
Appeal Decision

Site visit made on 4 September 2024

by S Brook BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 September 2024

Appeal Ref: APP/M4320/W/24/3344748

No 4 The Promenade, Adjacent to Toad Hall, Ainsdale, Southport PR8 2QB

- 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 Southport Boat Angling Club against the decision of Sefton Metropolitan Borough Council.
- The application reference is DC/2023/01393.
- The development proposed is the erection of a single storey storage building (B8).

Decision

1. The appeal is allowed and planning permission is granted for Erection of a single storey storage building (B8) at No 4 The Promenade, Adjacent to Toad Hall, Ainsdale, Southport, PR8 2QB, in accordance with the terms of the application, Ref DC/2023/01393, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. I have taken the address from the appeal form as this more accurately describes the site location.
3. The description of development in the banner heading and decision differs from that on the application form. This is because a revised description was suggested by the Council and agreed by the appellant at the planning application stage. The Council dealt with the proposal on this basis and so have I. Nevertheless, I have noted the concerns subsequently raised by the appellant at the appeal stage.
4. Since the appeal was lodged, the government has published "Proposed reforms to the NPPF and other changes to the planning system", and the "National Planning Policy Framework: draft text for consultation", and the Secretary of State's written ministerial statement entitled "Building the homes we need" (WMS). These documents have not raised any new matters which are determinative to the outcome of this appeal.

Main Issues

5. The main issues are:

- Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies including, where appropriate, its effect on openness;
- If the development is inappropriate, 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

Whether inappropriate development

6. Policy MN7 of A Local Plan for Sefton, Adopted April 2017, (LP) sets out that the construction of new buildings is generally regarded as inappropriate development in the Green Belt, subject to the exceptions set out in national planning policy, and that inappropriate development will not be approved except in very special circumstances.
7. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions as set out in paragraph 154.
8. Exception b) of paragraph 154 is 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.
9. The appeal site is presently used by Southport Boat Angling Club (the Club) for the external storage of tractors and trailers which facilitate the launch of fishing and sailing boats from Ainsdale beach, which is located to the opposite side of the road. Weld mesh fencing is located to the site frontage. To the northern boundary is a substantial, three storey brick building, referred to as Toad Hall, which is presently vacant. To the east is an industrial unit, and to the south is a large holiday complex (Pontins).
10. The information before me indicates that the proposed building would store the aforementioned tractors and trailers used to launch boats used by the Club at Ainsdale beach, as well as providing its 110 members with a workshop/training room, toilets, changing facilities, and small kitchen. The Council's Officer Report (OR) accepts that the proposal would provide a local angling boat club with a permanent building to store their equipment and carry out club related activities, facilities which it considers to be "much needed".

11. Nevertheless, the Council considers that exception b) cannot apply to a storage use within use class B8. The proposed plans indicate that the building would clearly facilitate the storage of equipment used by the Club for launching boats at the adjoining beach, as well as practical facilities for those engaged in these outdoor sporting and recreational activities. As such, the evidence before me suggests that the building would be for the provision of appropriate facilities for outdoor sport and recreation. Consequently, the proposal could benefit from criteria b) of paragraph 154 of the Framework, subject to the facilities preserving the openness of the Green Belt and not conflicting with the purposes of including land within it.
12. Even if the proposal did not benefit from exception b), exception g) of paragraph 154 allows for 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. The Council does not dispute that the site could benefit from this exception, subject to the relevant openness test.

Openness

13. The proposal would introduce a building to the appeal site where presently there is none, which would impact spatially on the openness of the Green Belt. However, the site is presently occupied by vehicles and bound by fencing, and from public vantage points along The Promenade, it is largely contained by existing buildings or fencing to the north, east and south. While I accept that the mesh fencing is lower than the proposed building and allows views through it, and parked vehicles are transient, the introduction of the proposed building would not impact significantly on openness in a visual sense, given the extent to which the site is contained by the surrounding built form. These existing buildings already dominate views into and over the appeal site when viewed from the public domain and so there would be little impact on the visual perception of openness from the appeal scheme, over and above this existing situation.
14. Consequently, the proposed building would adequately preserve the openness of the Green Belt insofar as exception b) applies and for the same reasons, the proposal would have no greater impact on the openness of the Green Belt at this location than the existing development, as required by exception g). Further, while land to the west, and further to the north and south is open, given the present use of the site and position of the proposal amongst other existing buildings, the appeal scheme would not appear as an encroachment into the countryside. Nor do I find that it would conflict with any of the other purposes for including land in the Green Belt.
15. For these reasons, the proposal would not be inappropriate development in the Green Belt. The proposal would comply with the requirements of LP Policy MN7 and the Framework. In these circumstances, it is not necessary for very special circumstances to be demonstrated to justify the proposal.

Other Matters

16. The Highway Authority (HA) raises some concerns with the level of information provided in relation to the type and number of vehicles, given the

proximity of the proposed access to existing private accesses. The appellant indicates that alternatively, the existing access could be utilised. The Council's OR suggests that these are matters that could be addressed and I note that the Council's suggested conditions include one that seeks precise details of the access to be agreed.

17. The appeal site is presently used for the storage of tractors and trailers by the Club and the proposal would continue this use undercover. There is no evidence before me to suggest that the type of vehicles stored, or the number of associated vehicle movements would change notably as a result of the appeal scheme. However, given the concerns of the HA and the suggestion of an alternative access by the appellant, a condition to finalise access details would be reasonable and necessary.
18. The Council indicates that it is in the early stages of preparing a vision and feasibility study looking at all existing assets in Ainsdale-on-Sea. On this basis, it considers the proposal to be premature and, potentially prejudicial to the wider re-development and proper planning of the area. While this has not formed a refusal reason, the Framework advises that the refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination. As any vision and feasibility study remains at an early stage, and the Council has not clearly explained how the proposed development would prejudice the outcome of any plan making process, I can afford this only limited weight.

Conditions

19. I have had regard to the conditions suggested by the Council. In addition to the condition discussed above relating to access details, I have imposed a time limit for commencement and a condition specifying the approved plans, as this provides certainty. I have also imposed a condition requiring details of construction materials. While the application form suggests powder coated steel cladding, no further details or colour finish have been specified and so the condition is necessary to safeguard the character and appearance of the area.
20. The Council has suggested a condition restricting the use of the building to the storage of equipment associated with the boat angling club, and for no other purpose, including any other use falling within Class B8. The Framework advises that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. The Council's reasoning for the condition is "for the avoidance of doubt", which does not provide the clear justification required by the Framework. In the absence of any clear justification, I have not imposed the suggested condition. Additionally, a condition requiring details of hard and soft landscaping is not necessary given that the proposed building will occupy most of the appeal site.

Conclusion

21. The proposal would not be inappropriate development in the Green Belt, and so there would be no harm caused to it. Consequently, it has not been

necessary for me to take into account other identified considerations. The appeal scheme would comply with the development plan when taken as a whole, and there are no other material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal should therefore be allowed.

S Brook

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. 02 Site Location Plan, Drawing No. 001 Rev B Proposed Plans and Elevations.
- 3) No development shall commence above slab level until details of the materials to be used in the construction of the external surfaces of the building have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) No development shall commence above slab level until full details of the proposed access have been submitted to and approved in writing by the Local Planning Authority. No part of the building shall be brought into use until the access has been constructed in accordance with the approved details.