



Appeal Decision

Site visit made on 31 August 2022

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 19th January 2023

Appeal Ref: APP/P2365/W/22/3299820

Lees Lane Nurseries, Lees Lane, Dalton WN8 7RB

- 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 P Sephton against West Lancashire Borough Council.
 - The application 2021/1096/OUT, dated 22 June 2021, was refused by notice dated 6 December 2021.
 - The development proposed is described as demolition of existing glasshouses and erection of 1 No. detached dwelling with detached garage outbuilding
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was accompanied by legal advice in respect of an earlier refusal of planning permission and pre-application discussions relating to the current proposal, to which I have had regard. While the Council refers to its own legal advice, no copy of this has been provided to the appellant or with this appeal.

Main Issues

3. The main issues are:
 - 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) whether the proposed development would provide a suitable location for housing; and
 - 3) 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 site is an area of land off Lees Lane in Dalton in the Green Belt. It contains large glasshouses and a driveway, sited adjacent to the commercial units of Aids 4 Mobility. The area is rural with sporadic residential development, including Blackbird's Farm which also contains a Grade II Listed barn. 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 and local policy.

5. The Framework states 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 exceptions, including at paragraph 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.
6. Although pre-application advice from the Council suggested that the glasshouses are temporary buildings, there nothing is substantive, either before me or observed on my visit, to suggest this is the case. They have been present on the site for some time and, even acknowledging the overgrown vegetation and missing glass panes, retain an overall permanent structural appearance. While the glasshouses are not in optimum condition, this alone does not result in them being temporary.
7. 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 definition excludes land that is or has been occupied by agricultural buildings. While the main parties agree the glasshouses were originally agricultural, there is dispute whether this prevails and, as such, if the site is PDL.
8. At the time of my visit the glasshouses were not being used for agricultural purposes but, despite some broken panes of glass, appeared to be actively and effectively in use for storage of vehicles, wooden pallets and rubbish. It is established that the mere cessation of an agricultural use would not cause the glasshouses to cease being agricultural buildings.¹
9. However planning permission was granted for the change of use of land at Lees Lane Nurseries from agricultural to storage and distribution² of mobility products, and the main parties agree that the glasshouses were within the red line boundary for that permission. From my visit I observed this to be consistent with the use of the wider land at Lees Lane Nurseries. As a result of this permission, I am satisfied that the current lawful use of the glasshouses is for storage and distribution of mobility products. As such, they are not agricultural buildings and should be treated as PDL for the purposes of this appeal.
10. For the reasons given, I am satisfied that the site, including the glasshouses, is PDL. 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.
11. 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." On the evidence submitted, the proposed dwelling and outbuilding would reduce the built form at the site, with the appellant stating a 49% reduction in footprint and 19% reduction in volume when compared to the glasshouses. However, the consideration of openness is considered by other factors, including a visual aspect.
12. The proposal has been designed to reflect the glasshouses. However, although of permanent construction, the glasshouses have a lightweight appearance due to the prevalence of glazing. Even with partially glazed gable ends the proposal would have a considerably bulkier appearance as a more solid element of built form. In

¹ Lee Valley RPA and Broxbourne BC and Britannia Nurseries - EWHC 185 (Admin) [2015]

² 2016/1078/FUL

addition, while it would be single storey in nature, the maximum ridge height of the proposed dwelling would be above than that of the glasshouses, such that overall it would be more visually prominent in the immediate surrounds. Its presence would be further highlighted by the introduction of a domestic curtilage and additional element of hardstanding, within which it is likely that domestic paraphernalia would be placed, further impacting on the openness of the vicinity.

13. As such, while the spatial impact of the proposal on surrounding openness may be less than that of the current development, its visual impact would be notably greater. Overall, it would therefore have a greater impact on the openness of the Green Belt than the existing development, contrary to paragraph 149(g) of the Framework, such that it would not meet this exception. There is no suggestion that it would meet any other exception in the Framework and would therefore represent inappropriate development, which by definition is harmful to the Green Belt. In this regard it would also fail to comply with Policy GN1 of the Local Plan.

Suitable Location

14. The Framework seeks to ensure that planning decisions avoid development of isolated homes in the countryside, subject to certain exceptions. It has been established that in this context the term isolated should be given the ordinary meaning.
15. Although the appeal site occupies a rural location, it is not isolated in the sense of being remote or far away from other places, buildings or people. It is adjacent to the units of Aids 4 Mobility, beyond which a dwelling is located at Blackbirds Farm. Further sporadic residential development is also present nearby along Lees Lane. Accordingly, the site cannot be described as isolated within the ordinary meaning, such that the erection of a dwelling in this precise location would not result in an isolated home in the countryside.
16. Nevertheless, this is a separate consideration from the accessibility of services. On the evidence the site is situated some 1.4-2km from the villages of Parbold and Newburgh. However, trips to these locations via Lees Lane on foot or bicycle would involve travelling along an unlit road that is, in places, narrow, without footways, and lined with dense planting. The same would be true for trips to access public transport services. I observed on my visit that there is a network of public footpaths close to the site which would provide alternative routes to services and facilities, but noted these to also be narrow and unlit in addition to certain sections being unpaved or crossing open fields.
17. As such, when combined with the distances involved, occupiers would be unlikely to undertake journeys to Parbold and Newburgh regularly on foot, by bicycle or using public transport, particularly at night or in poor weather. Accordingly, there would be limited opportunity to access services and facilities by means other than private vehicle. Even acknowledging that opportunities to maximise sustainable transport will vary between urban and rural areas, due to the position of the site relative to nearby villages there would be an unduly heavy reliance on private vehicles in this case.
18. There is no evidence to demonstrate that a dwelling at the site would promote sustainable development by enhancing or maintaining the vitality of rural communities. Although it would not be isolated it would remain some distance from the main communities of Parbold and Newburgh and, while smaller

settlements may support services in a village nearby, the likely high dependency on car travel may encourage trips further afield.

19. For the reasons given, the proposed development would not provide a suitable location for housing. As such, it would fail to comply with Policies GN1 and RS1 of the Local Plan, which seek to ensure that development is suitably located.

Other considerations

20. Reference is made to the sustainability credentials of the proposal, in terms of materials, construction and running costs. However, the overall sustainability benefit is limited by the single dwelling nature of the proposal. In addition, the current physical condition of the glasshouses would not justify a scheme with a greater impact on openness than the existing development.
21. The Framework seeks to support a prosperous rural economy. However, it states housing should be located where it will enhance or maintain the vitality of rural communities, which I have found would not be the case. While the appellant has referred to Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) which permits the change of use of an agricultural building to a dwelling, this is not intended as a wider expression of policy support regarding new dwellings in the countryside. These arguments attract little weight in favour of the proposal.
22. While the business adjacent to the site provides employment opportunities and services to the community, this is not relevant to my consideration of the planning merits of the proposal. Similarly, while it has been raised that the proposal would deter criminal activity within the vicinity of the site, I have no substantive evidence that this would be the case.

Green Belt Balance

23. I have found the proposal would be inappropriate development in the Green Belt, a matter which the Framework requires me to give substantial weight. Even when taken together, 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