

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: 14 October 2024

Appeal Ref: APP/P2365/W/24/3344994

Vicarage Barn, Southport Road, Scarisbrick, Lancashire L40 8HQ

- 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 Cerberus Cosmetics against the decision of West Lancashire Borough Council.
 - The application Ref is 2023/0471/FUL.
 - The development proposed is described as “full planning application for the erection of a building to house a cosmetic manufacturing facility. (Resubmission of 2020/1092/FUL)”.
-

Decision

1. The appeal is dismissed.

Application for costs

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

Preliminary Matter

3. The appellant 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 and that the written representations procedure is appropriate.

Main Issues

4. 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 openness of the Green Belt;
 - The effect of the proposal on the setting of nearby heritage assets; 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

5. The appeal site comprises part of a paddock accessed via a private driveway from Southport Road. It lies close to a cluster of buildings at Vicarage Farm. The appellant's current premises, Vicarage Barn is situated to the east. A restaurant and car park are situated on the other side of the driveway. The site is bordered by fields to the south west, and a residential property, Angelnook, to the north west, beyond which there is a caravan park. The site is within the Green Belt.
6. 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.
7. 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 which relates to limited infilling in villages. The Framework does not provide a definition of what should be considered limited infilling in villages. Accordingly, it is an assessment to be made on a case-by-case basis, taking account of the specific site circumstances.
8. The site is a significant distance away from the boundary of the nearest village. Therefore, the site is not within a village for the purposes of the development plan. However, it has been established in caselaw that the boundary of a village defined in a development plan may not be determinative as to whether the site is in a village, but these are matters of planning judgement for the decision maker. The site is on the edge of Pinfold, which primarily comprises loosely dispersed groups of buildings surrounded by agricultural land. Although there is some linear development fronting onto or set back from Southport Road, there are generally gaps or fields between built form. Like the appeal site, these gaps contribute to the openness of the Green Belt.
9. There is therefore no strong coherence to the pattern of development in the immediate vicinity of the site, which instead is made up of intermittent development with fields to the south west and a car park to the north east. Although there is development on three sides, the site has a characteristically open feel with a wide frontage and large gaps between existing development, including a clear gap between the north western site boundary and the curtilage of Angelnook. Moreover, the site is of a size that would be capable of accommodating a relatively large amount of development.
10. Therefore, taking account of the dispersed pattern of development in the area and the spacious and rural character of the site and its surroundings, the proposal cannot be characterised as limited infilling in a village. As a result, the appeal proposal would not meet the exception at Framework paragraph 154 e), and it would not meet any of the other exceptions in that paragraph.
11. For the above reasons, I conclude that the proposal constitutes inappropriate development in the Green Belt. Such development is, by definition, harmful and conflicts with the Framework and Policy GN1 of the Local Plan.

Openness of the Green Belt

12. The Framework states that the essential characteristics of Green Belts are their openness and permanence. There is no definition of 'openness' in the

Framework, but it is commonly taken to mean the absence of built or otherwise urbanising development.

13. The proposal remains the same as the previous scheme which was refused by the Council and subsequently dismissed at appeal. It comprises a detached building with a rectangular footprint and a total floor space of 1,280m² over two floors. It would have a ridge height of around 8.3m and an eaves height of 6.1m. Therefore, the proposal would be a substantial building with a large area of hardstanding alongside it for parking and deliveries.
14. The proposal would be set a significant distance from Southport Road and partially screened from public vantage points by intervening built form and mature trees. The proposed landscaping would further soften its appearance. However, it would still be visible from certain points along Southport Road in the gaps between the trees, particularly when these are not in leaf. It would also be readily apparent from the access road, nearby properties and from within the appeal site itself.
15. I accept that the proposal would have a close relationship to existing development, that its size has been kept to the minimum necessary for the business, and that its design and appearance resemble an agricultural building which would not be unexpected in this location. Nevertheless, the erection of a building of this scale and height on land which is currently open and partially visible from surrounding areas, would lead to a loss of Green Belt openness in both spatial and visual terms. Furthermore, the associated parked vehicles and external paraphernalia such as bin storage would emphasise the prominence of the proposal and further impinge on the openness of the Green Belt.
16. Given the siting and scale of the proposal, it would also represent a limited encroachment into the countryside, which is one of the five purposes of including land within the Green Belt, as set out at Framework paragraph 143.
17. For the above reasons, I conclude that the proposal would result in moderate harm to the openness of the Green Belt. This harm would be in addition to the harm arising from the inappropriate nature of the proposal.

