



Appeal Decision

Site visit made on 20 April 2022

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 June 2022

Appeal Ref: APP/M2325/W/21/3284557

197 Kirkham Road, Freckleton PR4 1HU

- 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 Darrell Brooks (Brooksland Limited) against the decision of Fylde Council.
 - The application Ref 21/0329, dated 7 April 2021, was refused by notice dated 28 June 2021.
 - The development proposed is described on the appeal form as the 'Replacement of approved single dwelling at plot 12 on planning permission 19/0552 with two dwellings, erection of two detached car ports associated with new dwellings, revisions to access and landscaping'.
-

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Darrell Brooks (Brooksland Limited) against Fylde Council. This application is the subject of a separate decision.

Procedural Matter

3. Reference has been made to the description of development having been changed from that on the application form and agreed with the LPA. I have used this altered description as set out on the appeal form.

Main Issues

4. The main issues are:
 - whether the proposal is inappropriate development in the Green Belt;
 - the effect of the development on the character and appearance of the area;
 - whether the development would provide adequate living conditions for future occupiers with regards to outdoor amenity space;
 - whether the proposal would make adequate provision for affordable housing; and
 - if the proposal is inappropriate development, whether the 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 the development.

Reasons

Inappropriateness

5. The appeal site is situated in the Green Belt. The National Planning Policy Framework (the Framework) sets out that the Government attaches great importance to Green Belts. 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.
6. The Framework at paragraph 149 states that, other than in connection with a small number of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt. One of these exceptions is the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: – not have a greater impact on the openness of the Green Belt than the existing development; or – not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
7. The appeal site comprises of a former industrial building, glasshouses and a residential building that has been granted planning permission¹ previously for 12 dwellings. At the time of my visit, the development was externally largely complete other than one of the dwellings, which this appeal proposal seeks to replace with two units.
8. The Council has stated that the site where the appeal proposal seeks a pair of dwellings was an area of land occupied by glasshouses that can only be agricultural or horticultural in nature and therefore excluded from the definition of previously developed land. The appellant has however drawn attention to the history of the site and the Council's previous assessments², where they have found the site to be brownfield (previously developed) land. Although the glasshouses are no longer present on the site, based on the evidence before me of the previous use, and reference to the glasshouses being connected to the light industrial building, I consider the site does constitute previously developed land.
9. In order to meet the exception at paragraph 149 g), it is necessary for the development to not have a greater impact on the openness of the Green Belt than the existing development. At the time of my visit, there was no development on that part of the appeal site where two dwellings are proposed, other than the presence of some construction materials. As such, the proposal, which is for a pair of dwellings, would by definition reduce openness. Although the distance from Kirkham Road and the position of the permitted residential dwellings would limit some views towards the proposed dwellings, it would nevertheless be seen from the north-west across open fields and in other surrounding views. The development would be harmful to the visual as well as spatial aspects of openness.
10. Given the above, and whilst acknowledging the site's status as previously developed land, the proposal would have a greater impact on openness of the Green Belt than the existing site. Although the appellant has referenced the

¹ LPA Reference: 19/0552

² LPA Ref's 14/0895, 18/0155 and 19/0552

second part of paragraph 149 g) of the Framework relating to affordable housing, there is no evidence before me that the proposal will contribute to meeting an identified affordable housing need within the area of the LPA. Therefore, given the above, the proposal would not meet the exception set out at paragraph 149 g) of the Framework

11. Consequently, the scheme would be inappropriate development in the Green Belt, which the Framework states is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the Framework states that in considering a planning application substantial weight should be given to any harm to the Green Belt. I also find that the proposal would not comply with Policy GD2 of the Fylde Local Plan to 2032 (Local Plan), which seeks national policy to be applied for development in the Green Belt.

Character and Appearance

12. The appeal site is situated in a rural landscape that contains small groups of buildings with traditional features that are bounded by fields and open land. The flat topography and the vegetation, results in a verdant, spacious character which contributes positively to the wider countryside setting.
13. The scheme which has been implemented was designed in a courtyard arrangement which consisted of a farmhouse type building and a series of other buildings that reflected an agricultural farmstead. Although the design features and materials of the proposed dwellings would reflect the consented scheme, the two proposed individual houses each have the appearance of a detached house, with a centralised front doorway and windows to either side. The houses would be arranged as a single structure. This combined mass and bulk would result in a disjointed, awkward appearance, particularly as there would be a minimal stagger and only a small difference in height between the two houses together with the presence of unusual central quoins. It would not therefore sit harmoniously within the site and would detract from the rural character of the area.
14. For these reasons the development would have an adverse impact on the character and appearance of the area. It would be contrary to Policy GD7 of the Local Plan and the Framework, which seek, amongst other matters, high standards of design that take account of the character and appearance of the local area.

