



Appeal Decision

Site visit made on 21 February 2024

by N Bromley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th March 2024

Appeal Ref: APP/F2360/W/23/3329872

Fairfield, Long Moss Lane, Whitestake, Lancashire PR4 4XN

- 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 and Mrs Richard Owen against the decision of South Ribble Borough Council.
 - The application Ref 07/2023/00432/FUL, dated 24 May 2023, was refused by notice dated 5 September 2023.
 - The development proposed is demolition of an agricultural building on a site that benefits from a class Q 07/2021/00546/APD and erection of a replacement dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023 and updated on 20 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach. I have referred to the updated paragraph numbers accordingly.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - the effect of the proposal on the openness of the Green Belt;
 - whether or not adequate living conditions would be created for future occupiers of the proposal, with reference to noise and disturbance; and
 - 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 required to justify the proposal.

Reasons

4. The appeal site is located within the Green Belt and includes a number of buildings and structures associated with an agricultural business. The proposal is for a new detached dwelling to replace an existing storage building and container.

Whether inappropriate development

5. The Framework establishes that new buildings in the Green Belt are inappropriate other than for specified exceptions that are set out in paragraph 154. One such exception, 154(d), is the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. Policy G1 of the South Ribble Local Plan (LP) conforms with the Framework and identifies the same exception.
6. The proposal would result in the demolition of an existing single storey, open fronted, storage building, and the removal of a steel container, associated with the agricultural use of the site. The storage building, and container have a modest size and the parties agree that they have a footprint of 103 square metres. The proposed dwelling would also have a footprint of 103 square metres, but it would be two storeys in height, with a pitched roof. Therefore, it would have a significantly and materially greater built volume than the storage building and container.
7. Consequently, the replacement of the agricultural storage building and container, with a materially larger residential dwelling would not accord with LP Policy G1 or paragraph 154 of the Framework and is therefore inappropriate development.
8. Paragraph 152 of the Framework says that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In accordance with paragraph 153 of the Framework, substantial weight is given to any harm to the Green Belt.

Openness

9. Paragraph 142 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It identifies openness as an essential characteristic of the Green Belt. One of the five purposes of the Green Belt identified by paragraph 143 of the Framework includes to assist in safeguarding the countryside from encroachment.
10. The appeal site is within the countryside. The landscape is relatively flat and open, with fields, agricultural buildings, and occasional residential dwellings, contributing to the rural character on the southern side of Long Moss Lane.
11. The existing storage building, and container have a functional appearance and their removal would be a benefit, to which I attribute limited favourable weight.
12. The new dwelling would be located to the rear of the existing buildings which have a modest height and are set back from the road behind the existing farmhouse. While the proposed dwelling would be located a reasonable distance from the road, the two storey height and the additional built mass would increase its prominence making it more visually intrusive. This would be a significant negative change in terms of the existing spatial and visual openness of the Green Belt.
13. Furthermore, the proposed development would result in additional hardstandings and a domestic garden, including associated domestic paraphernalia, garden structures, fencing and the like. This would further reduce openness in both visual and spatial terms in this particular instance.

14. For the reasons given, the proposal would have a harmful effect on the visual and spatial openness of the Green Belt and would conflict with the fundamental aim of Green Belt policy which is to prevent urban sprawl by keeping land permanently open.

Living conditions of future occupiers

15. The proposed dwelling would be located in close proximity to an existing workshop building in use for making gates and also the repair of farm machinery.
16. The commercial use of the adjacent building is likely to include activities that generate noise. The rear elevation of the proposed dwelling would contain habitable windows and would be in close proximity to the workshop building. Therefore, the juxtaposition of the proposed dwelling to the adjacent commercial building is likely to lead to conflict between future occupants and the existing business from noise and disturbance.
17. There is no acoustic report before me, and I have no objective means of quantifying the noise impacts of the commercial use of the adjacent building across the day and at night. Likewise, the appellant has also not proposed any means of noise attenuation measures, if any, to be incorporated into the design of the proposed dwelling.
18. It is suggested that the proposed dwelling would be occupied by the appellant and his family. However, there is no indication whether the proposed dwelling would be occupied in association with the wider agricultural use of the site and the adjacent business or not. In addition, a mechanism for securing this in perpetuity has not been put forward.
19. Consequently, for the above reasons and on the evidence before me, I conclude that adequate living conditions would not be created for future occupants of the proposal, with reference to noise and disturbance. It would thereby conflict with Policy 17 of the Central Lancashire Core Strategy, which amongst other things, seeks to ensure that the amenities of occupiers of new development will not be adversely affected by neighbouring uses.

Other considerations

20. Paragraph 152 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It goes on to state in paragraph 153 that substantial weight is given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
21. I am referred to a previous planning permission (previous permission) on the site (Council reference 07/2021/00546/APD) for the change of use of an agricultural building to a dwellinghouse granted by Class Q of the Town and Country Planning (General Permitted Development) Order 2015, as amended. The appellant suggests that the previous permission establishes that the principle of the dwelling on the site is not disputed, and it represents a fallback position.

22. However, the previous permission relates to an adjacent building on the site which could be implemented irrespective of the outcome of this appeal. The proposal is for the replacement of a different building within the site, as opposed to the replacement of the building which has permission for its change of use. As such, I afford this fallback very little weight.
23. The appellant seeks a new dwelling on the site in association with the agricultural business, and to improve security and surveillance. The appellant's mother also lives in the adjacent farmhouse and a new dwelling would enable increased care for her. I am also mindful of the support for the scheme from neighbouring occupiers and third parties. However, there is limited evidence before me to demonstrate that a new dwelling is the only option available to provide care to an elderly relative and/ or the only means of addressing security issues at the site. I am also conscious of the previous permission which could be implemented, which could address the above matters. I therefore attach limited weight to the above circumstances.
24. I have also had regard to the Court cases cited by the appellant and the implications of these judgements. However, these arguments have not changed my reasoning here.

Other Matters

25. The proposed dwelling would contribute to boosting the supply of new housing, as referenced in the Framework and provide the associated social, economic, and environmental benefits. There would also be social and economic benefits to local services during the construction and occupancy phases. However, these benefits would be limited by virtue of the proposal only adding one additional dwelling to the housing supply in the area.
26. There are also no concerns regarding the design of the proposed development, landscaping, or harm to overlooking, overshadowing or an overbearing impact. However, these are requirements of planning policy, and they carry neutral weight.

Green Belt Balance and Conclusion

27. The proposed development would be inappropriate development in the Green Belt which in line with Paragraph 152 of the Framework is harmful by definition. I have also found that the appeal proposal would reduce the openness of the Green Belt which also amounts to harm and carries substantial weight. It would also be harmful to the living conditions of future occupiers.
28. The other considerations I have identified, including the removal of the existing building and storage container, the personal circumstances of the appellants, the security benefits, and the contribution to the area's housing supply, are of limited weight in favour of the proposal.
29. Consequently, those other considerations would not, in their totality, clearly outweigh the harm to the Green Belt that I have identified. Therefore, the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist. The development would thus conflict with the Green Belt protection aims of the Framework and Policy G1 of the LP.

30. The development would conflict with the development plan taken as a whole and material considerations do not indicate that the decision should be made other than in accordance with the development plan.

31. For the above reasons, the appeal is dismissed.

N Bromley

INSPECTOR