Effect on heritage assets

18. Old Vicarage, a Grade II listed building is situated to the east of the site. It is a two storey, nineteenth century house set within a large plot surrounded by mature trees. The proposed development would be sited a substantial distance from Old Vicarage with existing buildings in between. As such, there would be no harm to the setting of the listed building.
19. The boundary of the Pinfold Conservation Area (CA) lies to the north and east of the appeal site. The significance of the CA derives from the many historic stone properties surrounded by flat open farmland, the origins of the settlement as a small agricultural community and the importance of the Leeds and Liverpool Canal to its development. The fields around Pinfold form part of the rural setting of the CA. There are views across the site from within the CA to the countryside beyond. As an area of open land at the edge of the built form, the site contributes to the rural setting of the CA.
20. The proposed development would have an urbanising effect on the site given the siting and scale of the proposed building and large area of hardstanding, which would have a limited adverse effect on the setting of the CA. That impact

would be mitigated to some extent by the existing trees to the north, and additional planting within the site, which would partly screen views of the proposal from the CA. Overall, I agree with the previous Inspector's conclusion that the proposal would result in less than substantial harm to the CA but that this harm would be outweighed by the public benefits arising from the proposal.

Other considerations

21. During my site visit I saw that the appellant's existing premises at Vicarage Barn are small, which restricts the business by resulting in outsourced processes, higher transport costs and limitations in attracting new customers. The appeal proposal would enable the business to expand on land already within the appellant's ownership. It would provide several benefits to the business, such as enabling the development of products in greater quantity, reducing unit costs and developing new areas of business, thereby allowing the company to increase turnover and profitability. Given the rural location the appeal site would also provide the clean image brand that the appellant seeks, and it would be conveniently located relative to the existing premises.
22. With the current appeal the appellant has provided details of potential alternative sites and buildings for the proposal, together with clarification about the finances of the business. That is in response to the previous appeal decision. Based on the evidence before them, the Inspector was not convinced that the proposal was the only option to grow the business, or that there were no other, less harmful options available to the appellant. The appellant's search has considered sites elsewhere in the Borough and includes a variety of sites of broadly the same size as the site including existing premises on business parks and potential development sites within the Green Belt.
23. The appellant says that the significant cost implications of locating to any of the alternative sites would be unviable, for various reasons, including high sale prices, the amount of investment required for a bespoke fit out or because they would not suit the clean image brand. As a result, it is the appellant's case that the appeal site is the only viable option to expand the business.
24. Although the evidence indicates that the sale price of the available units on business parks would be too high for the business, there is little indication that the appellant has explored the possibility of renting some of the units. Furthermore, while the unit at Seafire Business Park is said to be too small, the floor space is not significantly below that of the appeal proposal, noting the appellant's acknowledgement that the office space within the appeal proposal is a large area for what is required. Therefore, it is not clear to me that this unit would not provide the required floor space for the business.
25. While the previous Inspector noted that the clean image is important to the appellant, they also observed that there may be locations available within landscaped business parks or former agricultural holdings which would enable the business to grow without harm to the Green Belt, whilst retaining the clean image sought for the business.
26. The appellant has temporarily used premises on a business park in Burscough. There is little evidence before me that this has adversely affected the profitability of the business or would impact its growth should a new premises be found on employment land elsewhere. The evidence shows that the premises in Burscough generated a minor increase in turnover. However, this may have

been due in part to those premises being too small, the increased overhead costs, doubled vehicular movements and staff splitting time between locations, rather than the perceived lack of a clean image. This focus on sites that the appellant considers would provide a clean image has, in my view, resulted in potentially suitable sites having been prematurely discounted.

