



Appeal Decision

Site visit made on 9th November 2022

by S Brook BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 January 2023

Appeal Ref: APP/P2365/W/22/3303151

Former TC Hand Car Wash, Southport New Road, Tarleton, Mere Brow, Preston PR4 6JP

- 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 Bella Homes NW Ltd against the decision of West Lancashire Borough Council.
 - The application Ref 2022/0035/FUL, dated 11 January 2022, was refused by notice dated 22 March 2022.
 - The development proposed is described as 'Proposed demolition of existing building and canopy (café) and canopies associated with hand car wash facility and the erection of four retail units, comprising a mix of; two non-food retail units [Use Class E(a); one food retail unit [Use Class E(b)]; and one hot food take away unit [Use Class Sui Generis]; with associated external works, parking, access and landscaping'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted revised plans with the appeal to address some of the Council's concerns. The revisions generally relate to landscaping details within and to the boundaries of the site. Some computer-generated imagery of the proposal has also been provided. Whilst the appeal process should not be used to evolve a scheme, no changes are made to the size, design and position of the proposed buildings and the general arrangement of the site, including parking. As such, I do not consider that my taking the revised plans into account would prejudice the Council. The Council has had an opportunity to comment on the changes at the appeal stage. Accordingly, I have determined the appeal on the basis of the revisions.

Main Issues

3. The main issues are:
 - i. Whether the proposal would be inappropriate development in the Green Belt having regard to any relevant development plan policies and the National Planning Policy Framework (NPPF).
 - ii. The effect of the proposed development on the openness of the Green Belt.
 - iii. The effect of the proposed development upon the character and appearance of the area.

- i. The effect of the proposed development on the living conditions of the occupiers of nearby residential properties, with specific regard to noise.
- ii. Whether any harm by reason of inappropriateness, or 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

Whether inappropriate development

4. Policy GN1 b) of the West Lancashire Local Plan 2012-2027, Development Plan Document, October 2013 (LP), sets out that development proposals within the Green Belt will be assessed against national policy and any relevant Local Plan policies. The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions as set out in paragraph 149. One such exception being the complete redevelopment of previously developed land, whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt than the existing development. Policy GB3 of the Council's Supplementary Planning Document - Development in the Green Belt, October 2015 (SPD) remains consistent with this approach.
5. As the proposed development would involve the re-development of previously developed land, then it is necessary to determine whether the proposal would have a greater impact on the openness of the Green Belt, in order to establish if the proposal would or would not be inappropriate development in the Green Belt.

Openness

6. The appeal site lies to the north of Southport New Road (the A565), a busy single and dual carriageway connecting Preston and Southport. The site is currently vacant and was last used as a car wash and café. There is one single storey flat roof building (the former café) located centrally to the site with a large canopy projecting forward from it. A further canopy, smaller in area but similar in height, is positioned to the west, and set further back. These buildings and structures are in a deteriorating state. The remainder of the site is hardstanding with an area of piled earth and rubble to the west. Open fencing forms the side and rear boundaries, with temporary fencing to the frontage. The land beyond the site to the north, east and west is flat and has an open rural character. Mature hedgerows line the road in either direction. The village of Mere Brow is to the south-west of the site.
7. The proposal would introduce four buildings across the site from east to west, in two groups with a central seating area. Bin stores would be located to the eastern and western extent of these buildings. Car parking would be arranged across the width of the site frontage with a strip of tree planting to the front and a wider area of landscaping wrapping around the buildings to the rear. The plans indicate that the buildings would extend back from the approximate location of the existing café building almost to the rear of the site and that the

ridge height of the proposed units would sit below the height of the existing canopies.

