

Appeal Decision

Site visit made on 13 December 2016

by David Cross BA (Hons), PGDip, MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24 January 2017

Appeal Ref: APP/M2325/W/16/3158259

183 Kirkham Road, North of Bypass, Freckleton PR4 1HU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr John Bamber against the decision of Fylde Borough Council.
 - The application Ref 16/0507, dated 8 July 2016, was refused by notice dated 31 August 2016.
 - The development proposed is outline planning application for one dwelling access applied for.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application has been submitted in outline with approval sought in relation to access with all other matters reserved for future consideration. I have dealt with the appeal on that basis, treating the proposed elevations, floor plan and site plan as indicative.

Main Issues

3. The main issues in this appeal are:
 - Whether the proposal is inappropriate development in the Green Belt;
 - The effect on the openness of the Green Belt and the purposes of including land within it; and,
 - If the development is inappropriate, whether the 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.

Reasons

Inappropriate Development

4. The appellant states that the site consists of previously developed land which has had previous uses such as a caravan site and a builder's yard. However, I saw at my site visit that the site has the appearance of a grassed smallholding containing some small wooden structures to the rear. The site is located on Kirkham Road, which is characterised by sporadic dwellings and other
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development fronting onto the highway set in a wider agricultural landscape. The site is located within the Green Belt.

5. Paragraph 89 of the National Planning Policy Framework (the Framework) sets out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions. New buildings within the Green Belt are inappropriate unless they meet the exceptions referred to in paragraph 89. The appellant accepts that the appeal proposal does not comply with any of the identified exceptions, and I see no reason to disagree. Therefore, the proposal would comprise of inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt.

Openness and Green Belt Purposes

6. A fundamental aim of Green Belt policy, as set out in paragraph 79 of the framework, is to keep land permanently open. The construction of a dwelling on the site would result in built development where there is presently none. Although there are buildings located on either side of the appeal site, the proposal would have the effect of consolidating this more sporadic form of development. Furthermore, the appeal site is viewed within the context of a more open vista to the rear of the site; which, although this includes some evidence of built development, is essentially of an open countryside appearance. I note that the appellant states that any future reserved matters application would ensure that the dwelling would be in keeping with the character of the area and nearby properties. However, in my view, the construction of a dwelling on the site would inevitably lead to a loss of openness.
7. On this basis that I consider the proposal would lead to the encroachment of development into the countryside and would have a significant impact on the related Green Belt purpose. I conclude that the proposal would not preserve the openness of the Green Belt and would impact on the purpose of safeguarding the countryside from encroachment.

Other Considerations

8. In support of the appeal, the appellant has referred to the site history and a number of previous uses on the land. He refers to a certified location for 5 touring caravans which he states could be reopened. However, such a use would be intermittent and would not have the same effect on the openness of the greenbelt which would arise from the construction of a permanent dwelling. Notwithstanding this, based on my site visit and the evidence presented to me, it would appear that the caravan site is located to the rear of the appeal site on a separate parcel of land owned by the appellant. It is therefore feasible that the caravan site could reopen even if the proposed dwelling was permitted. Indeed, I note from the Design and Access Statement that the appellant intends to continue to operate the caravan site.
9. The appellant has also referred to a static caravan which he states was occupied for a number of years. However, from the evidence presented to me, this was also located on a separate parcel of land to the rear of the appeal site. Furthermore, it was apparent at my site visit that this static caravan had been removed. Notwithstanding the lawfulness, or otherwise, of this static caravan, its reintroduction would not be prevented by the appeal proposal.

10. The appellant has also referred to a previous use of the site as a builder's yard. However, no substantive evidence has been provided to me in relation to this use.
11. I have had regard to the previous uses referred to by the appellant. However, due to matters such as the location of these uses, the relationship with the appeal site, lack of substantive evidence and the potential for reintroduction regardless of whether the appeal succeeds, I have given these very little weight in support of the proposal.
12. The appellant has also referred to the site being brownfield land. However, even if this is the case, I consider that that this would not weigh in favour of the proposal as it would have a greater impact on the openness of the Green Belt and the purpose of including the land within it than the existing development.
13. The site is close to facilities within Freckleton and a bus route providing access to facilities in the surrounding area. In this respect the dwelling would be in a relatively sustainable location for a rural area and would also make a small contribution to the viability of local facilities. The construction of the dwelling would also create employment in the area, albeit to a very limited degree and for a relatively brief period. The dwelling would also make some contribution, albeit limited, to the supply of housing in an area where the Council is unable to demonstrate a 5 year housing land supply. I therefore attach moderate weight to these benefits arising from the proposal.
14. The appellant has also referred to planning permission granted by the Council for a wall at a nearby property which he claims highlights inconsistencies in the Council's approach. However, I consider that the circumstances of that permission are not directly comparable to the case before, and I have determined the appeal on its own merits.

Conclusion

15. Having considered all matters raised in support of the proposal I conclude that, collectively, they do not clearly outweigh the harm that I have identified in relation to the Green Belt. Accordingly very special circumstances do not exist and the proposal is at odds with the guidance of the Framework and Policies SP3, HL2 and EP11 of the Fylde Council Local Plan (As Altered) 2005 (FCLP). The Council's reason for refusal also refers to Policies EP14 and EP19, but as these relate to the provision of landscaping and the impact on protected species I do not consider that these are relevant to this decision.
16. For the reasons given above and taking account of all material planning considerations the appeal is dismissed.

David Cross

INSPECTOR