



Appeal Decision

Site visit made on 31 January 2023

by K L Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 February 2023

Appeal Ref: APP/F2360/W/22/3309015

Land to the rear of Duxburys Garden Centre, 92 Chain House Lane, Whitestake, Preston PR4 4LB

- 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 Ventbrook Limited against the decision of South Ribble Borough Council.
 - The application Ref 07/2021/00939/FUL, dated 1 September 2021, was refused by notice dated 21 June 2022.
 - The development is a retrospective application for retention of a compound in connection with a traffic management company, including portacabins for offices and storage and associated parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address has been described in different terms on the application form, decision notice and the appeal form. For clarity, I have used the address provided by the Council on their decision notice as this appears to be the most accurate reflection of the site's location.
3. I observed during my visit that the development has already taken place. I have therefore dealt with the appeal on the basis that the development has already occurred and with regard to the plans submitted with the application.
4. The application form described the proposed development as 'Retrospective application for retention of a compound in connection with a traffic management company, including portacabins for offices and storage and associated parking'. It is clear from the evidence before me, including the Council's decision notice and the appeal form, that the development includes the erection of a 2.1 metre-high palisade fence. The Council determined the application on that basis, and I have done the same.

Main Issues

5. The appeal site falls within land designated as Green Belt. Therefore, the main issues are:
 - whether or not the development is inappropriate development in the Green Belt and the effect of the development on the openness;
 - the effect of the development on the character and appearance of the area; and

- if the development is inappropriate, 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 the development.

Reasons

6. The appeal site is a compound delineated by, in the majority, a high palisade fence. There are several single storey modular buildings sited along the western and northern boundaries of the site. A sectional building used a workshop is in the northeast corner and a two-storey modular building to the east of the site entrance alongside which is racking to store road signage and equipment and open storage along the eastern boundary. The central part of the site is open to allow vehicles to manoeuvre. It is situated within the Green Belt.

Inappropriate Development

7. The Framework identifies that, other than in connection with a small number of exceptions, the construction of new buildings should be regarded as inappropriate development in the Green Belt. 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.
8. The construction of new buildings and certain other forms of development should be regarded as inappropriate development in the Green Belt, subject to the exceptions set out in paragraphs 149 and 150 of the Framework, respectively. Framework paragraph 149 e) provides an exception for the limited infilling in villages. A further exception is provided at paragraph 149 g) for the limited infilling or the partial or 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 G1 of the South Ribble Local Plan 2015 (the Local Plan) is consistent with the Framework in that respect.
9. Limited infilling in villages is not defined in either the Framework or the Local Plan. The village of Whitestake is a linear settlement with development predominantly along the road frontage and is washed over by Green Belt. I have not been provided with any defined settlement boundary.
10. Whether the development constitutes limited infilling is, therefore, a question of fact and planning judgement having regard to the nature and size of the proposed development, the location of the site and its relationship to existing development adjoining and adjacent to it.
11. A reasonable test of what might constitute limited infill is whether proposed development would occupy a gap in an otherwise developed frontage. The appeal site is set back from Chain House Lane to the rear of the garden centre, beyond which is, amongst other things, an area of caravan storage and a nursery business which includes a large metal clad shed. Whilst the appeal development would not extend development further out into the countryside, it extends built development into an area which was previously open. It would not fill a gap in a developed frontage. As such the development does not represent limited infill within a village and it does not benefit from the exemption provided by Framework paragraph 149 e).

12. Turning to the impact of the development on the openness of the Green Belt. The Framework identifies that the fundamental aim of Green Belt Policy, as set out in paragraph 137, is to prevent urban sprawl by keeping land permanently open. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects.
13. The development is situated in what was previously a gap in sporadic development behind the garden centre at the front of the site. The relatively open nature of the land previously is now enclosed by a high palisade fence and is occupied by a range of modular buildings and open storage associated with the use of the site. Consequently, the development results in this part of the Green Belt being less open than it was prior to the appeal development taking place, both spatially and visually. Given that the development has had a greater impact on the openness of the Green Belt, I do not need to consider whether the site meets the definition of previously developed land.
14. The appeal development therefore leads to a loss of openness compared with the previous condition of the site in conflict with the requirement of paragraph 149 g). Accordingly, it does not fall within any of the exceptions listed in either paragraph 149 or 150 of the Framework. Furthermore, it also conflicts with paragraph 137 of the Framework which seeks to prevent urban sprawl by keeping land permanently open.
15. For these reasons, I find that the appeal development does not accord with the exceptions to inappropriate development in the Green Belt set out in paragraphs 149 and 150 of the Framework. Consequently, it conflicts with national policy to protect the Green Belt. The development also conflicts with Local Plan policy G1, which reflects the Framework's approach to development in the Green Belt. I am required to attach substantial weight to any harm to the Green Belt.

