



Appeal Decision

Site visit made on 17 May 2022

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 October 2022

Appeal Ref: APP/P2365/W/22/3292418

Spencers House Farm, North Perimeter Road, Knowsley Industrial Park, Kirkby L33 3AP

- 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 Stuart Baldwin against the decision of West Lancashire Borough Council.
 - The application Ref 2021/0820/FUL, dated 24 June 2021, was refused by notice dated 14 October 2021.
 - The development proposed is a replacement agricultural storage building following demolition of existing.
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Decision

1. The appeal is dismissed.

Main Issues

2. The appeal site is situated in the Green Belt and it is common ground that the proposal would not be inappropriate development in the Green Belt. Consequently, the main issues in this appeal are:
 - the effect of the proposed development on the character and appearance of the area; and,
 - the effect of the proposed development on the integrity of Simonswood Moss, the Martin Mere Special Protection Area (SPA) and Ramsar sites and the Ribble and Alt Estuaries SPA and Ramsar sites.

Reasons

Character and Appearance

3. The appeal site comprises of an agricultural building and land in a rural area. There is a large industrial area to the south of the site, but this is well screened and separated from the appeal site by open areas of land. In other directions, the area is characterised by sporadic groups of buildings set within a flat agrarian landscape. This affords far reaching views over surrounding fields which gives the area a verdant, rural character.
4. The proposed agricultural building would be positioned to the north, away from North Perimeter Road. This siting would result in the agricultural building being in a prominent position away from the existing farmyard. Although it would be closer to the bungalow identified as 'Spencer's House Farm', the proposed building would be in a more exposed location in an open field.

5. It would have a modern appearance, replacing the existing dilapidated building. Although the footprint of the proposed building would be slightly reduced, it would also be taller and have a more enclosed form than the existing building. As such, this form and scale in combination with the siting, would be harmful to the surrounding rural landscape.
6. I therefore conclude that the proposal would unacceptably harm the character and appearance of the area. Consequently, it would be contrary to Policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document (Local Plan), which seeks, amongst other matters, development to be of a high quality design. It would also be contrary to guidance within Section 12 of the National Planning Policy Framework (Framework). Although Local Plan Policy GN1 is referenced within the refusal notice, this policy is not directly relevant to matters of character and appearance.

Protected Species

7. The appeal site is in close proximity to (approximately 500m) Simonswood Moss, an area that has been identified to be supportive habitat for pink footed geese and whooper swan. The said birds are qualifying species of the Martin Mere SPA and Ramsar sites and Ribble and Alt Estuaries SPA and Ramsar sites. It is clear in the Council's evidence, via their specialist advisors, that the qualifying bird species are highly mobile and there is known to be regular interchange of species between Martin Mere, Ribble and Alt Estuaries and Simonswood Moss.
8. The appellant has submitted some ecological information which does go into some detail on pink footed geese albeit no breeding bird surveys have been undertaken, nor has the scope of the information looked at other qualifying species. I appreciate that timing and the context of the existing site are factors, as would the potential for geese to be sited so close to existing buildings or operations. That said, and in the absence of more thorough information in regard to qualifying species supportive habitat such as, for example, species' preference for the large open fields adjacent to the site for foraging, I am unable to be satisfied that the appeal scheme would not have a likely significant effect either alone or in combination with other developments.
9. With this in mind, the appeal scheme has the potential to adversely affect the integrity of designated sites. Accordingly, it would conflict with the purposes of the Habitat Regulations and Policy EN2 of the Local Plan, which seek, amongst other matters, to give the strongest possible protection to nature conservation sites of international importance.

Other Matters

10. The appellant has set out the replacement agricultural building is to support the expansion and future-proofing of an established business and the scale of the appeal scheme is driven by amount of crops being harvested and the need for a larger quantity of machinery. Reference has also been made to the need for a larger yard to aid manoeuvring and for health and safety reasons but as the LPA have set out, this could be accommodated closer to the location of the existing building that is to be demolished. Although the support that would be provided to the business weighs in favour of the scheme, I have not been provided with information on whether this is the only means to provide such a

replacement building. As such, this limits the weight that I am able to afford to this matter.

11. The principle of the development is acceptable and the proposal, which would be further away from the nearest residential occupier, would not adversely affect the living conditions of neighbouring residents. The existing access would also be used. These are however neutral matters and not ones which weigh in favour of the proposal.

Conclusion

12. I have found that the development conflicts with the development plan read as a whole and there are no other considerations, including the Framework, that indicate that I should take a different decision other than in accordance with this. Therefore, I conclude that the appeal is dismissed.

F Rafiq

INSPECTOR