached garage to one side with garden, a stable building, further hardstanding and a menage to the rear. It forms part of a loose linear cluster of development including single storey dwellings and agricultural and industrial type buildings. Properties are widely separated and varied in terms of styles, sizes, siting and boundary treatments.
12. The proposal would be an additional storey, creating a first floor, above the existing dwelling. It would have a flat roof to match the pitch of the existing roof. The resultant building would be bulky and modular in appearance. The flat roof 2 storey elevations would be markedly out of character with nearby residential dwellings. Irrespective of the mixed character and appearance of the area, the tall elevations in the absence of a visible roof would be prominent and discordant. The proposal would not be visually attractive as a result of good architecture. It would detract from the overall quality of the area, sense of place and local distinctiveness.
13. While the Framework does support opportunities to use airspace above existing residential premises for new homes, it emphasizes the importance of good design and consistency with the prevailing height and form of neighbouring properties and the street scene. In this case, the proposal would not be good design and it would be out of keeping with the single storey and pitched roof built form that characterises the area.
14. Therefore, by virtue of its design, including its size and height, the external appearance of the proposal would be incongruous and visually obtrusive. Irrespective that the roof is constrained by the roof form of the existing property, the proposal would not be a sympathetic addition to the appeal property. It would not make a positive contribution to local distinctiveness or to the character or appearance of the appeal property or the area. It would conflict with the aims of the Framework in relation to achieving well-designed places.
15. For this reason, it is not development permitted by the GPDO and the appeal should be dismissed.

Appeal B

Whether or not inappropriate development

16. The appeal site comprises the appeal property, detached garage and stable, menage and areas of hardstanding. It is part of a cluster of rural development remote from the nearest settlement of Tarleton. It is in the Green Belt.

17. Policy GN1 of the West Lancashire Local Plan 2012-2027 Development Plan Document Adopted October 2013 (the LP) sets out that development proposals in the Green Belt will be assessed against national policy and any relevant Local Plan Policies. Paragraph 147 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 149 states that the construction of new buildings should be regarded as inappropriate in the Green Belt subject to a limited number of exceptions. In this regard, I note the suggestion that the entirety of the scheme should fall to consideration under paragraph 149 g) limited infilling or the partial or complete redevelopment of previously developed land (PDL). However, the relevant exception in relation to the proposed extension to the dwelling is paragraph 149 c) the extension or alteration of a building. These are dealt with in turn below.

a) Infilling or redevelopment of PDL

18. Paragraph 149 g) of the Framework relates to limited infilling or the partial or complete redevelopment of PDL which would not have a greater impact on the openness of the Green Belt than the existing development.
19. The glossary to the Framework defines PDL as land which is or was occupied by a permanent structure, including the curtilage of the developed land, but it excludes land that is or was last occupied by agricultural buildings. The equestrian stable building is not in agricultural use and its demolition and replacement would be the redevelopment of PDL.
20. The existing 6 stall stable to the rear of the appeal property would be replaced by a smaller 2 stall stable. On the basis that there would be reduction in the footprint of the building, the proposal would not result in a spatial loss of openness. Neither the existing nor the proposed stable building is or would be prominent in the street scene. Nevertheless, the proposed stable would be smaller and it would be less than half the volume of the existing stable. Consequently, the proposed stable would not have a greater impact on the openness of the Green Belt than the existing stable.
21. The proposed stable would be an appropriate scale, design and siting for private stables in the Green Belt, in accordance with the guidance in the Council's Supplementary Planning Document Development in the Green Belt Adopted October 2015 (the SPD). It would preserve the openness of the Green Belt and it would not conflict with its purposes.
22. Therefore, the proposed stable would not be inappropriate development in the Green Belt because it would be the redevelopment of PDL that would not have a greater impact on the openness of the Green Belt than the existing (stable) development. It would not conflict with LP Policy GN1 or the policies in the Framework that protect the Green Belt.

b) The extension or alteration of a building

23. Paragraph 149 c) of the Framework relates to the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
24. The Framework defines the original building as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally, but it does not specify what should be considered a disproportionate addition. In this

regard, Policy GB4 of the SPD sets out that proposals for extensions to buildings in the Green Belt should satisfy certain criteria including that the total volume of the proposal would not result in an increase of more than 40% above the volume of the original building, and that the design should be in keeping with the original form and appearance of the building, the character and appearance of the area, and it does not materially harm the openness of the Green Belt. Proposals are expected to provide full volume calculations of the original building, subsequent extensions and outbuildings and the proposal.

25. The submitted calculations compare the volume of the proposed roof and stable with the existing stable and the approved extension (Ref 2018/0514/LDP) that has not been constructed. However, the stable is not in residential use nor part of the original building. Therefore, it is not relevant to the assessment of the increase in the size of the original building.
26. Neither party has clarified the size of the original building nor calculated the proposed increase in the size of the dwelling. However, taking into account the earlier extensions, the Council considers that the proposal would significantly exceed 40% of the volume of the original building. Based on the information before me, I see no reason to disagree.
27. Therefore, on the basis of the evidence, the proposed roof would be a disproportionate addition over and above the size and volume of the original building. Consequently, the roof extension would be inappropriate development in the Green Belt. It would conflict with LP Policy GN1, the guidance in the SPD and the policies in the Framework that protect the Green Belt.

