



Appeal Decision

Site visit made on 12 January 2026

by R Major BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 February 2026

Appeal Ref: APP/P2365/W/25/3374875

The Slipway, 48 Crabtree Lane, Burscough, Lancashire L40 0RN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Holt Pub Co against West Lancashire Borough Council.
- The application Ref is 2025/0304/FUL.
- The development proposed is described as part demolition and change of use from storage facility to 2 No. Holiday Studios with ancillary courtyard. Alternative to application ref: 2023/0349/FUL (part retrospective).

Decision

1. The appeal is allowed and planning permission is granted for part demolition and change of use from storage facility to 2 No. Holiday Studios with ancillary courtyard at The Slipway, 48 Crabtree Lane, Burscough, Lancashire L40 0RN in accordance with the terms of the application, Ref 2025/0304/FUL, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Holt Pub Co against West Lancashire Borough Council. This application is the subject of a separate decision.

Procedural Matter

3. The appeal follows the Council's failure to determine the application within the prescribed period. However, the Council has indicated within its Statement of Case that had it been in a position to determine the application, it would have granted planning permission, subject to planning conditions.

Preliminary Matters

4. At the time of my visit I observed that works have commenced on site.
5. The appeal proposal is described on the submitted planning application and appeal forms as *"Part demolition and change of use from storage facility to 2 No. Holiday Studios with ancillary courtyard. Alternative to application ref: 2023/0349/FUL (part retrospective)."*
6. However, in addition to the 2no. holiday studios and the courtyard area described in the description of development, the submitted proposed plans also indicate the erection of a detached outbuilding within the appeal site. The submitted plans show that this outbuilding would include a kitchen area, an accessible shower room and a separate toilet. The appellant's submissions suggest this new outbuilding would have a community use.

7. Whilst this proposed detached building, and its proposed community use, are not reflected within the proposed description of development, I have based my decision on the details shown on the submitted proposed plans and supporting information.
8. I have removed the words “*Alternative to application ref: 2023/0349/FUL (part retrospective)*” from my formal decision as this does not form part of the development.

Background

9. Planning permission¹ was granted, subject to conditions, at the appeal site on 23 August 2023 for a development described on the Decision Notice as “*Change of use from storage facility to 2 No. Holiday Studios with ancillary courtyard*”.

Main Issues

10. Based on my site visit, the Council’s Committee Report, and the representations received from interested parties, the main issues are:
 - whether or not the proposal is inappropriate development in the Green Belt;
 - the effect of the proposal on the living conditions of nearby residents, with particular regard to noise and disturbance;
 - the effect of the proposal on highway safety, with particular regard to car parking; and
 - whether or not the proposal can adequately drain foul and surface water.

Reasons

Whether inappropriate development including effect on openness

11. The appeal relates to a storage building associated with the public house known as The Slipway, located within the Green Belt. Policy GN1 of the West Lancashire Local Plan 2012 – 2027 (adopted 2013) (LP) states that development proposals in the Green Belt will be assessed against national policy and any relevant LP policies.
12. The National Planning Policy Framework (the Framework) identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, with the essential characteristics of the Green Belt being their openness and permanence. The Framework goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
13. The Framework establishes that development in the Green Belt should be regarded as inappropriate, subject to a number of exceptions set out in paragraphs 154 and 155.
14. One such exception, at paragraph 154(h) (iv) is the re-use of buildings provided they are of permanent and substantial construction. I observed on site that the two-storey building proposed to be converted into 2no. holiday studios was of permanent and substantial construction and no evidence to the contrary has been provided.
15. Nevertheless, to comply with paragraph 154 (h) an assessment must also be made as to whether this element of the proposal would preserve the openness of the

¹ Council Ref: 2023/0349/FUL

Green Belt, which can be perceived both spatially and visually, and whether it conflicts with the purposes of including land within it.

