



Appeal Decision

Site visit made on 6 February 2024

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 February 2024

Appeal Ref: APP/H4315/W/23/3325847

The Junction, News Lane, Rainford, St Helens WA11 7JU

- 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 Mr P Draper of Draper Entertainments Ltd against the decision of St Helens Metropolitan Borough Council.
 - The application Ref P/2022/0510/FUL, dated 21 July 2022, was refused by notice dated 12 January 2023.
 - The development proposed is described as 'full planning application for the proposed temporary siting of the marquee and storage containers for five years'.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of my visit, the marquee and storage containers were on site. I have therefore determined the appeal on the basis that retrospective planning permission is sought.
3. I have been provided with a copy of an appeal decision on this site, Ref APP/H4315/W/22/3311321, relating to the permanent retention of the marquee and storage containers currently on site. In reaching my decision I have had regard to this previous appeal decision.
4. Since the determination of the planning application, the Government published a revised National Planning Policy Framework (the Framework). Where reference is made in this decision to paragraph numbers, they are taken from the latest version of the Framework.

Main Issues

5. The main parties have agreed that the proposal would represent inappropriate development in the Green Belt, and that was the conclusion of the Inspector in the previous appeal. I concur with that position.
6. On that basis, the main issues are:
 - The effect of the development on the openness and purposes of the Green Belt;
 - The effect of the development on the character and appearance of the area; 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 development.

Reasons

Openness and purposes

7. The Framework, at paragraph 142, sets out 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.
8. The development is positioned some distance to the rear of the Junction Public House (the Pub), with the marquee being clearly visible within medium to long distance views in both directions. The marquee and storage containers, whilst sited close together, cover a significant area of land that would otherwise be devoid of structures. The site coverage in combination with the height, represents a substantial increase in the bulk of development thereby reducing its openness. Furthermore, given the capacity of up to 200 people, any associated paraphernalia and activity arising from the use, also contributes to a reduction in openness. Having regard to both spatial and visual aspects, the development causes a degree of harm to the openness of the Green Belt albeit such harm is inevitably less than from permanent development.
9. Turning to Green Belt purposes, the site clearly forms part of the countryside, and the development is a physical encroachment into it. As a matter of judgement, the development does not assist in safeguarding the countryside from encroachment and will therefore conflict with this Green Belt purpose.
10. I conclude on this issue that there is a loss of openness in the Green Belt and conflict with one of the purposes of including the land within it. Consequently, the development conflicts with policy LPA01 of the St Helens Local Plan up to 2037 (LP) and paragraphs 142 and 143 of the Framework.

Character and appearance

11. The Pub building forms part of a tight ribbon of development on News Lane. The appeal site is detached from such built form and appears as part of the flat landscape comprising of agricultural fields that surrounds Rainford. Views of the development are limited from the road outside of the Pub, nonetheless, the marquee is seen within medium and distant views within an open landscape. It is also reasonable to consider that the marquee and the storage containers are readily visible in views from trains that pass close by.
12. Marquees are not atypical of the types of structures located at public houses. However, whilst they are, and historically have been, features seen within the rural area they are not typical within prominent and exposed open countryside locations such as the appeal site. In such a location, divorced from any permanent building, the marquee appears incongruous due to its height, materials and light colour and unacceptably diminishes the visual quality of the open rural landscape.
13. Being normally associated with an industrial, urban setting, the box-like profile and materials of the storage containers are entirely at odds with the rural and naturalistic qualities of their immediate surroundings. They appear as alien

features that are harmful to local views. Such harm is not adequately mitigated by their green colour or by the existence of a similar container associated with the football pitches also within the grounds of the Pub. Even if landscaping were to be carried out, any planting would take several years before it is of a height and maturity to adequately filter views of the development and address its unacceptable visual prominence. Such landscaping would not mitigate the visual impact of the development within the five-year temporary period that is sought.

14. I am aware that the appeal site is not located within an identified or designated landscape character area, however this does not alter my findings in this regard.
15. The development therefore harms the character and appearance of the area, contrary to LP Policy LPD01 which, amongst other things, seeks to ensure that development will maintain or enhance the character and appearance of the local environment. In addition, there would be conflict with the design principles of the Framework.

Other considerations

16. I acknowledge that the Covid-19 pandemic, and the subsequent cost of living crisis, have been challenging for the hospitality sector and have contributed to a decline in the number of public houses. In such difficult financial circumstances, the development represents a diversification of a rural business which assists in its continuation by generating additional income whilst a more permanent, alternative solution is provided.
17. The Pub, however, has a function room that could accommodate smaller events. Furthermore, a marquee could be erected on the site for up to 28 days per year which would enable some of the larger events to be held. Given such factors, there remains doubt as to whether the loss of such additional income will mean that the Pub will be forced to close, despite the claims of the appellant to the contrary. Consequently, this limits the weight that I can afford to such economic benefits of this case.
18. I accept that the marquee has directly created 11 additional jobs and that at least one additional, Events Manager job, will be created should the marquee be retained as proposed. Additionally, I have no reason to dispute the appellant's claim that the removal of the marquee will result in the immediate loss of 6 full time jobs. Such retention and creation of jobs carries positive weight in favour of the proposal. However, such weight is limited given the temporary nature of the development.
19. I acknowledge that the marquee draws upon local businesses to support the events held there, which provides economic benefits to local businesses including Bridge Farm campsite and Taylors Farm Shop. There is, however, no compelling evidence that the continuation of the events held in the marquee are essential to the viability of such local businesses. Consequently, I only give this limited weight.
20. The marquee also provides social benefits through its use by community and charitable groups. There is, however, no substantive evidence before me that supports a conclusion that without the marquee such community groups would not be able to continue, or that the charities using it would not be able to

undertake fund raising events. Therefore, I only afford limited weight to such a benefit.

21. I acknowledge that when granting planning permission for the extension to the Bridge Farm campsite, the events at the Pub formed part of the other considerations that led to the Council granting planning permission for inappropriate development in the Green Belt. However, the Bridge Farm campsite development materially differs from the case before me. Moreover, there is nothing before me that suggests that the Council would have reached a different conclusion if the events held in the marquee were not taking place. Therefore, I am not satisfied that the Bridge Farm decision supports the development before me and as such I afford it limited weight.

Whether very special circumstances exist

22. The appeal scheme is inappropriate development and is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, as set out in paragraph 152 of the Framework. The Framework, at paragraph 153, states that substantial weight should be given to any harm to the Green Belt and very special circumstances will not exist unless that harm, and any other harm, are clearly outweighed by other considerations.
23. I have found harm to the openness of the Green Belt, although such harm is less than if the appeal related to permanent development, and conflict with one of its purposes. I have also found harm to the character and appearance of the area.
24. The other considerations I have identified are of limited or moderate weight in favour of the proposal. Consequently, these considerations, along with all other matters identified in the evidence, do not clearly outweigh the substantial weight to be given to identified harm to the Green Belt, either individually or collectively, so as to amount to the very special circumstances necessary to justify the development. Accordingly, the proposal conflicts with the local and national Green Belt policies I have already outlined.

Other Matters

25. The appellant has referred to competition with the recently reopened Gold Lion Public House in Rainford, however, this is not a material consideration that I can attribute any weight in the determination of this appeal.

Conclusion

26. The development conflicts with the development plan when considered as a whole and there are no other considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
27. I therefore conclude that the appeal should be dismissed.

Elaine Moulton

INSPECTOR