



Appeal Decisions

Site visit made on 30 September 2025

by **J Moore BA (Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 October 2025

Appeal A Ref: APP/P2365/W/25/3367554

Former Council Depot, Bescar Brow Lane, Scarisbrick, Lancashire L40 9QH

- 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 K Oldfield of Felt Products Ltd against the decision of West Lancashire Borough Council.
- The application Ref is 2024/0674/FUL.
- The development proposed is: to enclose site with palisade fencing.

Appeal B Ref: APP/P2365/H/25/3367553

Former Council Depot, Bescar Brow Lane, Scarisbrick, Lancashire L40 9QH

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
 - The appeal is made by Mr K Oldfield of Felt Products Ltd against the decision of West Lancashire Borough Council.
 - The application Ref is 2024/0675/ADV.
 - The advertisement proposed is: 2 x non-illuminated signs which are affixed to the palisade fencing either side of the site access gates. The metal signs are black with orange and white lettering. Both signs are (h) 1.2m x (w) 2.4 m. They are positioned 0.8m from the ground.
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Decisions

1. Both Appeal A and Appeal B are dismissed.

Preliminary Matters

2. The appeals concern the same site. I have considered each appeal on its own merits, but to avoid duplication, I have dealt with them together, except where otherwise indicated. The applications were made and considered on a retrospective basis and I shall consider the appeals accordingly.
3. The address of the appeal site given on both application forms is Council Depot. However, the site is occupied by a company, in whose name the applications and appeals were made. I have therefore used the term Former Council Depot in the addresses in my banner heading above.
4. For Appeal B, the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) require that decisions are made only in the interests of amenity and public safety, taking account of any material factors. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG) reiterate this approach. While I have taken account of the policies that the Council considers to be relevant, these have not been decisive in my determination of Appeal B.

Main Issues

5. The appeal site is within the Green Belt. It is opposite the Scarisbrick Park Conservation Area (CA), which includes the Scarisbrick Hall Grade II Registered Park and Garden (RPG)¹ as the Council's conservation area appraisal² (CAA) makes clear. In accordance with the Framework, both the CA and the RPG are designated heritage assets.
6. For Appeal A, the main issues are:
 - whether the proposed development is inappropriate development in the Green Belt, including the effect upon openness;
 - the effect of the proposal upon the character and appearance of the area, including upon the setting of the CA; 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.
7. For Appeal B, the Council's reason for refusal is founded on a position that the fence upon which the proposed advertisement is attached is unlawful; and that the application fails to demonstrate how or where the proposed advertisement would be fixed or displayed within the site, such that in the Council's view, the impact of the proposed advertisement cannot be assessed.
8. Requirements for applications for express consent are detailed within The Regulations. Although section 222 of the Town and Country Planning Act 1990 (as amended) (the Act) grants planning permission for any development of land involved in the display of advertisements in accordance with the Regulations, it would not grant consent for the erection of any other structure unless its primary purpose is to display advertisements. Given the stated purpose of the fencing is to enclose the site, it follows that if I were to dismiss Appeal A for the proposed development, then it would be necessary for me to dismiss Appeal B for the proposed advertisement.
9. Therefore, the main issues for Appeal B are:
 - whether the application met the requirements of the Regulations, with particular regard to Regulation 9; and if so,
 - the effects of the proposed advertisement upon amenity and highway safety.

Reasons

The appeal site, its surroundings and the proposals

10. The appeal site is an employment site under Policy EC1 of the West Lancashire Local Plan 2012 – 2027 Development Plan Document 2013 (DPD). The Council does not dispute that the site benefits from lawful employment use, including open storage. I find no reason to consider otherwise.
11. The appeal site includes a warehouse building along its westerly boundary, a modular building near its easterly boundary and extensive hardstanding. The frontage of the site includes a recessed entrance way to Bescar Brow Lane (the

¹ National Heritage List for England - List Entry Number: 1000951

² Scarisbrick Park Conservation Area – Conservation Area Appraisal, September 2001.

lane) and an earth bund to include some trees. The earth bund is given to be about 2m high and at its base (about 6m from the boundary) there is a live 400V electricity box and a gas meter compartment, given to require a 5m maintenance easement, the line of which is not before me.

