



Appeal Decision

Site visit made on 4 January 2024

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 8th January 2024

Appeal Ref: APP/P2365/W/23/3320843

Land adjacent to 20 Snape Green, Scarisbrick PR8 5LN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Naomi Kirby against the decision of West Lancashire Borough Council.
 - The application Ref 2023/0121/PIP, dated 8 February 2023, was refused by notice dated 16 March 2023.
 - The development proposed is the erection of a detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address was noted as being adjacent to No. 24 Snape Green in the application form. Following my observations on site, I have used the address given in the decision notice and appeal form, which appears to be more accurate.
3. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
4. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. I have determined the appeal accordingly.
5. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I consider that there is no requirement for me to seek further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by my taking this approach. Where I have referred to provisions of the Framework below, I have done so with numbering from the revised version.

Main Issue

6. The main issues are:

- 1) whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
- 2) the effect on the openness of the Green Belt; and
- 3) 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 necessary to justify the proposal.

Reasons

Whether the proposal constitutes inappropriate development

7. The appeal site comprises a plot of land with trees on the southern side of Snape Green. It is bounded to the north and east by residential development. However, to the west it sits adjacent to a small drainage ditch that separates it from a farmstead and paddock, providing an important element of openness that marks the transition from the residential dwellings to the paddock and farmstead. Snape Green is defined by Policy SP1 of the West Lancashire Local Plan 2012-2027 (the Local Plan) as a Small Rural Village. Its defined settlement boundary ends on the opposite side of the road to the site and further east along the street.
8. The site is located in the Green Belt. Policy GN1 of the Local Plan states that development proposals in the Green Belt should be assessed against national policy and relevant local plan policies. This is reflected in the Supplementary Planning Document Development in the Green Belt 2015 (the SPD). The Framework states at paragraph 154 that construction of new buildings in the Green Belt should be regarded as inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. However, this is subject to a number of exceptions including at paragraph 154(e), limited infilling in villages.
9. 'Limited' and 'infilling' are not defined in the Framework. Similarly, while the site lies outside the settlement boundary, this is not determinative in judging whether it forms part of the village. It established case law¹ that these are matters of planning judgment, to be assessed on the facts on the ground. The main parties disagree as to whether the site forms part of a village.
10. From my observations during my visit Snape Green primarily comprises tight knit residential development, much of which is highly visible from the site running along the entirety of the opposite side of the street. The settlement boundary of the village stops to the east of the site and does not include the immediate neighbouring properties to the east of the site. While I acknowledge the Council's comments regarding the circumstances under which these neighbouring dwellings were permitted, they nonetheless represent a separate development to the proposal and form part of the character of the area, serving to elongate the linear development within the settlement boundary towards the site. As a result, immediately to the north

¹ Wood v Secretary of State for Communities and Local Government [2014] EWHC 683 (Admin)

and the east of the site lies a continuous ribbon of built form linking it to the village.

11. The proximity of the site to the built form within the settlement boundary, and the high intervisibility between the two, provides a strong visual connection between the site and the village, resulting in a sense that the site forms part of the same settlement. As such, due to the specific circumstances of the pattern and placement of development in the vicinity of the site I find that the site forms part of the village of Snape Green.
12. I am satisfied that the proposal would comprise limited development, due to its single dwelling nature. Even acknowledging that permission in principle is sought, given the shape and dimensions of the site, I am satisfied at this stage that such a level of development in this precise location and within the confines of the site could remain as limited development. As such, on the information before me, the proposal would accord with this aspect of paragraph 154(e) of the Framework at this stage.
13. However, with regard to infilling, case law² has interpreted this as development in a gap in an otherwise built up frontage. A tight knit frontage of development is notably evident to the east, ceasing at the boundaries of the site, which the proposal would continue. However, while there is a small cluster of street facing built form further west, given the position of these buildings in their respective plots these are sited some distance from the dwellings to the east.
14. This substantial gap gives the appearance that No. 20 Snape Green is currently the last building in the built up, continuous line of dwellings. Rather than forming part of this frontage, the farmstead building is experienced as separate from these dwellings to the east by a significant distance such that the proposal would not develop a gap in an otherwise built-up frontage. Even though it would be located in close proximity to No. 20, the proposal would, due to the arrangement of buildings and intervening space to the west, retain a void between the proposed dwelling and the street-facing farmstead building that, while reduced from the current situation, would also fail to result in a continuous frontage in this location. As such, the proposal would not represent infill development.
15. For these reasons, I find that the proposal would not meet the exception set out in paragraph 154(e) of the Framework, such that it would not comprise limited infilling in a village. Accordingly, it would also fail to comply with the provisions of Policy GN1 of the Local Plan and the SPD. There is no suggestion that the proposal would meet any other exception in the Framework.

Impact on openness

16. The Framework states that “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.” It has been established that openness has both a spatial and visual aspect.
17. From both a spatial and visual perspective, the development would inevitably lead to a reduction in the openness of the Green Belt by introducing a dwelling on a site that is currently free from built development. Even acknowledging

² Wood v Secretary of State for Communities and Local Government [2014] EWHC 683 (Admin)

the boundary planting that is currently present at the site along Snape Green and the scales, projection and placement of surrounding buildings, introduction of such permanent built form at the site would interrupt views of the countryside within the vicinity. This would cause moderate harm to the openness of the Green Belt.

Other Matters

18. The appellant asserts that the proposal would not result in harm with regard to parking provision, highway safety, character and appearance, or the living conditions of future occupiers or occupiers of surrounding properties, would be in a sustainable location and would not be an isolated dwelling. I note that the Council has not raised these matters as main reasons for refusal. However, even if I were to find that such harm did not arise from the proposal, this represents a lack of harm which is neutral in the planning balance.
19. Reference has been made to pre-application advice. However, such advice carries little weight, and I must assess the scheme as it appears before me. In addition, while the appellant states that it does not envisage technical matters that would prevent the proposal coming forward, that is not for me to assess at this stage. My attention has also been drawn to numerous appeals and applications³ granting planning permission. However, each application is decided on its own site-specific merits and reference to development elsewhere carries limited weight.

Whether Very Special Circumstances Exist

20. The Framework establishes that substantial weight should be given to any harm to the Green Belt. When taken cumulatively, the other considerations advanced in support of the scheme attract limited weight and this is not sufficient to clearly outweigh the substantial harm to the Green Belt. Consequently, the very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist.

Conclusion

21. For the reasons given, the proposal would not accord with the Framework; Policy GN1 of the Local Plan; the SPD or 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

³ APP/P2365/W/19/3235741; APP/P2365/W/21/3275199; 2013/1167/FUL; 2018/1130/OUT; 2020/0814/ARM