



Appeal Decision

Site visit made on 23 November 2022

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 January 2023

Appeal Ref: APP/D2320/W/22/3301270

Land off Halls Square, Town Lane, Whittle-Le-Woods, Chorley PR6 8AQ

- 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 and Mrs Green against the decision of Chorley Borough Council.
 - The application Ref 22/00369/FUL, dated 31 March 2022, was refused by notice dated 26 May 2022.
 - The development proposed is the erection of 2no. sheds following the demolition of 2no. existing sheds. Resubmission of LPA Ref 21/00706/FUL.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 2no. sheds following the demolition of 2no. existing sheds at Land off Halls Square, Town Lane, Whittle-Le-Woods, Chorley PR6 8AQ in accordance with the terms of the application, Ref 22/00369/FUL, dated 31 March 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan DS/1005/LP and Proposed Garden Shed DS/1005/4 A.

Application for Costs

2. An application for costs was made by Mr and Mrs Green against Chorley Borough Council. This application is the subject of a separate decision.

Preliminary Matters

3. The description of development in the banner heading above includes reference to a previous application. I have removed this from the formal decision as it is not a description of development, rather a phrase which relates to the merits of the case.
4. A third existing shed has been identified within the appellant's evidence however this is not indicated on the existing or proposed site plans. I have determined this appeal accordingly.

Main Issue

5. Whether the proposal would be inappropriate development in the Green Belt.

Reasons

6. The appeal site is an area of land used as garden space associated with the dwelling at 4 Halls Square. The site contains numerous domestic paraphernalia and features, including shed 1 which, at the time of my site visit, appeared to have been re-positioned in accordance with the submitted plans. Permission is sought for the repositioning of shed 1, demolition of shed 2 and the erection of a new shed.
7. No development plan policies in relation to the Green Belt are referred to in the reason for refusal, the Council's case relying instead on the National Planning Policy Framework (the Framework). The Framework makes it clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
8. The construction of new buildings should be regarded as inappropriate in the Green Belt subject to a number of exceptions as set out in paragraph 149 of the Framework. One exception, at paragraph 149 d), is the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
9. The proposed shed would occupy a similar position within the site to the location of shed 1 prior to its repositioning. However, it would have a considerably greater footprint and volume than shed 1. Permission is also sought for the repositioning of shed 1 and shed 2 would be demolished. Shed 1 would also have a significantly larger footprint and volume than the shed it replaces. It is clear that, collectively, the proposal would undoubtedly result in buildings which would be materially larger than the ones they seek to replace.
10. Turning to whether the proposal meets any other exceptions, paragraph 145 b) of the Framework relates to the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments. Such facilities are not considered inappropriate development providing that they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
11. The appeal proposal concerns two sheds which would be used in connection with the existing domestic garden and would assist with its maintenance and enjoyment. They would not be an unusual feature within this domestic setting and would be commensurate with the size of the large garden. In my view, the proposal represents appropriate facilities for the existing domestic use of the site and would clearly be used for outdoor recreation, namely gardening purposes. As such, there would be no conflict with the guidance set out in paragraph 46 of the Central Lancashire Rural Development Supplementary Planning Document (October 2012).
12. Turning now to the effect of the proposal on the openness of the Green Belt, paragraph 137 of the Framework states that a 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. When applying the concept of openness to the particular facts of a case, a number of factors are capable of being relevant. For the purposes of this appeal, I have considered both the visual and spatial aspects of openness.

13. The proposed development would be well screened from public vantage points due to the mature landscaping and enclosed setting of the appeal site. Any views which may be achieved would be tempered by the landscape features and the close association with the well domesticated site and the adjacent dwellings.
14. Spatially, the development would be of a compact form, comprising only a very small proportion of the appeal site and discreetly positioned to one side. The proposal would amalgamate the existing built form on the site closer together. Overall, the proposal would not be excessive in size and scale.
15. Paragraph 138 of the Framework sets out the five purposes of the Green Belt. As noted, the proposal would consolidate the existing arrangement of built form at the appeal site and it would be sited in a similar position to the existing. It would not therefore conflict with any of the purposes, namely safeguarding the countryside from encroachment.
16. Taking all the above into consideration, the proposal would preserve the openness of the Green Belt and would not conflict with any of its purposes. Accordingly, it would not constitute inappropriate development in the Green Belt. The proposal therefore complies with the Green Belt aims set out in the Framework.
17. As I have found that the proposal falls within the exception at paragraph 149 b) of the Framework, even though the exception at 149 d) may be applicable, this does not outweigh my conclusion.
18. Given that the development does not amount to inappropriate development in the Green Belt, there is no need for me to assess other considerations, and whether very special circumstances exist in order to justify the development.

Other Matters

19. A concern has been raised regarding access arrangements to adjacent sites and the parking of a vehicle at the appeal site, however this proposal relates to the siting of sheds to be used in connection with the garden only.
20. The proposal does not involve the loss of trees and would not cause overshadowing to or harm the outlook for neighbouring occupiers given the distance and offset positioning between the appeal site and the nearest neighbouring property. The Council's consultee has also confirmed that the proposal would pose a very low risk to wildlife.

Conditions

21. The Council has provided a list of suggested conditions, which the appellant had the opportunity to comment on. In the interests of certainty, conditions specifying the time limit and the approved plans are necessary. A condition requiring the proposal to be finished in the materials specified on the approved plans is not necessary.

Conclusion

22. For the reasons given above, the appeal is allowed.

H Ellison INSPECTOR