

Appeal Decision

Site visit made on 17 September 2024

by M Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 October 2024

Appeal Ref: APP/P2365/W/24/3341690

Elm Farm Equestrian, Elm Farm Nurseries, Butchers Lane, Aughton, Lancashire L39 6SY

- 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 and Mrs Richard and Angela Derby against the decision of West Lancashire Borough Council.
 - The application Ref is 2023/0419/FUL.
 - The development proposed is demolition of 3 former stables and redevelopment of the existing equestrian site to form a single residential two storey dwelling with a detached single storey ancillary building to form a home gym.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by the appellants against the Council. This application is the subject of a separate decision.

Preliminary Matters

3. The appellants requested that the appeal be dealt with by way of a hearing. However, having regard to the criteria in Annex K of the Procedural Guide to Planning Appeals, I consider that a hearing is not necessary in this case.
4. The appellants submitted an updated ecological appraisal, dusk survey results report and arboricultural impact assessment with the appeal. This information does not change the substance of the proposal and the Council had the opportunity to comment on it. The Council confirm that it overcomes the third and fourth reasons for refusal relating to protected species and trees, and I have no reason to find otherwise. I have not considered these matters further.

Main Issues

5. The main issues are:
 - Whether or not the proposal would be inappropriate development in the Green Belt having regard to the development plan and the National Planning Policy Framework (Framework);
 - The effect of the proposal on the character and appearance of the area; and,

- If it is inappropriate development, 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

6. The appeal site relates to a group of buildings comprising two redundant stables and the remains of a third building, together with areas of hardstanding, accessed via a private track north of Butchers Lane which also serves Elm Farm and The Cottage. The site is located in the Green Belt.
7. Policy GN1 of the West Lancashire Local Plan 2012-2027 Development Plan Document (2013) (Local Plan) states that proposals within the Green Belt will be assessed against national policy and any relevant local policies. Framework paragraph 154 sets out that the construction of new buildings should be regarded as inappropriate in the Green Belt, with certain exceptions. One of these relates to the partial or complete redevelopment of previously developed land, whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt than the existing development. Openness has spatial and visual aspects, the concept is open textured, and a number of factors are capable of being relevant.
8. The proposal represents redevelopment of previously developed land. Building A is a modest, unassuming structure with a low roof profile, while Building B is by far the largest structure and appears as a typical agricultural barn. Building C is the remains of former stables. All three would be removed and replaced with a two storey detached dwelling with a detached outbuilding alongside it.
9. In numerical terms, the appellants' calculations show that the proposal would result in reductions in footprint and volume compared to the existing buildings. However, Building C is included in those figures. It consists of steel posts with low concrete walls on three sides. The appellants contend that it is correct to include Building C in the volume comparisons on the basis that the description of development for both this and the previous application refer to the demolition of three former stables, and what remains of Building C would require planning permission. However, Building C cannot be said to contain volume given that the upper section of walls and the roof are missing. Therefore, it is not appropriate to include it in the volume of the existing development. When it is excluded, the proposal would result in an increase in volume on the existing.
10. Even if I were to accept that Building C should be included in the volume of the existing development, consideration of openness is also influenced by other factors such as the relationship in terms of scale, massing, height and form. Given that Building C consists of low walls on three sides and has no roof, it does not have a significant impact on Green Belt openness. Of the two remaining buildings, Building B is the more substantial structure with a large footprint and higher roof, while Building A has a more limited footprint and lower height. Building B has a shallow pitched roof which reduces its visual impact to some extent.
11. The proposed dwelling would have a sizeable footprint and feature a bulky hipped roof, prominent gables with steeped pitched roofs, and two large

chimney stacks. The ridge height of the dwelling would be around 9m and the gables about 8.9 and 8.2m high. The ridge height would be about 3.8m higher than Building B. Although the dwelling would have a smaller footprint than Building B, it would be a considerably taller structure and have a bulkier appearance. The outbuilding would be sited to the north of the dwelling and, given its lower height would not have as significant a presence as the dwelling. Nevertheless, it would add to the overall scale and massing of the development. The site sections show that the proposal would be a more substantial structure, in terms of scale and height, than either the existing development or the previous appeal scheme allowed in 2021.