8. The existing building on site has a floor area of 155m² and a volume of approximately 498m³. The proposed development would have a floor area of approximately 500m² and a volume of approximately 2430m³. The proposal would therefore result in a significant increase in the volume of buildings on the site over the present situation. Even if the volume of the canopies measured from the canopy floor were taken into account, the proposal would still represent a significant uplift in the volume of built development on the site.
9. The existing canopy structures are large and prominent when approaching the site, and the appearance and deterioration of the existing buildings and structures detract from the visual qualities of the area. However, the limited size and extent of the café building in relation to the overall site, the surrounding hardstanding and the nature of the open sided canopies, does allow views through and across the site to the fields beyond. As such, whilst there is some visual detriment resulting from the present situation, nevertheless, the site has an open and spacious feel that contributes to the openness of the area.
10. The proposed buildings have been designed with glazed front and rear elevations, which, to a degree, would give the impression of a more lightweight building. These buildings would be set further back than the existing canopies and would be slightly lower in overall height, which would reduce the presence of the built form in some views. A central square is provided which would allow some views between the buildings. Nevertheless, the scale and massing of the proposed buildings would be greater than that of the existing building and it would extend across a larger portion of the site's frontage. These factors would reduce the overall sense of space within the site and would be more visually intrusive by restricting to a greater extent views through and across the site to the wider area. As such, there would be a greater, unacceptable adverse impact on the openness of the Green Belt than exists at present, openness of aspect being a key characteristic of this part of the countryside.
11. As with a car wash, there would also be transient impacts resulting from car parking. However, I have not been provided with any comparison of typical parking requirements associated with that use or the proposed use, in order to give this any weight either for or against the proposal. Whilst landscaping would potentially soften the development and assist with assimilating it with the wider area, it would not mitigate the identified harm.
12. On this basis, I conclude that the proposal would have a greater impact on the openness of the Green Belt than the existing development. It would therefore amount to inappropriate development, conflicting with LP Policy GN1 and paragraph 149 g) of the NPPF.

Character and appearance

13. The site is previously developed land and commercial use has ceased. The deteriorating state of existing buildings and structures, as well as the extent of hardstanding, are detrimental to its present appearance. Redeveloping the site could lead to visual enhancement, depending on the detailed scheme.

14. The four commercial units would be simple in overall form, with timber structural frames exposed to the front and rear elevations, beyond dark framed curtain walling, a simple ridged slate roof and mainly brick elevations to each side in a weathered antique style. The overall design of the buildings and the materials proposed would be of a good standard, contemporary, whilst referencing the agrarian character and appearance of nearby buildings. I have made this assessment having regard to surrounding built development, including the Tarleton Office Park which has been referred to in the submissions.
15. However, whilst I appreciate that the surrounding area contains some sporadic development, the proposal would notably intensify the built form on this site. As indicated above, the scale and massing of buildings would increase and spread across the site, and the large parking area would dominate the site frontage, with only a limited area for tree planting next to the road. In combination, these elements would have a greater urbanising influence on the character and appearance of the site, which would be at odds with the open and rural character of the surrounding land, particularly to the north, east and west. Whilst landscaping areas are included, these are mainly located towards the rear of site and would not be sufficient to mitigate this urbanising influence from public views of the site, particularly from the south.
16. The overall form of the development would harm the character and appearance of the area. The proposal would not comply with LP Policy GN3, which, together with the Council's Supplementary Planning Document Design Guide, January 2008, requires that new development be of a high quality and sensitive design, of a scale, mass and built form which responds to local distinctiveness. Furthermore, the requirements of the NPPF are not met in terms of achieving development which adds to the overall quality of the area, is visually attractive as a result of good architecture, layout and appropriate and effective landscaping and is sympathetic to local character including the surrounding built environment and landscape setting.

Living conditions

17. There are residential properties located to the south on Mere Brow Lane beyond the main road, and to the west, off Moss Hey Lane, separated by open fields.
18. Given the busy road, traffic is the primary noise source influencing the noise environment around the site. Whilst these levels reduce as you move away from the road, I noted at my site visit that traffic noise remained audible along Moss Hey Lane during the day. Traffic volumes and therefore the associated noise, tend to decrease during evening hours, corresponding with a quieter noise environment generally during these times.
19. The proposed uses are likely to require lighting, fixed plant, refrigeration, ventilation and extraction systems. They would also attract customers, and require regular deliveries and waste collection services, which would all generate vehicle movements, and which could give rise to noise and disturbance for nearby residents. However, noting the existing noise environment and the physical separation of the site from the nearest residential properties, I am satisfied that planning conditions could secure satisfactory details of any lighting, fixed plant, refrigeration, ventilation, extraction systems, hours of opening and hours of delivery and waste

collection, so that reasonable levels of amenity for neighbouring properties are retained.

