



Appeal Decision

Site visit made on 3 July 2023

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 July 2023

Appeal Ref: APP/H4315/W/22/3311321

The Junction, News Lane, St Helens, Rainford WA11 7JU

- 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 Draper against the decision of St Helens Metropolitan Borough Council.
 - The application Ref P/2022/0254/FUL, dated 31 March 2022, was refused by notice dated 30 May 2022.
 - The development proposed is the siting of a marquee and storage containers.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of my site visit the development was already in place. I have determined this appeal accordingly.
3. For the avoidance of doubt, the site address above is taken from the planning application form and, in the interests of precision, I have removed superfluous detail from the description of development.
4. Following the refusal of the planning application, the Council adopted the St Helens Borough Local Plan Up To 2037: A Balanced Plan for a Better Future (July 2022) (the LP). The LP replaces the Core Strategy 2012 and the Unitary Development Plan 2013, policies of which are relied upon within the Council's decision notice. The Council has however drawn my attention to the policies of the LP relevant to this appeal and the appellant commented on them within their submissions.

Main Issues

5. The main issues are:
 - 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;
 - The effect of the proposal on the openness and purposes of the Green Belt;
 - The effect of the proposal on the character and appearance of the area; and,
 - If the proposal is inappropriate development, whether the 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

6. This appeal concerns the marquee and containers which are currently sited on land to the rear of The Junction public house. This part of the site falls within the Green Belt. The marquee has been used in conjunction with the public house and its events, and for other community uses and functions. This appeal seeks to retain it on a permanent basis.

Whether the proposal is inappropriate development

7. Policy LPA01 of the LP sets out that new development in the Green Belt shall be regarded as inappropriate unless it falls within one of the exceptions set out in the Framework. The construction of new buildings should be regarded as inappropriate in the Green Belt subject to a number of exceptions as set out in paragraphs 149 and 150 of the Framework.
8. The main parties are in agreement that the development does not meet any of the exceptions set out in the Framework, thus it constitutes inappropriate development in the Green Belt. I concur with this position.

Effect on openness and purposes

9. 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.
10. The marquee and containers are sited on part of the Green Belt which, prior to their introduction, was devoid of built form. The development is also noticeably detached from the existing public house, its car park and play area. It projects into the countryside well beyond the linear arrangement of built form along News Lane which, notably, is excluded from the Green Belt.
11. Collectively, the development covers a large part of the previously open land, and the marquee has a generous overall height. It is therefore of a very significant mass and is not low lying. Furthermore, the marquee may at times be used for large events and functions. This would result in vast numbers of people congregating on the land around the marquee and containers, and there would likely be a range of other paraphernalia associated with the events. All of these features would detract from the openness of the Green Belt.
12. Given the largely undeveloped characteristics of the appeal site and the surrounding land, the proposal results in an extension of built form into an open area and thus encroaches into the countryside.
13. Taking all the above factors into account, the development has an adverse effect on the openness of the Green Belt, in that it would fail to be preserved, and it conflicts with one of its purposes as it fails to safeguard the countryside from encroachment. It therefore fails to accord with the aims of Green Belt policy as set out above.

Character and appearance

14. As noted, the marquee and containers are sited in part of a large, grassed parcel of land which stretches far beyond the existing linear layout of built form in this locality. It is enclosed on two sides by hedgerows and to the rear are football pitches. Vast expanses of fields stretch beyond these three sides. Therefore, the surrounding area has a strong rural character. The absence of a specific landscape designation in this locality does not detract from or minimise the distinctive rural characteristics.
15. The significant mass of the marquee, along with its stark white UPVC finish, causes it to be readily apparent from far reaching viewpoints. The separation from the existing built form of the public house and surrounding buildings also increases its starkness. The development is particularly noticeable on the approach to Rainford Junction from the south, across open expanses of agricultural land. Its design and siting cause it to read as an alien feature which is not characteristic or commensurate with its rural setting.
16. Whilst the storage containers are not particularly prominent from the surrounding area and may, in limited numbers, be recognisable features of the countryside, up close, their arrangement, use, coverage and association with the marquee gives the site an unsightly appearance which detracts from its countryside setting.
17. I am not convinced that the landscaping proposed along one side of the development would address its harmful features as noted, or that it would not result in harm in itself by drawing the eye as a result of appearing as an uncharacteristic band of landscaping.
18. I appreciate that the proposal may not result in extensive physical damage to the land on which it is sited, given its construction. However, this proposal is for permanent siting and would nevertheless result in the harm identified above.
19. Additionally, there is no guarantee that it would ever be removed or that a personal permission, covered by condition, would effectively reduce its permanence, as the appellant may occupy the appeal premises for a considerable length of time. Moreover, any form of temporary permission would not overcome the harm which the introduction of the development has on the landscape.
20. Accordingly, the proposal harms the character and appearance of the area and thus conflicts with Policy LPD01 of the LP which seeks to ensure that developments will maintain or enhance the character and appearance of the local environment. The other conditions recommended by the appellant would fail to overcome the harmful effect of the development.

