



Appeal Decision

Site visit made on 1 April 2021

by Graeme Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 April 2021

Appeal Ref: APP/T2350/W/20/3265302

Braeside, York Lane, Langho BB6 8DT

- 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 Street against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2020/0300, dated 27 March 2020, was refused by notice dated 30 July 2020.
 - The development proposed is demolition of existing garage and the creation of a new accessible single storey dwelling within residential curtilage of Braeside.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether or not the proposed development would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework and any relevant development plan policies;
 - Whether the appeal site is an appropriate location for new housing development, having regard to the provisions of the development plan, national planning policy and other material considerations; and
 - Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether Inappropriate

3. The fundamental aim of Green Belt policy, the Framework states, is to prevent sprawl by keeping land permanently open; the essential characteristics of Green Belts being their openness and their permanence. Openness is the absence of development and it has both spatial and visual aspects.
4. Framework paragraph 145 states that the construction of new buildings in the Green Belt should be regarded, with some exceptions, as inappropriate development. Inappropriate development is, by definition as set out at Framework paragraph 143, harmful to the Green Belt and should not be approved except in very special circumstances.

5. The Framework also states, at paragraph 144, that any harm to the Green Belt should be given substantial weight. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
6. The parties are agreed that, for the purposes of the Framework, the appeal site constitutes previously developed land. I noted whilst viewing the site the presence of an existing garage, the visible footings and floor-slab of a second garage and the extensive area of hardstanding which occupies almost all of the remainder of the appeal site's area and I have not been presented with any further evidence which would lead me to reach a different conclusion.
7. Framework paragraph 145(g) sets out that, amongst other things, the partial or complete redevelopment of previously developed land can be an exception to the principle that the construction of new buildings in the Green Belt should be regarded as inappropriate. This is, however, subject to two provisos, the first of which is that the development would not have a greater impact on the openness of the Green Belt than the existing development. There has been no suggestion that the proposal would benefit from the exception provided by the second strand.
8. The existing structure within the site is a modest double garage with a pitched roof. A permission also remains extant for a similar, and similarly proportioned, double garage next to the existing garage, implemented some time ago by virtue of the construction of the building's footings and floor-slab. Notwithstanding the visible extent of those elements of the second garage, no further works of construction have been undertaken and they remain only barely visible at ground level.
9. Whilst I have no evidence to doubt that the permission for the second garage remains extant, it is has not presently been constructed above the ground level remnants described above. The Framework is quite clear at paragraph 145(g) that the baseline for comparison of openness is with the existing development; not that which isn't, but could yet, be built.
10. Although the lower tier of the site has a slight downward slope across its width from east to west and a steeper grassed embankment leading up to the low stone wall on York Lane, it is an open and broadly levelled plateau. Significantly, it is also an open, and openly visible, site when viewed from the varying levels of the adjacent York Lane. The existing garage stands towards the more open far side (when viewed from York Lane) of the site, albeit reasonably close to the substantial retaining wall to the adjacent Braeside and is clearly visible from York Lane, albeit that its proximity to the retaining wall is such that it is not entirely isolated within the site.
11. The proposed dwelling would be tucked in closer to the site's much higher eastern and southern boundaries in the south-eastern corner of the site. Despite being partially ground covered by way of remodelled ground levels around it, and being finished with a grassed roof, the elevated position of York Lane to the south is such that it would nevertheless be seen as a clearly visible, substantial structure with a prominent visual presence. So too from the west, where the slight bend in York Lane is broadly level with the site's ground levels and from where the profile of the proposed dwelling would also be clear to see.

12. There is no dispute that the proposed dwelling would be very significantly larger than the existing garage. Even if I were to include the extant but not constructed second garage within that baseline, the proposed dwelling would still have a significantly greater impact on the openness of the Green Belt than the existing (and extant) garages. However, the proposed dwelling together with the consequent remodelling of ground levels would result in a significantly more substantial building than existing with a greater impact on the openness of the Green Belt.
13. The proposal would introduce significantly and materially larger development onto an area where existing development is limited. Despite the partially ground-covered nature of the proposed building, it would be apparent as built development occupying almost the entire depth of the site (from north to south) and a greater width (from east to west) than is currently the case. Whilst it would mitigate through the alteration of ground levels the stark nature of the existing retaining wall at the eastern edge of the site, I conclude that the proposed dwelling would have a significantly greater impact on openness of the Green Belt than the existing development.
14. Core Strategy (CS) Key Statement EN1 sets out the broad approach to development within the Green Belt and is broadly consistent with the provisions of the Framework in this respect. For the reasons I have set out above, the proposed development, whilst constituting the redevelopment of previously developed land, would have a materially greater impact on the openness of the Green Belt than the existing development. In the parlance of CS Key Statement EN1, the proposal would fail to preserve the openness of the Green Belt.
15. For these reasons, I conclude that the proposal would have a greater impact on the openness of the Green Belt. Thus, the exception at the first strand of sub paragraph g) of Framework paragraph 145 is not met. Accordingly, the proposal would be inappropriate development in the Green Belt, which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Furthermore, for the reasons set out above, there would be moderate harm to the openness of the Green Belt, which would be at odds with the fundamental aim of Green Belt policy.

