



## Appeal Decision

Site visit made on 11 December 2017

**by Andrew McGlone BSc MCD MRTPI**

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

**Decision date: 20 December 2017**

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**Appeal Ref: APP/P2365/W/17/3182494**

**Barn at Plumtree Barn, Black-a-moor Lane, Downholland, Ormskirk  
L39 7HX**

- 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 Toby Gill against the decision of West Lancashire Borough Council.
  - The application Ref 2016/1223/FUL, dated 17 November 2016, was refused by notice dated 6 April 2017.
  - The development proposed is conversion and roof extension to existing outbuilding to form a single residential property.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. I have, for completeness, used the appellant's full name which is set out on the appeal form in my decision.
3. During the course of the appeal a High Court judgement<sup>1</sup> was handed down regarding paragraph 55 of the National Planning Policy Framework (the Framework) and new isolated homes in the countryside. I wrote to the main parties to ask them whether this judgment has any bearing on the appeal. I have had regard to their responses in my findings.

### Main Issue

4. The main issue is whether or not the proposal would be appropriate in principle in such a location having regard to relevant local and national policies.

### Reasons

5. The appeal building is to the north of Black-a-moor Lane which connects Downholland Cross to Haskayne via School Lane. Access to the site is gained from the lane. The immediate area around the appeal site is sparsely developed in terms of buildings. There are fields either side of the lane which provide a backdrop to the appeal site on its northern, south-eastern, southern and western sides. The appeal site is in the Green Belt. Immediately adjacent to the appeal building are the residential dwellings of Plum Tree Barn and Bank Farmhouse. The former is occupied by the appellant and his family.

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<sup>1</sup> Braintree District Council v Secretary of State for Communities and Local Government, Greyread Limited & Granville Developments Limited [2017] EWHC 2743 (Admin)

6. Haskayne is defined as a Rural Sustainable Village in Policy SP1 of the West Lancashire Local Plan 2012-2027 Development Plan Document (Local Plan). The policy sets out that development in rural settlements will be focussed on the Key and Rural Sustainable Villages and that all new built development will take place within settlement boundaries (as defined by Policy GN1), except where a specific need for development for a countryside use is identified that retains or enhances the rural character of an area.
7. The Council notes that the appeal site is outside of the settlement boundary of Haskayne and is therefore considered to lie in the countryside. Haskayne is roughly 0.9 miles away. To the north is the Rural Sustainable Village of Halsall which is about 2.75 miles away. The appeal site is physically separated from Haskayne by fields and a country lane. Thus, I agree that the appeal site is within the countryside and not a settlement.
8. Local Plan Policies GN1 and RS1 aim to support the formation of sustainable communities and direct development to sustainable locations. Local Plan Policy GN1 b) explains that "*Development proposals within the Green Belt will be assessed against national policy and any relevant Local Plan policies.*" While Local Plan Policy RS1 explains the exception to this is the provision of very limited affordable housing, none is proposed.
9. The Council question whether the appeal building is authorised having regard to the planning application that they approved in March 2002 (Ref: 2001/1186) which included conditions that removed permitted development rights. While there may be differences as the Council suggest, my decision will be nearly 11 years on from the approval of building regulations in January 2007. Hence, the works undertaken may well be over the ten-year limit mentioned by the Council for pursuing enforcement action. I have therefore considered the appeal on the merits of the building as I saw on site.
10. With regard to Framework paragraphs 89 and 90 the appeal scheme would re-use the existing building. The Council accept that the building is of permanent and substantial construction and that the proposed alterations would not be disproportionate additions over and above the size of the original building. I share their conclusion that the appeal scheme would follow the advice contained in the Framework. Hence, the proposal is not inappropriate development and very special circumstances do not need to be demonstrated.
11. Despite the re-use of the appeal building the proposal would result in a new home in the countryside. The main parties dispute whether the appeal scheme would result in a new isolated home in the countryside. The word 'isolated' is not defined in the Framework. In the High Court judgement, it was clarified that 'isolated' should be given its ordinary dictionary meaning of "far away from other places, buildings or people; remote". Given the proximity of the appeal building to two existing residential dwellings, the proposed dwelling would not be far away from other buildings or people. While, the potential occupants of the development currently live in Plum Tree Barn, this would not stop social sustainability from occurring now or in the future given that it would be a market dwelling.
12. However, there is still a need to consider whether the proposed development would be far away from other places. This includes consideration of whether the appeal site is a suitable location for housing having regard to its location and accessibility.

