



Appeal Decision

Site visit made on 29 May 2024

by Felicity Thompson BA(Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 June 2024

Appeal Ref: APP/P2365/C/23/3321720

Land at Plot 1, Mercer Court, forming part the land adjoining The Byre, 4 Mercer Court, Great Altcar L31 4LF

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Miss Helen Williams against an enforcement notice issued by West Lancashire Borough Council.
 - The notice was issued on 27 March 2023.
 - The breach of planning control as alleged in the notice is without planning permission, the construction of an area of hardstanding and erection of two stable block buildings.
 - The requirements of the notice are:
 1. To demolish the stable blocks and break up the area of hardstanding on the land.
 2. To remove from the land materials resulting from the demolition of the stables and the breaking up of the hardstanding.
 - The period for compliance with the requirements is seven months.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. The appeal is dismissed, the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Preliminary Matters

2. The submitted plans and Landscape and Visual Appraisal (LVA) show and refer to the mobile home (caravan) which is sited on the land. However, the terms of the appeal on ground (a) derive directly from the alleged breach of planning control set out in the enforcement notice, which does not include the caravan.
3. In their appeal statement the Council referred to harm to the living conditions of the occupiers of dwellings in Mercer Court however, this was not given as a reason for issuing the enforcement notice. Accordingly, and since I am dismissing the appeal for other reasons, I do not address this.

The appeal on ground (a) and the deemed planning application

4. The main issues are:
 - Whether the development is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and development plan policy.
 - The effect of the development on the character and appearance of the area.

- If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development

5. Policy GN1 of the West Lancashire Borough Council Local Plan 2012-2027 Development Plan Document (Local Plan) sets out that development proposals within the Green Belt will be assessed against national policy and any relevant Local Plan policies.
6. Paragraph 154 of the Framework indicates that the construction of new buildings should be regarded as inappropriate in the Green Belt except in a number of clearly defined circumstances. Relevant to this appeal is the exception at sub paragraph b) which relates to the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries, and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
7. The Framework identifies 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. Openness in terms of the Green Belt is the absence of development and has been found by the courts to have a spatial as well as a visual aspect.
8. The stables and hardstanding are visible from public rights of way and whilst it is not unusual to see stable buildings in rural locations, the appeal development has resulted in the provision of buildings and hardstanding on a previously undeveloped field. Accordingly, both in visual and spatial terms the development fails to preserve the openness of the Green Belt.
9. Moreover, the development does not assist with safeguarding the countryside from encroachment which is one of the five purposes of including land within the Green Belt and consequently, the development constitutes inappropriate development in the Green Belt.

Character and appearance

10. The hardstanding and stables are in the corner of a field in a distinctly flat and largely open landscape. It is stated and I observed that beyond the immediate setting, the landscape is dominated by large-scale geometric arable fields with occasional wooded copses, shelterbelts and hedgerows lining the roads.
11. It is recognised in the LVA that there is a network of well used public rights of way throughout the area which, combined with the good scenic value, makes this an area of high recreational value. It seems to me that such recreational users, who will be actively engaging with the countryside landscape, are likely to have a heightened sensitivity to changes, particularly those familiar with the area.
12. In broad terms the LVA seeks to demonstrate that the landscape can accommodate the development, with mitigation in the form of landscaping and

staining, on the basis that it is a type of development which is not wholly uncharacteristic in the landscape setting.

13. As already acknowledged, it is not unusual to see stables in rural locations, nevertheless there is no substantive evidence, nor did I observe that isolated stable buildings are characteristic of the immediate landscape.
14. The Council's Supplementary Planning Document Development in the Green Belt October 2015 sets out that stable buildings should not be in an open or prominent position and, if possible, should be close to existing buildings.
15. I have had regard to the images in the LVA and those provided by third parties. I also viewed the site from the footpath which runs broadly east along Maghull Brook. I acknowledge that the greatest impact is from relatively close-range views, with some of those being filtered by vegetation.
16. Whilst relatively close to the complex of buildings broadly northeast of the site, the appeal development has encroached into an area of undeveloped land. Although located in the corner of the field, the development is unrelated to existing buildings or landscape features, such that it does not relate well to the surrounding landscape.
17. The hardstanding is relatively modest, nevertheless it makes the storing of equipment and related items more likely, something which the Council would have no control over if permission were to be granted. Such paraphernalia exacerbates the harmful impact of the development in views, as demonstrated by the presence of the horse trailer.
18. The appellant proposed landscaping to the broadly east and south of stable block two, and the LVA suggested staining to help the buildings assimilate. However, whilst the exact nature of any planting could be secured by condition and in the longer term may soften and screen the development, such landscaping measures would take a considerable period to become fully established and harm to the character and appearance of the area would result in the meantime. Staining may soften the appearance but would not overcome the harm in terms of siting.
19. Overall, whilst reasonably localised in their extent, the stables and hardstanding, because of the siting, appear as an intrusive development in the landscape. Consequently, the development has an adverse effect on the character of the site and its countryside setting, contrary to Policy GN3 of the Local Plan which requires development to have regard to visual amenity and complement or enhance any attractive attributes through appropriate siting within its surroundings. It also conflicts with the aims of the Framework to enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

Other considerations

20. The stables have been designed for the private use of the appellant who lives on the site. However, the appellant is living in a caravan which is subject to separate enforcement action by the Council. Accordingly, since it appears that the appellant's occupation is not lawful, this is a matter of little weight.
21. That there is no identified harm in respect of flood risk or ecology are neutral matters which carry no weight in the overall Green Belt balance.

22. The submissions refer to the stables being moveable however, there is no evidence to suggest that they have, or are intended to be moved. This is therefore a matter of negligible weight.

Green Belt Balance

23. Paragraph 152 of the Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework goes on at paragraph 153 to require that substantial weight should be 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.
24. I have found harm to the Green Belt by way of inappropriateness and to the character and appearance of the area. The other considerations raised in support of the development do not clearly outweigh the harm that I have identified to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist. Therefore, the development conflicts with the Green Belt protection aims of Policy GN1 of the Local Plan and the Framework.

Conclusion

25. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

Felicity Thompson

INSPECTOR