



Appeal Decision

Site visit made on 26 July 2022

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 27 October 2022

Appeal Ref: APP/D2320/W/22/3293597

Stoat Hall Fisheries, Back Lane, Bretherton, Leyland, Lancashire, PR26 9BE

- 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 David Mitchell against the decision of Chorley Borough Council.
 - The application Ref 21/01278/FUL, dated 13 October 2021, was refused by notice dated 24 December 2021.
 - The development proposed is described as “the applicant is seeking planning permission for 3 no. touring pitches, and also for the retention of 2 no. touring caravans.”
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have adopted the description of the development from the application form in the banner heading above. However, it is described in the decision notice and the appeal form as “change of use of land from angling to mixed use of angling and the provision of five touring caravan pitches, two of which are already in situ.” At the time of my visit, I observed that touring pitches have been created but there were no caravans present. Therefore, I have determined the appeal on the basis of the description in the decision notice.

Main Issues

3. The main issues are:
 - i) Whether the proposal would be inappropriate development in the Green Belt having regard to the revised National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - ii) The effect of the proposal on the openness of the Green Belt; and
 - iii) If the development is inappropriate, whether the harm by reason of inappropriateness or other harm is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether or not inappropriate development

4. Stoat Hall Fisheries is a commercial fishery and angling site accessed from Back Lane. An internal access track circles a large central pond with vegetated bunds

and it provides access to several other ponds, a stable block and a small allotment. It is in an area of sparsely developed open countryside with scattered dwellings and buildings. It is in the Green Belt.

5. The proposal would be a change of use from angling to a mixed use of angling and 5 touring caravan pitches. The pitches would improve the leisure offer, allow anglers to stay overnight or make extended trips, and accommodate touring caravans in general.
6. Paragraph 147 of the Framework advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
7. Paragraph 149 states that the construction of new buildings is inappropriate in the Green Belt, subject to certain exceptions including paragraph 149 b) the provision of appropriate facilities for outdoor sport or outdoor recreation, as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. As paragraph 149 relates only to the construction of new buildings, this exception relates to 'facilities' that are buildings. As neither the pitches nor touring caravans would be buildings, the proposal would not meet this exception.
8. Framework paragraph 150 sets out certain other forms of development that are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. Of relevance is paragraph 150 e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds). While the pitches might be used by persons engaged in outdoor activities, neither they nor caravans would be directly for outdoor sport or recreation. The proposal is not therefore of a type specifically listed under paragraph 150 e). However, the list is not exhaustive and it would not preclude other changes of use of land from being not inappropriate in the Green Belt.
9. Impacts on openness and the purposes of including land within the Green Belt are distinct and separate elements and the exception requires proposals to meet both tests. In this case, there is no dispute that the proposal would not conflict with the purposes of including land within the Green Belt.
10. Turning to the question of openness, the Framework advises that openness and permanence are the essential characteristics of the Green Belt. Openness is the absence of development and it has spatial and visual dimensions, relating not only to physical size and scale but also visual appearance and use. For openness to be preserved, there must be no greater impact on openness than the existing development. Case law has established that preserved does not mean no change, but rather that the change should not be harmful.
11. Earlier planning permissions¹ at the site include hardstanding and wooden building for agricultural and forestry purposes, fencing and borehole housing, ponds, WC and 2no. electricity substation boxes, single storey lean to extension to existing workshops, stable with wind turbine and polytunnel, and demolition of existing building and structures and erection of new dwelling and a storage/ workshop building.

¹ Including refs 93/00440/FUL, 97/00887/FUL, 07/01221/FUL, 09/00428/FUL, 12/00782/FUL, 19/00969/FUL