12. The appeal site is largely bounded by open fields to the north and west with a Telecoms Building and Bescar village towards the east. Across the lane towards the south is the CA and RPG, which include an extensive tree preservation order largely for areas of woodland. The CA is the larger of the two designated heritage assets, due to the inclusion of further land along Hall Road and Dam Wood Lane.
13. The proposed development seeks to regularise 2.4m palisade fencing along the boundaries of the site, save for that part along the flank of the warehouse which is largely protected by a ditch. The proposed advertisement seeks to regularise the placement of a company sign to each side of the fence at the recessed entrance way to the site.
14. There is no photographic evidence before me to demonstrate the site's boundaries before the proposed development took place. The Council's officer report which considered the application indicates the previous boundary treatment comprised a low-level wooden fence interspersed with substantial mature vegetation. The comments of the Council's heritage advisers (Growth Lancashire) indicate that the frontage comprised simple post and rail fencing. The appellant is in dispute regarding the removal of vegetation at the frontage. At my visit, I saw some simple post and rail fencing just beyond palisade fencing along the northerly, easterly and westerly boundaries of the appeal site.

Whether inappropriate development – Appeal A

15. The Framework sets out that development in the Green Belt is inappropriate unless one of certain exceptions applies, including that at paragraph 154 g), which concerns limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.
16. DPD Policy GN1 establishes that proposals in the Green Belt will be assessed against national policy and other relevant local plan policies. The first reason for refusal refers to the Council's Supplementary Planning Document - Development in the Green Belt 2015. However, this document relates to the 2014 versions of the Framework and the PPG. It does not therefore conform to the current Framework and the PPG insofar as it concerns previously developed land (PDL) in the Green Belt.
17. The Council's submissions to the appeal argue that the majority of the site constitutes PDL, but prior to the development taking place, the frontage boundary featured a low-level timber fence interspersed with substantial mature vegetation and this part of the site was therefore undeveloped. In the Council's view, the arrangement contributed to visual permeability and the openness of the frontage. However, this position fails to take account of the fact that a fence would fall within the definition of building in section 336 of the Act, and thus within the definition of development in section 55 of the Act. In addition, the frontage includes the recessed entrance way and hardstanding, and in my view, the frontage forms a

small proportion of the appeal site when considered as a whole. Consequently, I find the appeal site falls to be considered as PDL, where the determining factor is the effect upon openness.

18. Even though the palisade fencing does not form a solid face and has a degree of permeability, it creates a strong sense of enclosure in visual and spatial terms due to its siting, height, length and design.
19. Public vantage points are available along the lane at the site frontage. In the absence of such a tall fence and the presence of a simple or lower-level fence, views would be available towards the open land beyond the site towards the north. However, views towards the west and east across the flank boundaries of the appeal site would be largely restricted by vegetation along those boundaries, as well as the warehouse and the modular building within the site. Reciprocal views would also be limited from the east and west, and views from the north would be at a significant distance from far off properties and the more distant highway network. If substantial mature vegetation was previously in place within the frontage, views would likely have been more restricted. In any event, the presence of two buildings, the earth bund, extensive areas of hardstanding and open storage lessen the openness of the site.
20. Overall, I find the effect on openness to be within the limited to moderate range, which is short of the test of substantial harm for PDL in the Framework. Consequently, the proposed development would not be inappropriate development in the Green Belt for the purposes of the Framework.
21. For the reasons above, I conclude that the proposal would not be inappropriate development in the Green Belt. Consequently, and in accordance with footnote 55 of the Framework and established caselaw³, the proposals should not be regarded as harmful to either the openness of the Green Belt or to the purposes of including land within it. The proposed development accords with DPD Policy GN1, whose objectives I have set out above. Given my conclusion on this main issue, it is not necessary for me to consider the last main issue for Appeal A, as to whether very special circumstances exist.