16. According to the submitted plans the change of use would not require any extensions to the existing building. It would involve some alterations to its external appearance, including the reinstatement of the facing brick finish, the replacement and installation of new window and door openings, and a canopy over the existing external staircase. However, I find these external alterations would preserve both the visual and spatial openness of the Green Belt. They would also not conflict with the purposes of including land within the Green Belt.
17. As such, the change of use of the existing building into 2no. holiday studios would meet the exception at paragraph 154 (h) (iv) of the Framework.
18. The submitted plans also show that a single-storey extension located to the side of this two-storey building would be demolished and a detached building would be erected in its place. Paragraph 154 (g) of the Framework allows for 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.
19. As the appeal relates to a storage building and hard surfaced external areas associated with a public house, I find the site constitutes previously developed land as per Annex 2 of the Framework.
20. The submitted evidence before me states that the proposed detached building would be similar in height, but have a smaller footprint, than the extension it would replace. Furthermore, the new building would be largely sited within the footprint of the extension that is to be demolished. The section of the replacement building that would be positioned outside this footprint would be on a hard surfaced area that forms part of a courtyard area between the main public house building and its detached storage buildings.
21. As such, I find the replacement of the single-storey extension with a detached building of a similar size, and in a similar location, would not cause substantial harm to the openness of the green belt. This element of the appeal proposal therefore meets the exception at paragraph 154 (g) of the Framework.
22. In view of all the above, I conclude that the proposal would not be inappropriate development in the Green Belt, as defined by the Framework, and the proposal therefore accords with the Green Belt requirements of LP Policy GN1.
23. Given that the proposal would not amount to inappropriate development, there is no need for me to go on to consider whether very special circumstances exist in order to justify the development.

Living conditions

24. The submitted proposed plans include the provision of a detached outbuilding within the appeal site and the appellant's current submission details that this new outbuilding would accommodate proposed community facilities, for use by canal boat users, fisherman and others undertaking activities in the local area.
25. Very limited details have been provided by the appellant to explain how this proposed community use would operate, specifically in relation to its hours of use;

how users would be managed and controlled; the expected number and frequency of users; or how users would access the building from outside the appeal site.

26. I observed on site that the main public house building and its associated outside seating area front onto the canal. However, once turned around the corner onto Crabtree Lane the character of the area becomes residential with a row of terrace properties.
27. The submitted plans show two external access points into the appeal site. One fronting onto the canal, between the main public house building and the building proposed to be converted into 2no. holiday studios. The other from Crabtree Lane, between the holiday studio building and the proposed detached outbuilding.
28. As detailed, very limited information has been provided as to how users accessing this proposed community building would be controlled and managed. Noise and disturbance would inevitably arise from the comings and goings of an uncontrolled and unmanaged number of people through the access point on Crabtree Lane, as well as from the level of activity and movements that could take place in and around this building if it was open to the community.
29. Sources of noise and disturbance would include people frequently going in and out of the access gate and entrance door to this building; people potentially meeting and talking in the doorway or within the external courtyard area outside the entrance door; and if in use by multiple groups of people the external entrance door potentially being left open, resulting in noise from within the building itself being audible from outside.
30. Noise and disturbance associated with such activities would only be amplified at night or early in the morning and would therefore likely disturb the sleep of nearby occupiers and potentially require them to close their bedroom windows in the summer. Noise and disturbance associated with these activities would also negatively impact upon nearby occupiers quiet enjoyment of their back garden areas.
31. As such, and based on the information before me, I find the harm to the living conditions of neighbouring occupiers, particularly those within the adjacent property at no. 46 Crabtree Lane (no. 46), that would arise from the suggested community use of this outbuilding would be significant.
32. Whilst it is open to the decision maker to include planning conditions to make unacceptable development acceptable; it is not for me to formulate the appellant's proposal for them. As such, and on the very limited information before me as to how the appellant is seeking for this community building to operate, I consider that there are no reasonable planning conditions that I could impose to make this community use element of the appeal proposal acceptable.
33. The Council's Committee Report appears to assess the proposal on the basis that this outbuilding would be restricted to users of the holiday lets at the public house only, rather than for wider community use. This is reflected within the Council's suggested planning condition which would restrict the use of this outbuilding to a communal utility facility for the occupants of the 2no. holiday studios proposed by this appeal, as well as 3no. Chalets subject to a separate planning permission².