20. To conclude on this main issue, subject to the imposition of appropriate conditions, the proposed development would not harm the living conditions of the occupiers of nearby residential properties. The proposal would comply with LP Policy GN3 which seeks to ensure that development retains reasonable levels of amenity for neighbouring properties. Further, it would meet the policy of the NPPF in terms of achieving a high standard of amenity for existing users.

Other considerations

21. The site is previously developed land and the proposal would secure the re-development of a now vacant commercial premises, in an efficient manner. The development would see the removal of the deteriorating canopies, café building and hardstanding from the site, which presently detract from the visual quality of the area on a busy route connecting Preston and Southport and within the Green Belt. This would amount to a moderate benefit, along with the net gain in biodiversity resulting from the partial landscaping of the site. However, it has not been demonstrated that the scale of the proposed development is the minimum necessary to achieve this benefit.
22. The proposal would generate a number of social and economic benefits. During construction, the proposal would provide employment and spending in the supply chain. Given their temporary nature, these benefits would be modest. However, there would also be further, longer-term benefits such as the provision of high-quality units for businesses, increased employment opportunities and customer spending in each of the units. As the development appears to be speculative, no specific evidence has been provided in this regard. Given the scale of the proposal, I consider that this could amount to a moderate benefit.
23. The proposal would not give rise to any technical issues relating to highway matters, on site ecology, drainage or contamination, that could not be addressed by the imposition of suitable planning conditions. These matters are afforded neutral weight. The absence of any impact on heritage assets and the site's location predominantly in flood zone 1 does not weigh in favour or against the appeal scheme.
24. I note the site's proximity to cycleways and a bus stop within Mere Brow, but with regards to the latter, users would need to cross the dual carriageway. I would therefore anticipate most journeys to be by private vehicle owing to the site's location and the road network, thereby limiting the weight attributed to the accessibility of the location by means other than the private car.
25. It has been suggested that, if permission were not forthcoming, the site would be used by a haulage firm as a lorry wash, 7 days a week and from 8am to 6pm. While I have been presented with a tenancy agreement, it has not been completed and includes no detail relating to the intended tenant. The deteriorating state of the buildings and structures on site, casts some doubt on any resumption of the use. Nevertheless, the lawful use of the site as a car wash is undisputed and there is a greater than theoretical possibility of this use recommencing.

26. In this scenario, the primary function of the haulage firm to transport goods will presumably remain unchanged, and it seems unlikely that it would be economically beneficial for such a firm to have their lorry fleet out of operation for cleaning purposes for any extended length of time, or in any significant numbers. The visual and spatial effects of parked lorries could be significant, but in the absence of a detailed analysis of how many vehicles would be at the site, or for how long, it has not been shown that such a use would have any more than modest transient impacts on the openness of the Green Belt over and above the former use, and the existing built form would remain unchanged. The appeal scheme, with more permanent development, would have a greater impact on the openness of the Green Belt than the present situation, even if factoring in the transient impacts of a lorry wash. As such, implementation of the appeal scheme over this fallback position has not been shown to be a benefit and does not weigh in favour of granting permission.

Green Belt Balance

27. Whilst I have not identified any harm to the living conditions of occupiers of neighbouring properties, the proposed re-development would have a greater impact on the openness of the Green Belt than the existing development, and therefore, the proposal would be inappropriate development in the Green Belt. As inappropriate development is, by definition, harmful to the Green Belt, I give it substantial weight as required by paragraph 148 of the NPPF. The proposal would also result in moderate harm to the character and appearance of the area.

28. I have considered the matters put before me in favour of the scheme, including the fallback position. However, I conclude that these other considerations taken together do not clearly outweigh the substantial weight I have afforded to the Green Belt harm and the other harm arising from the proposal. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

29. The proposed development conflicts with the development plan when taken as a whole and there are no other material considerations worthy of sufficient weight to suggest the decision should be made other than in accordance with the development plan. The appeal should therefore be dismissed.

S Brook

INSPECTOR