

No.4	APPLICATION NO.	2018/1261/OUT
	LOCATION	Land Adjoining Bescar Lane Station, Bescar Lane, Scarisbrick, Lancashire
	PROPOSAL	Outline - Infill development for up to 4 dwellings. All matters reserved.
	APPLICANT	Mr Marshall
	WARD	Scarisbrick
	PARISH	Scarisbrick
	TARGET DATE	28th March 2019

1.0 SUMMARY

- 1.1 This application is referred to the Planning Committee as the applicant is related to Councillor Charles Marshall.
- 1.2 The application is in outline form and the fundamental issue is the principle of development for market housing as the site lies in the Green Belt. The site is not *limited infilling in villages* and therefore the proposal is inappropriate development in the Green Belt.

2.0 RECOMMENDATION

- 2.1 That planning permission be REFUSED.

3.0 THE SITE

- 3.1 The site is comprised of an area of former railway sidings on the northern side of the railway line (Bescar Lane Station). It covers some 0.18 hectares. The site lies within the Green Belt just outside the settlement of Bescar which lies to the immediate south west on the opposite side of the rail line. There is one residential property bounding the northern side of the site, Station Farm, with a small scale residential estate comprising affordable properties south of the railway line (Swan Close). The site is elevated in comparison to Station Farm. Further north are the open moss lands of Martin Mere.
- 3.2 There is an existing access to the site from Bescar Lane. There is one small shed currently located on the site and evidence of a ramp and hard surfaces remain.
- 3.3 The surrounding area is largely agricultural in nature with many of the neighbouring dwellings located on large farm holdings.

4.0 THE PROPOSAL

- 4.1 This application seeks planning permission is in outline for the erection of 4 market dwellings. All matters are reserved including access.

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 2013/0432/FUL Erection of 4 no. affordable semi-detached dwellings with associated access road, parking, landscaping and bin and cycle storage. GRANTED subject to S106 to ensure affordable housing.

- 5.2 2008/0842/FUL - Erection of 31 affordable dwellings comprising 8 apartments in a single two storey block; 16 2-storey houses and 7 bungalows; associated access road, parking, bin and cycle storage. REFUSED and DISMISSED at APPEAL.

6.0 CONSULTEE RESPONSES

- 6.1 LCC HIGHWAYS (18/12/18) - No objection in principle to the development of up to 4 dwellings and is of the opinion that the proposed development should have a negligible impact on highway safety and highway capacity within the immediate vicinity of the site. Suggest conditions re access/visibility, internal layout and parking.
- 6.2 NETWORK RAIL (02/01/19) Holding objection. The applicant has included Network Rail land (station lease area) within their proposal red line area. The developer/applicant must ensure that their proposal, both during construction and as a permanent arrangement, does not affect the safety, operation or integrity of the existing operational railway / Network Rail land. The applicant has not considered the potential for the proposal to impact the level crossing with vehicles entering and exiting the site.
- 6.3 UNITED UTILITIES (08/01/19) – Recommends conditions re foul and surface water shall be drained on separate systems and that surface water shall be drained in accordance with the hierarchy of drainage options in national planning practice guidance.
- 6.4 DIRECTOR OF LEISURE AND WELLBEING (Environmental Health) – No objection (09/01/19) - concerns about this site being used for residential development due to noise from the railway line and station. Recommends safeguarding condition to determine any noise protection measures that would be required to protect the future occupiers from noise.
- 6.5 DIRECTOR OF LEISURE AND WELLBEING (Contaminated Land) (19/12/18) No objection - The site may be contaminated by virtue of its past commercial/industrial use-request condition to be attached to deal with any land contamination.
- 6.6 CADENT GAS (17/12/19) – Cadent Gas has an intermediate pressure pipeline in the vicinity of this application. There must be no obstructions within the pipeline's maintenance easement strip. It is the responsibility of the applicant to contact Cadent Gas prior to any works commencing on site.

7.0 OTHER REPRESENTATIONS

- 7.1 Scarisbrick Parish Council- No resolution in respect of this application.

8.0 SUPPORTING INFORMATION

- 8.1 The application is supported by the following information:
Planning Statement
Ecological Survey and Assessment
Topographical Survey
Tree Survey.

9.0 RELEVANT PLANNING POLICIES

- 9.1 The National Planning Policy Framework (NPPF) (including Technical Guidance to the NPPF) and the West Lancashire Local Plan (2012-2027) DPD provide the policy framework against which the development proposals will be assessed.

- 9.2 The site is located within the Green Belt as designated in the West Lancashire Local Plan DPD (2012-2027).

