



Appeal Decision

Site visit made on 7 September 2022

by M Clowes BA (Hons) MCD PGCERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd November 2022

Appeal Ref: APP/H4315/W/22/3296591

214 Liverpool Road, Haydock WA11 9SB

- 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 J. Smallshaw against the decision of St Helens Metropolitan Borough Council.
 - The application Ref P/2021/0604/FUL, dated 25 June 2021, was refused by notice dated 11 October 2021.
 - The development proposed is erection of a single residential dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council's decision was made in relation to the St Helens Core Strategy (2012) and the St Helens Unitary Development Plan (1998). These plans were superseded by the St Helens Borough Local Plan up to 2037 (the Local Plan), which was adopted in July 2022. My decision is based upon the policies within the Local Plan (2022) since it is the adopted Development Plan at the time, and the National Planning Policy Framework (the Framework).

Main Issues

3. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - The effect on the openness of the Green Belt; and
 - 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 required to justify the proposal.

Reasons

Inappropriate Development

4. The Local Plan relies on the Framework in relation to proposals for new development within Green Belt locations, such as the appeal site. Paragraph 149 of the Framework indicates 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. 'Limited infilling in villages' is one of the exceptions and upon which the appellant's case relies.

5. It is a matter of dispute as to whether the appeal site is within the village of Pewfall. The Framework does not provide a definition of a village. It has been held in the case of *Wood v Secretary of State for Communities and Local Government and Gravesham Borough Council* (2015) EWCA Civ 195, that it is for the decision-maker to reach a judgement about whether a site is within a village, and that it is a matter of the facts on the ground, as well as taking account of any relevant policies. In this instance, no policies are drawn to my attention with respect to any boundary for Pewfall or its status in any settlement hierarchy. However, in my opinion, villages typically consist of a group of houses along with some associated buildings for community use, such as a public house, church, primary school, village hall and local convenience shop. They are larger than a hamlet (a small settlement) and smaller than a town.
6. I saw that Pewfall consists mainly of ribbon housing development along either side of the A58 Liverpool Road. Such development is predominantly although not exclusively, between Garswood Road and the A580 East Lancashire Road. Facilities are limited to a children's day nursery, a ski-wear shop and what appeared to be a beauty salon. There are no road signs marking the entrance to Pewfall, nor is there a reduction in the 40mph speed limit along Liverpool Road. Without community facilities such as a church and public house, I consider that Pewfall is no more than a collection of buildings including some houses, in a generally rural setting. No evidence is before me that Pewfall is defined as a village within the Local Plan and the annotation of a name on the policies map, cannot be inferred as the Council determining it is a village. Reference is made to google search points indicating Pewfall's status as a village. However, no evidence from such searches is before me.
7. Regardless of the above, the appeal site is visually and physically separated from the built up area of Pewfall, by agricultural fields and woodland planting. I am advised by the appellant that there has been recent large-scale industrial development to the south-west on land that was formerly Green Belt. Nonetheless, I saw that this development faces away from, and is beyond the agricultural field located opposite the appeal site. As such, it does not provide a built-up setting of the proposed dwelling to a significant degree. The established context at the present time, is therefore that of the countryside.
8. I acknowledge that the land opposite now forms an employment allocation within the Local Plan. Nevertheless, it has yet to be developed and it is clear that the appeal site remains within the Green Belt. Likewise, the strategic housing allocation at Florida Farm to the south of the A580 has yet to be built out. Whilst I agree that such development would result in the rounding off of the settlement of Haydock, the location is so far removed from the appeal site beyond the A580, such that it would not affect its context.
9. There is no evidence before me to demonstrate that Pewfall Park is protected as open space in the Local Plan for community purposes including recreation or play. Whilst it may be an asset to residents nearby, it does not alter my view that Pewfall is no more than a collection of buildings with some houses, in a generally rural setting.
10. Even if Pewfall were to be considered as a village, the proposal would need to constitute infilling. There is no specific definition of 'limited infilling' within the Framework. I agree with the Inspector's assessment referred to me by the

Council regarding a different site in Mill Lane, Rainhill (appeal decision APP/H4315/W/16/3158141), that infilling must occur when a gap between buildings is filled, such as when an otherwise built-up frontage is completed. This aligns with the definition of infill in the Council's Local Development Framework Supplementary Planning Document New Residential Development (2011).

