



Appeal Decision

Site visit made on 14 May 2024 by Ifeanyi Chukwujekwu BSc MSc MRTPI MIEMA CEnv

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th July 2024

Appeal Ref: APP/P2365/D/24/3337993

39 Church Lane, Wroughtington, Lancashire WN6 9SN

- 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 Keith Kellet against the decision of West Lancashire Borough Council.
 - The application Ref is 2023/1066/FUL.
 - The development proposed is a rear single storey extension with flat roof.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. A revised National Planning Policy Framework (the Framework) was published between the determination of the application and this appeal. The substance thereof as far as it relates to the following main issues has not however changed. I am therefore satisfied that the main parties would not be prejudiced by me referring to the most up to date version of the Framework below.

Main Issues

4. The main issues are a) whether the appeal scheme would be inappropriate development in the Green Belt; b) the effect of the proposal on the openness of the Green Belt; and c) if the proposed development is inappropriate, is the harm by reason of inappropriateness, and any other harm, clearly outweighed by other considerations. If so, does this amount to the very special circumstances required to justify it.

Reasons for the Recommendation

Inappropriate Development

5. Policy GN1 of the West Lancashire Borough Council Local Plan 2012-2027 (LP) defers to the Framework for the consideration of development in the Green Belt. Paragraph 154 explains that the construction of new buildings in the Green Belt should be regarded as inappropriate. There are some exceptions.

- One such, with specific regard to the appeal scheme, is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building, specified by exception c).
6. Policy GB4 of the Supplementary Planning Document 'Development in the Green Belt' 2015 (the SPD) provides, in regard to extensions and alterations therein and as a guideline, the total volume of the proposal together with any previous extensions, alterations and non-original outbuildings, should not result in an increase of more than 40% above the volume of the original building.
 7. The Framework defines 'original building' as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally. Whilst it is unclear when the house was originally built and what aspects constitute parts of the original building, the planning history provided by the Council shows that the property has been extended via a single storey extension to enclose the existing outdoor pool and a porch linking it to the main dwelling. The construction of a detached outbuilding was also permitted. The appellant does not dispute the outbuilding being included as an extension and I am mindful of the Council's SPD in this regard. Nor that, along with the proposed extension as part of the appeal scheme, works to the original building would represent a total volumetric uplift of 75.5%.
 8. This figure would be some distance beyond the 40% limitation set out in the SPD and in so being close to doubling the volume of the original dwelling, it would be reasonable, in this context, to define the totality of the extensions as disproportionate additions over and above the size of the original dwelling for the purposes of the Framework.
 9. The Framework also accepts that the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development may not be inappropriate. Specified by exception g). 'Limited infilling' is not defined albeit, for the purposes of paragraph 154, it is taken to refer to villages as per exception e) and therefore something new, stand alone and of itself. The appeal scheme would be situated between two parts of the same building, but it is far more logical to consider that as an extension as per exception c) since it would be attached to the fabric of something pre existing.
 10. I accept that the appeal site, given it is not in a built-up area, would be previously developed land. That said, the appeal scheme would not be redevelopment. This term infers something more akin to the action or process of developing something again or differently rather than something wholly new where it wasn't before. The dwelling being extended was there before the proposed development, during and will continue to be.
 11. With this and the above in mind, the appeal scheme would not sit squarely with exception g) as a point of principle. It is not therefore necessary to explore whether it would have a greater impact on the openness of the Green Belt than the existing development. The proposals would be inappropriate development in the Green Belt which is harmful thereto by definition. This would conflict with the Green Belt protection aims of the Framework and Policy GB4 of the SPD. It would also conflict with Policy GN1 of the LP as far as it refers to the Framework on Green Belt matters.

Openness

12. Openness is one of the Green Belt's essential characteristics. It has a spatial and visual aspect. The proposal would result in an increase in the size of the dwelling when compared to the original building and involve development where such did not exist prior. This would inevitably reduce the spatial aspect of the Green Belt's openness. The wider area around the appeal site is an open landscape, although due to mature vegetation and the dwelling's positioning it cannot be viewed from Church Lane. The extension, on its own merits, would be contextually small in relation to the existing building and located to the rear. Its effect on the Green Belt's visual aspect would therefore be limited.
13. However, the reduction in the spatial aspect and thus harm to the Green Belt's openness would remain. Such that it would lead to conflict with the purpose of safeguarding the countryside from encroachment and the essential characteristics of Green Belts as they are set out in the Framework. It would also lead to conflict with Policy GN1 of the LP as it refers to the Framework and the Green Belt protection aims of Policy GB4 of the SPD.

Conclusion and Recommendation

14. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. These will not exist unless that harm, and any other harm, is clearly outweighed by other considerations. The proposal would be inappropriate development in the Green Belt, and it would reduce its openness. I am required to attach substantial weight to these matters. The scheme would have some benefits associated with it, such as providing changing rooms for the swimming pool. These would however be worthy of limited weight given their private nature. There would also be no adverse effects in other areas such as living conditions or ecology for example. In each case however, these would amount to a lack of harm which would be neutral.
15. With this and the above in mind, it seems sufficiently clear that that other considerations would not attract sufficient weight to clearly outweigh the harms I have found. Such that the very special circumstances needed to justify the proposal do not exist. As such, I recommend that the appeal is dismissed.

Ifeanyi Chukwujekwu

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence, and my representative's report, and on that basis the appeal is dismissed.

John Morrison

INSPECTOR