



Appeal Decision

Site visit made on 1 August 2023

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 October 2023

Appeal Ref: APP/P2365/W/23/3316461

Broom Cottage, Bannister Lane, Bispham, Lancashire L40 3SR

- 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 and Mrs Tyrer against the decision of West Lancashire Borough Council.
 - The application Ref 2022/0814/FUL, dated 18 July 2022, was refused by notice dated 16 September 2022.
 - The development proposed is the erection of a single residential dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. I consider the main issues are:
 - whether the proposal is inappropriate development in the Green Belt; and,
 - if the proposal is inappropriate development, 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

Inappropriateness

3. The appeal site is situated in the Green Belt. The Government attaches great importance to Green Belts. 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.
4. The National Planning Policy Framework (the Framework) at paragraph 149 states that, other than in connection with a small number of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt. The appellant has set out that the development can be considered under the exception at paragraph 149 e) relating to limited infilling in villages.
5. The Framework does not define a 'village' or 'limited infilling' and nor have I been provided with any such definitions from the development plan. Reference has been made to case law¹ which has determined that whether or not a

¹ Julian Wood v The Secretary of State for Communities and Local Government, Gravesham Borough Council [2015] EWCA Civ 195

proposed development constitutes limited infilling in a village for the purposes of the Framework is a question of planning judgement and this would include an assessment of the position on the ground in the relevant case.

6. In the case of this appeal, Bispham does not have a village boundary defined by the development plan, but this is not necessarily determinative on whether a site is in a village for the purposes of paragraph 149 e) of the Framework. The appeal site would be located close to a school and public house and more immediately, when entering from the east along Bannister Lane, the site is seen amongst other buildings. There is development along Chorley Road, but it is also evident that there is notable gap in such development, with open areas of land on both sides of the road to the south of the public house. This separates the appeal site and other buildings in its vicinity from Bispham, which comprises of compact linear development along part of Chorley Road.
7. Future occupants, like those who occupy existing neighbouring dwellings may functionally become part of the local community which has its own identity. However, the separation of the appeal site and other nearby buildings by open areas of countryside serve to physically detach them from the village. Accordingly, whilst the site would infill a gap between existing buildings, it would not be within a village.
8. I therefore conclude that the proposal would be inappropriate development as it would not represent limited infilling in a village. It would therefore conflict with Paragraph 147 of the Framework, which states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. The proposal would also be contrary to Policies GN1 and RS1 of the West Lancashire Local Plan 2012-2027 and the Development in the Green Belt Supplementary Planning Document, which require, amongst other matters, for development proposals within the Green Belt to be assessed against national policy.
9. The appellant has stated that development which is not inappropriate is also not deemed to be harmful to the Green Belt and its characteristic of openness. However, whilst the scale of development is limited and would be of a similar size to neighbouring dwellings, given my conclusion on this issue that the proposal would be inappropriate, the introduction of a dwelling on what is currently an area of garden land, would result in both a spatial and visual loss of Green Belt openness.

Other Considerations

10. The proposed dwelling would contribute to the supply of housing, and it receives support from national policy in this respect. The provision of a new dwelling therefore weighs in favour of the appeal, although as it involves a net additional single dwelling, this would attract limited positive weight.

Conclusion

11. The proposed development would be inappropriate development, which the Framework clearly sets out is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.

12. I have attached limited weight in favour of the scheme to the provision of a net additional family dwelling. With this in mind, the substantial weight I have given to the Green Belt harm and other harm is not clearly outweighed by other considerations sufficient to demonstrate very special circumstances.
13. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

F Rafiq

INSPECTOR