



Appeal Decision

Site visit made on 14 April 2022

Decision by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 12th May 2022

Appeal Ref: APP/D2320/W/21/3283369

Land on the Southside of Highfield Road, Adjacent to Woodlands Nursery, Croston PR26 9HH

- 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 Douglas McMahon against the decision of Chorley Council.
 - The application Ref 21/00702/OUT, dated 2 June 2021, was refused by notice dated 9 September 2021.
 - The development proposed is described as one single 4 bedroom double garage dwelling in keeping with the local area and in line with the governments National planning policy
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application that led to this appeal was submitted in outline with all matters reserved. The supporting plans were limited to a site plan, location plan and three plans showing visibility splays, one of which identified the location of unnamed structures within the site. I have had regard to these plans in determining this appeal. No other illustrative or indicative plans showing how the site may be developed were provided.

Main Issues

3. The main issues are:
 - 1) whether the proposal would constitute inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework);
 - 2) the effect of the development on the openness of the Green Belt and the purposes of including land within it;
 - 3) the effect of the development on highway safety; and
 - 4) if found to be inappropriate development, whether the harm, by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposal.

Reasons

Whether the proposal constitutes inappropriate development

4. The appeal site comprises an undeveloped plot of land situated within the Green Belt. The area has a rural feel due to the sparse nature of development. While the site is located in the vicinity of other buildings, it retains this overall rural feel due to being bounded by open fields with trees and hedging along its boundary. The proposal relates to the outline application for a detached dwelling with double garage.
5. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It makes it clear that the construction of new buildings such as the proposal is inappropriate in the Green Belt with a limited number of exceptions detailed at paragraph 149.
6. The proposal does not meet any of the exceptions set out. There is no suggestion that it would meet any other exception listed in the Framework and it would therefore represent inappropriate development, which by definition is harmful to the Green Belt.

Impact on openness

7. The Framework states that *"the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence."* It has been established that openness has both a spatial and visual aspect.
8. From a spatial perspective, the proposal would lead to a reduction in the openness of the Green Belt. While final details on the precise design and scale have not been provided at this stage, by its nature as a four bedroom dwelling and associated double garage the proposal would represent a sizeable amount of built form. Although located near other buildings, these elements would nonetheless be introduced in an undeveloped plot, reducing the spatial openness in the immediate locality.
9. From a visual perspective, the site is somewhat screened from Highfield Road and mature trees exist along the boundaries and within the site itself. However, while this would reduce the visual impact, it would not remove it altogether. Views of the proposal would still be possible from the surrounds. In this sense, the presence of a 4 bedroom dwelling and double garage would inevitably cause visual disruption to the openness of the area
10. Accordingly, due to its spatial and visual impact the proposal would fail to preserve the openness of the Green Belt. In addition, due to the current lack of built form at the site, there would be an element of encroachment in the countryside as a result of the proposal, which is contrary to the purpose of the Green Belt.

Highway Safety

11. The site fronts onto Highfield Road, close to a bend in the highway. At the time of my visit I observed that this road has a steady traffic flow, albeit that this represents a snapshot in time. At present, visibility from the site entrance onto Highfield Road is limited due to the presence of mature planting either side of the narrow access.
12. This is acknowledged by the Council, who requested that sightlines of 2.4m x 102m in both directions are demonstrated and have raised a query as to whether this could be provided in land within the ownership of the appellant. I have had regard

to the three drawings provided by the appellant in response to this request, in addition to the site plans. However, it remains unclear whether the sightlines could be provided as the appellant has not submitted any substantive evidence confirming the position with regards to ownership.

13. In regard of the lack of technical information supplied I cannot conclusively determine that the required visibility splays can be achieved. This, combined with the existing road conditions as observed on my visit, would be likely to result in an adverse effect on highway safety in the vicinity of the appeal site. As such, the proposal would fail to comply with Policy BNE1 of the Chorley Local Plan 2012-2026, which seeks to ensure highways safety.

Other considerations

14. The Framework states that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
15. The appellant has stated that the design of the proposal will be of high quality, and that it would improve an otherwise derelict and unkempt site. While the design has not been finalised at this stage, I acknowledge that the proposal would represent a modest improvement to the site, and attach limited weight to this. The appellant has further stated that other buildings have been approved within the Green Belt. However, each proposal must be dealt with on its own site specific circumstances and a general reference to development elsewhere therefore carries limited weight. The personal circumstances of the appellant have also been carefully considered, whereby the proposal would provide a family home and allow for the continuation of a business. I have a great deal of sympathy for the appellant, however personal circumstances will seldom outweigh planning considerations and I therefore must also attach limited weight to this.
16. The appeal site lies within the Croston Conservation Area ('CA'). The effect of the development on the setting of the CA is not a matter that the Council considered to be an issue, concluding that a suitably designed scheme could be produced at the reserved matters stage. I have a duty to have special regard to the desirability of preserving or enhancing the character or appearance of conservation areas. Based on my observations and the evidence before me, I have no reason to disagree with the Council. There would be no adverse effect at this stage on the significance of CA, the setting of which would be preserved. This represents a lack of harm, which is a neutral matter in the planning balance. It has also been pointed out the appeal site is a sustainable location for a dwelling. In this regard the appellant refers to the proximity of the bus stop and the fact that the village is in walking distance. This is acknowledged, but is again a lack of harm, which is a neutral consideration.
17. The concerns raised in relation to how the application was considered by the Council have not had a bearing on my decision. I have considered the appeal on its own merits based on the evidence before me and my observations of the site.

Conclusion

18. The proposal would result in inappropriate development in the Green Belt. By definition, this would be harmful to the Green Belt and the Framework indicates that such harm should be given substantial weight. I have also given substantial weight to the adverse impact on the openness of the Green Belt, the resulting encroachment into the countryside and the harm to highway safety.

19. I find that the other considerations in this case when taken together do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal would therefore be contrary to the Framework in this regard. Having regard to all other matters raised, the appeal is therefore dismissed.

C Rafferty

INSPECTOR