



Appeal Decision

Site visit made on 1 August 2022

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 4th January 2023

Appeal Ref: APP/P2365/W/22/3296024

Higher Wrennals Farm, Coopers Lane, Hilldale, Heskin PR7 5PU

- 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 outline planning permission.
 - The appeal is made by Mr Tony Scholes against West Lancashire Borough Council.
 - The application 2021/1096/OUT is dated 14 September 2021
 - The development proposed is described as demolition of existing horse walker, store and part of stables and erection of detached bungalow
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Outline planning permission is sought, with all matters reserved apart from access, layout and scale. I have determined the appeal on this basis.

Main Issues

3. The appeal was submitted due to the Council failing to make a decision within an agreed period of time. Based on the submitted policies, my site visit, and representations from the parties; I consider the main issues to be:
 - 1) 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;
 - 2) the effect on the openness of the Green Belt;
 - 3) whether or not the proposed development would provide a suitable location for housing; and
 - 4) whether any 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

4. The appeal site comprises stable buildings, a sand paddock and horse walker located at Higher Wrennals Farm, with the wider farm also containing a residential farmhouse and fields. The site is located within the Green Belt and the surrounding area is rural in nature, defined primarily by large, open fields. Policy GN1 of the West Lancashire Local Plan 2012 – 2027 (the Local Plan) states that within the

Green Belt development proposals will be assessed against national policy and any relevant local plan policies.

5. The Framework states at paragraph 149 that construction of new buildings in the Green Belt should be regarded as inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. This is subject to several exceptions including, at 149(g), limited infilling or partial or complete redevelopment of previously developed land (PDL), whether redundant or in continuing use (excluding temporary buildings), which would not: have a greater impact on the openness of the Green Belt than the existing development; or cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority. There is no substantial evidence before me to suggest that the proposal would contribute to meeting an identified affordable housing need within the area.
6. The Framework defines PDL as land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure. This excludes land that is or has been occupied by agricultural buildings. There is no dispute between the main parties that the stables are PDL. However, the Council has stated that the horse walker could be seen as a temporary structure and, while it makes no reference to the sand paddock in its PDL assessment, later refers to this part of the site as undeveloped.
7. From my observations, the site reads and functions as part of the land use associated with the dwelling at Higher Wrennals Farm, for leisure and hobby purposes. There is nothing of substance, either before me or noted on my visit, to indicate the horse walker is not a permanent structure. As such, I consider it reasonable to conclude on the information before me that this is a permanent structure and this land would therefore be PDL. The sand paddock is adjacent to, and provides an entrance for, the horse walker. As such, it is related to and within the curtilage of the surrounding developed land. On this basis, I consider that the appeal site in its entirety would constitute PDL.
8. Accordingly, whether the proposal would constitute inappropriate development will depend on whether it would have a greater impact on the openness of the Green Belt than the existing development.

Impact on openness

9. 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.
10. The proposal would represent a slight reduction in the volume of buildings and would consolidate the built form at the site. However, while there is no requirement for it to have the same footprint as the existing development, the proposal would nevertheless result in the redistribution of floorspace across a larger, singular area in a part of the site that currently reads as notably less developed.
11. The proposal would primarily sit within the sand paddock, which has a sizeable footprint and is surrounded by fencing. However, it is free from vertical buildings, which serves to limit its overall visual impact on openness. In addition, the horse walker, though of permanent construction, allows for some views through its side

walls. By comparison, a bungalow of the footprint proposed would be a bulkier and more dominant structure in this location. By its nature it could also lead to the introduction of additional domestic paraphernalia at this part of the site.

12. I acknowledge that the stable buildings would be removed. However, I find that the largest of these to the north of the horse walker is in a discreet position. It adjoins and sits behind an element of built form and is almost entirely screened from Coopers Lane. As such, its removal would do little to offset the visual impact on openness of the proposal in a more prominent part of the site.
13. I further accept the possibility of constructing the driveway under permitted development rights. However, the scheme before me relates to the appeal in its entirety and I have assessed the proposal on this basis. The presence of the bungalow would be further signalled by the driveway, contributing to the overall prominence of the development at this location.
14. As such, while the spatial impact of the proposal on surrounding openness may be similar to the current development, I find that its visual impact would be greater. Overall, it would therefore have a greater impact on the openness of the Green Belt than the existing development.
15. For these reasons, the proposal would not meet the exception set out in paragraph 149(g) of the Framework. 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. In this regard, it would also conflict with Policy GN1 of the Local Plan.

Suitable Location

16. The Framework seeks to ensure that planning decisions avoid development of isolated homes in the countryside. The main parties agree that, due to the position of the site relative to other buildings on Coopers Lane, the proposal would not be isolated. Based on my observations I have no reason to disagree.
17. Nevertheless, this is a separate consideration from whether the proposal would be in a suitable location with regards to accessibility of services. The Framework is clear at paragraph 79 that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities, and acknowledges that development in one village may support services in a village nearby.
18. On the evidence, the villages of Hilddale and Wrightington Bar are located 1.3 and 1.2 miles from the site respectively. However, due to the nature of Coopers Lane, undertaking trips to these villages either on foot or by bicycle would involve sections of a narrow unlit road with no footways, as would travelling to access nearby public transport services. Combined with the distance involved, future occupiers of the proposal would be unlikely to undertake such journeys regularly, particularly at night or in poorer weather conditions. In addition, I observed both Hilddale and Wrightington Bar to offer limited services that would support day to day lives of residents of the proposal. This would necessitate regular trips of greater distances beyond these locations such that future occupants would fail to significantly support the services of these villages. Accordingly, the location of the proposal would fail to enhance or maintain the vitality of rural communities.

19. I recognise that in accordance with the Framework opportunities to maximise sustainable transport solutions will vary between urban and rural areas. However, for the reasons given above, I find that the specific location of this site significantly compromises the choice of transport modes. Accordingly, there would be limited opportunity for occupiers of the proposal to access services and facilities by means other than private vehicle, such that there would be an unduly heavy reliance on this mode of transport in this case.
20. The appellant has referred to two appeal decisions¹ which deal with similar issues. I do not have the full details of the cases, but note the reference to taking a balanced approach depending on the context. While one Inspector concluded that a distance of 2km to local services was suitable, I have no information on the comparability of the services provided to those of Hilldale or Wroughtington Bar, or the nature of the journey on foot or bicycle. I further note that a railway station was easily accessible in that case by a short, well lit footpath. In any event, I have decided the proposal before me on its own merits and site specific circumstances.
21. I acknowledge that the proposal would incorporate charging points for electric vehicles. This would be a benefit of the proposal, aligning with the aims of local and national policy to lessen environmental impacts as it would encourage visitors and occupiers to use such vehicles. However, there would be no guarantee that such vehicles would be owned or used and it would not be possible to impose a condition in this regard. As such, this benefit does not outweigh the overall effect of the reliance on private motor vehicles and the increased number of car journeys.
22. For the reasons given, the proposed development would not provide a suitable location for housing with regards to its accessibility to local services and facilities. As such, it would fail to comply with the provisions of paragraph 79 of the Framework, which seek to promote sustainable development in rural areas.

Other considerations

23. I have found the proposal would be inappropriate development in the Green Belt, a matter to which the Framework requires me to give substantial weight. There are no other considerations which clearly outweigh the harm by reason of inappropriateness. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

24. The proposal would conflict with the development plan. There are no other considerations, including the provisions of the Framework, which indicate that a decision should be taken other than in accordance with the development plan. For this reason, the appeal is dismissed.

C Rafferty

INSPECTOR

¹ APP/P2365/W/22/3291480; APP/G1630/A/2223858