



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/23/3320438

Land adjacent to 92 Jacksmere Lane, Scarisbrick, Ormskirk, Lancashire L40 9RS

- 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 Mr Martin Holgate against the decision of West Lancashire Borough Council.
 - The application Ref 2022/1232/PIP, dated 11 November 2022, was refused by notice dated 6 January 2022.
 - The development proposed is the erection of a single dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance 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.
3. 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.
4. 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

5. 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

6. The appeal site comprises an open plot of land on the northern side of Jacksmere Lane comprising trees and shrubbery, sitting outside of the settlement boundary of Scarisbrick. It is bounded to the west by the residential gardens and dwelling at No. 110 Jacksmere Lane and to the east by Nos. 92 and 94 Jacksmere Lane, separated by an access road leading to the nursery building to the north, behind the site.
7. The site is located in the Green Belt. Policy GN1 of the West Lancashire Local Plan 2012-2027 (the Local Plan) states that development proposals within the Green Belt should be assessed against national policy and any relevant local plan policies. This is reflected in the Supplementary Planning Document Development in the Green Belt 2015 (the SPD).
8. 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. '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.
9. Scarisbrick is named as a Small Rural Village in Policy SP1 of the Local Plan. However, the main parties disagree on whether the site is in a village. I observed the settlement area of Scarisbrick on my visit. This comprises a cluster of development, including an area with a hotel and restaurant. A ribbon of built form along Southport Road connects this area to the junction with Jacksmere Lane, where St Mark's Church is located. While the northern side of Jacksmere Lane has notable gaps in built form, accounting for both sides of the street a certain level of development continues from the Southport Road junction to the site.
10. Overall, this placement of built form serves as a visual connection between the settlement boundary of Scarisbrick and the location of the site. While the pattern of development further west from the site is looser knit with notably more sporadic placement of built form, it remains that to the immediate east

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

the site is experienced alongside development that has a clear physical link to the village.

11. The site is within reasonable walking distance of the services in the settlement boundary of Scarisbrick, linked by a continuous footpath that provides surrounding residents access to the village core and its facilities. In addition, while not determinative, the speed limit changes from national speed limit to 40mph along the frontage of the site, which it remains until the Southport Road junction. Combined with the visual connection to Scarisbrick as a result of the pattern and placement of existing development, I consider that these aspects lead the site to be within the village, and believe that residents of properties immediately surrounding the site would consider themselves to be part of this village too.
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 immediate east of the site between Nos. 92 to 84 Jacksmere Lane. However, due to the dimensions of the plot of No. 110 Jacksmere Lane, its dwelling is sited a significant distance from the continuum of development to the east, with a distance of some 94m between side elevations and 40m between boundaries which reads as a more notable gap than the other spacing between built form along Jacksmere Lane.
14. This gap results in the No. 92 appearing as the last building of the built up, continuous grouping of dwellings immediately to the east of the site. Rather than forming part of this frontage, dwellings at Nos. 110 and 116 are experienced as visually separate, marking the transition to a more sporadic and spaced out placement of built form prior to the open fields beyond. In addition, the placements of No. 94 Jacksmere Lane and the nursery building set back from the street result in these buildings also failing to be experienced as part of the frontage.
15. Accordingly, the proposal would not develop a gap in an otherwise built up frontage. Even though it would be located in close proximity to No. 92 the scheme would, due to the immediate arrangement of the buildings and resulting intervening space, retain a void between the proposed dwelling and those at Nos. 110 and 116 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.
16. For these reasons, the proposal would not meet the exception set out in paragraph 154(e) of the Framework as limited infilling in a village. Accordingly, it would also fail to comply with the provisions of Policy GN1 of the Local Plan and the guidance of the SPD. There is no suggestion that the proposal would meet any other exception in the Framework.

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

Impact on openness

17. 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.
18. 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 the boundary planting that is currently present at the site along Jacksmere Lane and the plot dimensions, coverage, scale and projection of surrounding buildings, introduction of such permanent built form at the site would interrupt views of open land within the vicinity. This would cause moderate harm to the openness of the Green Belt.

Other Matters

19. I note the support for the proposal from surrounding residents. Nevertheless, I must assess the proposal as it appears before me in accordance with current local and national policy. The main parties agree that the proposal would be in a sustainable location and would not be an isolated dwelling. This represents a lack of harm, which is neutral in the planning balance.
20. The appellant asserts that gaps in built form are representative of the character of the area, such that the gap retained between the proposal and the development to the west would contribute in this regard. Nevertheless, it remains that I have found that the proposal would not represent infill development for the reasons given above.
21. My attention has been drawn to numerous appeals and applications³. However, each application is decided on its own site-specific merits and reference to development elsewhere carries limited weight.

Whether Very Special Circumstances Exist

22. 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

23. 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

1. ³ APP/P2365/W/18/3216055; APP/P2365/W/19/3235741; APP/P2365/W/20/3244675; 2018/1038/FUL