



Appeal Decision

Site visit made on 17 December 2024

by **J D Clark BA (Hons) DpTRP MCD DMS MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 January 2025

Appeal Ref: APP/F2360/W/24/3349936

196 Longmeanygate, Midge Hall, Leyland PR26 7TB

- 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 & Mrs Gibb against the decision of South Ribble Borough Council.
 - The application Ref is 07/2024/00077/FUL.
 - The development proposed is erection of a detached dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. A revised version of the National Planning Policy Framework (the Framework) was published in December 2024. In the interest of natural justice and to ensure neither of the main parties were prejudiced by this matter, I consulted both parties on the changes to the Framework and have received comments which I have taken into account in my determination of the appeal. Any reference to the Framework in this decision is to the most recent version and its new paragraph numbers.

Main Issues

3. The main issues are: -
 - whether the proposal is inappropriate development in the Green Belt and its effect on openness; and
 - whether any 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

4. The Framework explains that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It makes it clear that development is considered inappropriate unless it satisfies one of the exceptions cited in paragraphs 154 or 155. Paragraph 154, sub-section d) allows the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. Sub-section (g) allows limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use, which would not cause substantial harm to the openness of the Green Belt.

5. The Framework defines previously developed land as land which was lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including curtilage of the developed land. It also includes areas of harstanding but excludes land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.
6. The exceptions in paragraph 154 are reflected in Local Plan Policy G1¹. I shall refer to paragraph 155 later.
7. The appeal site comprises an area of wooded land with tree lined boundaries and an open grassed area. A dwelling and its lawn previously occupied the site and remains of this are evident in terms of concrete and brick areas. These remains are all at ground or below ground level. The former dwelling was damaged in a fire and subsequently demolished as evidenced by a planning application in 1977 for the demolition of a building and construction of a new 4-bedroom dwelling with a double garage, outbuildings and septic tank. This was never implemented and a subsequent planning application in 1985 was refused.
8. From around 2010 pre-application advice from the Council for developing the site have consistently taken the view that permission would be unlikely on the basis of inappropriate development in the Green Belt. The agreed position between the appellant and the Council is that the site was previously developed. However, the parties disagree that the remains of the former dwelling have blended into the landscape.
9. From the evidence submitted and from my observations on site, there are clearly remains of a building on part of the appeal site. There is also an avenue of trees demarking what would have been an access and a cleared area of land that resembles a lawn. However, there is little remaining above ground level and no details have been submitted as to what scale of dwelling previously occupied the site. In terms of sub-section (d) of paragraph 154 of the Framework therefore, it is not possible to determine whether the proposed building is materially larger than the one it would replace. There is quite simply nothing to compare the proposal with. It is not possible therefore to ascertain that this exception to inappropriate development would be met.
10. Turning to sub-section (g) of paragraph 154, the test lies in whether the site can be considered previously developed and whether it would affect openness. I agree that the site was previously developed but the remains of the previous dwelling have now blended into the landscape. I have reached this conclusion on the basis of my observations on site and the evidence presented. I have little doubt that the on-site evidence identifies the historical presence of a building but other than being viewed close up, they are barely distinguishable from the landscape around it. The avenue of trees and the 'lawn' contribute to the historical context but are insufficient to enable the site to be classed as previously developed under the Framework's definition.
11. Furthermore, the lack of any above ground building or structure means that the proposed dwelling would have a greater impact on the openness of the Green Belt. In spatial terms, there would be a greater volume of building than there is

¹ South Ribble Borough Council Local Plan (Adopted July 2015).

now and therefore, in this respect the proposed dwelling would have an adverse impact on openness.