11. Although the house at 214 Liverpool Road adjoins one side of the site, a gap of at least 17m would be retained between the dwellings, albeit with the proposed garage to the side of the proposed dwelling. A woodland which is the subject of a Tree Preservation Order (TPO) would be retained to the other side. Therefore, the proposed dwelling would not visually relate to existing built development to either side, with a gap of 40m (as cited by the Council) being retained to 210 Liverpool Road. The presence of trees, even those with a TPO, is not equivalent to built development. Given that the proposal would not be 'limited infilling,' it would not meet the exception identified under paragraph 149e.
12. The appellant also refers to the exception for the 'limited infilling or the partial or complete redevelopment of previously developed land,' under paragraph 149g of the Framework. However, this only applies where there is no loss of openness. The Council dispute the appellant's claim of residential development on the appeal site in the past. They advise that Building Control evidence shows 2 houses were located on the site of No 214, rather than the appeal site. I have no conclusive evidence before me either way, but regardless of this, no development is now present. Even if I were to conclude that the land was previously developed, the erection of a dwelling on a site which is currently vacant, would clearly have a greater impact on the openness of the Green Belt and the purpose of including land within it.
13. Consequently, the proposal would fail to meet any of the exceptions set out by paragraph 149 of the Framework and would be inappropriate development, which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Openness of the Green Belt

14. Paragraph 137 of the Framework indicates that openness is an essential characteristic of the Green Belt, with a key objective being to keep land permanently open. Openness has both a visual and spatial dimension.
15. The erection of a substantial 2-storey, 4-bedroomed dwelling and double garage would result in built development where there is presently none. Views of the site would be possible from Liverpool Road and at a medium distance from the public footpath adjacent to Pewfall Park. The scale and mass of the proposed dwelling would therefore impact on the spatial and visual dimensions of the site, and inevitably lead to a significant loss of openness.
16. I have characterised the site as being within the countryside rather than as part of a village, and as such, the proposal would lead to encroachment of development into the countryside. In relation to this main issue, I consider that the proposal would harm the openness of the area, therefore conflicting with a fundamental aim of the Green Belt and one of its purposes to safeguard the countryside from encroachment.

Other Considerations

17. Reference is made to a previous appeal decision (APP/P2365/W/19/3235741) for 4 dwellings within the Green Belt. In that case the proposal was considered to be viewed in conjunction with existing development that was within a settlement boundary. Given the assessment of the context of the appeal site made above, I do not find the circumstances comparable.
18. I agree that the future occupiers of the proposed dwelling are likely to access the services and facilities of Haydock which includes supermarkets, a school and eating establishments, given it is a short drive away. Although located on a bus route, according to the bus timetable I saw, there is a very limited service to Haydock. It would also be a considerable walking distance from the appeal site, including crossing a busy dual carriageway. The proposed development is not therefore particularly accessible for a rural location, with the future occupiers likely to be reliant on the private car for day-to-day needs. The relative proximity of the appeal site to Haydock also does not render it within a village, which is the prerequisite of paragraph 149e of the Framework.
19. 'Exceptional circumstances' would have had to be present to justify releasing land from the Green Belt, which is likely to have included in part, the significant benefit that circa 2000 new homes would have in respect of the district's housing land supply. The approach within the Framework for assessing individual proposals affecting the Green Belt is however different, requiring 'very special circumstances' to be demonstrated. I acknowledge that the proposal would add to local housing stock. However, the benefits of 1 new home would inevitably be modest and in this instance, to the detriment of local character and the openness of the Green Belt. I appreciate that the proposal is intended to provide a home for a young family. However, the benefits of providing an additional dwelling in this location is of limited weight.
20. The proposed scheme is the resubmission of a previously withdrawn proposal (reference P/2020/0137) and a refused application (reference P/2020/0760/FUL). Although the proposal has evolved with a view to finding a solution to the reasons for refusal, this scheme would also result in harm for the reasons I have identified.

Planning Balance and Conclusion

21. The proposal would amount to inappropriate development in the Green Belt, resulting in a significant loss of openness through the encroachment of development into the countryside. The Framework establishes that substantial weight should be given to any harm to the Green Belt. There are no matters individually or collectively that provide anything other than limited weight in favour of the proposal. These other considerations do not outweigh the substantial weight that I give to the Green Belt harms. Thus, the very special circumstances necessary to justify the proposal do not exist. Accordingly, the appeal is dismissed.

M Clowes

INSPECTOR