



Appeal Decision

Site visit made on 20 September 2022

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 29 November 2022

Appeal Ref: APP/P2365/W/22/3295103

Primrose Hill Nurseries, Garden Centre and Equestrian Store, Asmall Lane, Scarisbrick, Lancashire, L40 8JL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Ian Routledge of Primrose Hill Nurseries Ltd against West Lancashire Borough Council.
 - The application Ref 2021/1442/FUL, is dated 8 December 2021.
 - The development proposed is change of use from storage building to residential.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for an award of costs was made by Mr Ian Routledge against West Lancashire Borough Council. That application is the subject of a separate Decision.

Preliminary Matters

3. The appeal was made against the Council's failure to determine the planning application within the statutory time limits. Consequently, there is no decision notice. However, in its evidence to the appeal the Council states that if it had determined the application, it would have refused it on grounds relating to the unsuitability of the location for new residential development.

Main Issues

4. On the basis of the evidence before me, the main issues are:
 - i) 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;
 - ii) The effect of the proposal on the openness of the Green Belt;
 - iii) Whether or not the location is suitable for new residential development having regard to local and national planning policies for housing; and
 - iv) If the proposal is inappropriate development, whether the harm by reason of inappropriateness and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether or not inappropriate development

5. The appeal site comprises land and a storage building to the rear of Primrose Hill Nurseries (the nursery). It is accessed from Asmall Lane via an unadopted road that serves Primrose Hill House and the nursery. It is in the Green Belt.
6. Policy GN1 of the West Lancashire Local Plan 2012-2027 Development Plan Document Adopted October 2013 (the LP) sets out that proposals in the Green Belt will be assessed against national policy and relevant Local Plan policies.
7. Paragraph 147 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 149 states that the construction of new buildings should be regarded as inappropriate in the Green Belt subject to exceptions. Paragraph 150 sets out that certain other forms of development are also 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 to the appeal is paragraph 150 d) the re-use of buildings provided that the buildings are of permanent and substantial construction.
8. The building that would be converted is a steel portal frame building, with walls comprised of blockwork and timber boarding and a metal sheet roof on timber purlins. The internal floor comprises concrete hardstanding. The evidence is that the building is of permanent and substantial construction.

Openness and the purposes of the Green Belt

9. Based on the evidence and what I saw, the proposal would not conflict with the Green Belt purposes in paragraph 138 of the Framework. Turning to openness, the Framework identifies that the essential characteristics of Green Belts are their openness and their permanence. Openness is the absence of development and it has both spatial and visual aspects.
10. There would be few external changes to the building except for a limited number of new windows and doors, including to the south elevation to replace the roller shutter door. Existing hardstanding would be used for car parking and the private outdoor space would be on previously developed land. Taking into account the existing use of the site, the proposal would not result in a spatial loss of openness and the limited visual changes would not result in an adverse visual impact or loss of openness of the Green Belt.
11. Therefore, I conclude that the proposal would be the re-use of a building of permanent and substantial construction and that would preserve the openness of the Green Belt and not conflict with the purposes of including land within it. As it would meet the exception in paragraph 150 d) of the Framework, it would not be inappropriate development in the Green Belt. It would not conflict with the policies in the Framework that protect the Green Belt.

Whether the location is suitable for new housing

12. The appeal site is in an area of open countryside characterised by large fields with patches of woodlands and trees. It is a sparsely developed rural landscape with scattered dwellings and building groups.