12. The trees surrounding and within the site provide screening and the appellant's landscape assessment concludes that the proposed dwelling would not impact on the wider landscape. I agree that visually its impact would be minimised by vegetation and landscaping either existing or proposed and the materials of construction are intended to blend into the landscape. I also accept that the dwelling would be set a substantial way back from the highway. However, the building would be a substantial three-storey building that would spatially and visually intrude on the openness of the Green Belt. Despite the screening and design features of the building, it would still be visible from surrounding land including the nearest dwelling, Pine Lodge. Consequently, the proposed dwelling would not fall under the exceptions cited in paragraph 154 of the Framework.
13. The revised Framework introduced further developments that should not be regarded as inappropriate. Paragraph 155 states that development of homes, commercial and other development in the Green Belt should not be regarded as inappropriate where the development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan; there is a demonstrable unmet need for the type of development proposed; the development would be in a sustainable location; and where applicable, the development would meet the Golden Rules requirements set out in the Framework. The last of these criteria is not applicable in this case.
14. The Framework defines grey belt as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to three of the five purposes of Green Belt, as set out in the Framework. That is (a) to check the unrestricted sprawl of large built-up areas; (b) to prevent neighbouring towns from merging into one another; and (d) to preserve the setting and special character of historic towns.
15. I have agreed that the site has previously been developed and the proposal would not conflict with the purposes of Green Belt, therefore, it could be considered grey belt. However, for the proposed development not to be inappropriate in Green Belt terms, paragraph 155 also requires a demonstrable unmet need for the type of development proposed and for the site to be in a sustainable location, as referred to in paragraphs 110 and 115 of the Framework.
16. There has been no suggestion that the Council has a shortage of land for housing and no evidence has been presented regarding need. Also, neither party has given a view as to the sustainability of the site although the site is close to the built-up areas of Moss Side and Midge Hall and close to the former Leyland Motor Test track. This is currently undergoing significant development which I am told includes major housing and employment uses and a new local centre as well as a variety of uses including a new primary school and infrastructure. Whilst these factors do not explain why the site would be sustainable, they do go some considerable way to indicate that future occupiers need not be reliant on a car to access services and facilities in the longer term. Notwithstanding this, the proposal cannot fall under the exceptions cited in paragraph 155 given the lack of demonstrable need.
17. The proposed dwelling would amount to inappropriate development. It would not fall within the exceptions cited in paragraphs 154 or 155 of the Framework and

would conflict with Local Plan Policy G1. As stated by the Framework, inappropriate development is, by definition, harmful to the Green Belt. Such harm carries substantial weight.

Other Considerations

18. The proposal would be to Passivhaus standards, taking advantage of its orientation to maximise solar gain and incorporating materials accordingly. It would also include a pond which would assist drainage. The pond, together with a 'living roof' would, according to the appellant, provide a biodiversity net gain of just over 50%. This level of gain would be significant.
19. In assessing rural housing, the Framework supports homes that are truly outstanding in design terms, reflecting the highest standards in architecture (paragraph 84). It also supports outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area (paragraph 139). I accept that the proposed dwelling has been individually designed and incorporates numerous features of merit, not least of which are its environmental qualities. However, whilst this contemporary design would result in a high quality dwelling at the upper end of the housing market, I do not consider that it would reach the standard of a home that was truly outstanding or innovative as to carry more than moderate weight.

Planning Balance

20. The Framework makes it clear that inappropriate development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the harm, by reason of inappropriateness and any other harm, is clearly outweighed by other circumstances.
21. Harm caused by inappropriateness carries substantial weight. I have also found that the openness of the Green Belt would be harmed. The environmental merits of the dwelling's design carry moderate to significant weight. However, even collectively, these would not outweigh the substantial weight caused by inappropriateness.
22. I therefore conclude that the proposal would be inappropriate development in the Green Belt and the very special circumstances required to clearly outweigh the harm caused by inappropriateness do not exist. The scheme would conflict with the Framework and with Local Plan Policy G1.

Other Matters

23. The appellant refers to another appeal decision² which afforded significant weight to the provision of biodiversity net gain. I too have afforded significant weight in this regard but the outcome of that appeal differs as it included other issues not applicable in this case.
24. I also note reference to another decision by the Council at Goosefoot Lane³. Whilst in that case the Council concluded that very special circumstances existed based on the design of the proposal, I am unable to directly compare that site to this one

² Appeal Decision Ref: APP/C3620/W/23/3324631.

³ Planning Application Ref: 07/2015/1434/FUL.

based on the evidence submitted. To some degree such matters are subjective but, in any event, each case must be assessed on its own merits and the Council's decision in that case does not alter my conclusions in this one.

Conclusion

25. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Consequently, the appeal should be dismissed.

J D Clark

INSPECTOR