Openness of the Green Belt

28. The essential characteristics of Green Belts are their openness and their permanence. The assessment of openness requires a consideration of both spatial and visual impacts.
29. The appeal property is in a prominent roadside location. It is a low building with a large footprint, set back behind a boundary hedge and a double 5-bar gate. The hedge continues along the side boundary with the neighbouring field. To the other side, the property is separated by a close-boarded fence from the neighbouring non-residential use, which comprises industrial style buildings and builders yard. The upper part of the single storey elevations and the flat roof of the existing dwelling are visible above the boundaries both at close range and from more distant viewpoints.
30. The roof extension would not increase the footprint of the dwelling and there would be no spatial loss of openness. The roof would be over 4m in height and it would more than double the height of the dwelling. By virtue of its height and scale, it would be readily visible from the surrounding area. Notwithstanding the neighbouring development, there would be a visual impact as a result of the marked increase in the bulk of the building. This would correspond to a small visual loss of openness of the Green Belt.
31. As discussed above, there would be a reduction in the size and volume of the stable building to the rear of the dwelling. However, there are only partial glimpsed views of the stable between the dwelling and the garage, and between the garage and the neighbouring non-residential use. Moreover, the existing stable is a low feature that is visually unobtrusive when viewed from

locations around Pribet Farm, from where it is seen against the backdrop of the nearby industrial building. The reduction in the volume of the stable would not mitigate the visual loss of openness arising from the roof extension.

Other Considerations

32. The appellant considers that the proposal subject of Appeal A provides a justification for the proposed roof extension. However, I found that scheme would not be development permitted under the GPDO and I dismissed the appeal accordingly. As it is not a scheme that could be implemented, it is not a fallback position and it carries neutral weight in my assessment.
33. There is a Certificate of Lawful use (Ref 2018/0514/LDP) for two no. side extensions, rear extension and detached domestic storage outbuilding. Only 1 side extension has so far been constructed. If the appeal should fail, the permitted development rights would be a valid fallback position. The construction of the second side extension would result in a disproportionately wide and low flat roof building. While it would be smaller than the appeal scheme, the fallback position would be visually obtrusive and incongruous. It would not represent good design. It would detract from and it would not make a positive contribution to visual amenity. Consequently, the permitted development fallback position weighs moderately in favour of the proposal.
34. Although it did not refuse the application on grounds relating to character and appearance, the Council considers that a lower pitched roof would be more acceptable. However, there are no alternative plans to demonstrate a visually acceptable form of significantly smaller roof that could still accommodate the required first floor living space. I accept that a lower roof would have a different impact on the visual openness of the Green Belt. Irrespective, on the evidence before me, it seems unlikely that the appellant would seek to construct a pitched roof without the associated enhanced internal living space.
35. In any case, while the proposed roof would be tall and steep, the roof slopes and the mass would be broken up by the subservient dormer extensions. Taking account of the size and scale of the dwelling, I find the proposal would not appear unduly bulky or out of proportion. Furthermore, the proposal would not be out of keeping or incongruous in the mixed local built context which already includes similar single storey dwellings with tall steeply pitched roofs and dormer extensions.
36. The proposal would significantly enhance the character and appearance of the appeal property, which is an unattractive building with little architectural merit. It would replace a poorly designed dwelling with a better design that would respond and relate well to its surroundings. It would contribute positively to sense of place and local distinctiveness. It would contribute to the aims of the Framework including in relation to development that adds to the overall quality of the area and which is sympathetic to the surrounding built environment. This is a matter that weighs significantly in favour of the proposal.

Green Belt balance

37. The stable would not be inappropriate development in the Green Belt. The roof extension to the dwelling would be inappropriate development in the Green Belt. There would be a small but harmful loss of openness of the Green Belt.

The Framework advises that substantial weight must be given to any harm to the Green Belt.

38. Conversely, the positive contribution of the proposal to the character and appearance of the property and the area weighs in its favour to a significant degree. The single storey extension fallback position weighs moderately in favour of the proposal. Taking all matters into account, I find that the proposal would be well designed and sympathetic and it would replace a poorly designed and incongruous building. The significant visual enhancement to the dwelling and the area would outweigh the harm to the Green Belt by reason of inappropriateness and loss of openness. Consequently, the very special circumstances necessary to justify the scheme do exist.

Conditions

39. The Council suggested planning conditions in the event that the appeal was allowed. I have considered these against the tests set out in the Framework. In addition to the standard condition limiting the lifespan of the planning permission, I have specified the approved plans in the interests of certainty. A condition securing matching materials is necessary to protect the character and appearance of the appeal property and the area.
40. The appellant additionally suggested a planning condition to ensure that no further extensions, including the fallback position, could be constructed using permitted development rights. I consider that this is necessary to protect the Green Belt.

Conclusion

41. For the reasons set out above, Appeal A should be dismissed and Appeal B should be allowed subject to conditions.

Sarah Manchester

INSPECTOR