The following policies apply:

National Planning Policy Framework (NPPF)

Achieving Sustainable Development
Delivery of sufficient supply of housing.
Protecting Green Belt land

West Lancashire Local Plan (2012-2027) DPD

SP1 – A Sustainable Development Framework for West Lancashire
RS1 – Residential Development
RS2 – Affordable and Specialist Housing
IF2 – Enhancing Sustainable Transport Choice
IF3 – Service Accessibility and Infrastructure for Growth
IF4 – Developer Contributions
EN2 – Preserving and Enhancing West Lancashire’s Natural Environment
GN1 – Settlement Boundaries
GN3 – Design of Development
GN4 – Demonstrating Viability
GN5 – Sequential Tests

Additionally the following supplementary planning documents are relevant:

SPD – Design Guide (Jan 2008)
SPD – Development in the Green Belt (October 2008)

10.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

- 10.1 The key issue for consideration of this application is whether the principle of development of the site for housing is appropriate in the Green Belt. The application has been submitted in outline form with all matters reserved and no details of the form of development proposed. Specific site issues which would be largely covered by reserved matters would include:

Access, Traffic and Parking
Drainage/Flood risk
Contamination
Ecology
Impact on residential amenity

Principle of Development in the Green Belt

- 10.2 The site lies in the Green Belt, beyond the settlement boundary of "Bescar / Drummersdale" in Scarisbrick. Planning permission was granted in 2013 (planning application 2013/0432/FUL) for four affordable dwellings on the site. The four affordable dwellings were judged to be in line with policy RS1 and RS2 of the West Lancashire Local Plan 2012-2027 (WLLP) which allows for up to 4 affordable dwellings in the Green Belt subject to a satisfactory sequential test. The provisions within these policies mirror the approach advocated by the NPPF, which states that limited affordable housing for local community needs under policies set out in the Local Plan is an acceptable form of development in the Green Belt (paragraph 145).

- 10.3 This application is in outline for 'up to 4' market dwellings on the same site. The WLLP does not expressly allow market houses in the Green Belt, but defers to national policy on general Green Belt matters. This includes paragraph 145 of the National Planning Policy Framework (NPPF), which sets out six types of development that are defined as being "not inappropriate" in the Green Belt. By definition inappropriate development in the Green Belt is harmful. The fifth of these development types is "limited infilling in villages".
- 10.4 The applicants supporting Planning Statement (whilst referring to the old 2012 NPPF para references) identifies that the main planning policy issue arising from the proposed development is whether it represents "limited infilling in villages". . Reference is made to a Court of Appeal case (Wood v Secretary of State for Communities and Local Government [2014] EWHC 683 (Admin); February 2015).
- 10.5 In this Court of Appeal case, the Judge found that the policy required the decision-maker to consider whether, as a matter of fact on the ground, the site appeared to be in the village. The fact that the site lay outside the village boundary as designated in the development plan was not solely determinative of the point. In limiting himself to considering whether the proposal was within the designated village boundary, the Inspector had misdirected himself as to the proper meaning of paragraph 89 (now 145) of the NPPF. Despite this narrow legal point it is pertinent to note that the application/appeal was redetermined by the Planning Inspectorate who considered in that case that the site was not within the designated settlement boundary but also was not, on the ground, part of the village.
- 10.6 The main issue and point of contention with the applicant is whether the Bescar Lane site appears to be 'in the village' as well as lying outside the village boundary as defined by Policy GN1.
- 10.7 I note the points made by the Applicant about the developed frontage along Bescar Lane, the dwelling adjacent to the site, the location of the site in relation to the railway station and the changes in the speed limit. However, it is my view that 'on the ground' the railway and Bescar Lane station represents a clear 'end' of the Bescar / Drummersdale 'settlement', with the developed area south of the railway predominantly urban in nature comprising of tightly knit residential properties and formalised pedestrian footpaths in contrast to the land to the north of the railway which clearly retains its rural nature. There is a stark difference between the two.
- 10.8 The western side of Bescar Lane (north of the railway) comprises a hedgerow with trees immediately behind, and two unadopted tracks leading to a complex of agricultural buildings at Moss Hall Farm and at Bescar Moss Farm, set back 100-200m from Bescar Lane, and not readily visible when looking down Bescar Lane from the railway crossing. The eastern side of Bescar Lane (north of the railway) comprises the vacant application site, adjacent to which is a detached residential property beside a barn and other outbuildings. It is my view that this property and its surrounding buildings have the appearance of a farm complex as opposed to a residential property with domestic outbuildings. This view is reinforced by the address of the property, 'Station Farm. The change in speed limit responds to highway considerations and reflects mainly on the position of the railway crossing before entering the village. The approach is also consistent with that taken when determining application 2013/0432/FUL.
- 10.9 To conclude, it is my view that these proposals at Bescar Lane do not constitute limited infilling in villages as the appearance 'on the ground' is that the settlement ends at the railway, beyond which is open countryside with sporadic mainly agricultural buildings. The end of the settlement 'on the ground' coincides with the village settlement (Green Belt)

boundary, but the fact that the site lies outside the settlement boundary is not determinative of whether or not it appears to be part of the settlement.

