
Appeal Decision

Site visit made on 10 April 2017

by Alexander Walker MPlan MRTPI

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

Decision date: 4th May 2017

Appeal Ref: APP/M2325/W/16/3156547

Westbrook Nurseries, Division Lane, Lytham St. Annes, Lancashire FY4 5EB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Peter Whiteley against the decision of Fylde Borough Council.
 - The application ref 15/0885, dated 29 January 2016, was refused by notice dated 20 April 2016.
 - The development proposed is to reuse the existing mobile home/chalet at Westbrook Nurseries as sustainable, eco-friendly green tourist holiday accommodation.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. At the time of my site visit, the proposed development had already commenced. I have determined the appeal on this basis.

Main Issues

3. The main issues are as follows:
 - Whether the development would be inappropriate development in the Green Belt;
 - The effect of the development on the openness of the Green Belt; 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

Background

4. The appeal site has an extensive planning history. It has been used for horticultural use for many years and there have been a number of planning permissions that have been granted at various times for a caravan/mobile home to be occupied in connection with this use. In 1999¹ permission was granted for the permanent occupation of the mobile home, subject to a condition restricting its use to solely that of Mr and Mrs Webster.

¹ LPA Ref 99/0058

5. In 2011, the appellant was granted planning permission to vary the condition on planning permission 11/0532 to allow him, his wife and his children to occupy the mobile home. This was granted subject to a condition restricting his use of it to two years to enable him to re-establish the horticultural use. Following this two year period, a further planning application² was submitted for the permanent retention of the mobile home, which was subsequently refused.
6. In 2015 an enforcement notice was issued and upheld on appeal³. The notice was served on the basis that condition no 1 attached to planning permission 11/0532, which states *'This permission shall enure solely for the benefit of Mr Peter and Mrs Jillian Whiteley, and their dependant children, and shall be limited to the period expiring on 31 December 2013, immediately on the expiry of which the mobile home/caravan the subject of this permission shall be removed from the site and the land restored to its original condition, unless in the meantime a further planning permission has been granted'*. The requirements of the notice are to remove the mobile home from the land and restore the land to the condition it was in before the mobile home and any previous caravan or mobile home was sited on it.

Inappropriateness

7. The appeal property is located within the Green Belt. Paragraph 89 of the National Planning Policy Framework (the Framework) states that the construction of new buildings in the Green Belt shall be regarded as inappropriate development. Paragraphs 89 and 90 of the Framework list a number of exceptions to this. Policy SP3 of the Fylde Borough Local Plan as Altered (the LP) 2005 is similarly restrictive of development in the Green Belt and provides a list of exceptions. These exceptions are largely similar to the exceptions set out in the Framework. Accordingly, I find that Policy SP3 is generally consistent with the Framework and attribute it significant weight.
8. I have had regard to the appellant's argument that the previous use and the current use both fall within the same use class. However, a dwelling house and holiday let accommodation are two separate use classes, C3 and C1 respectively, for the purposes of planning. Moreover, as the property no longer benefits from a lawful residential use, I have not considered the proposal on the basis of a change of use of the existing property.
9. Policy TREC6 of the LP specifically restricts the development of holiday chalet sites within the Green Belt, and the supporting text to this policy states that such development in the Green Belt is inappropriate. The proposed development is seeking the retention of the property for use as holiday accommodation. Whilst it only involves one holiday let unit, it is nevertheless a holiday chalet site.
10. Neither the exceptions set out in paragraph 89 or 90 of the Framework, nor Policy SP3 of the LP, refer to holiday accommodation. Accordingly, I find that the proposal is inappropriate development in the Green Belt, which is, by definition, harmful to the Green Belt. As such, it would conflict with Policy SP3, TREC6 and the provisions of the Framework.

