



Appeal Decision

Site visit made on 4 August 2025

by Lewis Conde BSc, MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 September 2025

Appeal Ref: APP/P2365/W/25/3364497

Malt Kiln Barn, Halsall Road, Halsall, Lancashire L39 8RN

- 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 Quinn against the decision of West Lancashire Borough Council.
 - The application Ref is 2025/0040/FUL.
 - The development proposed is demolition of a non-listed dwellinghouse and ancillary barn. Erection of one five-bed self-build dwellinghouse with associated landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Both the original application form and the Council's decision notice refer to the appeal site as 'Malt Kiln Barn' and therefore I have also used this description. The appeal property though has also been referred to in other submitted evidence as both Malt Kiln Cottage and Malt Kiln House.

Main Issues

3. The main issues are:
 - Whether the proposal is 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;
 - The effect of the proposal on the character or appearance of the Halsall Conservation Area (CA);
 - The effect of the proposal on protected species, namely bats; 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 proposal.

Reasons

Whether Inappropriate Development

4. Policy GN1 of the West Lancashire Local Plan Development Plan Document (the Local Plan) (adopted 2013) establishes that proposals in the Green Belt will be assessed against national policy and other relevant Local Plan policies.

5. The Framework sets out that construction of new buildings should be regarded as inappropriate in the Green Belt, subject to a limited number of exceptions. One such exception, that is of pertinence to this appeal, is the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces (paragraph 154d).
6. The Framework does not identify what constitutes a materially larger building. Advice as to how the Council will consider proposals for replacement of buildings within the Green Belt is though set out in the '*West Lancashire Borough Council Supplementary Planning Document Development in the Green Belt*' (adopted 2015) (the SPD). This includes Policy GB1 of the SPD, which relates to replacement dwellings in the Green Belt, and amongst other matters, sets out that the volume of replacement dwellings should not be more than 20% greater than the dwelling it replaces.
7. Since the adoption of the SPD there have been several updates to the Framework, including significant changes to Green Belt policy, such that the SPD is generally not consistent with national policy. It is therefore a material consideration to which I give limited weight. Nevertheless, I consider the 20% volume benchmark to be a useful figure in the consideration of whether a proposed dwelling would be materially larger than the one that it would replace.
8. The evidence before me indicates the proposed dwelling would have a volume exceeding 25% of the combined volume for both the existing dwelling and an existing outbuilding on the site that would be replaced. It would also be of a notably greater height than the buildings on the site to be replaced. Regardless of the overall consistency of the SPD with the Framework, I find the proposal would amount to a building materially larger than the one it would replace. Additional lawful outbuildings¹ have yet to be constructed at the site and so for the purpose of Paragraph 154d) are not being replaced.
9. A further potential exception to inappropriate development in the Green Belt is outlined at paragraph 154g) of the Framework. To benefit from the exception under 154g) the development must involve previously developed land (PDL). The definition of PDL is set out in Annex 2 of the Framework, notably it excludes 'land in built-up areas such as residential gardens'.
10. No definition of what constitutes a 'built-up area' is before me, while there is also no evidence before me to support the appellant's view that main parties agree the site is PDL. A matter of planning judgement is therefore required.
11. The appeal site is located near the edge of the village of Halsall. The village is relatively small in scale and has a highly rural character being surrounded by open countryside, whilst also including frequent pockets of open space and mature vegetation. Still, it remains a village containing a variety of built form.
12. The appeal site includes the existing dwelling and its residential garden. Although the site backs onto open land, it also sits alongside adjacent residential development. Moreover, the site also shares a close relationship with a cluster of built form including a petrol station/garage on the opposite side of a mini-roundabout, from which further residential development radiates outwards in a broadly ribbon arrangement. Pedestrian footways can also be found immediately

¹ Certificate of Lawfulness LPA Ref: 2023/0769/LDP

outside the appeal site and extend throughout much of the nearby built-up area. The surrounding built form is of a low density, not always of a contiguous frontage, and is frequently bordered by open countryside. Nevertheless, the extent and proximity of surrounding built development still provide a sense and feel that the appeal site is within a built-up area, despite its rural character.