Location

16. There is agreement between the parties that the appeal site does not lie within a settlement boundary as defined by CS Key Statement DS1. As such, the second element of the two-part CS policy DMG2 is usefully clear in stating that outside defined settlement areas development must meet one of 6 considerations. No case has been submitted that the proposal would meet any of these considerations and the appellant acknowledged within the planning application submission that the proposal would be in conflict with CS Key Statement DS1 and CS policy DMG2.
17. The site is not isolated despite its location beyond a defined settlement boundary. It lies adjacent to Braeside at the end of a row of detached properties on the northern side of York Lane, whilst street-fronting terraces lie opposite the appeal site. A continuous pavement leads down to Langho and its services and facilities, but it is a not inconsiderable walk down (and thus back up) a steeply sloping road to those facilities.

18. The appellant has not sought to challenge the Council's claim to it having a 'robust supply of housing' and has not advanced an argument that the policies which are most important for determining the application are out-of-date. The appeal site lies beyond a defined settlement area and it has not been demonstrated that the proposed development would satisfy any of the considerations set out at CS policy DMG2 (1 – 6) in such areas. As such, the proposal is in conflict with the Council's development strategy expressed in CS Key Statement DS1 and with CS policy DMG2, being policies to which I am able to attribute full weight to.

Other Considerations

19. The proposal would utilise the existing vehicle access and garage associated with the existing house at Braeside to provide access and parking facilities for the proposed dwelling. As such, the proposed development provides the opportunity to remove the existing area of hardstanding which presently occupies a significant proportion of the lower tier of the appeal site.
20. Although somewhat stark in its appearance, compounded by the equally stark retaining wall at the eastern edge of the site, the visual benefits of the removal of the area hardstanding would be offset to an extent by the incorporation of this area as garden. Whilst the submitted plans refer to this area as a 'natural garden area', it is not entirely clear what this would entail and so at this stage I conclude that this is a largely neutral factor and neither weighs in support of, nor against, the appeal proposal.
21. The associated stopping up of the existing access to the site from the southwest on the inside of the corner on York Lane has, I understand, allayed previous concerns regarding highway safety. Whilst welcomed, this carries only moderate weight in support of the proposal.
22. The proposal would allow the existing property to be retained for family accommodation. It is stated that the appellant has lived locally for many years and that the proposal would allow this to continue whilst allowing family members to remain in the existing house to provide assistance and care close at hand. The proposed dwelling would provide living accommodation on a single level, albeit that access to it from York Lane, the parking and turning area and the garage would be via a stepped approach and would negate to an extent the benefits of level internal accommodation. Nonetheless, whilst capable of being a matter which weighs in support of the proposed dwelling, it is not a factor to which I can give more than only modest weight.
23. The proposed dwelling is the latest proposal in an iterative process following refusal of an earlier application for planning permission and the withdrawal of a subsequent application. I have noted the pre-application discussions and advice provided by the Council regarding what might be considered to be an acceptable scale of enlargement, and revisions made to the scale and design of the proposed dwelling as a consequence. I have also noted that the Council did not refuse the current proposal on grounds relating to character and appearance, access and highway safety matters or impact upon the living conditions of occupiers of nearby properties. However, I have reached my conclusions on these matters for the reasons set out above and the absence of harm in these respects is a neutral matter and weighs neither in support of, nor against, the proposal.

Green Belt Balance and Conclusion

24. The proposal would be inappropriate development in the Green Belt and would result in a moderate loss of Green Belt openness. Framework paragraph 144 advises that substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
25. The appeal site is located beyond a defined settlement area and it has not been demonstrated that the proposal would meet any of the six considerations set out in CS policy DMG2(1 – 6). Nor has the appellant challenged the Council's claim of a 'robust' housing supply position. Whilst there is a pavement linking the appeal site to services and facilities in Langho, the lengthy and reasonably steep gradient is likely to discourage all but the most fit and energetic residents from regularly walking or cycling that route. As such, I conclude that the proposal would be in conflict with the Council's development strategy set out by CS policy DMG2 and to which I give significant weight.
26. Whilst the proposal would remove the existing area of hardstanding and, through remodelling of ground levels and the construction of the proposed dwelling, this does not weigh significantly in support of the proposal. The appellant's personal needs, whilst capable of being a material consideration, have not been comprehensively or robustly expressed and are not a matter to which I give significant weight. The absence of harm in relation to highways matters, character and appearance and the living conditions of occupiers of neighbouring properties neither weighs in support of, or against, the proposal.
27. Thus, these other considerations do not clearly outweigh the harm by reason of inappropriateness or the harm arising from the proposal's location in conflict with the Council's broad development strategy. The very special circumstances required by the Framework to justify otherwise inappropriate development in the Green Belt do not, for these reasons, exist in this instance. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be dismissed.

Graeme Robbie

INSPECTOR

