



Appeal Decision

Site visit made on 8 March 2022

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 31 March 2022

Appeal Ref: APP/P2365/W/21/3286273

Briery Works, Mckean, 132A Blackgate Lane, Tarleton, PR4 6UU

- 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 Ward McKean (I & M McKean & Sons Ltd) against the decision of West Lancashire Borough Council.
 - The application Ref 2021/0897/FUL, dated 20 July 2021, was refused by notice dated 25 October 2021.
 - The development proposed is described as 'The proposal is to erect a light commercial building on the site to offer local businesses premises which are in short supply specially within the immediate local area.'
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (i) Whether the proposal would be inappropriate development in the Green Belt;
 - (ii) The effect of the proposal on the openness of the Green Belt, and the character and appearance of the surrounding area, with specific regard to trees;
 - (iii) If the proposal would be inappropriate development, whether any 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

Whether Inappropriate Development

3. The appeal relates to a small industrial area that is located to the rear of a ribbon of houses along Blackgate Lane. Whilst the site contains a number of metal clad buildings, and there are other structures and houses in the locality, these are generally dispersed and separated by intermittent fields and open, undeveloped areas. These factors, along with the presence of mature hedgerows and trees, contribute to the rural character and appearance of the area.
4. Policy GN1 of the West Lancashire Local Plan 2012-2027 Development Plan Document 2013 (the Local Plan) advises that development proposals within the

Green Belt will be assessed against national 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. The exceptions are set out in paragraph 149 of the Framework and include (e) limited infilling in villages.

5. Although there are several buildings in the locality the appellant accepts that the appeal site is located to the west of the main settlement of Tarleton and is therefore not defined as being within a village. I have no substantive reason to disagree with this.
6. Furthermore, the terms of limited infilling are not further defined in the Local Plan or the Framework and therefore, it is a matter of planning judgement for the decision-maker. To this end, there is a wider network of open fields directly to the north of the site and open areas of land to the east and west of it. The proposal would also not fill a gap between the buildings on the site as it would be positioned close to the northern edge of it, next to a belt of mature trees. As a result, the proposed light commercial building would not be positioned within an area that would logically be seen as replicating or completing the prevailing pattern of development, as might be necessary to achieve 'limited infilling' in terms of the Green Belt.
7. Accordingly, the proposal does not meet the terms of the Framework's exception that puts limited infilling in villages outside the scope of inappropriate development in the Green Belt or fall within any other exceptions stated in paragraph 149 of the Framework. It would therefore be inappropriate development which is, by definition, harmful to the Green Belt.

Openness and Character and Appearance

8. Paragraph 137 of the Framework advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. This openness is an essential characteristic of the Green Belt and has a spatial and visual aspect.
9. I appreciate that the proposed building would be located adjacent to the larger metal clad buildings on the site and that the majority of the views of it would be filtered by mature trees. Nonetheless, on my site visit I saw that its form, bulk and massing would still be clearly visible from the open land to the east, in between the gaps in the trees, and along parts of the access road and from within the site. It would also result in development where there was previously none. As such, this would reduce the openness of the Green Belt in both visual and spatial terms. Such harm to openness, in the context of the policies of the Framework, requires that substantial weight be apportioned to it when considered in the planning balance.
10. Furthermore, Local Plan Policy EN2 states that to assist the Council in decision-making, sufficient information should be submitted alongside proposals for development to enable the Council to assess the effects on trees. The level of detail should be in accordance with BS.5837:2012 – Trees in relation to design, demolition and construction, or any subsequent document.
11. Nonetheless, I have little substantive evidence, including any professional arboricultural advice, to adequately demonstrate that the belt of mature trees along the northern perimeter of the site would be adequately protected during

or after the construction of the development. In the absence of any compelling evidence to the contrary I am therefore unable to be certain that the proposed construction would not harm the future health of these trees. The loss of these trees would reduce any potential buffer and cause harm to the rural character and appearance of the area.

12. As a result, it would conflict with Local Plan Policy EN2, which amongst other things, seeks to preserve and enhance West Lancashire's natural environment.

Other Considerations

13. A number of economic and social benefits have been put forward by the appellant in support of their case. These include the diversification of the business, which would allow it to continue to operate and serve the local community. It has been put forward that this would safeguard existing jobs, create new jobs, allow for the semi-retirement of some of the owners, and provide a new light commercial premises that is in short supply.
14. Paragraph 81 of the Framework advises that significant weight should be placed on the need to support economic growth through the planning system, taking account of local business needs and wider opportunities for development. Paragraph 84 of the Framework is also supportive of a prosperous rural economy, the development and diversification of agricultural and other land based rural business, and the growth and expansion of all types of businesses in rural areas. In addition, the Council's own policies support and protect the rural economy and facilitate economic growth in general terms and I note that these refer to the limited opportunities for employment in the rural areas of the Borough. Furthermore, I am mindful that the proposed light commercial building would be located on a previously developed site that contains existing employment buildings.
15. Nonetheless, there is little substantive information before me to demonstrate how the proposal would support the existing haulage business, and constitute diversification, or to substantiate how this is necessary to ensure the continuing operation of the business, and result in an increase in employees. Although I also acknowledge the financial pressures the appellant faces, with uncertainties and rising costs, this line of reasoning could apply equally to many diversification projects outside of the Green Belt. I therefore apportion these benefits moderate weight in the overall Green Belt balance.
16. The appellant has suggested that all of the existing buildings on the site could be extended without the need of planning permission. However, there is no certificate of lawful development to this effect and no plans of such schemes before me. I am therefore unable to be certain that these would be more harmful than the proposal before me. This uncertainty limits the weight that I can afford to it as a fallback position.

Conclusion

17. I have identified that the proposal would be inappropriate development in the Green Belt, to which I ascribe substantial weight as per the Framework. In addition, it would also reduce the openness of the Green Belt and it has not been demonstrated that the proposal would not cause harm to the character and appearance of the area (trees specifically). Even when taken together, the weight I would attach to the other considerations would not clearly outweigh

the harm that the proposal would cause. Consequently, the very special circumstances required to justify the proposed development have not been demonstrated. As a result, the proposal would conflict with Local Plan Policy GN1 as set out above, and with Section 13 of the Framework which both seek to protect Green Belt land. It would thereby not constitute sustainable development for which there is a presumption in favour.

18. The appeal scheme would consequently conflict with the development plan and there are no material considerations worthy of sufficient weight, including the approach of the Framework, which would indicate a decision otherwise in accordance with it. The appeal should therefore be dismissed.

Mark Caine

INSPECTOR