13. Accordingly, I do not consider the appeal scheme to benefit from the exception outlined under paragraph 154g) as it does not meet the definition of PDL. Nor have any further exceptions been demonstrated to apply to the appeal scheme.
14. For these reasons, the appeal proposal would be inappropriate development in the Green Belt which is, by definition, harmful. It would therefore conflict with Local Plan Policy GN1, and the associated aims of the Framework.

Openness

15. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. Despite the fact it would be relatively well contained, the appeal proposal would have an increased volume, height and bulk compared to the existing buildings on site and therefore would result in a harmful loss of openness. Although this would be limited given the overall scale of the proposal, the Framework establishes that any harm to the Green Belt should be given substantial weight.

Halsall Conservation Area

16. The appeal site lies within the Halsall Conservation Area (the CA). The CA has historic interest through encompassing a medieval settlement centre. The significance of the CA is further derived from its high-quality, built form that includes a collection of several listed buildings. From my site visit it was also clear that, despite variety in the detailed design of the built form, the CA retains a sense of cohesiveness, which stems in part from the vernacular rural architecture that it contains. Additionally, the village's wider rural setting helps to provide a spacious and verdant character.
17. Notwithstanding the wording of the Council's second reason for refusal, it is clear from the planning officer's report that both the loss of the existing dwelling and design of the proposed replacement dwelling were considered to cause harm to the heritage asset. Furthermore, given that Malt Kiln Barn is within the CA, consideration as to the loss of the building forms part of my statutory duty established under the Planning Listed Buildings and Conservations Areas Act 1990, as amended.
18. Malt Kiln Barn sits within a prominent roadside position. It has historic origins as a maltings and a farm. The legibility of the original building has though been eroded through significant extension and alterations associated with its conversion to residential use. As such, its original form and use are no longer highly appreciable and the building's historic contribution to the area is rather limited.
19. Nevertheless, the appeal building continues to display a rural vernacular through a combination of its scale, materiality and detailed design. Indeed, I find Malt Kiln Barn to have a rather pleasing form that displays a sense of place, adding to the coherent nature of built form in the CA.

20. I therefore consider the findings of the Halsall Conservation Area Appraisal (Adopted 2005) (the Appraisal), whereby it is identified as an unlisted building that makes a positive contribution to the character of the CA, to be accurate. This is despite the Appraisal not including a detailed synopsis of the appeal building, nor highlighting the building to be part of a key view within the CA.
21. The appeal scheme would result in the loss of the existing characterful dwelling. Moreover, the proposed replacement building through its substantial scale, expansive flat roof and mock-Georgian design would not relate well to the nearby residential built form. This would not be suitably mitigated through an increase in garden space to the front of the appeal site or proposed landscaping.
22. The proposed replacement dwelling would be set back further from the road (outside the CA boundary²) and behind landscaping. However, due to its significant scale and bulk it is likely to be conspicuous from public vantage points within the CA. Such views would be highly localised, but it remains that the loss of the appeal dwelling, and its replacement with a dwelling that would not suitably reflect its surroundings would cause harm to the character and appearance of the CA.
23. The findings of the Inspector for a previous appeal³ have not altered my above views. Although I do not have full details of that other appeal scheme, it involved a fundamentally different development proposal. Notably, it did not involve the loss of Malt Kiln Barn, while it would have also introduced dwellings of an alternative design.
24. In the context of the Framework, the harm that would arise from the current proposals would be less than substantial and at the lower end of the scale. Still, the Framework requires that great weight be given to the conservation of designated heritage assets.
25. The proposed dwelling through incorporating renewable energy and energy efficiency measures is likely to provide a more sustainable building than the dwelling to be replaced. The level of sustainability benefits has not been expressly quantified. As the scheme involves only a single replacement dwelling, such benefits are likely to be limited. Similarly, although there may be socio-economic benefits associated with the construction of the replacement dwelling, these are again likely to be limited. Together the public benefits of the proposal are limited and do not outweigh the heritage harm.
26. Overall, I find that the proposal would cause harm to the character and appearance of the Halsall Conservation Area. Furthermore, it would not accord with Local Plan Policies GN3 and EN4. These policies, together among other things, seek to promote high quality design that complements its surroundings and protects the historic environment.

Protected Species

27. Given the context of the appeal site, including its position adjoining deciduous woodland that may provide roosting, foraging and commuting habitats for bats, it is credible that the appeal site could support protected species.

² No statutory protection is afforded to the setting of Conservation Areas. However, the Framework is clear that the significance of a heritage asset can be harmed or lost through development within its setting.

³ Reference: APP/P2365/W/22/3304075 - Land at Malt Kiln Cottage, Halsall Road, Halsall

28. The appellant's submitted Bat Scoping Survey Report (2023), and Bat Activity Survey Report (2022) are subject to significant limitations surrounding their age and scope. Such limitations include the extent of buildings at the site that were covered by each survey; the lack of any desktop study (including local data search) to inform the reports; and the age of the relevant survey work meaning that the results no longer remain valid. The findings of the surveys therefore cannot be relied upon.
29. Circular 06/2005: Biodiversity and Geological Conservation sets out that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The Circular further sets out ecological surveys should therefore only be left to coverage under planning conditions in exceptional circumstances.
30. No exceptional circumstances have been suitably demonstrated to justify that the necessary ecology survey work is undertaken post-permission. In the absence of appropriate surveys, I cannot find the development to have an acceptable effect upon protected species, namely bats. Nor can I be satisfied that the appellant's suggested mitigation measure, such as compliance with wider legislation⁴ or conditions to control construction activity, would be sufficient to ensure the proposed development avoids harm to protected species.
31. Accordingly, the appeal scheme conflicts with Local Plan Policy EN2, which seeks to preserve and enhance West Lancashire's natural environment.

Other Considerations

32. I do not have the full details of the appellant's identified fallback option⁵, but from the evidence before me the appeal scheme would visually consolidate the location of built form on the site. However, even if the proposal has a smaller overall footprint, the proposed dwelling would be of considerably greater height, mass and bulk. As such, it is unlikely to visually improve the openness of the Green Belt compared to the alternative of several smaller, predominantly single storey, buildings set out across the site.
33. The appellant claims that the proposal would reduce the volume of built development at the site by approximately 12% compared to the fallback position. However, an overall reduction in volume is disputed by the Council. The onus is on the appellant to suitably evidence this matter, but I have not been furnished with any detailed calculation in respect of the volume of the proposed dwelling, including its basement area. I am therefore not satisfied that spatially the appeal scheme would result in greater openness to the Green Belt than the fallback position.
34. Rationalising the spread of buildings across the site would also not necessarily improve the character or appearance of the site. As the scale, layout and relationship of outbuildings to the main dwelling may also have rural connotations befitting the appeal site's character.
35. The appeal proposal is likely to result in limited sustainability and socio-economic benefits associated with its construction and subsequent occupation. There would

⁴ Namely, the European Habitats Directive 1992/Nesting Birds Directive

⁵ For further outbuildings outlined under a certificate of lawfulness (LPA Ref: 2023/0769/LDP)

also be personal benefits to the occupier of the proposed dwelling through improved living conditions.

36. The appeal site would remain in residential use and continue to host a single dwelling, but considering my findings on the above main issues, I do not deem the appeal scheme to make optimum use of the site.
37. The appeal site lies within the setting of Halsall House (Grade II Listed). From the available evidence, the significance of the listed building lies in its age, architectural interest and historic connections to the area. The listed building is set a significant distance back from the main road within extensive grounds and is heavily enclosed by vegetation. The setting adds a sense of grandeur and positively contributes to the significance of the listed building. I am though satisfied that the degree of separation and intervening vegetation is such that the proposed development would preserve the setting of the listed building.

Whether Very Special Circumstances Exist

38. The appeal scheme is inappropriate development in the terms set out in the Framework. In accordance with the Framework substantial weight should be given to any harm to the Green Belt. In addition, there would be limited harm to openness.
39. The development also results in less than substantial harm to the Conservation Area, which are not outweighed by the public benefits, while I also cannot rule out harm to protected species.
40. The other considerations that the appellant has put forward, either individually or cumulatively, do not clearly outweigh the harm to the Green Belt by reason of inappropriateness, loss of openness and other harm. Consequently, the very special circumstances required to justify a grant of planning permission have not been demonstrated.

Conclusion

41. The proposal would conflict with the development plan when taken as a whole and material considerations, including the Framework, do not indicate that a decision should be made other than in accordance with it. The appeal is therefore dismissed.

Lewis Condé

INSPECTOR