Other considerations

21. The Framework is clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 states that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations.

22. The appellant has indicated that the marquee has provided an alternative income stream for the public house. This was particularly crucial during the Covid 19 pandemic, when the marquee was utilised to allow trading to continue, diversify income and, ultimately, ensure the business continued to trade long-term. More recently, it has no doubt proved to be an important income stream for the appellant, when public houses across the country are having to find ways to diversify in order to remain profitable. It is stated that the public house would no longer be viable without the marquee.
23. It is clear that the marquee allows for greater diversity and number of events to be held at the public house, including larger functions which it is suggested could not be facilitated within the public house itself. The use of the marquee for various events has also supported a number of local businesses, including florists, caterers, music providers and the nearby campsite, amongst others. The development is also stated to create one full time job.
24. I also have no doubt that the development has resulted in a number of social benefits. Indeed, the significant level of support for the proposal from the local community and beyond, from which it is clear that the marquee served as a community facility for local groups amongst other purposes, is telling. The development plan and the Framework provides support for proposals which seek to expand and diversify the rural economy and create jobs.
25. However, there are a number of factors which temper the weight I can afford to these matters. I note from the submissions that local groups and charities have previously used the marquee for various club gatherings and events. However, the evidence also suggests that local groups have now been provided with other facilities within the locality. Additionally, the use of the marquee by such groups appears to have been on a free of charge basis. Whilst admirable, this arrangement clearly provided little to no assistance to any financial pressures the appellant/public house may be under.
26. With regards to other events such as bike and car shows/rally's, I am not convinced that they could no longer be held at the appeal site should this appeal fail, namely as they are undoubtedly primarily outdoor events. The large area of land to the rear of the public house would provide generous space for such events and, whilst the marquee may provide some sheltered provision during inclement weather, so too could the public house along with temporary outdoor shelters. I am not therefore persuaded that the loss of the marquee would prevent these events and thus there would not be a significant knock-on effect on local suppliers and businesses previously associated with such events.
27. Whilst it has not been clearly explained why the various indoor events, functions and gatherings which have and are forecasted to use the marquee could not be accommodated within the public house, I nevertheless appreciate that the marquee provides a very substantial space. However, based on the information before me, it has not been convincingly demonstrated that the public house would be unviable without such events within the marquee. The potential for job losses and any other negative economic effects is therefore unclear.
28. With regards to employment, whilst the increase in jobs over recent years is evident, whether this is directly related to the marquee or as a result of other matters concerning the public house, is ambiguous. As noted, the marquee

would only create one job which, although a benefit, the weight to be afforded to this is limited.

29. Based on all of the above, the evidence before me is not compelling enough to indicate that, should this appeal be dismissed, the public house would close which would result in significant social and economic harmful effects, or that it could not be expanded in other ways to remain viable. I can therefore collectively afford no more than limited weight to the considerations which weigh in favour of the development.
30. The appellant has referred to a nearby campsite in which very special circumstances were found. Based on the limited information before me, I am unable to draw any similarities to the appeal proposal. Moreover, determining whether very special circumstances exist is very site and proposal specific thus this example is unlikely to set a precedent.

Whether very special circumstances exist

31. I have identified that the appeal scheme is inappropriate development in the Green Belt and has harmful implications in terms of the erosion of the openness of the Green Belt and the conflict with one of its purposes. In accordance with the Framework, I afford this Green Belt harm substantial weight. The development also harms the character and appearance of the area to which I afford substantial weight.
32. The other considerations in this case which weigh in favour of the proposal amount to limited weight and thus do not clearly outweigh the harm I have identified. Thus, the very special circumstances required to justify a grant of planning permission do not exist.
33. The proposal is therefore in conflict with Policy LPA01 of the LP and the associated policies of the Framework, which seek to protect the Green Belt from inappropriate development, except where very special circumstances are demonstrated.

Other Matters

34. During this appeal the Council raised concerns regarding the effect of the development on the rail link extension, as identified by LP Policy LPA06. As I am dismissing this appeal for other reasons, there is no need for me to consider this matter further.
35. I note the appellant's concern regarding competition with a nearby public house in Rainford which has recently undergone refurbishment. However, competition in business is not a planning matter.

Conclusion

36. The proposal conflicts with the development plan when considered as a whole and there are no material considerations that outweigh the identified harm and that warrant a decision other than in accordance with the development plan. Therefore, the appeal is dismissed.

H Ellison
INSPECTOR