



Appeal Decision

Site visit made on 22 April 2025

by N Kempton BAHons PGDip MA IHBC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 May 2025

Appeal Ref: APP/D2320/W/24/3355659

The Hillocks, Blue Stone Lane, Mawdesley, Lancashire L40 2RJ

- 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 Ms Susan Welsby against the decision of Chorley Borough Council.
 - The application Ref is 24/00253/FUL.
 - The development proposed is erection of detached garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework) in December 2024. Parts of the Framework most relevant to this appeal have been amended. As a result, both parties were given the opportunity to comment on the amended Framework, and I have taken into account representations received.

Main Issues

3. The main issues are:
 - whether the proposed development would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - if the proposed development is inappropriate, the effect on the openness of the Green Belt; and
 - whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Inappropriate development

4. The appeal site is within the Green Belt, to which the Government attaches great importance. The Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; and that the essential characteristics of Green Belts are their openness and their permanence. Paragraph 153 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very

special circumstances. Paragraphs 154 and 155 of the Framework set out exceptions where development is not inappropriate. The appellant asserts that the proposal falls within several of these exceptions, which I shall consider in turn.

Paragraph 154 c)

5. Sub- paragraph 154(c) permits the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. Case law has established that an extension does not necessarily have to be attached to the host building, but this is a matter of fact and degree. Given the relative proximity and function of the proposed garage, I am satisfied that although it would be detached, it would constitute an extension to the host dwelling. The appellant states that the garage would have a volume of 195.8m³ and claims that it would be less than 50% volumetric increase over the existing bungalow. However, whether the proposal would be disproportionate in size is not solely a matter of volume.
6. The proposal would be a large, generously proportioned, double garage. It would be a separate physical entity, being sited on the opposite side of the access track from the modest single storey dwelling on land that is generally free of built form. This distribution of built form across the plot combined with its relative size to the bungalow means that it would not read as a proportionate addition to the dwelling. As such, the proposed development does not fall within the exception of paragraph 154(c).

Paragraph 154 e)

7. Sub- paragraph 154 (e) permits limited infilling in villages. There is no definition in the Framework as to what constitutes 'limited infilling', so a planning judgement is required. There are other residential properties within reasonable proximity to the appeal site. However, infilling is generally understood to mean the filling of a small gap in an otherwise built-up frontage. The settlement pattern along Blue Stone Lane contains spaces between buildings which reinforces its interrelationship with surrounding agricultural land. There is a notable absence of built form between the existing bungalow and other development to the north.
8. Therefore, in this context, even if I were to accept the appeal site was within a village, the gap is a large one and I am not persuaded that the proposed garage would amount to limited infilling.
9. As such, the proposed development does not meet exception (e) of paragraph 154.

Paragraph 154 g)

10. Paragraph 154 g) allows for the limited infilling or the partial or complete redevelopment of previously developed land, which would not cause substantial harm to the openness of the Green Belt. Consistent with the caselaw highlighted by the appellant, Planning Practice Guidance (PPG) advises that openness is capable of having both spatial and visual aspects.
11. The parties dispute whether the appeal site is previously developed land. Based on the limited evidence before me, it is not established that the appeal site entirely falls within the residential curtilage of the recently constructed bungalow. Hence, it

is not shown that the that the appeal site falls within the definition of previously developed land in the Framework.

12. Moreover, spatially, the scale and massing of the garage would be a very large, generously proportioned double garage. The building would have a footprint and volume that would lead to spatial loss of openness.
13. Visually, the appeal site is open in character such that the large, detached garage would be visible from the road. Whilst there is an established hedge to the west of the appeal site, the new planting along the roadside boundary has not yet matured sufficient to screen or soften the appearance of the proposed garage. Furthermore, notwithstanding the lower ground level relative to the road, the garage would not be obscured by the topography or other buildings. For these reasons, the garage would harmfully impact on the visual openness of the Green Belt.
14. In coming to this view, I have had regard to the appeal decision in Hertfordshire mentioned by the appellant. However, that case concerned a dwelling in a different location. Given the unique attributes of land, it is unlikely that the context was directly comparable with the circumstances before me. Hence, it is of little weight and would not lead me to a different view in this case.
15. Accordingly, the development would cause substantial harm to the openness of the Green Belt. As such, the proposed development does not meet exception (g) of paragraph 154. It further follows that for similar reasons the proposal would not fulfil the criteria set out in policy BNE5 of the Chorley Local Plan 2012-2016, July 2015 (LP) which aligns with the Framework in permitting the reuse, infilling or redevelopment of previously developed land in the Green Belt.
16. Overall, the evidence fails to show that the proposal would fall within any of the exceptions set out in paragraph 154 of the Framework. Neither is it part of the appellant's case that the proposal would fulfil all of the relevant criteria for utilising grey bely permitted by paragraph 155 of the Framework. Hence, I conclude therefore, that the proposed development would be inappropriate development in the Green Belt.

Effect on the openness of the Green Belt

17. The appeal site forms part of ribbon development that flanks both sides of Blue Stone Lane, characterised by dwellings which are set in generous gardens. This development is not continuous, rather buildings are interspersed with open spaces, which allow views to the open countryside beyond. The garage would occupy land that is presently open and identifiable by reason of the absence of built form, thereby contributing to the open character of the Green Belt. The erection of the proposed garage on this land would result in harm to openness.

Other Considerations

18. I have found that the development causes harm to the Green Belt by reason of inappropriateness and loss of openness, and in accordance with the Framework this harm carries substantial weight. The Framework advises that inappropriate development in the Green Belt 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.

19. The harm by reason of inappropriateness, is not clearly outweighed by other considerations either individually or cumulatively. I conclude that very special circumstances, necessary to justify the development, do not exist.

Conclusion

20. The Council's decision notice does not cite conflict against any development plan policies. However, the proposed development conflicts with national policy that seeks to protect the Green Belt from inappropriate development, which is an importance material consideration. Accordingly, for the reasons given above, I dismiss the appeal.

N Kempton

INSPECTOR