



**PLANNING COMMITTEE:  
22<sup>nd</sup> MARCH 2018**

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**Report of: Director of Development and Regeneration**

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**SUBJECT: LATE INFORMATION**

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## **1.0 INTRODUCTION**

The information below has been received since compilation of your Agenda. The following also includes suggested adjustments to the recommendations further to the receipt of late plans and/or information.

## **2.0 ITEM 7 – PLANNING APPLICATIONS**

### **REPORT NO. 2 – MARTIN INN, MARTIN LANE, BURSCOUGH**

The applicant has submitted details of 6 no. appeal and High Court decisions in respect of the issue of isolation and previously developed land, which they consider are relevant to the current application. These can be summarised as:

*1. Braintree District Council v. Secretary of State for Communities and Local Government (15<sup>th</sup> November 2017).*

Braintree District Council challenged the decision of a planning inspector that a proposal for new housing in the countryside would not result in new isolated homes because 'there are a number of dwellings nearby'. The Council submitted that this could not be reconciled with the inspector's view that the accessibility of the proposed site to 'services, facilities and employment' would be 'poor'.

The Council's case was rejected and the Secretary of State said that the word 'isolated' in paragraph 55 of the National Planning Policy Framework (NPPF) should be given its ordinary, objective meaning. This is a home 'far away from other places, buildings, or people; remote". A home that is 'isolated from services and facilities' is not, therefore, necessarily an 'isolated home' as the Council contended. This resulted in the proposed dwellings being approved.

*2. Durham County Council. Appeal Ref APP/X1355/W/17/3180304.*

This site lies within the open countryside for planning policy purposes, and the Inspector stated that the main issue to consider is whether the site is in a suitable location having regard to the accessibility of services and facilities. The appeal was allowed.

*3. Newark & Sherwood District Council. Appeal Ref APP/B3030/W/17/3169590.*

This site is located within the Green Belt and in his decision the Inspector referred to the Braintree judgement and concluded that the development would meet with the 'policy in favour of locating housing where it will enhance or maintain the vitality of rural communities'. The appeal was allowed.

*4. Dartford Borough Council v. The Secretary of State for Communities and Local Government and ORS (14<sup>th</sup> March 2017)*

As with this appeal site, the site of the Martin Inn is brownfield land, the development of which is advocated in the NPPF.

*5. West Lancashire Borough Council. Appeal Ref APP/P2365/W/17/3182494. Barn at Plumtree Barn, Black-a Moor Lane, Downholland*

There are differences between this appeal and the current planning application at the Martin Inn. The Martin Inn site is within a cluster of residential properties and the development proposals include 4no. affordable homes. Whilst the plans for the Martin Inn do not utilise the existing structure, they do utilise the mass of the public house. The application site is not isolated in terms of being far away from other places, buildings or people. There are a number of existing residential properties surrounding the site and small businesses at the Farm, Martin Lane, including a farm shop, bed and breakfast and dog groomers. The site is accessible because there is a regular bus service between Southport and Wigan which can be accessed at Heaton's Bridge (0.9 miles from the site), and the rail network serving Southport, Burscough and Wigan can be accessed from New Lane train station 1.4 miles away. Car journeys would decrease from the previous use as a public house. Bullet point 3 of paragraph 55 of the NPPF states that special circumstances would exist 'where the development would.....lead to an enhancement to the immediate setting'. It has been illustrated that the public house has become unviable and is falling in to disrepair and the proposal for housing seeks to bring the site back into use. Without this, the situation would worsen.

*6. West Lancashire Borough Council. Appeal Ref APP/P2365/W/17/3183002.*

There are differences between this appeal decision and the current application at the Martin Inn. The current scheme includes 4 affordable houses. The development would lead to an enhancement to the immediate setting. The development would remove the large hard surfaced car park and redundant public house and enhance the setting with areas of soft landscaping and gardens. The application site is within a cluster of residential dwellings. As detailed above, there are bus and train links in close proximity to the site.

## **OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION**

I have given due regard to recent appeal decisions and judgments in making a recommendation that planning permission be refused. For Members information I attach copies of both the Charity Farm and Plumtree Barn appeal decisions.

All matters relating to the issue of isolated dwellings have been fully discussed in the Planning Committee report and I remain of the opinion that the development of the site for 8 no. dwellings would result in new isolated homes in the countryside and the delivery of market housing outside of a settlement boundary in an unsustainable location, which would be contrary to paragraph 55 of the NPPF.