13. LP Policy RS1 is the Council's spatial development strategy and this seeks to focus new housing in accordance with the hierarchy of settlements. In the lower order Small Rural Villages, appropriate re-use of buildings for market housing is permitted. However, outside of the identified settlements, new housing in the Green Belt is restricted to affordable housing that cannot be located in non-Green Belt areas.
14. The appeal building is at the rear of the nursery and there are properties along the road close to the highway access such that it is not remote from dwellings and buildings. The proposal would not be the creation of isolated homes in the countryside which the Framework seeks to avoid. However, even if the cluster of dwellings is a small settlement, it is not a Small Rural Village where the re-use of a building for market housing would be accepted. The proposed market dwelling would not meet the exception for housing in the Green Belt.
15. Except for the adjacent nursery including café, there are no shops or services close to the appeal site. There is a garage convenience store a little over 2km away and Ormskirk town centre, the closest sustainable settlement, is around 3km away. The proposal would be remote from services and facilities and it would not minimise the need for travel.
16. While Asmall Lane appears to be unlit, there is a footway and the appellant has walked to the garage in 26 minutes and to shops in Ormskirk in just under 30 minutes. However, both are further than could be considered a short or convenient walk and not all future occupiers, including children and the elderly, would be able to walk to shops, schools, medical appointments or the like in the same time. Taking into account the distance and the nature of the road, future occupiers would be unlikely to walk to Ormskirk on a regular basis, and certainly not in the dark, during inclement weather or carrying heavy shopping.
17. Ormskirk and the garage are within cycling distance, although given the nature of the rural road it seems unlikely that future occupiers including children would regularly cycle to either. I understand that the closest bus stop to the appeal site is around 3km away and the train station roughly 3.4km. Public transport is not therefore a realistic option in this location. Consequently, while fit and healthy adults might make some limited journeys by walking or cycling, in reality future occupiers would be heavily reliant on private vehicles.
18. The Framework advises that rural housing should reflect local needs, including affordable housing to meet identified needs, and it should be located where it will enhance or maintain the vitality of rural communities and provide support for local services. The proposed market dwelling would not meet an identified local need and it would make a negligible contribution to the vitality of the rural community or the local economy. While opportunities to maximise sustainable transport solutions will vary between urban and rural areas, the proposal would conflict with the rural housing aims of the Framework and the reliance on private vehicles would not support the healthy lifestyles and climate change adaptations supported by the Framework.
19. In the nearby Asmall House Farm appeal (ref APP/P2365/W/20/3244675), the Inspector concluded that on balance the location was not unsustainable because reasonably fit adults could walk to Ormskirk in around 25 minutes. However, it does not automatically follow that because a scheme that is closer to the settlement is sustainably located, locations at greater distances must be similarly sustainable. In this case, the proposal is several hundred metres

further from Ormskirk and the evidence indicates that future occupiers would have to maintain a very brisk walking pace if they were to reach the shops and services in around half an hour. Irrespective of the similarities, the greater distance and the proportionately longer walk leads me to reach a different conclusion in respect of accessibility and sustainability.

20. In an appeal in Aughton (ref APP/P2365/W/21/3277552), the Inspector found there were facilities within a 20-25 minute walk along partly unlit lanes with narrow or no footways and that an electric vehicle charging point would encourage the use of such vehicles. It does not appear directly comparable to the proposal, which would not be within a short walk of a range of facilities, in terms of its relationship to settlements or its accessibility by sustainable transport. Schemes elsewhere do not provide a justification for the proposal.
21. Therefore, I conclude that while the proposal would not be an isolated home in the countryside, the location is not suitable for new residential development, having regard to local and national planning policies for rural housing. It would conflict with the locational strategy and rural development outside of settlement boundaries aims of LP Policies RS1 and GN1.

Other Matters

22. The proposal would not result in adverse impacts on the living conditions of neighbouring residential occupiers, the highway network, flooding, or biodiversity. There are no concerns in relation to the design or appearance of the proposal. These matters weigh neither for nor against the proposal.
23. The proposal would be the re-use of a building, but there is little evidence that it could not be used for storage or that suitable alternate uses have been explored and discounted.

Conclusion

24. The proposal would be not inappropriate development in the Green Belt and there would be no loss of openness of the Green Belt. As there would be no Green Belt harm, by reason of inappropriateness or loss of openness, it has not been necessary for me to consider whether other considerations would amount to very special circumstances necessary to justify the proposal.
25. However, the proposal would conflict with the Council's locational strategy and its rural housing aims. Moreover, the location is not suitable for new residential development, taking into account the accessibility of services and facilities and sustainable transport.
26. For the reasons set out above, the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict.
27. Therefore, I conclude that the appeal should be dismissed.

Sarah Manchester

INSPECTOR