



Appeal Decision

Site visit made on 26 April 2022

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 May 2022

Appeal Ref: APP/P2365/W/21/3284331

Heskeths Farm, Outlet Lane, Simonswood, Liverpool, L31 1HN

- 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 Charlotte Vose against the decision of West Lancashire Borough Council.
 - The application Ref 2020/0431/FUL, dated 26 May 2020, was refused by notice dated 22 April 2021.
 - The development proposed is change of use from lodge to a single dwelling.
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Decision

1. The appeal is allowed, and planning permission is granted for change of use from lodge to a single dwelling at Heskeths Farm, Outlet Lane, Simonswood, Liverpool, L31 1HN in accordance with the terms of the application, Ref 2020/0431/FUL, dated 26 May 2020, subject to the conditions set out in the attached schedule.

Main Issue

2. The main issue is whether the development would provide adequate living conditions for future occupiers with regard to noise and disturbance.

Reasons

3. The appeal building comprises a modest single storey lodge that fronts onto part of the farmyard to Heskeths Farm. It is located near to an access onto Outlet Lane and is in close proximity to operational farm buildings to the south.
4. Heskeths Farm is arable in nature and is served by a number of agricultural buildings and access points onto Outlet Lane. The main access into the farm is set away from the appeal building to the west and is positioned next to a large open turning area. It also leads to a route that runs along the southern side of the farm to another yard, from which both of the larger modern farm buildings are accessed. This separate yard is some distance away from the appeal building.
5. Conversely, the appeal building adjoins a narrower section of the farmyard which leads to a more constrained access onto Outlet Lane. The proposed landscaping plan¹ would introduce acoustic fencing within this part of the farmyard that would significantly limit the ability of larger farm vehicles to use

¹ Landscape Proposals for the Shooting Lodge Hesketh Farm, Simonswood (13 September 2021)

this route to reach Outlet Lane. The nearest farm buildings are also smaller and less modern and appeared to be in storage use at the time of my visit.

6. The Council accept that the incorporation of acoustic trickle ventilators to all habitable room windows, as recommended in the initial Acoustic Assessment², would allow for acceptable living conditions within the property itself. An updated Acoustic Assessment³ was also submitted with the appeal submission, which the Council has had the opportunity to comment on. This recommended the installation of a 1.8 metre high close boarded fence around the proposed amenity area to provide appropriate noise mitigation. I further note that the main garden area would be positioned away from the farmyard to the north of the appeal building. This arrangement would adequately mitigate noise from the operational farm in my view. Whilst the proposed garden area would be relatively small, it would be adequate in size for a single-bedroom property such as this which does not comprise family accommodation.
7. Heskeths Farm is arable in nature and is set within a landscape that is dominated by crop growing. Whilst concerns are raised about potential changes to the usage of the nearest agricultural buildings, it is highly unlikely that they would be used for uses such as livestock rearing. In any case, given the position of the main amenity area at the rear of the building, the proposed mitigation measures, and the narrowing of the nearest access route to Outlet Lane, I am satisfied that future occupiers would not be unduly affected by noise or disturbance.
8. For the above reasons, I conclude that the development would provide adequate living conditions for future occupiers with regard to noise and disturbance. It would therefore accord with Policy GN3 of the West Lancashire Local Plan (2013) which seeks to ensure, amongst other things, that proposals for development create reasonable levels of privacy, amenity, and sufficient garden or outdoor space.

Other Matters

9. An existing window in the northern elevation of the building faces onto the rear garden of Hesketh Farm House. Whilst there is vegetation in the vicinity of this window, the occupiers of Hesketh Farm House state that it is visible within the garden during the winter months. This window would serve a bedroom, however, it could be obscurely glazed in order to provide adequate levels of privacy. In this regard, the proposed bedroom would also be served by 2 south facing windows that would provide sufficient outlook to that room.
10. The appeal site is located within the Green Belt. However, the development would involve the re-use of a building that is of permanent and substantial construction, and it would therefore accord with paragraph 150 d) of the National Planning Policy Framework ('the Framework'). It is common ground that it would not be inappropriate development in the Green Belt.

Conditions

11. The Council suggested a number of conditions, some of which I have edited for clarity and enforceability. In addition to the standard time limit condition, I have imposed a condition that requires the development to accord with the

² Martin Environmental Solutions (September 2020)

³ Martin Environmental Solutions (September 2021)

approved plans. This is necessary in the interest of certainty. A condition relating to Japanese Knotweed is also necessary in order to ensure that this is eradicated from the site. Conditions relating to noise mitigation and requiring the insertion of obscure glazing are necessary to protect the living conditions of both adjacent and prospective occupiers of the development. A further condition relating to landscaping is also necessary in order to ensure that the development is served by appropriate outdoor amenity space. A condition requiring the installation of electronic charging points is also necessary in order to comply with Paragraph 112 of the Framework. Other conditions relating to bird boxes and vegetation clearance during the bird breeding season are necessary to protect the ecology of the site.

12. The Council also proposed a condition relating to the external materials. However, this is unnecessary as those materials are already specified in the application form, and in any case, the proposed conversion would largely retain the external fabric of the building. A further condition that would have required the submission and approval of a scheme of noise mitigation measures is also unnecessary as these details were provided with the appeal submission. Finally, a suggested agricultural tie condition would be unnecessary given that I have found the development to be acceptable against the main issue.

Conclusion

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

Thomas Hatfield

INSPECTOR

Schedule of 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: Location Plan; Site Plan; 0838-01-02-001; 0838-01-02-002; 0838-01-03-002; 0838-01-03-004; 0838-01-03-001; 0838-01-03-003.
- 3) Prior to any clearance of vegetation, a scheme for the eradication of Japanese Knotweed shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a scaled plan showing the extent of the Japanese Knotweed, the removal and disposal methods to be used, and a timetable for implementation. The scheme shall be implemented in accordance with the approved timetable. A validation report confirming that remediation has been carried out and that the site is free of Japanese Knotweed shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of development.
- 4) Prior to the first occupation of the development hereby approved, the bedroom and bathroom windows in the north facing elevation of the building shall be obscure glazed to a specification of no less than level 5 of the Pilkington Glass Scale and shall thereafter be retained as such.
- 5) Prior to the first occupation of the development, the noise mitigation measures stipulated in the Acoustic Assessment (Martin Environmental Solutions, September 2021) shall be implemented in full, and shall thereafter be retained.
- 6) Prior to the first occupation of the development, an implementation timescale for the submitted 'Landscape Proposals for the Shooting Lodge Hesketh Farm, Simmonswood' (dated 13 September 2021) shall be submitted to and approved in writing by the Local Planning Authority. The landscape proposals shall be implemented in accordance with the approved timescale.
- 7) Prior to the first occupation of the development, a three pin 13 amp external electrical socket which is suitable for outdoor use shall be installed. The socket shall be located in a suitable position to enable the charging of an electric vehicle on the driveway using a 3m length cable.
- 8) Prior to the first occupation of the development, details of the number, type and location of bird nesting boxes to mitigate for the loss of existing habitat shall be submitted to and approved in writing by the Local Planning Authority. The bird boxes shall be installed in accordance with the approved details prior to the first occupation of the development and shall thereafter be retained.
- 9) No clearance of vegetation in preparation for (or during the course of) development shall take place during the bird nesting season (March-August inclusive) unless an ecological survey has been submitted to and approved in writing by the Local Planning Authority to establish whether the site is utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no development shall take place during the period specified above unless a mitigation strategy has first been submitted to and approved in writing by the Local Planning Authority

which provides for the protection of nesting birds during the period of works on site. The mitigation strategy shall be implemented as approved.