Character and appearance – Appeal A

22. Taken together, the CAA and the list entry for the RPG indicate that their significance stems in part from its origins as a large country estate within the Lancashire Plain. The principal building is Scarisbrick Hall, which was extensively remodelled and extended by the Pugins in the mid-19th century, in the gothic style. The parkland was likely formed in the 1790s and is associated with the Repton school of landscape gardening in the 19th century and was turned over to agricultural use circa 1948. It covers about 182ha and is generally flat towards the north and is bounded by rural lanes and the Leeds-Liverpool Canal. The area outside of the parkland is largely rural and agricultural in character, with the village of Scarisbrick towards the northwest, and Bescar to the north/northeast.
23. The CAA indicates that the woods are the main feature of the parkland and were a means of maximising the enjoyment of the parkland for the Scarisbrick family. Due

³ Euro Garages Ltd v Secretary of State for Communities and Local Government [2018] EWHC 1753 (Admin) and R (Lee Valley Regional Park Authority) v Epping Forest District Council [2016] EWCA Civ 404.

- to the presence of wooded areas along the northern boundary of the parkland, there is no intervisibility between the appeal site and Scarisbrick Hall.
24. The landscape setting of the park amidst the flat Lancashire Plain is a key feature of the CA, and therefore this setting forms part of its significance. The setting of a heritage asset is not fixed, but rather in the way in which it is experienced. In this regard, the parkland appears in view from the surrounding rural lanes. Consequently, the rural character of surrounding lanes plays an important role in the rural setting of the CA and RPG. Due to the proximity of the appeal site frontage along the lane, development within the frontage has the potential to affect this rural setting.
25. From the written evidence before me, the previous boundary treatment included simple low-level timber fencing, and a disputed degree of vegetation. I note that the adjacent Telecoms Building site includes a low, wide, green metal gate recessed into an entrance way and a densely vegetated frontage. Other boundary treatments along the lane include hedging and/or simple, low-level boundary treatments. In my judgement, the appearance of the appeal site within the lane would have been in keeping with the surrounding area. Therefore, it would have made a positive contribution to the rural setting of the designated heritage assets and the wider street scene.
26. The palisade fencing is about 2.4m high, in a silvery metal finish. Along the lane, it is sited at the back of the footway. Due to its siting, height and length, together with its design and materials, the fencing appears in stark contrast and incongruous to other boundary treatments within the area. It creates an urbanising, industrial and imposing presence within the street scene, which detracts from the rural setting of the designated heritage assets.
27. The appellant suggests that the comments of Growth Lancashire indicate that the appeal site has a negligible value on the setting of the CA and that the impact of the fence on those heritage assets will be limited and negligible. However, this position does not take account of the full text of the comments made. For example, (with my emphasis in *italics*) the comments set out the contribution of the appeal site to the value of the setting as being negligible, *except* in being part of its wider rural setting. The impact on heritage assets is stated as being limited and negligible *in scale*, but this is expressed in the context of *not being seen in any principle (sic) view of the historic park or from within the park itself*. In my view, the advice given distinguishes between the effect upon the heritage asset(s) and the effect upon setting. In any event, in my judgement, the fencing detracts from the setting of the CA and RPG for the reasons given above.
28. I note that the Council's Design Guide 2008 (DG) sets out that the need for security fences should be carefully considered; and should only be considered where a proven problem exists. While there is no substantive evidence before me of an existing security problem, the appellant advises that security fencing is a requirement for insurance purposes. I agree that it is a reasonable requirement for a business which includes open storage. However, the DG states that the use of palisade fencing provides a stark and poor appearance and will generally not be permitted. It encourages the use of powder coated mesh style fencing which is less conspicuous and allows views through. There is no substantive evidence before me to demonstrate why such a style of fencing would not satisfy the requirements of any insurance provider.