² Council Ref: 2024/0786/FUL

34. I have very limited information before me in respect of this referenced planning permission for 3no. Chalets. It would therefore be inappropriate for me to permit occupiers of these 3no. Chalets associated with a separate planning permission, of which very limited details are before me, to use this proposed outbuilding by way of a planning condition.
35. Moreover, and in any case, I find the use of this detached outbuilding by occupants of as many as 5no. different holiday units at the same time would give rise to similar concerns to those I have outlined above. Most notably, the unacceptable level of activity that could take place in and around the doorway and external courtyard area, close to the boundary shared with the neighbouring residential property.
36. I find however, that if the use of this detached outbuilding was restricted solely to the occupiers of the proposed 2no. holiday studios subject to this appeal, the level of activities and movements associated with its use would be similar to those that would arise from the 2no. holiday studios themselves. Under those circumstances I find the communal use of this outbuilding only by the occupiers of the 2no holiday studios would not have an unacceptable impact upon the living conditions of neighbouring residential occupiers.
37. In view of all the above, I therefore find it reasonable and necessary to restrict the use of the detached outbuilding to a communal utility facility for the occupants of the 2no. holiday studios proposed by this appeal. This can be secured by a suitably worded planning condition.
38. In coming to this view, I am aware there is an extant planning permission at this site for change of use of the existing two-storey storage building into 2no. holiday studios and this represents a fallback position. However, whilst from the evidence it would appear that the extant permission also includes a detached outbuilding, very limited information has been provided in respect of the exact use of this approved outbuilding within the extant permission. This therefore limits the weight I can give to this fallback position in my consideration of the use of this outbuilding.
39. With regard to the change of use and conversion of the storage building into 2no. holiday studios, from the information before me the impacts of this element of the appeal proposal upon the living conditions of neighbouring occupiers appear to be very similar within both the extant permission and the appeal scheme before me. As such, in view of the extant permission, as well as my own observations of the impacts on site, I find that the proposed change of use of the two-storey building into 2no. holiday studios would not have a harmful impact upon the living conditions of neighbouring occupiers.
40. In view of all the above, subject to a suitably worded planning condition which ensures that the detached outbuilding is used solely as a communal utility facility for the occupants of the adjacent 2no. holiday studios proposed as part of this appeal, I find that it would not have a harmful impact upon the living conditions of neighbouring occupiers. As such, and subject to such a condition, the proposal would accord with LP Policy GN3 where it seeks to ensure that development should retain or create reasonable levels of amenity for occupiers of neighbouring properties.

Highway Safety

41. The submitted planning application form states that the proposal would provide 4no. additional parking spaces. The submitted plans before me do not however identify the location of these car parking spaces.
42. Nevertheless, I note the Council's Committee Report refers to a private car park on the opposite side of the highway, which according to the submitted evidence is used in association with the public house. The Council state that vehicles associated with the proposed development would be accommodated within this car park.
43. Based on the information before me, my observations on site and in the absence of any objections, I see no reason why vehicles associated with the appeal proposal would not be able to park within this adjacent car parking area.
44. Furthermore, and as mentioned, there is an extant permission for 2no. holiday studios at the appeal site. I find the appeal scheme before me, with a restriction on the use of the detached outbuilding to those staying within the holiday studios only, would generate a similar level of demand for parking as this extant permission.
45. As such, I conclude that occupiers of the appeal proposal would be provided with an opportunity to park off-street and the development would not have a greater impact upon highway safety than the extant permission. The proposal therefore accords with LP Policy IF2, where it requires, amongst other things, that development meet the standards for car parking provision.

