



Appeal Decision

Site Visit made on 1 September 2021

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 September 2021

Appeal Ref: APP/P2365/W/21/3274067

Tarleton Garage, Southport New Road, Tarleton PR4 6LB

- 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 David Whittaker of Bella Homes NW Ltd against the decision of West Lancashire Borough Council.
 - The application Ref 2020/1074/FUL, dated 8 January 2021, was refused by notice dated 11 March 2021.
 - The proposed development is a full planning permission for the demolition of existing car wash and café and erection of 3 no. units (Class E), 1 no. food unit (Class F) and 1 no. hot food takeaway (Sui Generis) with associated car parking, service areas and landscaping (resubmission of planning application ref. 2020/0467/FUL).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following the publication of the revised National Planning Policy Framework (the Framework) on 20 July 2021, I provided the main parties with an opportunity to comment on its relevance to the case. I have had regard to the response provided in reaching my decision.
3. The appellant submitted amended plans with the appeal to overcome some of the Council's concerns. The amended plans alter the design of the proposed buildings with horizontal vertical timber cladding added to the elevations and the amount of glazing reduced. Additional landscaping is also included to the east and west site boundaries with the eastern service road removed, but there would be a reduction in the amount of tree planting and the landscaping along the pedestrian access would be omitted.
4. While the appeal process should not be used to evolve a scheme, the footprint and volume of the proposed buildings would not change. I note the proposed amendments to the layout, quantity and mix of parking to be provided, however, these along with the finish and minor changes to the treatment of each of the front elevations of the units along with changes to proposed landscaping could be secured through planning conditions. As such, I do not consider by taking the amended plans into account that the Council would be prejudiced. Accordingly, I have determined the appeal on this basis and will consider the merits of the amendments within my decision.

Main Issues

5. The main issues are:
 - a) whether the proposed development would be inappropriate development

in the Green Belt Having regard to the Framework and any relevant development plan policies;

- b) the effect of the proposal on the character and appearance of the area;
- c) whether neighbouring occupiers would have satisfactory living conditions with regards to light, noise and odour;
- d) whether the proposal satisfies the Council's sequential approach to retail provision; and
- e) if the 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 required to justify the proposal.

Reasons

Whether inappropriate development

6. The appeal site is on the northern side of Southport New Road, a busy single and dual carriageway linking Preston and Southport. The site was last used as a car wash and café, but it was a garage before that. The larger of the two canopies on the site extends from the former café building; the other canopy is to the west of that. Hardstanding occupies the rest of the site which is bound by fencing to the sides and rear. Land and buildings either side of the road has an open rural character. Mature hedgerows line the road in either direction. Mere Brow is to the south-west of the site.
7. Policy GN1 b) of the West Lancashire Local Plan 2012-2027 Development Plan Document (Local Plan) sets out that development proposals within the Green Belt will be assessed against national policy and any relevant Local Plan policies. In applying Framework paragraph 149 g), the proposal would be the complete redevelopment of previously developed land. However, schemes do also need not to have a greater impact on the openness of the Green Belt than the existing development. This approach is also explained in Policy GB3 of the Supplementary Planning Document Development in the Green Belt (SPD).
8. The proposal would result in a different form of development to that which currently occupies the site. This would be evident face onto the site and from the west. The proposed units would be set back compared to the existing buildings and closer to the site's rear boundary and the fields beyond. Existing areas of hardstanding would become car parking, provide access for deliveries to the rear or be turned into landscaping. Yet, the proposed building would also not, unlike the existing canopies allow views through to land beyond notwithstanding the height of the canopies.
9. The proposed development would have a total floor area of around 505m² and a volume of 1893m³. In comparison the existing building on the site has an approximate floor space of 155m² and a volume of 498m³. The appellant states that if the canopies are included the on-site floor space increases to around 364m² and the volume to 1599m³. However, these are open sided and thus their volume would be considerably less than the volume calculated by the appellant which is based on the canopies theoretically having sides. Whilst I do not have conclusive figures before me, given the 18% volume uplift compared to the appellant's best-case scenario and the extent of both canopies, I

consider the total volume of the replacement building would be more than the 20% allowed for the replacement of an existing non-residential building within the Green Belt with another under SPD Policy GB2 2 b).

10. Although the proposed building would be a single entity and set back, its overall size, scale and mass would be greater than the floor space and volume of the existing building and extend across a greater part of the site's width. The age and condition of the existing buildings does detract from the appearance of the site and its immediate surroundings. However, the height of the building compared to the existing canopies and the provision of landscaping do not alter my view about the proposal's effect, though I recognise the latter would help soften the development and to some degree assimilate it into its surroundings. Overall, the development would have a greater impact on openness than the existing development when viewed from the south and west in particular which take in the open fields to the side and rear. The effect caused would be visual.
11. While there would be no conflict with the purposes of including the land in the Green Belt, I conclude that the proposal would be inappropriate development. For the reasons set out above the proposal would, in respect of this issue, conflict with Local Plan Policy GN1, SPD Policies GB2 2 b) and GB3 and Framework paragraph 149 g).

