



Appeal Decision

Site visit made on 3 October 2023

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th October 2023

Appeal Ref: APP/P2365/W/23/3314091

Briery Works, 132A Blackgate Lane, Tarleton, Lancashire PR4 6UU

- 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 Ward McKean of I & M McKean & Sons Ltd against the decision of West Lancashire Borough Council.
- The application Ref 2022/0718/FUL, dated 24 June 2022, was refused by notice dated 12 December 2022.
- The development proposed is described as: 'Erection of an additional building on the rural industrial site to enlarge the commercial business'.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The refusal of the planning application follows an earlier refused application¹ for an industrial building of a similar size and location that was dismissed at appeal² in 2022.
3. I have taken the site address from the appeal form in the interests of accuracy and clarity. For the same reasons I have taken the description of development from the Council's decision notice.

Main Issues

4. 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 upon the openness of the Green Belt; and
 - 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

Whether Inappropriate Development

5. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state

¹ Ref: 2021/0897/FUL.

² Ref: APP/P2365/W/21/3286273.

that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions as set out in paragraph 149. These exceptions include at: 149. e) limited infilling in villages.

6. The appeal site is a rough-surfaced area forming part of a small industrial area. Open land lies to its north, east and west. The industrial site is accessed via a lengthy access road between residential properties on Blackgate Lane. This lane is characterised by a mix of commercial, residential and agricultural development interspersed by open farmland, giving the area a somewhat rural character.
7. The existing industrial buildings are closely grouped together, with two lying close to the western boundary with open fields. It is proposed to construct the new building to the north east of these existing buildings, close to a tree belt that defines the northern boundary of this industrial site. As such, being close to the northern extent of the industrial site, the proposed building would be a considerable distance from Blackgate Lane and adjacent to open fields.
8. Taking into account the distance from the built-up parts of the settlement of Tarleton, the character of the area and the proximity of open fields, the appeal site is not located within a village. This is acknowledged by the appellant and supported by the decision of the previous Inspector at appeal.
9. The terms 'limited' and 'infilling' are not defined in the Framework and as such are essentially a question of planning judgement for the decision-maker. The appellant has sought to address the previous reasons for refusal through shifting the site of the proposed building by four metres to the south. However, the proposed building would be located to the edge of the building group and would effectively extend the built form northwards, with open land to the east and west. As such, the proposal would not amount to the infilling of a gap between the existing buildings at the site or any other buildings.
10. As such, having regard to my above assessment, I conclude that the appeal proposal does not constitute 'limited infilling in villages'. It would therefore not meet the exception listed at paragraph 149. e) of the Framework. The proposal would therefore be inappropriate development in the Green Belt.
11. For these reasons the proposal would conflict with Policy GN1 of the West Lancashire Local Plan Development Plan Document (2013) (the LP)

Openness

12. Paragraph 137 of the Framework states that the essential characteristics of Green Belts are their openness and their permanence.
13. I acknowledge that the appeal site lies within a rural industrial estate alongside existing buildings and that the proposal would redevelop an existing hardsurfaced area. However, the proposed building would still be visible from the land to the east, through the tree belt to the north, particularly when not in leaf, as well as from the site itself and the access road. The proposal would introduce a building on land that was previously open. This would inevitably result in a loss of openness of the Green Belt in both visual and spatial terms.

14. For the above reasons, I therefore conclude that the proposal would result in moderate harm to the openness of the Green Belt, contrary to the provisions of the Framework in this regard.

Other Considerations

15. The appellant is seeking to diversify their haulage business through providing additional or replacement income streams in order to minimise future risk. In this regard the appellant highlights uncertainties in the future of the haulage industry, noting that recruiting staff is also proving difficult. The appellant also sets out that local business premises are in short supply, particularly within the immediate local area.
16. In this regard, I am mindful of the support in the Framework for the growth and expansion of all types of business in rural areas and the support for economic growth more generally through the Council's policies and paragraph 81 of the Framework.
17. However, mindful of its location within the Green Belt, there is a lack of convincing evidence before me to demonstrate why the proposal is necessary to ensure the continuing operation of the haulage business, how it would support that business, or how it would constitute diversification. The anticipated employee numbers are also not evidenced, nor is any evidence of the local shortage of such business premises provided.
18. Whilst I acknowledge the appellant's desire to seek part retirement, this lack of supporting evidence limits the weight I can attribute to these considerations. Therefore, whilst I accept that there would be some economic and employment benefits arising from the proposal, I apportion them moderate weight.
19. The appellant suggests that all existing buildings on the site could be extended through the provisions of the General Permitted Development Order 2015 without the need for a planning application. However, such permitted extensions are subject to a number of criteria. Without details of these proposals or a certificate of lawful development I cannot be certain of the effect of such extensions compared to the scheme before me. This limits the weight I can give to this as a fallback position.

Other Matters

20. The previous refusal referred to harm to trees. I note that, through the shifting of the proposed site away from the trees, the Council is now satisfied that any effect on trees could be addressed through construction details provided as part of a planning condition. I see no reason to disagree. However, a lack of harm is neutral in the overall balance.

Planning Balance and Conclusion

21. The proposed development would be inappropriate development in the Green Belt and would harm openness. The Framework establishes that 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 are clearly outweighed by other considerations.
22. Given the substantial weight to be given to Green Belt harm, relative to the moderate benefits of the proposed scheme, the harm that would arise would

not be clearly outweighed by the other considerations. Therefore, the very special circumstances necessary to justify the proposal do not exist.

23. I have considered all other matters raised but none outweigh the conclusions I have reached. For the reasons set out above, I dismiss the appeal.

Paul Martinson

INSPECTOR