

Appeal Decision

Site visit made on 23 January 2024

by J D Clark BA (Hons) DpTRP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 May 2024

Appeal Ref: APP/P2365/W/23/3328640

Valera Ltd, Plox Brow, Tarleton, Lancashire, PR4 6HB

- 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 Mr D Tomlinson of Bella Homes NW Ltd against the decision of West Lancashire Borough Council.
 - The application Ref is 2022/1143/FUL.
 - The development is described as proposed mixed use development - including six dwellings and two blocks of retail/office space, access, parking and landscape following demolition of existing buildings.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development has changed from the application form, referred to above. The report to the Planning Committee, the decision notice and the appeal form describe the development as proposed mixed use development – including six dwellings, two blocks of office accommodation and associated access, parking and landscape following demolition of existing buildings. This removes the retail element of the scheme. I have assessed the appeal accordingly.
3. A landscaping plan has been submitted with the appeal. As this is a matter of importance in this case and is referred to in the description of development, I have taken the plan into account in my assessment.
4. A revised version of the National Planning Policy Framework (the Framework) was published in December 2023 and is a material consideration in this appeal. The main parties were given the opportunity to comment on any relevant implications for the appeal but no responses were forthcoming.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the surrounding area with regard to the layout, landscaping and protected trees.

Reasons

6. The appeal site comprises a collection of vacant industrial buildings. To the south is a motor vehicle repair business. There are park home/caravan style residential properties to the west in Meadow Park and a relatively modern residential development to the north. Despite the existing industrial and commercial buildings and the mix of residential properties, the surrounding area has a semi-rural character. This is mainly due to the Leeds Liverpool Canal, Rufford Branch, running close to the entire eastern boundary, the open land alongside the canal on the opposite side to the appeal site and the River Douglas beyond.
7. The existing site is not particularly attractive mainly due to the vacant appearance of the buildings but also due to a substantial amount of building rubble deposited at the northern end of the site together with temporary fencing. Redevelopment of the site provides an opportunity to improve its appearance and its contribution to the semi-rural character of the area. The Framework is clear that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. The Framework also notes the importance of trees. These can make a positive contribution to the character and quality of an area and also help mitigate against climate change.
8. A Tree Preservation Order (TPO)¹ identifies three individual trees and three groups. One of the individual trees has been felled as it was dead and one, an Ash, is located on the north-eastern end of the site and is in poor condition. This would be removed as part of the proposed development, although the arboricultural report indicates it should be removed irrespective of the development. The third individual tree and the tree groups are located at the rear of the existing commercial buildings close to the boundary with Meadow Park.
9. Other than the removal of some TPO group trees, most of the existing trees are shown to be retained along the western boundary. Although those trees to be removed have limited arboricultural merit, the amenity value of the trees on the site as a whole make a positive contribution to the character and appearance of the surrounding area.
10. The proposed semi-detached houses would be located at the north-east corner of the site and set out to allow some green space to the front. The detached houses would be close to the site's boundaries and incorporate hardsurfaced driveways. The office units would comprise two blocks with parking areas. Each block would be close to the site's eastern and western boundaries.
11. The landscaping plan shows two new trees to the north-east corner in front of the semi-detached houses and some new tree planting along the boundary with Meadow Park. Mostly, these would be in the rear gardens of the proposed dwellings. Additional trees are proposed within the car parking areas of the office units. The proposed landscaping also includes hedge planting to the front of the dwellings and grassed rear gardens. New trees

¹ Town and Country Planning Act 1990 The West Lancashire District Council Tree Preservation Order (No 28) 2000.

are proposed which the appellant states exceed the amount of replanting on a like for like basis.

12. The layout of the development is very compact and, notwithstanding the details submitted, there is limited space for landscaping. The proposed scheme incorporates a reasonable amount of planting and the retention of TPO trees along the boundary with Meadow Park. However, there would be less space to incorporate meaningful landscaping along the site's public sides, by the canal and Prox Brow.
13. The detached dwellings would be close to the site's boundaries which, although similar to some of the houses in the development to the north in terms of the space for landscaping, there are notable differences. Those houses to the north that face the canal are separated from it by a road and either a separate parking area or a linear area of grassed open space. The proposed dwellings that face the canal would be very close to the access road and much closer to the waters edge.
14. The landscaping associated with the commercial units would be limited and I am not convinced that the space is sufficient to enable a scheme to flourish within the proposed car parking areas. Given my concerns about the submitted landscaping scheme, I am not content that landscaping could have been dealt with by a condition without any need to amend the layout.
15. The proposal would result in a tight development that does little to embrace the semi-rural character of the area and the canal side location of the appeal site. It would appear cramped, overdeveloped and fails to take the opportunity to create a high quality beautiful development as sought by the Framework.
16. An outline planning permission for residential development is referred to by the parties but no details have been provided as part of this appeal. I am therefore unable to draw any comparisons between the layouts of the two schemes and therefore can afford this only limited weight.
17. Consequently, the proposal would have a harmful effect on the character and appearance of the surrounding area with regard to the layout, landscaping and protected trees. It would therefore conflict with Policies EN2 and GN3 of the West Lancashire Local Plan² and the Council's Design Guide SPD³ which seek to protect West Lancashire's natural environment and require development to be of high quality design. This includes integrating landscaping into the layout and protecting existing trees of amenity value. The development would not complement or enhance the attractive attributes and/or local distinctiveness of this canal-side location. It would also conflict with Chapter 12 of the Framework.

Other Matters

18. The appellant has expressed dissatisfaction with the Council's pre-application service and also during the determination stage of the application. However, these matters would need to be taken up with the Council and do not affect my determination of this appeal.

² West Lancashire Local Plan 2012-2027 Development Plan Document October 2013.

³ West Lancashire District Council Supplementary Planning Document Design Guide January 2008 (SPD).

Conclusion

19. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Consequently, I conclude that the appeal should be dismissed.

J D Clark

INSPECTOR