



Appeal Decision

Site visit made on 4 May 2022

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 July 2022

Appeal Ref: APP/T2350/D/22/3290046

York House, York Road, Wilpshire BB1 4AE

- 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 Graham Ireland against the decision of Ribble Valley Borough Council.
- The application Ref 3/2021/0783, dated 28 July 2021, was refused by notice dated 20 October 2021.
- The development proposed is the extension of an existing driveway, creation of a carport with a balcony above.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

- whether the proposal is inappropriate development in the Green Belt; and,
- if the proposal is inappropriate development, 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

Inappropriateness

3. The appeal site is situated in the Green Belt. The Government attaches great importance to Green Belts. 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.
4. The proposal relates to an extended driveway and the creation of a carport with a balcony above. Part of this development would be outside the residential curtilage which is identified by the 'existing fence line' on the submitted existing plan. I note the appellant states that the car port is entirely within the area of the property, but the additional length of driveway is largely outside it, and would encroach into the open area of land to the west of the appeal property.
5. This would result in the change of use of this area of land to residential purposes, which the appellant states has not been used for any purposes other

than agricultural use. The National Planning Policy Framework (Framework) at paragraph 150 states that material changes in the use of land are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. The appellant states that the actual encroachment is only around 2 metres, but the driveway would extend from the highway up towards the existing front of the building. This would be of a considerable length, which given the elevated nature of the land over which the drive would be laid, would result in the development being highly visible. This would result in a visual reduction in openness and by introducing development in an area that is currently free of development, there would also be a spatial reduction in the openness of the Green Belt. By spreading development into an open area of land forming part of the countryside, the development would contravene one of the purposes of the Green Belt, namely, to assist in safeguarding the countryside from encroachment.

6. On this basis, the scheme would be inappropriate development in the Green Belt. Paragraph 147 of the Framework states that this is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It would be contrary to the Framework in this regard and would also conflict with the 'Key Statement EN1: Green Belt' of the Core Strategy 2008-2028 A Local Plan for Ribble Valley, which seeks, amongst other matters, to maintain the overall extent of the green belt in order to safeguard the surrounding countryside from inappropriate encroachment.

Other Considerations

7. The proposal would provide a one-way system, allowing vehicles to enter and leave in forward gear. The appellant has set out the benefits to highway safety of this arrangement, given the busy nature of the road at certain times of the week. Although this matter weighs in favour of the proposal, I have not been provided with any information on whether this is the only way to achieve this benefit or whether there are other alternatives to turn a vehicle within the existing curtilage. Similarly, the appellant is seeking to place an Electric Vehicle (EV) charging point in the proposed car port, but there is nothing before me that demonstrates why this is the only location where it can be provided at the property.
8. The appellant has set out that the wider site will be drained, landscaped and a natural pond created. I accept that this would make this area of land more usable, but this benefit could be achieved without the extended driveway, and I am not clear how it is a direct consequence of the development.
9. No objections have been raised in respect of the proposal including by the Local Highway Authority, but this is a neutral matter and not one which weighs in favour it.
10. The appellant has made a general reference to other sites in the Green Belt that have been granted planning permission. No specific information has been provided, but reference is made to these being housing developments. These referenced cases are not therefore comparable to the appeal scheme.

Conclusion

11. I have found that the appeal proposal would be inappropriate development, which the Framework clearly sets out is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework says 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 is clearly outweighed by other considerations.
12. I have set out the other considerations and my analysis leads me to attach limited weight to the highway safety benefits, the provision of EV charging infrastructure and the drainage, landscape and the natural pond proposed for the reasons set out.
13. With this in mind, the substantial weight I have given to the Green Belt harm and other harm is not clearly outweighed by other considerations sufficient to demonstrate very special circumstances. The appeal should therefore be dismissed.

F Rafiq

INSPECTOR