



Appeal Decision

Site visit made on 17 January 2024

by M Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st February 2024

Appeal Ref: APP/D2320/W/23/3327794

Lowe Farm, 123 Rawlinson Lane, Heath Charnock PR7 4DF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Salt against the decision of Chorley Borough Council.
 - The application Ref 22/00786/OUT, dated 20 July 2022, was refused by notice dated 14 February 2023.
 - The development proposed is described on the planning application form as 'proposed detached dwelling'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Government published a revised National Planning Policy Framework (the Framework) in December 2023. Those parts of the Framework most relevant to this appeal have not been significantly amended. Therefore, I am satisfied that there is no requirement to seek further submissions on the revised Framework and that no party's interests have been prejudiced by my taking this approach.
3. The application was submitted in outline form with all matters reserved and I have determined the appeal on that basis. I have regarded all detailed elements of the submitted drawings as indicative only.
4. The site visit procedure was changed from an access required site visit to an unaccompanied site visit. I was able to see all I needed to from public land.

Main Issues

5. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the development plan and the Framework; and
 - if it 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

Whether inappropriate development

6. The appeal site comprises a rectangular parcel of land on the western side of Rawlinson Lane. It is bounded to the north by Lowe Farm, a two storey

detached property, and by fields to the south and west. There are several trees on the site boundaries, including those adjoining the road frontage which forms the eastern boundary of the site. The site is currently overgrown but has been used as a hard surfaced tennis court enclosed by wire fencing. The immediate area is characterised by detached dwellings within relatively large plots surrounded by open countryside. The site is within the Green Belt.

7. The Framework explains that the construction of new buildings should be regarded as inappropriate development in the Green Belt, subject to certain exceptions. One such exception is contained at paragraph 154 g) of the Framework, which relates to limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use, excluding temporary buildings, which would not have a greater impact on the openness of the Green Belt than the existing development. Policy BNE5 of the Local Plan¹ is broadly consistent with the Framework in that criterion a) of that policy permits redevelopment of previously developed sites in the Green Belt, provided it does not have a greater impact than the existing use on Green Belt openness and the purposes of including land within it.
8. It is common ground between the main parties that the site constitutes previously developed land based on its former use as a tennis court. I concur with that assessment on the basis of the evidence before me and my own observations on the site. It is therefore necessary to determine whether the proposal for a new detached dwelling on the site would have a greater impact on the openness of the Green Belt than the existing development. Notwithstanding the existing fencing and vegetation, the site has an open character due to the absence of built form. The fencing and hard surfacing are not substantial in nature and neither have a significant impact on the openness of the Green Belt in my view.
9. The site is well related to Lowe Farm and the properties on the opposite side of the lane. The proposal would not extend significantly beyond the cluster of these properties. Nevertheless, the introduction of a new dwelling in a location that is open would inevitably lead to a loss of openness in spatial terms.
10. Whilst the application is in outline form, it is likely that the dwelling would be partially screened by neighbouring built form and nearby trees. That would reduce the visibility of the development. However, the trees on the site frontage are proposed to be removed to provide access and parking, which would open up views of the site from Rawlinson Lane. Although the proposed dwelling could be limited to single storey in height, it would still result in a substantial new structure which would be apparent from the adjacent highway and from within the appeal site itself. The proposed use would also lead to associated parking and external domestic paraphernalia such as refuse storage, which would emphasise the prominence of the proposal and further impinge on the visual openness of the Green Belt.
11. For the above reasons, I conclude that the proposed dwelling would have a greater impact on the openness of the Green Belt than the existing development and it would not, therefore, meet the exception at paragraph 154 g) of the Framework. None of the other exceptions in paragraph 154 are applicable to the proposal. Therefore, the proposal would represent

¹ Chorley Local Plan 2012-2026, Site Allocations and Development Management Policies, Development Plan Document (adopted July 2015)

inappropriate development in the Green Belt. Such development would be contrary to Policy BNE5 of the Local Plan and Chapter 13 of the Framework, which seek to protect the Green Belt. I attach substantial weight to this harm as directed by paragraph 153 of the Framework.

Other considerations

12. The provision of a new dwelling to the Council's housing stock, the creation of employment opportunities during the construction phase of development, and the contribution that future occupiers would make to the local economy, all weigh positively in the proposal's favour. Given the scale of the development proposed, I attach moderate weight to these matters.
13. The final design of the development would incorporate sustainable design features such as photovoltaic panels and a ground source heat pump, which would provide a reduction in carbon emissions, and it would utilise natural recyclable materials. The proposal would also include measures to enhance biodiversity on the site, as set out in the Ecological Appraisal. However, given the small scale of the development, any environmental benefits in this regard would be modest and consequently the weight that I attach to them is limited.
14. The appellant considers that the proposal would re-use the vacant parcel of land in a way that would enhance the surrounding landscape. Although it is overgrown and unkempt, the site does not significantly detract from the appearance of the area, particularly as it is well screened by trees on the site boundaries. Moreover, there is no evidence before me to suggest that improvement and maintenance of the site is dependent on the development taking place. I attach little weight to this factor.
15. The Council does not raise objections in relation to highway safety and I have no reason to disagree with that assessment based on the evidence before me and my observations on site. I also consider that the proposed dwelling could be designed to avoid adverse effects on the living conditions of neighbouring occupiers and the character and appearance of the area. However, the absence of harm in relation to these matters is effectively neutral in the overall balance rather than weighing positively in favour of the proposal.

Green Belt balance and conclusion

16. I have found that the proposal would be inappropriate development in the Green Belt. The Framework is clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Whilst I have given some weight to the factors in favour of the proposal, when taking these matters cumulatively, they do not clearly outweigh the harm arising from the proposal. Consequently, the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist.
17. For the reasons set out above, I conclude that the appeal should be dismissed.

M Ollerenshaw

INSPECTOR