



Appeal Decision

Site Visit made on 27 October 2021

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 November 2021

Appeal Ref: APP/P2365/W/21/3277552

Elm Farm Equestrian, Elm Farm Nursery, Butchers Lane, Aughton, L39 6SY

- 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 Ms Lindsay Middleton against the decision of West Lancashire Borough Council.
 - The application Ref 2020/0976/OUT, dated 23 September 2020, was refused by notice dated 22 March 2021.
 - The development proposed is demolition of 3 former stables and construction of 1 detached two storey dwelling on footprint of a former stable building.
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Decision

1. The appeal is allowed and planning permission is granted for outline – demolition of 3 former stables and construction of 1 detached 2 storey dwelling on the foot print of the former stable building at Elm Farm Equestrian, Elm Farm Nurseries, Butchers Lane, Aughton, Ormskirk L39 6SY in accordance with the terms of the application, Ref 2020/0976/OUT, dated 2 October 2020, subject to the conditions in the attached schedule.

Preliminary Matters

2. The appeal scheme was submitted in outline, with landscaping and appearance reserved for future consideration. I have considered the appearance of the proposed dwelling as indicative, whilst details relating to access, layout and scale are matters to be determined at this stage.
3. Evidence concerning a recent planning permission relating to Elm Barn, which is near to the site, was submitted by the appellant who wished to highlight the Council's alleged inconsistent approach in terms of what amounts to a new isolated home in the countryside. I gave the main parties with an opportunity to comment, and I have had regard to their responses in reaching my decision.

Main Issue

4. The reason for refusal, according to the Council, incorrectly included reference to a 'new isolated home in the countryside'. Even so, the proposed dwelling would not fall within a settlement identified in the Borough's settlement hierarchy. Hence, the proposal would not accord with Policy RS1 b) of the West Lancashire Local Plan (2012-2027) Development Plan Document (Local Plan). However, this policy insofar as sites within the Green Belt, needs to be read with Local Plan Policy GN1 b) which states that development proposals within the Green Belt will be assessed against national policy and any relevant Local Plan policies. Having regard to paragraph 149 g) of the National Planning Policy Framework (the Framework), I agree with the main parties' assessment that

the proposed development would not be inappropriate development in the Green Belt. Therefore, the main issue in this case is whether the proposed development would provide a suitable site for a dwelling, having regard to the proximity of facilities and services, and the suitability of the highway network.

Reasons

5. Although the site does not lie within a settlement identified in the Borough's settlement hierarchy, it is not isolated from buildings or people despite its countryside location due to the nearby cluster of residential dwellings and the line of dwellings beyond the railway line to the east.
6. A farm shop is near to the site, whilst a restaurant and children's nursery are slightly further away to the north-west. Future occupiers are likely to support these local services, especially given the flat topography of the area and the nature and use of local roads and paths which means that they could be accessed on foot, by bicycle or by private vehicle. Bus stops on the edge of Maghull could also be reached on foot for journeys further away, albeit these group of journeys are likely to be less appealing during the hours of darkness or in inclement weather, especially for the initial sections which rely on unlit country lanes with narrow or no pedestrian footways.
7. The town centres of Maghull, to the south, and Ormskirk to the north both offer a full range of facilities and services. Maghull North train station, which has a park and ride facility is a short drive away or a 20-to-25-minute walk. Aughton / Town Green is between the site and Ormskirk. It offers a lower range of facilities and services for day-to-day needs, but there is public transport available. These centres are likely to serve most future occupiers needs in terms of shops, doctors, schools, public transport or health or sport facilities.
8. The appellant's experience of living at Elm Farm and travelling to access facilities and services demonstrates what is possible from this location. Many of future occupiers' journeys are likely to be by private vehicle, especially if they are to work or involve carrying shopping, attending medical appointments or to attend school for example. This would certainly be the case for Ormskirk and for parts of Maghull. But these are likely to be relatively short. Hence, the site is not far away from other places but there would still be tension between the site's location and its accessibility to facilities and services.
9. Framework paragraph 105 explains that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. In this case, the proposal would enhance and maintain the vitality of the rural community and future occupiers could provide modest support for local services. The proposal would also re-use a previously developed site. The site's location will lead to journeys by non-sustainable transport modes, however, Local Plan Policy IF2 3) requires a minimum of one electric vehicle charging point per house and this is what the proposed plan proposes. This would encourage the use of ultra-low and zero emission vehicles, which are sustainable transport modes. Thus, journeys by private vehicle could be made, and are increasingly likely over the lifetime of the development to be made by such vehicles, though I accept this may not always be the case and there is no certainty that they will be in the immediate future.
10. Conflict would remain with Local Plan Policy RS1 b). However, I conclude that this is outweighed in this case, on balance, by the proposal's compliance with

