



Appeal Decision

Site visit made on 24 April 2024

by **J Hobbs MRTPI MCD BSc (hons)**

an Inspector appointed by the Secretary of State

Decision date: 21 May 2024

Appeal Ref: APP/F2360/W/23/3332988

Chain House Nursery, Chain House Lane, Preston, PR4 4LB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Michael Coxhead Esq and Mark Coxhead Esq of EN Coxhead Ltd against the decision of South Ribble Borough Council.
 - The application Ref is 07/2023/00720/OUT.
 - The development proposed was originally described as "demolition of existing polytunnels and redevelopment of the infill site allowing four bungalows in keeping with the surrounding properties."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The original application form specified that outline planning permission, with access as the only matter reserved for subsequent approval, was sought. However, following correspondence with the Council, the appellant indicated that they sought outline planning permission for all matters reserved for subsequent approval, other than access. The appellant submitted an amended application form, and the Council determined the application based on the amended application form. I will determine the appeal on the same basis. Therefore, I have considered the details on the application plans, other than access, as indicative only.
3. The appeal proposal is described as a resubmission of a dismissed planning application¹ for four detached dwellings at the same appeal site. That application was refused for similar reasons to the appeal proposal.

Main Issues

4. The main issues 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; 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 required to justify the proposal.

¹ Planning application ref. 07/2023/00099/OUT

Reasons

Appropriateness of development

5. Paragraph 152 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. Paragraph 154 goes on to indicate that the construction of any buildings is inappropriate in the Green Belt, subject to a closed list of exceptions. Two being the complete redevelopment of a previously developed site, that would not have a greater impact on the openness of the Green Belt, and limited infilling in villages.
6. Policy G1 of the South Ribble Borough Council, Local Plan, July 2015 (LP) indicates that planning permission for buildings in the Green Belt will not be granted unless very special circumstances exist, subject to a closed list of exceptions. The LP list of exceptions is very similar to the list set out within the Framework. As such, substantial weight is ascribed to the policy.
7. Annex 2 of the Framework defines previously developed land as land which is or was occupied by a permanent structure including the curtilage of developed land. However, the definition advises this excludes land that is or was last occupied by agricultural buildings. The site comprises polytunnels which form part of a wider commercial nursery. Section 336 of the Town and Country Planning Act 1990 (as amended) confirms that the definition of agriculture includes horticulture. Regardless of the relative permanence of the polytunnels, the appeal site is not previously developed land, as per the definition in the Framework. As such, it would not conform with the first exception identified above.
8. Both the Council and the appellant agree that the appeal site is within the village of Whitestake. I concur with this finding. The term "limited infilling" is not defined within either the LP or the Framework. As previously identified the definition specified on the Planning Portal website is neither official guidance nor statute. Therefore, what represents limited infilling is a matter of planning judgement.
9. The proposal would lead to the construction of four bungalows. Although the appeal site has a wide frontage, it would be similar in length to the frontage of the four properties opposite the appeal site. The site would also be modest in depth and shallower than the plot to the south. Moreover, the construction of four dwellings would be a modest extension to the village. For these reasons, I conclude that the extent of the appeal proposal would be limited.
10. The appeal site has residential properties opposite and to the south. However, behind the appeal site and to the north are agricultural structures including greenhouses and polytunnels. These structures form part of a large agricultural unit and provide a break in residential development on this side of Parker Lane. A long section of residential frontage is disrupted by the appeal site and the greenhouse to the north. As such, the proposal does not represent limited infilling.
11. Several planning permissions for nearby development have been put before me. During my site visit I observed all of the sites in Whitestake and Longton. A few of the permissions for new buildings in the Green Belt were granted for other exceptions identified in the Framework and LP Policy G1. Others

represent infilling where the appeal site is more enclosed by residential development than the appeal site. As such, these permissions do not set a precedent for the appeal proposal.

12. One of the planning permissions² was granted as the Council considered it to be limited infilling within a village. The characteristics of that site are similar to the appeal site, and it is located nearby on the same road. Therefore, it is a material consideration in this appeal. However, based on the evidence before me, neither proposal would represent limited infilling in a village. The granting of another proposal that potentially does not conform with the LP or the Framework, does not justify allowing this appeal. In any event, all proposals are considered on their own planning merit.
13. The proposed dwellings would be buildings within the Green Belt which do not conform with the exceptions identified within LP Policy G1 or the Framework. Therefore, the proposal would constitute inappropriate development in the Green Belt.

Openness

14. Paragraph 142 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Openness has a spatial aspect as well as a visual aspect.
15. The appeal site is partially screened by the existing hedgerow, which on the indicative plans is retained. Although the polytunnels have a degree of permanence as they have been in position for several years, they are formed of largely translucent materials and have wide openings. As such, their effect on the openness of the site is limited. Whilst the detail of the proposed external materials is a matter for subsequent approval, they are likely to comprise largely non-translucent materials. Furthermore, the proposed dwellings would introduce substantial foundations and would be permanent. They would also generate residential activity as well as the siting of domestic paraphernalia in external areas.
16. The proposal would have a net detrimental effect on the openness of the Green Belt. For these reasons, it would conflict with LP Policy G1 and paragraph 142 of the Framework. Given the site is partially screened and the ongoing presence of the polytunnels, moderate weight is ascribed to the harm to the openness of the Green Belt.

Very special circumstances

17. The provision of four houses would be a benefit of the scheme. Whilst the details are indicative only, the provision of energy efficient homes and the use of low and zero carbon technology could be secured and would also be a benefit of the scheme. Moreover, the provision of bungalows would cater to the demographic of the area and would help assimilate with nearby properties.
18. Based on the evidence, the agricultural industry is becoming less profitable due to external factors. As such, there is a need to generate further revenue. The proposed dwellings would generate revenue, which would support the ongoing operation of the nursery, which employs many people.

² Planning permission Ref: 07/2023/00332/FUL

19. Furthermore, without the construction of the proposal the nursery could continue to use these accesses from Parker Lane. The operation of the nursery could lawfully change, and this may lead to increased vehicular movements. Therefore, the proposal could lead to less vehicular movements along Parker Lane. However, this is only a theoretical fallback position, I therefore ascribe little weight to this benefit.
20. Given the scale of the proposal, I ascribe moderate weight to the benefits, overall. Paragraph 153 of the Framework specifies that substantial weight should be given to any harm to the Green Belt and very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. I have concluded that the appeal scheme would be inappropriate development and is, by definition, harmful to the Green Belt. I have also found moderate harm to the openness of the Green Belt.
21. The other considerations I have identified are of moderate weight in favour of the proposal. As such, I find that the other considerations in this case do not clearly outweigh the substantial harm that I have identified. Consequently, very special circumstances necessary to justify the development do not exist.

Other Matters

22. The proposal would conserve the character and appearance of the area, is in an accessible location, would not materially harm the living conditions of nearby residents and could include an appropriate drainage scheme and provision of parking spaces. Therefore, the proposal would comply with Policies 1, 3, 4, 5, 6, 17 and 29 of the Central Lancashire, Adopted Core Strategy, July 2012, and LP Policies F1, G13, G16 and G17. Nonetheless, this would be expected of development that conforms with the development plan. As such, they are neutral factors.

Conclusion

23. The material considerations do not indicate that a decision should be made other than in accordance with the development plan. Therefore, the appeal should be dismissed.

J Hobbs

INSPECTOR