



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: 14 June 2022

Appeal Ref: APP/P2365/W/22/3291480

Hoscar Hall Farm, Hoscar Moss Road, Lathom, L40 4BG

- 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 Andrew Howard against the decision of West Lancashire Borough Council.
 - The application Ref 2021/1165/OUT, dated 29 September 2021, was refused by notice dated 10 December 2021.
 - The development proposed is demolition of existing buildings and erection of three detached houses.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application is in outline. In this regard, the means of access, layout and the scale of the development fall to be considered at this stage, whereas appearance and landscaping are reserved for future consideration. The Town and Country Planning (Development Management Procedure)(England) Order 2015 states that 'scale' means the height, width and length of each building proposed, and that 'layout' means the way in which buildings, routes and open spaces within the development are provided, situated and orientated. Those matters are therefore to be considered under this appeal. 'Appearance', which is a reserved matter, includes the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
3. The Council's fourth reason for refusal refers to paragraph 92 of the National Planning Policy Framework ('the Framework'). However, the Council has since acknowledged that this reference is in error, and I have therefore not considered this matter in any further detail.

Main Issues

4. The main issues are:
 - (a) Whether the appeal site is in a suitable location for new residential development with regard to its accessibility to services, facilities, and public transport, and the provisions of local and national planning policy;
 - (b) Whether the development would result in an unjustified loss of a rural employment site; and

- (c) The effect of the development on the Martin Mere Special Protection Area (SPA) and Ribble Alt Estuaries SPA.

Reasons

Suitable location for residential development

5. Paragraph 80 of the Framework states that the development of isolated homes in the countryside should be avoided. In this regard, caselaw¹ has established that the word “isolated” in the phrase “isolated homes in the countryside” simply means a dwelling that is physically separate or remote from a settlement. Whether a proposed new dwelling is “isolated” in this sense is a matter of fact and planning judgment.
6. In this case, the appeal site consists of previously developed land within a ribbon of mostly residential development on the northern side of Hoscar Moss Lane. Existing dwellings are positioned on both sides of the road in this location and beyond the railway line to the northeast. Whilst the pattern of development has a somewhat dispersed character it clearly forms a small village, which is known as Hoscar. Accordingly, I consider that the appeal site is within a settlement and would therefore not be “isolated” for the purposes of paragraph 80 of the Framework.
7. In terms of its accessibility, there are only limited services and facilities in Hoscar itself. However, the village railway station is approximately 200 metres away and is connected to the appeal site by a pedestrian footway that is well lit. Whilst services are relatively infrequent during the day, the station provides a direct connection to larger settlements such as Manchester, Southport and Wigan. This would allow prospective occupiers of the development to commute to work, and to access the shopping and leisure facilities in these centres by public transport. Moreover, a range of local services and facilities are available in Burscough, which is approximately 2 km away. In my view, this would provide an appropriate level of accessibility.
8. The Council assert that the development would conflict with part b) of Policy RS1 of the West Lancashire Local Plan (2013). However, this part of the policy simply sets out a rural exception sites approach to affordable housing, as is envisaged in paragraph 149 f) of the Framework. It does not seek to restrict other forms of residential development in the Green Belt. Moreover, I note that Policy GN1 states that development proposals in the Green Belt will be assessed against national policy. In this regard, it is common ground that the appeal proposal would not be inappropriate development in the Green Belt and would accord with paragraph 149 g) of the Framework.
9. For the above reasons, I conclude that the site is in a suitable location for new residential development with regard to its accessibility to services, facilities, and public transport, and the provisions of local and national planning policy. It would therefore accord with Policies GN1 and RS1 of the West Lancashire Local Plan (2013), and guidance in the Framework relating to rural housing.

Employment land

10. Policy EC2 of the West Lancashire Local Plan (2013) seeks to protect existing employment uses in the rural areas unless certain criteria are met. In this

¹ Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd [2018] EWCA Civ 610

regard, Policy GN4 states that the compatibility of the existing use with adjacent uses will be a consideration when assessing the ongoing suitability of the land / premises for employment purposes.

11. In this case, the appeal site comprises 3 former agricultural buildings and a shared yard area, with existing dwellings positioned in close proximity on either side. In particular, the long side elevation of Hoscar Hall Farm to the northeast, which includes several windows, faces the yard area and buildings at close quarters. Its parking spaces and part of its garden area also adjoin the yard. At present, the appeal site is not intensively used and the 2 buildings at the rear are used for storage purposes only and do not generate any onsite employment. Whilst the frontage building accommodates a business falling within Use Class E, the appellant states that this will cease operating when the lease expires as the owner intends to retire. The site therefore makes only a limited contribution to local employment at present.
12. Given the close proximity of existing dwellings, and their orientation in relation to the appeal site, a more intensive use of the site clearly has the potential to significantly harm the living conditions of neighbouring occupiers. This would particularly effect Hoscar Hall Farm were the 2 rear buildings and shared yard area to be more intensively used, although impacts to Hoscar Cottage to the southwest could also arise. In view of these matters, I consider that the site is unsuitable for a continued employment or commercial use.
13. For the above reasons, I conclude that the development would not result in an unjustified loss of a rural employment site. It would therefore accord with Policies EC2 and GN4 of the West Lancashire Local Plan (2013) in this regard.

Martin Mere and Ribble Alt Estuaries SPAs

14. The appeal site is located approximately 5 km from the Martin Mere SPA and approximately 15 km from the Ribble and Alt Estuaries SPA. The Council's ecological consultant states that there are pathways between the appeal site and these SPAs, and reference is also made to functionally linked land. Given that wintering bird data was requested for the site and its surroundings, I can infer that this latter concern relates to the adjacent farmland.
15. The Habitats Regulations require that an assessment is undertaken to identify all impacts arising from the development which are likely to result in significant effects on the qualifying features of a European site. In this regard, the 'precautionary principle' requires that where it is unclear whether an effect would be significant, it must be assumed that this is the case unless there is objective evidence to the contrary (the 'Waddenzee' case²).
16. Little information has been submitted in relation to the effect of the development on the SPAs, and I note that the Council's ecological consultants state that they requested a series of additional information that has not been provided. In this regard, it is unclear whether the surrounding land is utilised by birds associated with the SPAs, or the extent to which other pathways exist between the appeal site and the SPAs. I am therefore unable to determine whether any effects arising from the development would be significant. In response, the appellant states that they were not asked to provide this information at application stage. Whilst that is unfortunate, without further

² ECJ [2004] C-127/02

information, and based on the precautionary principle, I am unable to grant planning permission.

17. For the above reasons I cannot be assured that the development would not result in harm to the qualifying features of the Martin Mere SPA and Ribble Alt Estuaries SPA. Consequently, I cannot be certain that it would not be contrary to Policy EN2 of the West Lancashire Local Plan (2013), which states that the strongest protection will be given to sites of international importance or the Framework, which seeks to conserve and enhance the natural environment, as well as the Conservation of Habitats and Species Regulations 2017.

Conclusion

18. For the reasons given above, I conclude that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR