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# Appeal Decision

Site visit made on 21 April 2023

**by S Brook BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 21 June 2023**

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**Appeal Ref: APP/P2365/W/22/3308336**

**14 Speakmans Drive, Appley Bridge, Lancashire WN6 9AT**

- 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 Stephen O'Brien against the decision of West Lancashire Borough Council.
  - The application Ref 2022/0476/FUL, dated 21 April 2022, was refused by notice dated 18 July 2022.
  - The development proposed is described as 'Proposed renovation and conversion of an existing outbuilding (former workers' cottage) to a detached dwelling'.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are:
  - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (NPPF) and any relevant development plan policies.
  - The effect of the proposed development upon the character and appearance of the building and the area;
  - If the development is inappropriate, 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 required to justify the proposal.

## Reasons

*Whether inappropriate development*

3. Policy GN1 of the West Lancashire Local Plan 2012-2017 Development Plan Document (LP), states that development proposals within the Green Belt will be assessed against national policy and any relevant LP 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.
4. The development proposes re-use and extension of a building. Paragraph 150(d) of the NPPF indicates that the re-use of buildings of permanent and substantial construction is not inappropriate development in the Green Belt,

provided that such proposals preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Paragraph 149 of the NPPF establishes that the construction of new buildings should be regarded as inappropriate, except in specific circumstances. These exceptions include (c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

5. The Council's Supplementary Planning Document, Development in the Green Belt, October 2015 (SPD), includes Policy GB2, which considers the conversion of buildings in the Green Belt. I note that in addition to the building being of permanent and substantial construction, this policy includes additional criteria, including that such buildings must be 'capable of conversion without major change, demolition or extension'. This supplementary policy is not entirely consistent with that of the NPPF, and so I give it less weight in my consideration of the proposal.
6. Whether the building intended for re-use is of permanent and substantial construction, is a matter of dispute between the main parties. I have been provided with some history relating to the building proposed for re-use, annotated as Building B on the submitted drawings, which suggests that it dates from the 18<sup>th</sup> century. This, combined with the size, form and materials used, suggest that the building is of a permanent rather than temporary nature.
7. However, I am not convinced from the information before me and from what I observed on site, that the existing building is of substantial construction. I have considered the findings of the structural report, which concludes that the structure would be fit for re-use, subject to the re-building of a section of the north elevation and a number of other remedial works. However, the structural report refers to the building at present, as 'dilapidated' and in a considerable state of disrepair, and I would agree with this. The building has no roof and I did not observe any remaining ridge beam or other roof structures at the time of my visit. Whilst external brick walls are present to all elevations, each elevation has lost some brickwork at the higher levels, with a more noticeable loss to the east elevation. Some walls are reported to lean, along with evidence of cracking. Some deteriorated timbers remain to windows, doors, and lintels.
8. Further, the structural report confirms that no foundations have been exposed or inspected and it was not possible to ascertain the ground floor construction. Internal inspection was restricted by vegetation. This includes a substantial tree trunk located centrally within the building. The impact of tree roots on any floor slab or foundations has not been considered. As such, the partial masonry walls are the only remaining structural elements of the building. These would require partial re-building, re-reinforcement bars and restraint strapping, and there is no information before me as to the condition of the floor/foundations on which these walls stand. Based on the available information, I cannot conclude that the building before me is of substantial construction.
9. Even if I had been able to conclude that the building was of permanent and substantial construction, the proposal would not preserve the openness of the Green Belt at this location, as required by NPPF Paragraph 150 (d). The proposal would include an increase in height of the existing building to provide first floor accommodation, along with an extension at the rear to form an open plan living area, dining area and kitchen. I am provided with differing

calculations from both parties as to the size of these additions over and above the size of the original building, having regard to the requirements of NPPF Paragraph 149 (c) and the Council's SPD. The SPD advises at policy GB4(b) that the total volume of a proposal, together with any previous extensions, alterations and non-original outbuildings, should not result in an increase of more than 40% above the volume of the original building.

10. The appellant's figures are calculated using both the approximated original roofline of the building and the volume of the nearby air raid shelter (Building A on the proposed plan), which is proposed for demolition. This position represents a 22.5% increase in building volume.
11. However, the information before me does not demonstrate that this approximated roofline constituted the original building as it stood in 1948. Further, Building A is a small, squat building, set low in the ground, with a flat roof. It is partially overgrown with vegetation, with further vegetation to the side and rear. When viewed from the lane, it has rising land, trees and vegetation to the rear. Therefore, its removal from the site would only have a relatively modest beneficial impact spatially and visually on the openness of the Green Belt at this location.
12. In comparison, Building B is more exposed in its immediate setting, because it has a more open backdrop. The proposal would increase its height and size further, which would impact spatially and visually on the openness of the Green Belt to an extent that would not be compensated, simply by the removal of Building A. As such, I do not consider these volumetric calculations to be sufficient in this case to conclude that the proposal would not harm openness.
13. Additionally, the proposed site plan indicates external works to form more car parking spaces within the front lawned area of No 14 Speakmans Drive, the construction of new stone walls, raising the height of existing stone walls and introducing 1.8m high fencing. At present, the frontage of No 14 has a sense of openness with views into and over the garden to the fields beyond. These external works, and the resulting increase in parked cars, albeit transient, would further reduce this sense of openness.
14. I have had regard to a number of other proposals presented to me, referred to by the appellant as establishing a precedent for how the Council has considered other Green Belt schemes. The first two schemes relate to proposals for replacement dwellings and so are not directly comparable to the appeal scheme which is for re-use and extension of a building. Nevertheless, I have considered the removal of Building A as part of my assessment of the impact of the proposal on the openness of the Green Belt.
15. Details of a barn conversion are also provided at Hollowford Lane. I am advised that the Council accepted the findings of an independent structural engineer stating that the building was of permanent and substantial construction. However, I am not provided with either the survey or the Council's consideration of it, in order to determine any relevance to this case. In any event, this relates to an entirely different building, in a different structural condition to the appeal scheme. As such, it cannot set a precedent for my consideration of this proposal, or the need for any decision maker to scrutinise the information presented to them.