27. One of the reasons for discounting the site at Bescar Brow Lane is due to the land being subject to consent for housing, and temporary development by Network Rail. Therefore, that site does not appear to be available for the proposal. A further reason for this site being discounted is because it would not provide the clean image which the appellant seeks. However, despite the Bescar Brow Lane site being adjacent to a railway line, I am not persuaded that it would be unsuitable for the clean image given that it is still in a rural location. This indicates that the appellant's approach to the search of alternative sites may have been overly restrictive in this regard.
28. Although the site at Mossfield Farm was discounted partly as being too large and the sale price too high, it does not appear that the possibility of acquiring part of the site was explored. That site is also within the Green Belt as well as a Landscape Character Area and the appellant considers that development here would potentially be harmful to Green Belt openness. Even so, that site contains existing buildings, including a relatively large warehouse, and part of it appears to be previously developed land, the development of which is one of the exceptions to inappropriate development in the Green Belt, as set out in Framework paragraph 154. Therefore, this site appears to have been dismissed cursorily without sufficient justification.
29. Overall, I consider that the search criteria were too narrow which thereby limited a thorough investigation of suitable alternative sites. While it is understandable that for financial reasons the appellant wishes to develop the land within their ownership, on the basis of the evidence before me I cannot be sure that it is the only option for the proposed development to take place or that it would not be possible to find alternatively located premises, either in whole or in part, in a less sensitive location to meet the specific requirements of the business. I am therefore only able to attach limited positive weight to the claim that there is a need for the proposal in this sensitive Green Belt location.
30. Nevertheless, I do accept that several economic and social benefits would arise from the proposal, as set out in the Economic Benefits Statement. These include the creation of new full time jobs on site, some of which would be in highly skilled roles, in an area where there has been a relative underperformance in employment growth, together with additional jobs supported in the wider supply chain and temporary job opportunities during the construction phase of the development. The proposal would support the profitability and growth of the business, and contribute to the rural economy, in accordance with the aims of Framework paragraphs 88 and 89. It would also contribute increased business rates. These benefits weigh significantly in favour of the proposal. That said, I am not persuaded that the appeal site is the only option for the development to take place or that these benefits could not be realised elsewhere.
31. The provision of a car park and manoeuvring area for service vehicles, together with the opportunity to control the extent and size of vehicles visiting the site through the imposition of conditions, and a reduction in carbon emissions arising from the consolidation of all processes on a single site, are

environmental benefits. There is also the potential for net gains in respect of biodiversity and the use of solar PV technologies. I attach limited positive weight to these matters given the scale of the development.

32. Although I have had regard to the appeal decisions referred to by the appellant, each case must be considered on its own merits. Furthermore, these other cases are not comparable to the appeal proposal in terms of scale or the level of socio-economic benefits associated with them, and some are not in the Green Belt. Consequently, I am not satisfied that these other decisions support the appeal proposal and as such I afford them little weight.
33. My attention has been drawn to reference in the proposed revised Framework to Grey Belt land, which would be those sites comprising previously developed land and/or make a limited contribution to the five Green Belt purposes. However, the draft Framework has not replaced the current Framework policy and there is uncertainty as to whether the proposed reforms will become national policy. Therefore, I afford little weight to this consideration.
34. A range of other matters were raised by interested parties. The Council does not object to the effects on the neighbours' living conditions, the design and appearance of the proposal, highway safety, ecology or flood risk. As I am dismissing the appeal for other reasons, it has not been necessary for me to consider these in detail. That said, I have no reason to disagree with the Council's assessment of these matters based on the evidence before me, though a lack of harm in these respects is a neutral consideration rather than a benefit.

Planning Balance and Conclusion

35. 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, is clearly outweighed by other considerations.
36. The proposal would be inappropriate development in the Green Belt, and it would be moderately harmful to the openness of the Green Belt. The harm to the Green Belt should be given substantial weight. The proposal would also result in less than substantial harm to the setting of the Conservation Area. I have considered the factors in favour of the proposal and have given some weight to these, as set out above.
37. While I realise that this decision will be disappointing for the appellant, my overall conclusion is that the harm to the Green Belt, and any other harm as identified, would not be clearly outweighed by other considerations. Consequently, the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist.
38. The proposal does not accord with the development plan or national policy in relation to Green Belt. Other considerations do not outweigh this finding. For these reasons I conclude that the appeal should be dismissed.

M Ollerenshaw

INSPECTOR