29. The appellant suggests that vegetation could grow through the fence over time. However, this could impede the movement of pedestrians along the narrow footway, and could result in pressure to remove that vegetation, as it is the only footway along this section of the lane. The appellant is willing to accept a condition to paint the fence green or black, but it is unclear how this might be durable and/or maintained. In my view, it would not overcome the urbanising effect of the fence.
30. The appellant draws my attention to communications with the Council regarding the position of the fencing, including a request for a 5m setback. It seems to me that the Council does not dispute that the siting of the fence is somewhat restricted by the earth bund, existing trees, the 400V electricity box, gas meter box and an easement. However, I note that the Council suggests that the fence could have some degree of irregular positioning to accommodate these matters. Moreover, the line of the easement is not before me. In the absence of substantive and/or compelling evidence to demonstrate the line of the easement and the effects of any alternative sitings or irregular positioning, I cannot be certain that the siting of the fence is the least harmful option. Even if this were so demonstrated, this would not overcome the urbanising effect of the fence.
31. The Framework makes clear that any harm to, or loss of, the significance of a designated heritage asset - including from development within its setting - should require clear and convincing justification. For the reasons above, I am not satisfied that this has been demonstrated in this case.
32. When considering the impact of a proposed development on the significance of a designated heritage asset, the Framework requires that great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). In accordance with the Framework, the harm I have identified is less than substantial, and in the low range of that spectrum due to its localised nature, but nevertheless of considerable importance and weight. In such circumstances, the harm must be weighed against any public benefits of the proposed development, including, where appropriate, securing its optimum viable use.
33. No public benefits are explicitly put forward in the appellant's submissions to the appeal. Rather, the appellant draws my attention to the planning history of the site, the occupier's relocation to the site from another area, the increase in employment since that relocation, and the employment policies of the development plan. However, there is no compelling evidence before me to demonstrate that a dismissal of the appeal would render the business unviable at this location, nor that occupation of the site would cease. The harm I have identified is therefore not outweighed by any substantiated public benefits.
34. For the reasons above, I conclude that the proposed development harms the character and appearance of the area, and the setting of the CA and RPG, to which I am required to attach great weight. The proposed development conflicts with DPD Policies GN3 and EN4. Taken together, these policies seek to ensure that development proposals are of high-quality design and have regard to the DG; respect local character and distinctiveness including the historic character of the local landscape and/or townscape; and that heritage assets and their settings are protected. The proposal also conflicts with the objectives of the Framework to conserve and enhance the historic environment.

The Regulations - Appeal B

35. Regulation 9 (3) sets out that the applicant shall— (a) include the particulars specified in the form; and (b) send with the application (whether electronically or otherwise) a plan which— (i) is drawn to an identified scale, (ii) shows the direction of North, (iii) identifies the location of the site by reference to at least two named roads, and (iv) identifies the proposed position of the advertisement.
36. The submitted plan does not show the proposed position of the advertisement by any mark or annotation. I note that the PPG⁴ states that photo montages showing the proposed advertisement on the site may be helpful, and photographs were submitted of the signs in situ. However, the fact of the matter is that the plan submitted with the application does not detail the proposed position of the advertisement.
37. I therefore conclude that the application did not meet the requirements of Regulation 9 (3) (b) (iv) of The Regulations. Given this conclusion, it is not necessary for me to consider the second main issue for Appeal B.

Other Matters

38. The appellant draws my attention to efforts to obtain advice and guidance from the Council, including requests for an on-site meeting during the determination phase. However, the conduct of the Council is not a matter that affects my findings on the main issues and/or the planning merits of the scheme.

Conclusion

39. For Appeal A, I conclude that the proposed development conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, Appeal A is dismissed. As set out earlier in my decision, if I were to dismiss Appeal A, it would be necessary for me to dismiss Appeal B. I have also found that the application pursuant to Appeal B did not meet the requirements of the Regulations. Therefore, Appeal B is dismissed.

J Moore

INSPECTOR

⁴ Paragraph: 017 Reference ID: 18b-017-20140306 - Revision date: 06 03 2014