12. The trees around the boundaries of the site and those to the south provide only partial screening, such that the development would be visible in views from Butchers Lane and in the wider landscape. From Butchers Lane the proposal would appear as an imposing structure given its height, width and substantial bulk and massing. There are nearby dwellings to the west, but these do not alter my view that in both spatial and visual terms the proposal would have a greater impact on the openness of the Green Belt than the existing development. Thus, the exception in Framework paragraph 154 g) is not met.
13. I conclude that the proposal constitutes inappropriate development in the Green Belt. Such development is, by definition, harmful and conflicts with the Framework and Local Plan Policy GN1 which seek to protect the Green Belt.

Character and appearance

14. The site is set within a landscape characterised by flat, mainly open fields bounded by hedgerows and trees, narrow lanes interspersed with clusters of dwellings and occasional farm buildings. The surrounding area has a distinctly rural character despite the presence of the nearby railway line.
15. While the existing buildings on the site are utilitarian and somewhat dilapidated structures, their general form and materials are not dissimilar to agricultural buildings and stables found in the wider countryside. For these reasons, the existing buildings do not look out of place in the rural landscape.
16. The proposal is a substantial four bedroom house, featuring some traditional elements such as a pitched roof and gables to both the front and rear elevations, and it would be constructed in materials to reflect the local vernacular. The proposal would be a considerably taller structure than the existing buildings and would be perceived as a substantial and dominant feature with a large domestic outbuilding, set within a large curtilage. That would contrast with the existing buildings which sit comfortably within this rural setting. Consequently, there would be some change to the character of the site and its immediate surroundings.
17. That said, there are other relatively large dwellings in the surrounding countryside. As a result, I consider that there would be only minor harm to the character and appearance of the area. Trees to the south of the site would provide some screening from Butchers Lane, but there are gaps such that views of the proposal from the lane would still be possible. As a result of its substantial scale, the proposal would also be visible in the wider landscape, particularly when intervening trees are not in leaf. The plans indicate hedgerow planting along the boundaries of the site which would provide some screening.

However, such landscaping would take some time to mature and would not be of sufficient height to fully screen the proposal.

18. For the above reasons, I conclude that the proposal would result in limited harm to the character and appearance of the area. It conflicts with Local Plan Policy GN3 and the Supplementary Planning Document 'Design Guide' (2008) which, amongst other things, seek to ensure that development complements or enhances local distinctiveness through sensitive design.

Other considerations

19. The Framework is clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 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.
20. On the basis that they do not consider the proposal to be inappropriate development, the appellants have not advanced very special circumstances. Nonetheless, I have considered the scheme benefits, notably including the provision of a new dwelling to the Borough's housing supply, employment opportunities during the construction phase, and the contribution future occupiers would make to the local economy. The proposal would also replace the existing dilapidated buildings and make efficient use of previously developed land. Given the scale of development, I give limited weight to these matters.
21. The previous appeal proposal is materially different to the current proposal. It was an outline application, with some matters reserved, for a smaller dwelling than now proposed. The main issue was whether the site was suitable for a dwelling, having regard to its proximity to facilities and services, and the suitability of the highway network. That issue does not form part of the Council's case for this appeal. The main issues relating to the Green Belt and the character of the area were not key considerations in the previous appeal. As such, the two are not comparable. Therefore, though I have had regard to it, the previous appeal decision does not lead me to a different conclusion on the main issues.

Planning Balance and Conclusion

22. I have found that the proposal would be inappropriate development in the Green Belt. The harm to the Green Belt should be given substantial weight in determining the appeal in accordance with Framework paragraph 153. It would also result in minor harm to the character and appearance of the area. I have considered the factors in favour of the proposal and have given limited weight to these. Even when taken together, they do not clearly outweigh the harm arising from the proposal. Consequently, the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist.
23. The proposal does not accord with the development plan or national policy in relation to Green Belt. There are no other considerations which outweigh this finding. For these reasons I conclude that the appeal should be dismissed.

M Ollerenshaw

INSPECTOR