Character and appearance

12. Proposals for development should be of high-quality design and have regard to the West Lancashire Design Guide SPD (DGSPD) according to Local Plan GN3.
13. By reducing the amount of glazing across each unit's façade and inserting a modest amount of timber cladding the proposed building does represent a scheme that better reflects its rural surroundings. However, I do not consider that the changes go far enough for the proposed development to be considered high quality design. In my view, the proposed building would still have a suburban appearance due to the proportionality of cladding proposed. Added to this, the amount of hard surfacing would, in tandem with the proposed building, dominate the site's appearance. Landscaping would soften the development, but the car park would now be an overly large single entity rather than two parts broken up by landscaping along the pedestrian access.
14. Developing the site would lead to a visual enhancement, but this does not necessarily make any proposal acceptable in design terms. Local Plan Policy GN3 and the revised Framework are clear about creating high quality, well-designed, beautiful and sustainable buildings and places.
15. I conclude that the proposal would harm the rural character and appearance of the area and conflict with Local Plan Policy GN3 and the DGSPD. These jointly seek high quality design with appropriate materials and substantial and quality planting within the space to improve the visual and environmental impact of large areas of large surface car parks.

Effect on neighbouring occupiers living conditions

16. Traffic noise strongly influences the noise environment around the site. Residential occupiers are to the south on Mere Brow Lane beyond the busy road and off Moss Hey Lane to the west. Fields separate the site and the properties on Moss Hey Lane. Whilst noise levels do appreciably fall away as you move away from the road, traffic was still audible during my daytime site

visit. Traffic volumes tend to decrease during evening hours which would correspond with a quieter noise environment during these hours.

17. The proposed uses are likely to require lighting, fixed plant, refrigeration, ventilation and extraction systems. They could also attract regular comings and goings through customer, delivery and waste collection vehicle movements. Potentially, these could affect nearby residents through harmful levels of light, noise and odour. However, planning conditions could secure satisfactory details of any lighting, fixed plant, refrigeration, ventilation and extraction systems so that reasonable levels of amenity for neighbouring properties are retained in respect of light, noise or odour. Furthermore, the hours of opening and hours of delivery and waste collection could be conditioned so that activity and potential noise from these activities is focussed to appropriate times of day.
18. I conclude, on this issue that the proposed development of plots would not lead to significant harm to neighbouring occupiers living conditions with regards to light, noise and odour. As such, the proposal would accord with Local Plan Policy GN3 which seeks development to retain or create reasonable levels of amenity for neighbouring properties.

Sequential approach

19. The proposal would see town centre uses formed in an out of centre location. Local Plan Policy IF1 explains that such uses will only be considered in an out-of-centre locations if a specific local need is proven for the proposed development; and there is no suitable site available in a town, village or local centre. For edge of centre and out of centre sites, preference will be given to accessible sites well-connected to the town centre. Framework paragraphs 87 and 88 broadly reflect this approach but is clear that out of centre sites should only be considered if town centre and edge of centre sites are not available. Local Plan Policy GN5 in this scenario requires a Sequential Test, with the onus on the appellant to demonstrate that there are no alternative sites.
20. The appellant's updated Sequential Test now considers the site at land west of Guinea Hall Lane that the Council asked to be included. This site is around 300 metres from the centre of Banks and the northern part of the site has been developed for residential. The rest is vacant agricultural land. The Sequential Test discounts this site due to the size of the site due to its significantly larger size compared to that proposed, its location with Flood Zone 3 and by not being previously developed land. The Council has not countered this assessment and I have no reason to disagree. Therefore, taking all the evidence on this matter into account, there are no suitable and available alternative sites that could accommodate the proposed development.
21. On this basis, I conclude, in respect of this issue that the proposal satisfies the Council's sequential approach to retail provision and would accord with Local Plan Policies IF1 and GN5 and Framework paragraphs 87 and 88; jointly these seek to ensure a satisfactory sequential test so that town centres uses are directed to appropriate locations to maintain vibrant town and local centres.

Other considerations

22. The proposal would re-develop previously developed land and make an efficient use of the site. The development would see the canopies, café building, and hardstanding removed, and the overall appearance of the site improved. This would amount to a moderate benefit given the site's location of a busy road

and on a site within the Green Belt.

23. Time limited modest social and economic benefits would flow from the proposal's construction in the form of jobs, spending in the supply chain and in the local economy. There would also be moderate social and economic benefits from the units themselves which would offer employment opportunities and provide high-quality units for businesses which could allow them to invest, adapt and expand. There would also be customer spending in each of the units.
24. The proposal would not create technical issues in terms of highway matters, ecology, drainage, flood risk and given the site's prior use assessments and appropriate remediation could be secured and carried out so that there is no adverse contamination. I give these matters neutral weight. The absence of any listed buildings and the lack of conflict with the purposes of including the land in the Green Belt does not weigh in favour or against the appeal scheme. I note the site's proximity to a bus stop, but users would need to cross a busy road. Therefore, I would expect most journeys to be by private vehicle owing to the site's location and the road network. This matter carries neutral weight.

Conclusion

25. The proposal would be inappropriate development in the Green Belt as a result of its greater impact on openness than the existing development. This is, by definition, a harmful effect and I give it substantial weight as required by Framework paragraph 148. Moderate harm would also be caused to the character and appearance of the area. Matters relating to neighbouring occupiers living conditions and the sequential test carry neutral weight.
26. I have considered matters put before me in favour of the scheme by the appellant, and I note the changes made by the appellant to their original scheme. However, I conclude that these other considerations taken together do not clearly outweigh the harm that I have identified. As a result, the very special circumstances necessary to justify the development do not exist.
27. The proposal does not accord with the Development Plan as a whole and there are no other considerations, including the Framework, that indicate that I should take a different decision other than in accordance with this.
28. For the reasons given above I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR