



Appeal Decision

Site visit made on 16 January 2024

by J Moore BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23RD February 2024

Appeal Ref: APP/H4315/D/23/3330801

Whitewings Farm, Foxs Bank Lane, Cronton, Knowsley L35 3SS

- 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 Liz McLoughlin against the decision of St Helens Metropolitan Borough Council.
 - The application Ref P/2023/0332/HHFP, dated 18 May 2023, was refused by notice dated 18 July 2023.
 - The development proposed is retention of existing outbuilding.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's decision notice refers to the description of development as "*retention of existing stables*". However, there is no evidence before me to demonstrate that a change to the description was agreed. I have therefore used the description as it appears on the planning application form.
3. In December 2023, a revised version of the National Planning Policy Framework (the Framework) was published. The paragraphs most pertinent to this appeal are unchanged, other than their numbering. As such neither party is prejudiced by a lack of consultation on the revised Framework.

Main Issues

4. The appeal site is within the Green Belt and therefore the main issues are:
 - whether the proposed development would be inappropriate development in the Green Belt having regard to the Framework and relevant development plan policies, including the effect upon openness; 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

5. The host property is a two-storey detached dwelling. From the evidence before me, the host property was constructed circa 2018 following the conversion of an existing barn, pursuant to a planning permission Ref: P/2011/0881 for *partial conversion of stables to residential use, single storey extension to one side, single storey rear extension (with balcony above) to accommodate 3no.stables and detached implements shed* (the permission). A copy of the permission and approved plans have been submitted to the appeal.

6. There is some degree of dispute between the main parties regarding the lawfulness of the existing outbuilding. For the avoidance of doubt, it is not the role of an Inspector dealing with a section 78 appeal to determine the lawfulness of an existing or proposed development. Such matters can only be determined by an application for a certificate of lawfulness. I have determined the application as submitted, in light of the evidence before me and my own observations.

Inappropriate Development

7. 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 that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances; and that the construction of new buildings within the Green Belt is inappropriate development.
8. However, there are a limited number of exceptions to this, as set out in the Framework, including that at paragraph 154c) which refers to the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building¹. While the Framework does not define what might be considered a disproportionate addition, Policy LD05 of the St Helens Borough Local Plan 2022 (LP) addresses this exception, albeit with reference to an earlier version of the Framework.
9. The policy requires (among other things) that proposals for extensions and alterations do not have a materially greater impact on the openness or purposes of the Green Belt than the existing building; and as a general guideline, proposals should not extend an original building by more than 30% (by volume) either individually or cumulatively with other extensions. The policy is therefore in accordance with the Framework.
10. The outbuilding is about 20.4m wide, 7.5m deep and 3.4m high, and its volume is about 529m³. The Council calculates the cumulative increase in volume to the original dwelling to be about 635m³, which represents an increase of about 86%. By itself, the outbuilding would represent an increase of about 72%. The appellant does not dispute the Council's figures. Such an increase is significantly in excess of the 30% threshold in Policy LD05. Consequently, the outbuilding is a disproportionate addition, and therefore it is inappropriate development in the Green Belt.
11. The Council also considered the exception under paragraph 154b) of the Framework, which refers to facilities for outdoor sport and recreation, as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Whether or not the proposal would be used as stables, the determining factor in relation to this exception is the effect of the proposal upon the openness of the Green Belt.
12. Openness is an essential characteristic of the Green Belt, and it has a spatial as well as a visual aspect. 'Open' can mean the absence of development in spatial terms, and it follows that openness can be harmed even when development is not readily visible from the public realm.

¹ The Framework defines 'original building' as the building as it existed on 1 July 1948, or if it was constructed after that date, as it was built originally.

13. The outbuilding is of a substantial size and represents a significant spatial impact upon the openness of the Green Belt.
14. Due to its siting against the southern boundary of the appeal site, together with its scale, height and width, the outbuilding appears prominently in view on the approach from the south along Foxs Bank Lane (the lane). Consequently, the outbuilding has a significant impact upon the visual aspect of openness. Furthermore, due to its siting, there is little if any space for any screening through any landscaping scheme.
15. The land surrounding the host property on the east side of the lane is in agricultural use to include extensive fields, and thus appears as open countryside. The appeal site appears as part of this landscape, and thus it serves to assist in safeguarding the countryside from encroachment.
16. A housing development is currently under construction on the opposite side of the lane, which is within an adjacent local authority area. The circumstances that led to its construction are not before me, nor is the extent of the development site. However, from my own observations and information at the site, it is of a large scale. In my judgement, the land to the east of the lane therefore serves to check the unrestricted sprawl of large built-up areas.
17. Consequently, the outbuilding would not satisfy the exception under paragraph 154 b), as it would fail to preserve the openness of the Green Belt and conflict with its purposes.
18. I therefore conclude that the proposed development is inappropriate development in the Green Belt, and that it fails to preserve the openness of the Green Belt. It conflicts with Policy LPD05 of the LP, and the fundamental aims of the Framework. I attach significant weight to this conflict.
19. The Council's reason for refusal refers to Policy LPD01 of the LP, which seeks to ensure that new development is of high quality and provides buildings and places that function well. Having regard to the policy wording, its explanatory text and all of the evidence before me, I am not satisfied that any conflict with this policy has been demonstrated.

Other considerations

20. The fact that the proposal does not result in any harm to third parties is a neutral factor in my assessment, carrying no weight for or against the proposal, as does the fact that the design of the outbuilding is acceptable.
21. The proposal is of private benefit to the occupiers of the host property and does not represent a public benefit.
22. The 'implements shed' as approved under the permission represents a potential fallback position. It would be of a much smaller scale, footprint and volume than the proposal before me, and therefore it would be considerably less harmful. Moreover, the appellant suggests that the demolition or rebuilding of the outbuilding in accordance with the approved plans would entail considerable cost, waste of resources and carbon expenditure. While there is no substantive evidence to demonstrate this, it suggests that the fallback position is not a realistic prospect. For these reasons, the fallback position attracts little weight.

23. Even if the fallback position was realistic, the potential public benefits in terms of avoiding the waste of use of resources and carbon expenditure would be limited.

Other Matters

24. I appreciate the outbuilding was constructed prior to the purchase of the property by the appellant. Matters arising from the sale of a property, including any potential liabilities that may arise are private matters and do not have any material bearing on my assessment of the planning issues in the appeal.

Green Belt Balance and Conclusion

25. The proposal would represent inappropriate development in the Green Belt, which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In addition, openness is an essential characteristic of the Green Belt, so a reduction in openness would also be harmful. I am also required to give substantial weight to any harm to the Green Belt.
26. In this case, it is clear that any limited benefits arising from the proposal would not outweigh the harm I have identified, and therefore the very special circumstances necessary to justify the proposal do not exist.
27. For the reasons above, I conclude that the appeal should be dismissed.

J Moore

INSPECTOR