



Appeal Decision

Site visit made on 15 April 2025

by K Winnard LL.B Hons Solicitor

an Inspector appointed by the Secretary of State

Decision date: 28 April 2025

Appeal Ref: APP/P2365/D/25/3358814

93 Segars Lane, Halsall, Lancashire PR8 3JG

- 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 Dorin Dunas against the decision of West Lancashire Borough Council.
 - The application Ref is 2024/0739/FUL.
 - The development is described as a caravan/outbuilding located in the curtilage of the garden.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The caravan/outbuilding has already been sited within the appeal site. The application is therefore retrospective. In reaching my decision I have assessed the development as sited on the appeal site.
3. The appellant disputes the Council's position that the appeal site does not form the whole of the residential curtilage of No 93 Segars Lane. Determinations as to lawfulness such as this are beyond the scope of a section 78 appeal. The application was submitted as and determined as a householder planning application. I have accordingly made my decision on its merits on the basis of the Development plan and other material considerations.
4. In December 2024, the Government published its revised National Planning Policy Framework (the Framework). In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework and that no party would be disadvantaged by such a cause of action.

Main Issues

5. The main issues in the appeal 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;
 - The effect of the proposal on the openness of the Green Belt;

- Whether any harm by reason of inappropriateness, and any other harm, would be outweighed by other considerations to amount to the very special circumstances necessary to justify the proposal.

Reasons

6. The appeal property, No 93 Segars Lane, (No 93) is a semi-detached bungalow sited on a residential street, to the rear of which is an area of open land sited within the Green Belt. Access to this open land is obtained from an access track to the side of No 93. The caravan/outbuilding, the subject of the appeal, consisting of a caravan and attached lean-to 'porch' area has been sited on land within the ownership of the appellant to the rear of the bungalow, approximately one third of which is sited within the Green Belt.
7. The Framework establishes that development in the Green Belt is inappropriate development unless it preserves its openness and does not conflict with the purposes of including land within it. This includes material changes in the use of the land such as the siting of a caravan/outbuilding. An inherent characteristic of the Green Belt is its openness, the aim of which is to keep it free from built development. As such the caravan/outbuilding introduces a sizeable form of development and results in built development in what otherwise would be an open location. This harms the openness of this part of the Green Belt and would conflict with the fundamental aim of Green Belt policy.
8. The agent for the appellant refers to historical development on this part of the appeal site as being relevant in this assessment. However there is little information before me as to the siting and form of any former structures and irrespective of what may have been their extent, these buildings are no longer on the land. Nor do I see any justification in either the Framework or Planning Policy guidance in considering openness so as to encompass buildings no longer on the land.
9. There is some tree screening to the north eastern part of the site. However the siting of the caravan/outbuilding close to the boundary of the appeal site is such that it is readily viewed from the access track to the side of No 93. This results in a visual reduction in the openness of the Green Belt in this location which would represent harm to one of the Green Belt's fundamental characteristics outlined in the Framework. It also introduces a residential use into this open area and represents an encroachment into the Green Belt, contrary to one of the stated purposes of the Green Belt.
10. Accordingly the development has an adverse effect on openness of the Green Belt and results in encroachment. Consequently as the development does not preserve openness and conflicts with the purposes of including land within the Green Belt it is inappropriate development and so by definition is harmful to the Green Belt. The development is also contrary to Policy GN1 of the West Lancashire Local Plan 2012-2017 which aligns with the Framework in that any development proposals should reflect national policy.

Other Considerations

11. Other than on Green Belt grounds, there are no objections to the development. However the absence of harm in other respects is not a positive consideration. Reference has been made to the need for accommodation for visiting relatives but there is limited information before me as to these circumstances. In any event in

general planning is concerned with land use in the public interest and personal circumstances seldom outweigh such considerations. Further, it has not been demonstrated why any additional living accommodation cannot be achieved elsewhere on the appeal site and outside of Green Belt limits. I accordingly afford limited weight to this issue.

12. The appellant suggests that an outbuilding could be implemented through permitted development rights. On the information before me whether the development would ordinarily enjoy these permitted development rights has not been substantiated and on this basis I hold any fall back position with limited weight.
13. The appellant also suggests that the development has a 'limited shelf life' and would be temporary. However there is nothing substantive before me to suggest this would be the case. The appellant did not seek a temporary permission and the Council did not assess it as such. I have not considered the effects of the development on that basis, but as a permanent development.

Green Belt Balance and Conclusion

14. The development is inappropriate development within the Green Belt which is by definition harmful to the Green Belt and should not be approved except in very special circumstances. In accordance with the Framework substantial weight must be given to any harm to the Green Belt. The other considerations described above do not clearly outweigh the harm to the Green Belt. Accordingly the very special circumstances necessary to outweigh this harm do not exist. I therefore dismiss the appeal.

K Winnard

INSPECTOR