² LPA Ref 13/0757

³ Appeal Ref APP/M2325/C/15/3006154

Openness

11. Paragraph 79 of the Framework indicates that openness is an essential characteristic of the Green Belt with a key objective being to keep land permanently open. Openness has both a visual and spatial dimension and the absence of visual intrusion does not, in itself, mean that there is no impact on the openness of the Green Belt.
12. The appeal site is adjacent to a narrow lane with a high hedge screening much of the site from immediate public views. The appeal property has had a number of additions, some of which the appellant confirms were carried out by previous owners whereas others were undertaken by himself. The most notable additions are a brick plinth around the base, a pitched roof and a decked area. These have resulted in the property having a more permanent and substantial appearance than that of a typical mobile home. In particular, the pitched roof is significantly higher than the original flat roof and as a consequence it is more visually prominent in the landscape.
13. The design of the roof has been informed by the local vernacular and results in the property appearing more of a cottage than a mobile home. Therefore, even though the property is more visible in the landscape, it is more sympathetic to the surrounding semi-rural environment than the more intrusive and incongruous design of a typical mobile home. However, based on the evidence before me, there is no extant planning permission for a mobile home, or any other residential use, on the site. Therefore, I do not consider that the assessment of the effect of the proposal on the openness of the Green Belt should make a comparison with the original mobile home, as that is no longer authorised. Therefore, notwithstanding the previously authorised use of the site for the siting of a mobile home, the proposal introduces an intrusive form of development onto what would otherwise be a vacant site that makes a positive contribution to the openness of the area.
14. In addition to the intrusiveness of the development, I find that the erosion of three-dimensional space arising from the overall size of the property would in itself result in an erosion of openness, which would conflict with paragraph 79 of the Framework. Accordingly, I attribute significant weight to the effect it would have on openness.
15. I conclude therefore that the development would lead to a significant loss of Green Belt openness and would conflict with the Green Belt purpose of safeguarding the countryside from encroachment.

Other Considerations

16. Paragraph 88 of the Framework states that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. I turn now to address other considerations that, potentially, might clearly outweigh harm arising from inappropriate development in the Green Belt, the erosion of openness and the conflict with the purposes of including land within it so as to provide the very special circumstances required to justify a grant of planning permission.

17. Much of the appellant's case centres around the argument that there has been a residential use on the site for over 65 years and the existing property should be factored into account. However, as the existing property no longer benefits from planning permission it is unauthorised and there is no longer a lawful residential use on the site. Therefore, whilst there is no doubt the property exists, and has done for some time in some form or another, I do not accept that it should be considered in the same light as an authorised development. To do so would run contrary to the spirit of the development plan and undermine the Council's position in dealing with unauthorised development in general.
18. I have had regard to the environmental benefits of the proposal by providing eco-friendly tourist accommodation, which, from the supporting letters, is popular and has returning visitors. The condition of the overall site has been significantly improved during the appellant's ownership of the site, and improvements to biodiversity have been actively promoted. The appeal site is in a quiet, peaceful location and I can understand the attraction it has for many visitors. The appellant and his family clearly have intentions to further improve the site, developing both the tourist and horticultural business.
19. In addition, I acknowledge that the holiday let provides additional income to the appellant in addition to the horticultural business. Furthermore, the visitors to the holiday let would make a positive contribution to the local economy.
20. I also appreciate that the materials used in the additions to the property have been sustainably sourced and that if it was to be removed it would likely be sent to the landfill.
21. I note that other developments have been carried out/are being undertaken within the vicinity of the site. However, the details of these schemes and the Council's consideration of them are not before me. Therefore, I cannot draw any direct comparison with the appeal proposal. In any event, I have considered the proposal based on an assessment of its individual merits.
22. Whilst the proposal clearly offers environmental and economic benefits, I do not find that, individually or cumulatively, these benefits amount to very special circumstances that would outweigh the harm it has on the Green Belt in terms of inappropriate development, the erosion of the openness of the Green Belt and the conflict with the Green Belt purpose of safeguarding the countryside from encroachment, which carries substantial weight. As such, the proposal fails to comply with saved Policy SP3 of the LP and the Framework.

Conclusion

23. For the reasons given above, having regard to all matters raised, the appeal is dismissed.

Alexander Walker

INSPECTOR