Drainage

46. An interested party has raised concerns that the appellant is currently disposing of both foul and surface water from the appeal site, as well as other existing developments on the wider site, into their private drainage system. This interested party has stated that no evidence has been provided to demonstrate that the appellant has any legal right to dispose of foul and surface water in this way, and to allow the appeal proposal to connect to this system would be unlawful.
47. Furthermore, the interested party states that the appellant has not implemented the drainage scheme that was approved for a separate development at this public house.
48. Whilst these concerns are noted, there is limited substantive evidence before me as to how foul and surface water are currently being disposed from the appeal site. In any case, it is not my role in determining this appeal to establish whether an existing drainage arrangement is legal, or whether it accords with a previously approved drainage scheme for a separate development.
49. There is no substantive evidence to suggest that the proposal could not be properly drained. The Council's Drainage Officer has raised no objection, subject to a planning condition requiring the submission of a drainage strategy, covering separate foul and surface water drainage arrangements, to be submitted to and approved in writing by the Council.
50. Furthermore, and as detailed previously, there is an extant permission for 2no. holiday studios at the appeal site which could be implemented. This represents a fallback position for the appellant and there is no substantive evidence to suggest that the appeal scheme would have any greater impact in respect of drainage issues when compared to this similar extant permission.

51. As such, and based on the information before me, I find that arrangements for how foul and surface water are to be discharged could be adequately secured by way of a suitably worded planning condition. The condition would be worded to ensure that a suitable drainage scheme, and the timetable for its implementation, must be submitted to, and approved in writing by, the Council prior to the development subject of this appeal being first occupied or brought into use.
52. I note that the interested party is of the opinion that any such condition would conflict with the guidance relating to conditions within the Framework, as well as the principle in case law³ that prohibits a material change to a proposal without consultation. In this regard, I find that such a condition would satisfy the six tests as outlined in the Framework and Planning Practice Guidance. Furthermore, the case law quoted refers to amendments submitted as part of planning appeals, as opposed to details reserved by planning condition.
53. I do not therefore find the imposition of a suitably worded planning condition requiring the submission and approval of a drainage scheme prior to occupation of the development would be contrary to the “*Wheatcroft principles*”.
54. This interested party has also made reference to case law, described within their submission as “*Holgate, Sullivan & Young v SSCLG [2020]*”. However, I have not been provided with a copy of this judgment or its full title. I have been unable to find a copy of this judgment and thus can attribute it no weight in my determination of this appeal.
55. In view of all the above, I conclude that there is no substantive evidence before me to demonstrate that adequate foul and surface water drainage could not be secured on this site by way of a suitably worded planning condition. I therefore find no conflict with LP Policy GN3 where it seeks to ensure that development does not result in unacceptable drainage problems.

Other Matters

56. I have had full regard to the representations made by interested parties, including concerns relating to the potential use of the detached outbuilding and drainage matters. For the reasons given above I have included a condition which restricts the use of the outbuilding to those using the 2no. holiday studios which are also subject to this appeal. This condition is more restrictive than that suggested by the Council. Furthermore, I have also included a condition requiring the submission of details relating to foul and surface water drainage, as well as a timetable for implementation.
57. In addition, interested parties have raised concerns in respect of the impact of the appeal scheme on wildlife. This concern has not been raised by the Council and no substantive evidence has been provided to demonstrate that the proposal would have a harmful impact upon wildlife in this area. Furthermore, there is an extant permission for part demolition and conversion at the appeal site, which would have a similar impact in respect of ecology and biodiversity issues as the appeal scheme.
58. Concerns have been raised over the retrospective nature of the appeal proposal. This however is not a determining factor in my consideration of this appeal. It has also been suggested that an ownership certificate was not provided. However, this concern has not been raised by the Council and from the information submitted it

³ Bernard Wheatcroft Ltd v SSE & Harborough DC [1982] JPL 37

would appear that Certificate A was completed and provided with the planning application.

