



Appeal Decision

Site visit made on 5 March 2024

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 15 March 2024

Appeal Ref: APP/P2365/W/23/3331448

Land to the rear of 84 and 86 New Street, Halsall, Lancashire L39 8RS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Leckwith Contracts Ltd against the decision of West Lancashire Borough Council.
 - The application Ref is 2022/0328/FUL.
 - The development proposed is described as 'Erection of a one and a half storey high detached house on land to the rear of 86 New Street, Halsall.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published on 19 December 2023. The content of the revised Framework has been considered but in light of the facts in this case it does not alter my conclusion.
3. The Council's decision notice lists two reasons for refusal. However, the Council has indicated in its grounds of appeal that following discussions with the LCC Highway Authority it has withdrawn its objection relating to highways safety.

Main Issue

4. In light of the above, the main issue is whether the proposed development would preserve or enhance the character or appearance of the Halsall Conservation Area (HCA).

Reasons

Conservation Area

5. The appeal site is irregular in shape and comprises part of the side and rear garden area of 86 New Street, and a piece of grassed land to the west of this two storey detached dwelling. Whilst there has been some infill development over the years, No 86 sits at the end of a ribbon of houses of various sizes, materials and styles, on the western side of New Street. Despite this variety, the prevailing linear street pattern and long rear garden areas, are key features of the spacious layout and pattern of development along this section of New Street.
6. The appeal site is also located in the HCA. The terms of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require me to pay

special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. The HCA Appraisal 2005 indicates that its special interest, and significance, derives from its origins as a medieval settlement centre. It identifies the southern area of the HCA, along New Street, to be characterised by frontage cottage development, most being of historic value. The dispersed nature, and large areas of open space and farmland between the areas of development are also included as key features of the HCA's rural character.

7. I appreciate that the proposed dwelling's design is intended to be of a 'cottage appearance' and would be only one and a half storeys in height. The materials would also be similar to those found on other properties within the HCA. Nonetheless, the proposal would be in a backland location accessed via a new road to the southern side of No 86. The introduction of a dwelling into this open and undeveloped area would increase the built form and density of development across the site, and result in No 86's plot size being significantly smaller and narrower than the neighbouring plots along this stretch of the road. This arrangement would significantly erode the sense of spaciousness and appear out of context with the predominant layout and pattern of development in the immediate area, thereby causing harm to the significance of the HCA.
8. Whilst views of the proposal from the nearby public footpath would be largely screened by a number of mature trees, its discordant effect on the spaciousness and layout of the area would be plainly visible from the gateway into the site off New Street and from the rear windows of neighbouring properties.
9. I consider the harm that would be caused to the significance of the HCA would be 'less than substantial' within the meaning of the Framework. Paragraphs 205 and 206 of the Framework explain that great weight should be given to the conservation of a designated heritage asset, and any harm requires clear and convincing justification. In paragraph 208 of the Framework, it goes on to state that where a proposal would lead to less than substantial harm to the significance of such an asset that this harm should be weighed against the proposal's public benefits. However, no public benefits associated with the proposal have been put forward to be weighed against this harm.
10. My attention has also been drawn to 90 and 96 New Street, which are arranged in such a way that they sit behind Nos 92 and 94. However, the appellant's Heritage Impact Assessment accepts that these are ex-Mill House Farm buildings that have been in existence since the 1840s. My site observations also confirmed that they form a historic well-defined cluster of former agricultural buildings that have a large degree of separation from the end cottage (No 86) in the ribbon of houses along this part of New Street. Accordingly, I do not consider their site characteristics or circumstances to be directly comparable to those that apply to this appeal.
11. Accordingly, the proposed development would fail to preserve or enhance the character or appearance of the HCA. Conflict would therefore arise with policies GN3 and EN4 of the West Lancashire Local Plan 2012-2027 Development Plan Document (2013) (Local Plan). These seek, amongst other matters, for new development to be of high-quality design, incorporating plot widths, front garden depths, building orientation and spacing between buildings in keeping

with the prevailing layout in the locality, and to preserve, and where possible enhance the Conservation Area.

Other Matters

12. I have been made aware that the Council found the effects of the proposal on trees, parking, highways, and the living conditions of neighbouring occupiers to be acceptable. Furthermore, it would not affect the setting of any listed buildings. However, the absence of harm in these respects does not weigh in favour of the proposed development.
13. Whilst there may also be potential for this vacant plot to become overgrown and untidy, neglect of land does not in itself justify the grant of permission for an otherwise unacceptable proposal. In addition, I recognise that the proposed scheme has been amended since the previously refused application on the site (2016/0072/FUL). Nonetheless, for the reasons given above, I continue to find that the scheme conflicts with current local and national policies.

Conclusion

14. The proposal would fail to preserve the character or appearance of the HCA. For the reasons given above, having taken account of the development plan as a whole, along with all other relevant material considerations, the appeal should therefore be dismissed.

Mark Caine

INSPECTOR