Living Conditions

15. Each of the two proposed dwellings would be provided with a rear private amenity space. The Council accepts that a garden with a depth of 10m is usually sought in new urban and suburban development, but seek a larger area given the rural environment of the appeal site and the size of the dwellings, each proposing 5 bedrooms. Whilst recognising these factors, both gardens would have a greater width than depth and the private rear amenity spaces would also be supplemented by landscaped areas to the front and sides of each house. As such, I consider the size of the amenity areas to be adequate. I note the orientation of the rear gardens would mean that they only have direct sunlight for part of the day, but I do not consider given the size of the gardens and with the availability of other open areas around the houses, that this would have harmful consequences for future occupiers. From the information before

me, the rear garden areas proposed are comparable with other dwellings on this wider scheme.

16. I conclude that the proposal would provide adequate living conditions for future occupiers with regards to amenity outdoor space. The proposal would not conflict with Policy GD7 of the Local Plan or with the Framework which seek, amongst other matters, a high standard of amenity for existing and future users.

Affordable Housing

17. The approved scheme on the appeal site has permission for 12 dwellings. This appeal proposal seeks permission for two units where there was previously a single consented house. A S106 agreement on the approved scheme required a commuted sum payment that was commensurate with that development.
18. The appeal proposal would result in an increase in the number of dwellings on the site from 12 units to 13. I understand the Council's position that the appeal proposal is for 2 dwellings and would result in an overall net increase of 1 dwelling on the site. However, Local Plan Policy H4 makes no specific provision relating to incremental increases in the size of a development, and there is therefore no policy support for further affordable housing.
19. My attention has been drawn to an appeal decision³, but from the information within this decision, this referenced case related to a site that adjoined another area of land, with the point of contention relating to whether the appeal site formed part of a larger site for the purposes of affordable housing contributions. This is not the case on the appeal site, where the two dwellings are sited in the same location as a previously approved dwelling.
20. I therefore conclude that the appeal proposal is acceptable in relation to the provision of affordable housing and there would be no conflict with Policies H4 and INF2 of the Local Plan. It would also not conflict with the Framework at Section 5 which states, amongst other matters, that provision for affordable housing should not be sought for residential development that are not major developments.

Other Considerations

21. With the implementation of the permission for 12 dwellings, the fallback position of what could take place is relevant. Reference has been made to case law⁴, which sets out there is both a spatial and visual aspect to openness. The proposal would replace an existing approved dwelling with two houses that would be larger in terms of footprint and volume, although plot 13 would have a slightly lower ridge height than the approved dwelling on plot 12. The proposal would also see the addition of car ports for each dwelling that would further increase built development on the site across a wider area. It would thus be more harmful to the spatial aspect of openness. Despite being set back from Kirkham Road, behind 11 other dwellings, the proposals' larger mass would result in it being more visible from this road, particularly in views from the north-west and consequently result in the loss of visual openness.

³ APP/M2325/W/19/3237770

⁴ [2018] EWHC 1753 (Admin) Euro Garages and Secretary of State for Communities Local Government, Cheshire West and Chester Council

22. The development would bring a number of benefits, including making efficient use of land on a site that benefits from a residential permission and the contribution that small to medium sites can make to the housing requirement of an area in line with national policy. The appeal site is also in an accessible location to services and facilities, would make use of previously developed land and receives support from the Parish Council. However, as the proposal would provide a single net additional dwelling, it would only make a small contribution to the Council's housing supply. The development would also make a positive contribution to the local economy, through the employment of local tradespeople and use of local services as well as future occupants supporting local amenities. Given the proposal is for one net additional dwelling, I consider these and other economic benefits would be modest.
23. There have been no refusal reasons in relation to issues including flood risk and highway safety. These are neutral matters that do not outweigh the harm that I have identified.
24. The appellant has set out that pre-application advice was sought and they engaged with the Council, and this informed the appeal application. This appeal follows the Council's formal decision, and I can confirm that I have dealt with it accordingly on its own merits. The pre-application advice sought does not alter my findings on the main issues.

Conclusion

25. The appeal development would be inappropriate development, which the Framework clearly sets out is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm, such as in this case, to the character and appearance of the area is clearly outweighed by other considerations.
26. That appropriate living conditions would be provided for future occupiers is a neutral matter as is a lack of harm in relation to the provision of the affordable housing.
27. I have set out the other considerations and my analysis leads me to give limited weight to the fallback position as the appeal scheme would result in greater harm to openness. I attach moderate weight in favour of the scheme to the provision of a net additional dwelling on this site, the economic benefits and the support from the Parish Council.
28. With this in mind, the substantial weight I have given to the Green Belt harm and other harm is not clearly outweighed by other considerations sufficient to demonstrate very special circumstances.
29. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

F Rafiq

INSPECTOR