Conditions

59. The Council has provided a list of suggested planning conditions, which I have considered against paragraph 57 of the Framework, and the advice contained in the Planning Practice Guidance. I have edited to improve precision and enforceability where appropriate.
60. As the development has commenced on site, it is not necessary to include the standard time limit condition. I have however attached a condition specifying the approved plans to provide certainty (1).
61. Whilst not suggested by the Council, I have imposed a condition which requires the development to be carried out in accordance with the materials detailed on the submitted plan (2). This condition is necessary in the interests of visual amenity. In the interests of protecting the living conditions of residential occupiers in the area, a condition is necessary to control construction hours (3).
62. Due to the proposed holiday studios location in proximity to the public house and beer garden, a condition requiring acoustic protections from external noise has been included (4). Furthermore, as a result of their open plan nature, and use as holiday accommodation where occupiers are more likely to stay up later into the evening, a condition requiring additional sound insulation of the floor/ceiling separating the units, enhanced by at least 5dB above the Building Regulations value, has been imposed (5). Both these conditions are necessary to ensure adequate internal noise levels for future users.
63. A condition to ensure that the development is not occupied as separate independent units of residential accommodation, or as a person's sole or principal residence, is necessary to ensure the studios are occupied for holiday use only (6).
64. As detailed above, a condition is imposed which restricts the use of the detached outbuilding to a communal utility facility for the occupants of the 2no. holiday studios only (7). This condition is necessary to protect the living conditions of nearby residential occupiers.
65. A condition requiring the submission, implementation and maintenance of a scheme for the disposal of both foul and surface water (8) has been included. This is necessary in order to reduce the risk of flooding and to ensure the development does not result in unacceptable drainage problems.

Conclusion

66. For the reasons given above, and having regard to all matters raised, the proposed development would accord with the development plan when taken as a whole and there are no material considerations that indicate it should be determined other than in accordance with the development plan. The appeal is therefore allowed.

R Major

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby approved shall be carried out in accordance with the following approved plans:
 - Site Location Plan - Drawing No: 001 Rev A
 - Proposed Floor Plans - Drawing No: 005 Rev A
 - Proposed Elevations - Drawing No: 006 Rev A
2. The external surfaces of the development hereby permitted shall be constructed in the materials shown on approved drawing "*Proposed Elevations - Drawing No: 006 Rev A*".
3. Construction work and activities associated with the development hereby permitted shall only take place between the hours of 07:00 - 18:00 Monday to Friday and 08:00 - 13:00 on Saturdays, and shall not take place at any time on Sundays and Public/Bank Holidays.
4. (a) The holiday studios hereby permitted shall be designed to achieve acoustic protection against external noise by securing internal noise levels (with windows closed) that are no greater than:
 - i. 35 dB LAeq between 07:00 - 23:00 hours; and
 - ii. 30 dB LAeq between 23:00 - 07:00 hours.

(b) The holiday studios shall not be occupied until the sound insulation measures pursuant to paragraph (a) have been implemented in their entirety and the sound insulation measures shall be maintained in perpetuity as such thereafter.
5. Prior to first occupation of the holiday studios hereby permitted, details of the sound insulation of the floor/ceiling separating the units shall have been submitted to and approved in writing by the local planning authority. The details shall demonstrate that the sound insulation values DnT,w and L'nT,w are enhanced by at least 5dB above the Building Regulations value. The approved details shall be implemented prior to first occupation of the holiday studios and shall be maintained in perpetuity as such thereafter.
6. The holiday studios hereby permitted shall not be occupied other than as holiday accommodation in conjunction with, and ancillary to, the use of The Slipway, 48 Crabtree Lane. They shall not be occupied at any time as separate independent units of residential accommodation, or as a person's sole or principal residence.
7. The detached single storey outbuilding shown on the approved plan "*Proposed Floor Plan - Drawing No: 005 REV A*" shall be used solely as a communal utility facility for the occupants of the hereby approved 2no. holiday studios (identified as Holiday Studio 01 and 02 on "*Proposed Floor Plan - Drawing No: 005 REV A*").

The detached single storey outbuilding shall not at any time be used for any other purpose.

8. Prior to first occupation or use of the development hereby permitted, whichever is the first to occur, a detailed drainage scheme for the development - covering separate foul and surface water drainage arrangements, including any attenuation measures, supporting calculations, maintenance and management proposals, and a timetable for implementation - shall have been submitted to and approved in writing by the local planning authority.

The surface water drainage strategy must accord with the relevant provisions of Department for Environmental Food & Rural Affairs National Standards for Sustainable Drainage Systems (July 2025) guidance, or any subsequent replacement standards.

The drainage scheme shall be implemented and maintained in full accordance with the approved details and timetable for implementation.

END OF CONDITIONS