Local Plan Policy GN1 b) and the provisions of the Framework, namely paragraphs 79 and 105 which seek to direct residential development in accordance with the settlement hierarchy and promote sustainable development in rural areas to enhance or maintain the vitality of those communities. As such, the proposed development would be a suitable site for a dwelling, having regard to its proximity of facilities and services, and the suitability of the highway network.

Other Matters

11. Owing to the appeal site's location, the intervening distance between the site and Elm Barn and the type, style and finish of the proposal and development nearby, no harm would be caused to the significance of Elm Barn, a non-designated heritage asset.
12. It is common ground that the loss of the appeal site is acceptable in employment terms and the proposal would therefore accord with Local Plan in this regard. I agree with this assessment and furthermore the Council's view about the proposal's layout, scale, effect on neighbours, and its effect on the highway network.

Conditions

13. I have imposed a plans condition in the interests of certainty. To prevent an increase in flood risk on or off the site, so the site is adequately drained, and water quality is not adversely affected by the proposal, I have imposed a condition to secure a strategy for separate foul and surface water drainage. To safeguard trees and protected species I have imposed conditions requiring the Arboricultural Method Statement and the mitigation strategy in the Preliminary Ecological Appraisal to be implemented.
14. Restrictions relating to extensions and garages or carports are not necessary due to the siting of the dwelling in relation to the plot boundaries, the orientation of the principal elevation and the location of the road. Any other potential extension using permitted development rights, including dormer windows, would be likely to be small scale and not likely to detract from the openness of the Green Belt or the character of the area given the presence of nearby dormer windows. Thus, I have not imposed the suggested restrictions as they would not be reasonable or necessary despite this Green Belt location.
15. A condition to secure provision of an electric vehicle charging point is necessary to promote the use of ultra-low and zero emission vehicles. In imposing this condition, I have had regard to the appellant's comment on it.

Conclusion

16. For the reasons given above I conclude that the appeal should be allowed.

Andrew McGlone

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of the appearance and landscaping, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 3 years from the date of this permission and shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 3) The development hereby permitted shall be carried out in accordance with the following approved plans: 3920-20-01, 3920-20-03A, 3920-20-05 and 3920-20-06.
- 4) No development shall take place until a strategy for the separate foul and surface water drainage of the development is, including any necessary infiltration measures, attenuation measures, maintenance management proposals, and phasing of delivery if applicable, approved in writing by the Local Planning Authority. The surface water drainage strategy must take account of the relevant provisions of the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement standards. The drainage scheme must be completed in accordance with the approved details and, if applicable, the approved phasing of the scheme. The MicroDrainage mdx file, if available, is required to aid the checking of design calculations.
- 5) The development hereby permitted shall be implemented in accordance with the Tree Protection Measures found in the Arboricultural Impact Assessment with Tree Protection Measures (prepared by Goodwins Arboricultural Limited).
- 6) The development hereby permitted shall be implemented in accordance with the mitigation strategy described in Preliminary Ecological Appraisal by Envirotech Ecological Consultants Environmental and Rural Chartered Surveys.
- 7) The development hereby permitted shall not proceed above foundation level until a scheme for the provision of an electric vehicle charging point to serve the occupants of the development on site shall be submitted to and approved by the Local Planning Authority. Unless it has been demonstrated that the provision of an electric vehicle charging point is not technically feasible, the dwelling shall not be occupied until the electric vehicle charging point has been provided on site in accordance with the approved scheme. The approved electric vehicle charging point shall be retained thereafter for the lifetime of the development.

END OF SCHEDULE