12. At least some of these permissions have been implemented and the site is not entirely open and free from development. However, the new dwelling is not in the appeal site. The ponds and vegetated bunds appear relatively natural and they blend in with the countryside. The tracks and hard surfaced areas are low level features, screened by bunds and vegetation and in places they also blend into their surroundings due to colonising plants. Other structures, including buildings, picnic benches, domestic greenhouse and water storage containers are scattered and generally small in scale and relatively unobtrusive.
13. The pitches would be hard surfaced with services provided, enabling the siting of caravans and motorhomes throughout the year. There would be a small spatial loss of openness as a result of the permanent physical structures and the volume and bulk of the caravans.
14. The appeal site is generally contained by mature vegetation. The pitches would be unlikely to be visible except from close range within the site. In contrast, by virtue of their bulk and appearance, caravans would be visible in longer range views within the site, from nearby Odd House and through gaps in vegetation including along the boundary with the adjacent Public Right of Way. On the basis that the boundary trees and shrubs are largely deciduous, the proposal would be likely to be more visible during times of year that trees are not in leaf. Moreover, the caravans would be increasingly conspicuous during periods of low light as a result of artificial illumination and activity.
15. Caravans are mobile and when the pitches were not in use there would be a negligible visual impact. However, although the Council suggests a planning condition to prevent permanent residential occupation, this would not prevent the year round presence of caravans, including overnight, so long as they were not in permanent residential use. Therefore, the temporary nature of caravans would not necessarily result in a temporary impact.
16. Caravan sites are commonly found in the countryside, but there is no such site nearby to assimilate the proposal. The caravans would not be integrated into their surroundings by existing dispersed small-scale structures and buildings. They would not be read as part of nearby residential development. The existing development, including ponds, bunds and access tracks, is assimilated into the verdant rural surroundings. In contrast, the caravans would be visually prominent and conspicuous. The visual impact would be emphasized by associated paraphernalia such as outdoor furniture, camping equipment and lighting, and recreational activity including children's play and sitting out.
17. There was little activity at the site at the time of my visit and there is little information in relation to the hours or days of operation, number of fishing pegs or occupancy rates. However, the evidence indicates that fishermen may previously not have stayed for night fishing due to a lack of facilities, the pitches would allow prolonged stays and they would not be restricted to anglers. Therefore, irrespective that anglers currently park their vehicles at the site, the proposal would result in an increase in the number of vehicles, caravans and activity, including overnight. The touring caravans would be markedly different from the existing angling use of the site.
18. The unoccupied pitches would be unobtrusive and they would result in a negligible combined spatial and visual impact on openness. However, the touring caravans, by reason of their volume, bulk, appearance, associated paraphernalia and activity would erode openness. Taking into account the

surrounding context, the visual change would be adverse and there would be a harmful loss of openness of the Green Belt. While the impact would be small in the context of the Green Belt as a whole, the Framework is clear that substantial weight should be given to any harm to the Green Belt.

19. Therefore, I find that the proposal would be inappropriate development in the Green Belt. The proposed change of use would result in greater harm to the openness of the Green Belt than the existing development and therefore it would not preserve the openness of the Green Belt. Consequently, it would not meet the exception in paragraph 150 e) and it would conflict with the policies in the Framework that protect the Green Belt.
20. Although not suggested by the parties, I have considered whether the proposal would meet Framework exception paragraph 149 g) the limited infilling or complete redevelopment of previously developed land (PDL) which would not have a greater impact on the openness of the Green Belt than the existing development. While the fishery may be considered PDL, for the reasons set out above the proposal would have a greater impact on openness of the Green Belt. Therefore, the proposal would not meet the paragraph 149 g) exception.

Other considerations

21. The importance of tourism and leisure developments is reflected in development plan policies that support proposals for open space, sport and recreational facilities. Framework policies that direct local authorities to plan positively for the Green Belt relate to plan making and not to decision making, but other national policies support the sustainable growth of rural tourism and leisure developments. The weight to be attached to a particular policy or benefit is a matter of judgement taking into account the merits of the case.
22. While there is little information about the business or to demonstrate demand for touring pitches, the proposal would be a financial benefit to the appellant's business. There would be social benefits from increased access to outdoor sport and recreation and the countryside. Visitors using the pitches would be likely to support local shops and services. However, based on the scale of the proposal, the social and economic benefits and policy support collectively carry only limited weight in favour of the scheme.
23. The evidence in relation to planning permission Ref 19/00969/FUL for demolitions and the erection of new dwelling and storage/workshop building indicates that it results in an increase in built volume, but a decrease in built footprint and it enhances the appearance of the site. The Council found no greater impact on openness and the proposal met the Framework exception for the redevelopment of PDL. It is not directly comparable to the proposal, which would increase volume but not decrease built footprint or improve the site's appearance. It does not provide a justification for the proposal and it carries negligible weight in favour of the scheme.
24. Compliance with policy including in relation to character and appearance, residential amenity and highways are neutral factors. The absence of objection from the neighbouring occupiers does not weigh in favour of the scheme.

Green Belt Balance

25. I have found that the proposal would be inappropriate development in the Green Belt. It would result in a small but nevertheless harmful loss of openness of the Green Belt. The Framework advises that substantial weight must be given to any harm to the Green Belt.
26. There are no other considerations that would clearly outweigh the harm to the Green Belt by reason of inappropriateness and loss of openness. Consequently, the very special circumstances necessary to justify the proposal do not exist.

Conclusion

27. For the reasons set out above, the appeal should therefore be dismissed.

Sarah Manchester

INSPECTOR