16. To conclude, the proposal would not constitute the re-use of a building of substantial construction and as a result, the proposal does not benefit from the exception set out in paragraph 150(d) of the NPPF and would be inappropriate development, which is, by definition, harmful to the Green Belt. Furthermore, had I found that the proposal would involve a building of substantial construction, the proposal would not preserve the openness of the Green Belt and would be contrary to one of the purposes of the Green Belt, which is to assist in safeguarding the countryside from encroachment, as set out at paragraph 138 of the NPPF.

#### *Character and Appearance*

17. Building B is of a modest scale, and from what remains of the building, it appears to have had a simple form, with limited fenestration and detailing, constructed in red brick. It sits within the front garden of No 14 Speakmans Drive, which is relatively open. Speakmans Drive is a long, unmade lane serving a small number of properties. It extends from the main road of the village into open fields and so, whilst it lies close to the village, it has a rural character.
18. The proposed upward extension of the property to create a second floor would retain the simple form of the building and would not appear excessive in height in relation to the building itself or to the nearest housing, which is two storeys high. The extension to the rear would be single storey only, set down from the main part of the building, continuing the roof shape and simple form of the original building. The proposal would utilise reclaimed brickwork and timber, consistent with the original building.
19. However, the overall floor area and depth of this rear extension would be greater than the floor area and depth of the main building. As a result, the rear extension, albeit single storey, would appear disproportionately sized in relation to the modest original building. This would be emphasized by the overhanging design of the roof to the southern elevation of the extension, which would elongate the extent of the roof, so it would appear larger when compared to that of the original building, unbalancing the scheme overall.
20. The proposed external works, particularly the higher stone walls and 1.8m high closed boarded fencing, would have an urbanising influence, detracting from the open and more rural character of the immediate area.
21. To conclude on this second main issue, the proposal would result in some harm to the character and appearance of the building itself and the area, contrary to LP Policy GN3 and advice contained within the Council's Supplementary Planning Document, Design Guide, January 2008, which collectively, and amongst other matters, seek to ensure that development is of a high quality and sensitive design, an appropriate size, scale and mass in relation to the existing building, so as not to be disproportionate. Further, the proposal would not meet the requirements of the NPPF in terms of ensuring visually attractive development that adds to the overall quality of the area.

#### *Other Considerations*

22. The proposal would provide an additional dwelling, thereby contributing to the supply of housing. It would be constructed to meet current Building Regulation standards and be provided with suitable parking and an electric vehicle

charging point. It would utilise an existing building on previously developed land and it would be in an accessible location, close to the services and amenities of the village. The proposal would involve the planting of a new hawthorn hedge, which would have some ecological value. Given the scale of the development, I give these benefits only limited weight.

23. The appellant considers that the building retains some heritage value as a valuable reminder of the agricultural heritage of the area, and that the appeal scheme offers a viable option for its retention. However, there is no evidence before me to suggest that the appeal scheme is the only option for securing any heritage value of the building, having considered all other possibilities, and so I give this matter only limited weight.
24. The appellant suggests that due to its small size, the proposal would be an affordable, contemporary dwelling that would diversify the rural property market. However, I am provided with no further evidence as to the likely market value of the property and affordability in the area, and so I cannot give this matter any weight in favour of the proposal.
25. There are no listed buildings within the surrounding area that would be affected by the proposal, and no technical issues are raised in relation to access, parking or flood risk. These are neutral matters that do not weigh for or against the proposal.

### **Other Matters**

26. The appellant raises issues of inconsistent advice from the Council in relation to this and previous schemes, as well as not being given any opportunity to amend the scheme. These are not matters relevant to this decision.

### **Green Belt Balance**

27. The appeal scheme is inappropriate development in the Green Belt, which is, by definition, harmful to the Green Belt. I give this harm substantial weight as required by paragraph 148 of the NPPF. Additionally, the proposed development would result in harm to the character and appearance of the building and the area.
28. I have considered the matters put before me in favour of the scheme. However, I conclude that these other considerations taken together do not clearly outweigh the substantial weight I have afforded to the Green Belt harm. Consequently, the very special circumstances necessary to justify the development do not exist. The development therefore conflicts with LP Policy GN1 and the requirements of the NPPF.

### **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 it. The appeal should therefore be dismissed.

*S Brook*

INSPECTOR