



Appeal Decision

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

Decision by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th October 2024

Appeal Ref: APP/P2365/W/23/3333428

Reeve Cottage, Vicarage Lane, Westhead, Lancashire L40 6HG

- 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 & Mrs Julian & Emma Rylance against the decision of West Lancashire Borough Council.
- The application Ref 2023/0255/FUL.
- The development proposed is rebuild barn conversion style dwelling.

Decision

1. The appeal is dismissed.

Procedural Matters

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.
3. Since the application was determined, a revised National Planning Policy Framework (the Framework) was published on 19 December 2023. However, as any policies that are material to this decision have not fundamentally changed, I am satisfied that this has not prejudiced any party. I have had regard to the latest version of the Framework in reaching my decision.

Main Issues

4. The main issues are:
 - 1) whether the proposal would be inappropriate development in the Green Belt for the purposes of the Framework and development plan policy;
 - 2) the effect of the proposed development on openness of the Green Belt;
 - 3) the effect of the proposed development upon the living conditions of occupiers of Reeve Cottage with particular regard to outlook, privacy and outdoor amenity space; and
 - 4) if the 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 the development.

Reasons for the Recommendation

Whether the Proposal Would Amount to Inappropriate Development

5. Paragraph 142 of the Framework outlines the fundamental aim of Green Belt policy which is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.
6. Paragraph 154 of the Framework states that new buildings are inappropriate in the Green Belt unless they fall within the given list of exceptions. One exception which the proposal could fall under is exception (g) which sets out that limited infilling or the partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development would not be inappropriate development. Policy GB3 of West Lancashire Borough Council's Supplementary Planning Document Development in the Green Belt October 2015 (the SPD) is also consistent with the Framework in this respect.
7. Both main parties consider that the proposed development would be located on previously developed land. I have no reason to form a different view. It is therefore necessary for me to consider the impact of the proposal on openness of the Green Belt for this exception to apply.

Openness of the Green Belt

8. Openness has both a visual and spatial quality. The proposed replacement dwelling would be a two-storey building and would include a single storey lean-to addition to the rear elevation. The appellant suggests that the effect on openness would be limited because the proposal will reduce the existing ground floor area by around 8 square metres as would the width of the building.
9. However, from the evidence before me, the height at eaves and ridge would be raised by almost 2 metres and the totality of the volumetric increase would be just under 20% when compared to the existing building. To my mind, this volumetric increase in building size will inevitably have a greater impact on openness than the existing situation.
10. In coming to that view, I acknowledge that there are other buildings in the area which are higher than the proposal before me and that the dwelling would be screened from Vicarage Lane and from surrounding properties with a mixture of trees and hedging. However, the site is bounded to the north by open fields, with a Public Right of Way (PROW) which runs from Crosshall Brow to the north of the site in a south westerly direction to Vicarage Lane to the south. The proposal would therefore be visible to users of this PROW.
11. Taken together, the proposal would have a much greater spatial and visual effect on openness when compared to the existing development at the site. I therefore find the proposed development would have a harmful effect upon openness and would also therefore be inappropriate development in the Green Belt. It would also conflict with the Framework and Policy GB3 of the SPD which amongst other matters seek to ensure that new development within Green Belts would preserve its openness and would not conflict with the purposes of including land in it.

Living Conditions

12. The new dwelling would be constructed such that the elevation facing Reeve Cottage would be a solid windowless wall which would (from the Council's report) be between 6.5 metres and 9 metres away from the front elevation of Reeve Cottage. Reeve Cottage is a single storey dwelling of linear design, with habitable room windows along the length of the elevation facing the barn. Based on the proximity of the buildings and the increased height, the proposed dwelling would undoubtedly have a greater impact on outlook than the existing situation. To my mind, given the increase in height of the proposal, and its proximity to Reeve Cottage it would result in a building which would appear overbearing and oppressive when viewed from these windows. As a result, it would be harmful to the outlook of occupants of Reeve Cottage.
13. The appeal proposal incorporates several incorporate large windows and areas of glazing on different elevations. However, none of these would feature on the elevation which would face Reeve Cottage and there would be ample distance between these windows and other surrounding residential properties. To that end, I consider that the proposal would not have any discernible impact on the privacy of any of the occupants of the surrounding dwellings.
14. In coming to that view, I acknowledge that the study window on the first floor could give rise to some limited overlooking to the remaining garden area of Reeves Cottage. However, in the event that the appeal is allowed, any such concern could be addressed via a suitable worded planning condition in respect of obscure glazing.
15. Turning to the amount of outdoor amenity space which would remain for Reeves Cottage, the dwelling and Reeve Cottage would be separated by a timber fence, reducing down from 2 metres to 1.5 metres. This would project from the front left corner of the barn to the corner of the front garden, together with the existing rear garden which would also be allocated to the new barn, with the existing low stone wall forming the boundary.
16. Whist this division of land would drastically reduce the outdoor amenity area of Reeve Cottage there would still be a sizeable area remaining to the frontage and side of Reeves Cottage together with a smaller area to the rear. In my view, this would provide sufficient space for its occupiers to undertake normal domestic activities.
17. I acknowledge that the overall size of the remaining plot for Reeves Cottage would be much smaller than that of the new dwelling, and others in the vicinity of the site, but I consider that it would not be inappropriately or disproportionately small, or that it would adversely affect the character and appearance of the area.
18. Taking all of the above into account, I find that the proposal would be materially harmful to the living conditions of occupants of Reeve Cottage with regards to outlook. Consequently, it would conflict with the objectives of the Framework and Policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document. These amongst other matters seek to ensure that proposals for new development retain or create reasonable levels of amenity.

Other considerations

19. The appeal proposal would provide a four-bedroom residential dwelling which would represent a minor contribution to the supply of housing within the Borough. The appellant has also described that the proposal would be sustainable and thermally and energy efficient, utilising sustainable energy sources such as ground/air source heat pumps, solar panels and hydrogen heating, as well as a rainwater harvesting system and a log burning fire. These factors weigh in favour of the development.
20. I also acknowledge that there is an extant planning permission for the re-use of the existing barn to be converted into a 4-bedroom dwelling, which could serve as a fallback development. However, the appeal proposal is larger in volume than this scheme and has harm associated with it as a result. Therefore, the existence of this fallback position carried little positive weight.
21. The appellant has referred to other examples of barn conversions within the Green Belt which have gained approval. I have not been presented with full details of these examples. Nevertheless, they are not the appeal scheme before me. Even with schemes which appear to be broadly similar, site circumstances are bound to differ, and each proposal must be assessed according to its own merits.

Green Belt Balance

22. Paragraph 152 of the Framework identifies that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight must be attached to any harm to the Green Belt and very special circumstances will not exist unless that harm, and any other harm, are clearly outweighed by other considerations.
23. I have concluded that the proposal would be inappropriate development in the Green Belt and that it would also have some harm to the openness of the Green Belt. Additionally, I have also found harm in respect of the impact of the proposal on the living conditions of occupiers of Reeve Cottage and I attach substantial weight to this harm. As noted above, the scheme would have some socioeconomic and environmental benefits associated with it, such as providing additional housing and the use of sustainable energy. However, I can give these factors only limited positive weight.
24. Therefore, in considering the substantial weight given to the Green Belt, I am of the view that the very special circumstances necessary to justify the development do not exist.

Conclusion and Recommendation

25. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Ifeanyi Chukwujekwu

APPEALS PLANNING OFFICER

Inspector's Decision

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

Chris Forrett

INSPECTOR