



Appeal Decision

Site visit made on 30 May 2022 by Hilary Senior BA (Hons) MCD MRTPI

Decision by K Stone BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 July 2022

Appeal Ref: APP/P2365/D/22/3294938

58 Smithy Lane, Scarisbrick L40 8HW

- 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 Summers against the decision of West Lancashire Borough Council.
 - The application Ref 2021/1293/FUL, dated 4 November 2021, was refused by notice dated 1 February 2022.
 - The development proposed is alterations and extensions to 58 Smithy Lane, Scarisbrick, Ormskirk.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. There is a different planning application number quoted on the appeal form and in the references section in the Grounds of Appeal. However, the main body of the Grounds of Appeal and all the other documents refer to the application number in the banner heading above. It is evident from the evidence submitted that this is the application being appealed.

Main Issues

4. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - the effect on the openness of the Green Belt;
 - whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations and if so, whether this would amount to the very special circumstances required to justify the proposal.

Reasons for the Recommendation

Whether the proposal would be inappropriate development

5. The appeal site, which lies within the designated Green Belt, includes a previously extended detached dwelling, with two detached outbuildings within its plot. It is set back from the highway with a driveway and parking area to the front. It lies at the end of a short row of dwellings, with a mix of house types, with Scarisbrick Village Hall opposite and open farm fields to the side.
6. Policy GN1 of the West Lancashire Local Plan 2012-2027 (2013) (LP) sets out that development proposals in the Green Belt will be assessed against relevant national and local policies.
7. The Framework establishes that new buildings in the Green Belt are inappropriate, except in certain circumstances including where they involve an extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building as set out in paragraph 149c. Original building, the Framework explains, is a building as it existed on 1 July 1948 or, if it was constructed after that date, as it was built originally.
8. The Framework does not explain what a disproportionate addition means. An assessment of whether the proposal would be disproportionate to the original building is therefore a matter of planning judgement. Policy GB4 of the West Lancashire Supplementary Planning Document Development in the Green Belt (2015) (SPD) seeks to protect the Green Belt by limiting the volume of extensions to the original property to not more than 40% above the volume of the original building.
9. In this case the dwelling has been previously extended with the addition of a two storey rear extension and a single storey side extension, which together with the two outbuildings, both parties accept, has increased the volume of the original building substantially above the 40% guideline. The appeal proposal would demolish the existing two storey rear extension and single storey side extension, along with the studio and timber shed outbuildings. According to the appellant the volume of these elements is similar to the proposed alterations and extensions to the dwelling.
10. I acknowledge the cumulative overall footprint of built development and its spread would be reduced and the volume of built development would be similar to the existing position. However, whilst set back from the front elevation, the proposed extensions would significantly increase the width of the dwelling with the ridge at a slightly lower height. The outbuildings are of different materials and separated from the main dwelling and are of a smaller scale and size. The proposal would therefore add to the bulk of the original building through consolidation of the volume and be a significant increase in the size of the original building.
11. Consequently, the proposal would constitute a disproportionate addition to the dwelling and would not therefore fall within the exception set out in paragraph 149c of the Framework. It would therefore be inappropriate development in the Green Belt.
12. In accordance with the paragraph 147 of the Framework inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Effect on openness

13. Whilst I acknowledge that the spread of build development would be reduced by the proposal, the outbuildings are lower in height than the proposed side extension. As well as an increase in the footprint of the dwelling through the addition of a side extension, the proposal would increase the mass and bulk of the building at first floor level. As the host dwelling is the end dwelling in a short row of dwellings, and is adjoined by farmland, it would be visible in the street scene. Consequently, albeit to a limited degree, the proposal would, in both visual and spatial terms, harm the openness of the Green Belt.
14. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Openness and permanence are essential characteristics of the Green Belt. For the above reasons the proposal would cause limited harm to the openness of the Green Belt in addition to harm by reason of being inappropriate.
15. Therefore, in terms of the effect of the development on the openness of the Green Belt as a whole, the harm would be limited. Nonetheless, the Framework is clear that substantial weight should be given to any harm to the Green Belt.

Other considerations

16. The Framework states that 'very special circumstances' will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the development, is clearly outweighed by other considerations.
17. I note the appeal proposal would lead to the removal of outbuildings, the existing flat roof two storey rear extension and single storey side extension. However, the outbuildings are single storey buildings and would be replaced by a large two storey side and rear extension. This would increase the bulk and massing of the host property which, due to its position adjoining open fields would be visually prominent from the surrounding area. The Council consider that the design of the extensions, whilst adding bulk, are acceptable and I accept that there would be a limited positive contribution to the character and appearance of the area, through, in particular, the removal of the flat roofed two storey element at the rear. The reconfiguring of the built development on the site therefore carries limited weight in favour of the proposal.
18. My attention has been drawn to other extensions that have been approved at other properties in the area. However, the specific details of these cases are not before this appeal. I am not therefore aware of the details of the proposals. In any event, I have determined this appeal on the site-specific circumstances of this case.
19. I note the appellant's concerns regarding the Council's handling of the case. However, this is a matter that would need to be taken up with the Council in the first instance. In determining this appeal, I have had regard to the planning merits of the case.

Green belt balance

20. For the reasons set out above, the development constitutes inappropriate development in the Green Belt. Furthermore, there would be limited harm to the openness of the Green Belt. Paragraph 148 of the Framework states that substantial weight should be given to any harm to the Green Belt.

21. As set out above, other considerations put forward in support of the proposal attract limited weight in favour of the proposal. Consequently, they do not clearly outweigh the substantial harm as set out above. Therefore, I conclude that the very special circumstances needed to justify the development in the Green Belt have not been demonstrated. As such the proposal would conflict with the Framework, and Policy GN1 of the West Lancashire Local Plan 2012-2027 (2013) which seek to protect the Green Belt.

Conclusion and Recommendation

22. The proposed development conflicts with the development plan as a whole and there are no other considerations, that outweigh this conflict. I therefore recommend that the appeal is dismissed.

Hilary Senior

APPEAL PLANNING OFFICER

Inspector's Decision

23. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Kenneth Stone

INSPECTOR