



Appeal Decision

Site visit made on 21 August 2023

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 27 September 2023

Appeal Ref: APP/P2365/W/22/3304075

Land at Malt Kiln Cottage, Halsall Road, Halsall

- 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 Martin O’Looney against the decision West Lancashire Borough Council.
The application Ref 2021/0808/FUL, dated 28 October 2021, was refused by notice dated 28 January 2022.
- The development proposed is the erection of 4 No. detached affordable dwellings including new access road.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on: the character and appearance of the surrounding area; best and most versatile land; and the setting of the conservation area.

Reasons

Character and appearance

3. The site is an L shaped parcel of land on Halsall Road. The frontage of the site sits across from a garage and abuts a cluster of residential built form that follows a linear pattern along the highway. However, due to its L shape much of the site is set back from Halsall Road behind the line of adjacent development, with a portion located to the rear of Malt Kiln Cottage. This setback, combined with the undeveloped nature of the site, provides a strong visual and physical connection to the adjoining fields of the open countryside.
4. The proposal seeks to erect four semi-detached affordable dwellings at the site. Reference has been made to the Landscape Character Area 2A, within which the site falls, and which is characterised by low, undulating land. It is encouraged that within this area developments 'retain settlement pattern and avoid introduction or proliferation of suburban building style and materials'. and that design and materials of new buildings should be in keeping with historical architectural characteristics.
5. While this is acknowledged, in the immediate vicinity of the site the character of dwellings is varied. A range of styles and forms of residential properties exist, with many detached and semi-detached single storey and two storey dwellings of a suburban and non-traditional character. In this varied context,

even without historic architectural detailing, the external design of the proposal would not in itself read as out of place or visually harmful.

6. However, despite the varied appearance of the surrounding residential built form it retains a shared, established pattern of linear development. While associated rear gardens may abut open fields, it remains that the dwellings themselves predominantly abut, face, and are clearly seen from, the corresponding street. By contrast the proposed dwellings would be set much further back from Halsall Road, with Plots 3 and 4 in particular being located wholly behind Malt Kiln Cottage and sitting parallel to the highway.
7. This positioning of the proposed dwellings would fail to respect the prevalent pattern or placement of development in the immediate area. In addition, this placement of the dwellings outside of an established line of development and, in particular, the location of Plots 3 and 4 behind Malt Kiln Cottage, would not read as forming part of the continuum or cluster of built form on Halsall Road. Rather, it would introduce development immediately to the southeast of this primary built-up area, encroaching into the open countryside.
8. I note the presence of development set back from the road along North Moor Lane, with an example of a dwelling sitting parallel to the street. However, due to the more open frontage of that site, these dwellings remain visible from North Moor Lane, reading as part of the frontage and ribbon of development in a way that the proposal would not.
9. Despite the low lying nature of the surrounds, the proposal would be largely screened from public view due to its positioning and the presence of planting. Nevertheless, it would represent a harmful encroachment into the open countryside. Various elements of the scheme would be spread throughout the site, introducing development in locations with a clear visual and physical connection to the open countryside rather than forming part of the residential cluster to the northwest. The dwellings, hardstanding, and internal road, together with the placement of residential paraphernalia and parked vehicles would result in the unacceptable loss of the current open character of the site that contributes to a wider rural setting.
10. For the reasons given, the proposal would have a significant adverse effect on the character and appearance of the area. As such, it would fail to comply with Policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document (the DPD), the West Lancashire District Council Design Guide Supplementary planning Document (the SPD) and the National Planning Policy Framework (the Framework) insofar as they seek to ensure development that complements local distinctiveness through sensitive design including appropriate siting and orientation.

Best and most versatile land

11. The Framework is clear that planning decisions should conserve and enhance the natural environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services, including the economic and other benefits of the best and most versatile agricultural land. Such land is defined as that in Grades 1, 2 and 3a of the Agricultural Land Classification. The main parties agree that the site is Grade 1, which is excellent quality agricultural land.

12. The proposal would therefore result in the loss of approximately 0.22 ha of this land. Reference is made in the Framework to areas of poorer quality land being preferred to those of a higher quality where "significant development" of agricultural land is demonstrated to be necessary. However, this is in reference to paragraph 175, which relates to local plans. In any event, it remains that the Framework is clear that the benefits of best and most versatile agricultural land are to be recognised. I do not consider that the development of the Grade 1 land at the site is acceptable simply due to the fact that it may not be considered "significant development".
13. In addition, Policy EC2 of the Local Plan states that the irreversible development of open, agricultural land will not be permitted where it would result in the loss of the best and most versatile agricultural land, except where absolutely necessary to deliver development allocated with the Local Plan or strategic infrastructure, or development associated with the agricultural use of the land. There is nothing substantive to demonstrate that the proposal is related to any of these listed exceptions. Coupled with the recognition in the Framework of the benefits of best and most versatile agricultural land, it is clear that the proposal would result in an unacceptable loss of the best and most versatile agricultural land.
14. For the reasons given, the proposal would result in the unacceptable loss of best and most versatile agricultural land. As such, it would fail to comply with Policy EN2 of the Local Plan and the Framework insofar as they seek to protect and enhance the natural environment.

Conservation area

15. The site falls outside but adjacent to the northern boundary of the Halsall Conservation Area (the CA). The CA derives its special interest from the traditional style of historic development, sporadically dispersed among open and undeveloped rural land. However, outside its northern boundary the setting of the CA is notably different due to the cluster of tightly packed development of varying designs and forms, including both residential dwellings and the garage in the immediate vicinity.
16. The proposal would alter the nature of the site by introducing built form to a currently undeveloped plot adjacent to the CA. However, notwithstanding my findings on the impact of the proposal on the immediate character due to its positioning in the site and encroachment into the open countryside, screening along the site boundaries would ensure that there would be no significant views of the proposal either from, alongside, or on the approach to the CA. Coupled with the range of development styles found in the immediate vicinity, this would ensure that the proposal would not significantly alter or harm the setting of the CA. Accordingly, there would be no harm to, or loss of, the significance of the CA due to the development of the proposal in its setting.
17. For the reasons given, the proposal would not result in harm to the setting of the CA. As such, it would comply with Policy EN4 of the Local Plan and the Framework insofar as they seek to ensure development preserves heritage assets.

Other Matters

18. The proposal would provide additional, affordable housing, for which there is an identified need. However, given the limited amount of housing proposed as part of the scheme, this benefit attracts only moderate weight.
19. The main parties agree that the proposal would not cause harm to highway safety, ecology, flood risk, trees, residential amenity, and the site would be a sustainable location for housing. The main parties also agree that the proposal would not be inappropriate development in the Green Belt. Based on my observations I have no reason to disagree.

Planning Balance and Conclusion

20. The proposal would not harm the setting of the CA, highway safety, ecology, flood risk, trees and residential amenity. It would not be inappropriate development in the Green Belt and the site would be a sustainable location for housing. These factors represent a lack of harm, which is neutral in the overall planning balance. Even when taken together with the moderate weight attached to the provision of four affordable dwellings, this would not outweigh the harm identified above to the character and appearance of the area and to best and most versatile land.
21. For the reasons given, the proposal would not accord with the development plan when taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

C Rafferty

INSPECTOR