Character and Appearance of the Area

16. The appeal site is located within a small cluster of other commercial uses. Here buildings extend back from Chain House Lane, and include a garden centre, a plant nursery, a bird of prey centre, log storage, caravan storage and a field used as a karting track, all of which utilise a single access from Chain House Lane. The appeal site has the appearance of an industrial compound with buildings and open storage spread around the perimeter.
17. The appearance and use of the appeal site is more akin to one which would be typically found on an urban industrial estate. The storage of materials within it and the scattered positioning of buildings around the perimeter give it an untidy urbanised feel to it, at odds with the predominantly semi-rural nature of its surroundings.
18. The modular buildings on the site and the palisade fencing are similar to others close by. However, the spread of buildings within the site serves to join up the currently visually separate uses and buildings in this location. Their presence does not weigh in favour of allowing the appeal before me.
19. The use of the site as a compound for a traffic management business and the erection of modular buildings and fences, together with the associated external storage within the compound therefore has an urbanising effect on the site and the surrounding area. Furthermore, I have not been presented with any

substantive evidence of any operational need for the business to be located here. Neither do I consider the business to be part of the rural economy. It therefore has a detrimental effect on the character and appearance of the area. I attach significant weight to this harm.

20. Accordingly, the development harms the character and appearance of the area in conflict with policy 17 of the Central Lancashire Adopted Core Strategy 2012 (Core Strategy), Local Plan policy G17 which amongst other things, seek to ensure that development is of high quality which respects the character of the site and the local area. The development also does not satisfy the aims of the Framework in this respect.
21. The Council have also cited Core Strategy policy 13 in their refusal reason. As the business is not one which is connected to the rural economy, I give the provisions of this policy limited weight and it has not been determinative.

Other Considerations

22. The use of the appeal site falls within Use Class E of the Town and Country Planning (Use Classes Order) 2020. The use class being the same as the adjacent garden centre business. This appeal is made under section 78 of the Town and Country Planning Act 1990 (the Act), and it is not ordinarily the role of such appeals to examine the lawful use of land or buildings. Indeed, it is open to the appellant to apply to have such matters determined under sections 191 or 192 of the Act. Any such matter would be unaffected by my determination of this matter.
23. The site is only a short distance from a number of motorways and major roads, and so provides an operationally convenient location for the business to operate from. Around 62 people are employed at and from the site. These are matters to which, I attach moderate weight in support of the development.
24. The appellant has addressed a number of factors which they believe to be inaccuracies in the officer report and also comments in relation to the conditions suggested by the Council. The appellant has also listed several paragraphs in the Framework which give support for the development. The absence of harm in relation to these matters weighs neither in support of, nor against the appeal development.

Green Belt Conclusion

25. Substantial weight must be given to Green Belt harm. I have also attached significant weight to harm to the character and appearance of the area. I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. The combined weight of the other considerations necessary to justify the development do not exist. The appeal development therefore conflicts with Local Plan policy G1 and Framework paragraphs 147, 148 and 149 which together seek to protect Green Belt from inappropriate development, which by definition, is harmful.
26. The appeal development is also contrary to Core Strategy policy 17 and Local Plan policy G17 which amongst other things, seek to ensure that development is of high quality which respects the character of the site and the local area. I do not however find any conflict with Core Strategy policy 13 which is

concerned with supporting the rural economy, which I have determined that the use of the site is not connected with.

Conclusion

27. For the reasons set out and having had regard to the development plan as a whole, I conclude that the appeal should be dismissed.

KL Robbie

INSPECTOR