



Appeal Decision

Site visit made on 5 January 2021

Decision by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 12th July 2022

Appeal Ref: APP/D2320/D/21/3278369

The Longcroft Stables, Ridley Lane, Mawdsley L40 2RF

- 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 Mrs Andrea Baxter against the decision of Chorley Council.
 - The application Ref 21/00186/FULHH, dated 16 February 2021, was refused by notice dated 13 April 2021.
 - The development proposed is the erection of an outbuilding within the curtilage of the residential dwelling to provide a garage, storage and ancillary office for homeworking.
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Decision

1. The appeal is dismissed.

Main Issue

2. 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; and
 - 3) 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

3. The appeal site comprises a detached dwelling and sizeable garden situated within the Green Belt. The area is residential in nature but retains a rural feel, particularly in the immediate surrounds of the site, which is set back from other dwellings along Ridley Lane in a spacious plot bounded by open fields. The proposal relates to the erection of an outbuilding within the curtilage of the existing dwelling.
4. 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.

5. The Council has argued that the proposal does not fall within any of these exceptions. However, the exception at paragraph 149 (g) allows limited infilling of previously developed land.
6. The Framework defines previously developed land as land which is or was occupied by a permanent structure, including the curtilage of developed land. Accordingly, the site is capable of being considered as such. However, this exception requires that any development of previously developed land should not have a greater impact on the openness of the Green Belt than the existing development. Therefore, to conclude whether the proposal constitutes inappropriate development it is necessary to assess these impacts.

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 visual perspective, the main parties agree that the proposal would be commensurate in scale to the dwelling at the site, and due to its setback from the street and intervening screening, it would not be prominent from Ridley Road.
9. Nonetheless, from a spatial perspective, the proposal would inevitably lead to a reduction in the openness of the Green Belt by introducing additional built elements at the site. While it would be located within the curtilage of the dwelling it would represent a sizeable volume of development in its own right in an otherwise largely open location, primarily due to its two storey nature which would emphasise the presence of the built form. Its overall size would therefore result in an erosion of the openness in the immediate area.
10. Accordingly, the proposal would have a greater impact on the openness of the Green Belt than the existing development and would fail to preserve the openness of the Green Belt. As such, it does not fall within any of the exceptions listed at paragraph 149 (g). 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.

Other considerations

11. 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.
12. The appellant has referred to the fact that a double garage could be constructed at the site under permitted development rights. However, the proposal would be greater in height than any structure allowed under these rights, thereby causing additional harm to the openness of the area. I therefore attach limited weight to this fallback position.
13. My attention has been drawn to a previous appeal decision¹, which concluded that ancillary accommodation above a residential garage would be of a size and type normally used in connection with detached properties with some land. I do not have the full details of the development that was the subject of that appeal.

¹ APP/Y3940/W/18/3195467

Nevertheless, while such development may generally be commonplace, it remains that the proposal in this location would harm the openness of the Green Belt. As such, limited weight is attached to this appeal decision.

14. I acknowledge the personal circumstances of the appellant, whereby the proposal would allow for home working. However, personal circumstances rarely outweigh planning considerations.

Very Special Circumstances

15. Having considered all matters raised in support of the proposal, they collectively would 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.

Conclusion

16. For the reasons given, the appeal should be dismissed.

C Rafferty

INSPECTOR