- 10.10 As such, the proposed development is inappropriate in the Green Belt under paragraph 145 of the NPPF and so the applicant would need to demonstrate the very special circumstances that would outweigh the harm to the Green Belt and any other harm, as per paragraph 144 of the NPPF in order to gain planning permission. At this time, I have seen no evidence of such very special circumstances that would convince me that an application for up to 4 market dwellings on this site should be granted permission. Indeed as with most housing developments in the Green Belt the proposals would adversely affect openness and, as set out in para 134, the purposes of including land within it.
- 10.11 The proposed housing development would deliver 4 market houses and contribute towards the Borough's Housing Land Supply. I do not consider this small contribution to housing delivery is a very special circumstance to outweigh the harm to the Green Belt.

Access, Traffic and Parking

- 10.12 There are no details of access provided with the application. In consideration of the previous scheme 2013/0432/FUL concerns were raised by Network Rail which related to the backing up of vehicles across the railway crossing and causing obstructions on the track. The detailed access arrangements into the site were amended to satisfy the Highway Authority. The Highway Authority has confirmed that 4 dwellings can be designed to allow acceptable access which would not comprise highway safety and highway capacity in the area.

Surface Water, Drainage and Flood Risk

- 10.13 It is a requirement of Policy GN3 that new development does not result in unacceptable flood risk or drainage problems. The information from the Environment Agency Maps has determined that the site is located within Flood Zone 1.
- 10.14 The foul sewerage for the proposed houses is capable of being disposed of via a package treatment plant and surface water by a Sustainable Drainage System. Whilst no details of either system have been submitted the proposed drainage arrangements are capable of being the subject of pre-commencement conditions which will require the submission of further details.

Contamination

- 10.15 The site may be contaminated by virtue of its past use as former railway sidings and therefore a condition relating to land contamination requiring investigation and remediation could be attached if any consent was to be granted.

Ecology

- 10.16 Policy EN2 seeks to balance the protection of the Borough's natural environment against the need for development. The applicants have undertaken an updated Ecology appraisal which presents the results of a desktop study and extended Phase 1 Habitat Survey carried out in April 2018. The survey identified potential ecological constraints, the extent of any mitigation required and opportunities for biodiversity associated with the development proposals.

- 10.17 The applicants have undertaken a Tree Survey of the limited number of trees largely on the site boundaries. The groups of trees present are pioneer species and have no arboricultural significance in development terms. The surrounding treescape is made up of larger groups of trees and this is not reflected in the present tree content on site. I consider the existing trees have little amenity value and the removal of all the trees on site will allow for a more appropriate replanting schedule to be drawn up and improvements in visual amenity.
- 10.18 Any Ecological and Landscape issues required by Policy EN2 are capable of being addressed by conditions.

Impact on amenity of existing and proposed residents

- 10.19 The proposed development is located adjacent to one neighbouring dwelling, Station Farm. I am satisfied that the development of 4 dwellings is capable of being designed in accordance with the requirements of Policy GN3 so as not to cause significant harm to the residential amenities of neighbouring properties.

11.0 CONCLUSION

- 11.1 Given the nature of the outline application submitted, the fundamental issue is the principle of development in the Green Belt. It is my view that these proposals at Bescar Lane do not constitute limited *infilling in villages* as the site is both outside the settlement Boundary in the WLLP and on the ground does not appear to be part of the village. As such, the proposed development is inappropriate in the Green Belt under paragraph 145 of the NPPF and there are no very special circumstances that would outweigh the harm to the Green Belt. The application is therefore recommended for refusal.

12.0 RECOMMENDATION

- 12.1 That the application be REFUSED

Reasons for Refusal

1. The proposed development is contrary to the NPPF and policies GN1 and RS1 in the West Lancashire Local Plan 2012-27 Development Plan Document as market housing in this location would be inappropriate in the Green Belt, would result in harm to the openness and be contrary to one of the purposes of including land in the Green Belt aimed at safeguarding the countryside from encroachment. No very special circumstances have been identified to outweigh this harm.