13. My attention has been drawn to a considerable number of cases. I note Figure 1 in the Applicant's Written Statement, but I do not have details of the cases closer to the appeal site to the north, south and south-west. I understand that planning permission was granted in the Barton case<sup>2</sup> following an earlier application<sup>3</sup> as it was considered that the site would not be isolated. While, there are some details of this case before me, I do not have the full circumstances of the case to be able to draw an accurate comparison. With regards to the other cases, even though many were determined after the publication of the Framework, they are all located in very different social and environmental contexts<sup>4</sup>. As such, they are not directly comparable to the proposal that is before me, which I have considered on its own planning merits based on the evidence before me and my observations from my site visit.
14. In terms of facilities and services, the appeal site is between a 5 and 15 minute walk of Downholland Business Park (storage units, a pet/equine/country clothing shop, a coffee shop and dog grooming), a primary school, restaurant, village hall/activity centre, playing fields/play area and a nursery. While there are holiday cottages nearby, they would not serve future occupiers day-to-day needs. A farm shop, Farmer Ted's and St Thomas' Church are either beyond a distance that the most people would be prepared to walk or require the use of a busy road with no footway.
15. Haskayne has relatively few facilities and services, although it does have two public houses, a bus stop, a kitchen/furniture shop and a crafts shop. Halsall has a primary school, church, beauty salon, offices, a car repair garage/car sales, a delicatessen and a limited post office service. A public house is also on the periphery of Halsall. The range of facilities and services on offer in the appeal site's immediate area together with those on offer in Haskayne would mean that occupants of the development would need to travel further afield to other settlements. Even so, there would be a limited benefit linked to the proposal in terms of supporting local services and community facilities.
16. The Framework recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
17. The two sections of Black-a-moor Lane provide contrasting pedestrian footway facilities. The lane is, however, generally lit, while the short eastern section between Altcar Lane and Mairsough Lane would be suitable for pedestrians during daylight hours, and offer access to the Leeds and Liverpool Canal towpath. However, the use of the eastern section and the towpath would be less attractive at night or in poor weather conditions. Despite the narrow width of the western section of the lane, it offers a safe pedestrian environment in a rural area. While Lydiate and Maghull maybe a walkable distance away for some, the distance would not be suitable for all and occupants would be unlikely to travel to them on foot regularly for their day-to-day needs.
18. The western section of the lane and School Lane offer a suitable environment for cyclists and for persons on mobility scooters. However, the eastern section of the lane, Altcar Lane and Mairsough Lane are far busier with vehicular

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<sup>2</sup> Council Application Ref: 2016/0624/FUL

<sup>3</sup> Council Application Ref: 2015/0310/FUL

<sup>4</sup> Refs: 12/01726/FUL; 2013/1163/FUL; 2014/0969/FUL; 2016/0708/FUL; APP/P0119/A/10/2130078; APP/D3505/W/17/3180004; 2016/0667/FUL and APP/P2365/W/16/3144303; 2014/0205/FUL and APP/P2365/A/14/2218836; APP/P2365/W/17/3173814; 2015/0630/OUT and APP/P2365/W/15/3138570; 2015/0816/FUL and APP/P2365/W/15/3136774; and APP/P2365/W/15/3035959

traffic travelling to and from Formby and between Maghull and Southport. Although these roads may be used by cyclists and by persons on mobility scooters, they would not be attractive for all and especially during the hours of darkness or in poor weather conditions.

19. The bus service between Southport and Liverpool runs every 30 minutes throughout the day and passes through various settlements containing a range of facilities and services. Although there is a bus service through Haskayne, I do not have details of its frequency.
20. Notwithstanding these sustainable modes of transport, and the occupants potentially leading healthy lifestyles, the appellant accepts that the proposed dwelling would primarily be accessed by private motor car. No additional journeys would be created if the appellant and his family occupy the dwelling, especially if the appellant and his wife work from home. However, this arrangement would not stop car journeys. Circumstances may also change, including the occupation of the dwelling. Even so, the number of extra journeys would be modest.
21. While the appellant has lived in the area for some time, it is a matter of fact and degree as to whether the appeal building and its occupants would be far away from other places. In this case, although there are some facilities and services in the area, I am not persuaded that the appeal site is not far away from places with day-to-day facilities and services. Thus, on the whole, the site is remote. Consequently, the proposed development would be a new isolated home in the countryside.
22. Turning now to the special circumstances listed in Framework paragraph 55 which is a distinct and separate test to the very special circumstances associated with Green Belt policy. Bullet point three explains that such special circumstances can be: *where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting*. Both aspects of this bullet point need to be satisfied. While the Council's evidence refers to the term 'traditional barn', the Framework does not use this phrase.
23. The Design and Access Statement confirms that the building is an existing garage, stables and storage facility for the main dwelling. It is submitted that the building is surplus to requirements and that large parts of the building are left unused. I observed on site that the building comprised of three areas. The first was a garage; the second a first floor; the third a series of stables and a larger room. The three areas were all being used for domestic storage of items such as fishing equipment, tools, a boat, garden equipment, fridge, tumble dryer and timber. The garage could be used by vehicles. No part of the building was in use for the stabling of horses.
24. Although the appellant considers that large parts of the building are left unused, the term 'disused' must mean not used at all. In terms of 'redundant' this must mean 'superfluous' which is *not or no longer needed or wanted*. The appellant's evidence and my observations on site confirm the building is not redundant or disused. I recognise the Government encourages the re-use of existing resources<sup>5</sup> and empty and under-used buildings. Furthermore I acknowledge the proposal would allow the family to stay on the site and support visiting family. However, the building appeared perfectly capable of

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<sup>5</sup> National Planning Policy Framework, Paragraphs 17, 51 and 90

continuing to offer stable facilities or ancillary domestic storage. Thus, I am not persuaded that the building is empty or under-used.

25. Added to this, I do not consider that permitted development rights, for the conversion of agricultural buildings<sup>6</sup>, are relevant to this case, even if they do not contain a pre-requisite that the building must be redundant or disused. I also do not share the appellant's view that the building would become untidy and unmanaged or that it would fall into a state of disrepair.
26. Although the appeal scheme would lead to an enhancement to the site's immediate setting, in terms of biodiversity character and its visual appearance, the creation of a new isolated dwelling in the countryside is contrary to both national and local planning policy other than in special circumstances. As the scheme does not satisfy the first part of bullet point three, I have found that none apply in this case.
27. Although the proposal would comply with, in terms of the Green Belt, Local Plan Policy GN1 and paragraphs 89 and 90 of the Framework, I conclude that this is outweighed by the significant harm that would arise from the appeal proposal not being appropriate in principle in such a location. In this regard, the proposal would conflict with Local Plan Policies GN1 b) and RS1 b) along with paragraph 55 of the Framework. These policies, among other things, jointly seek to direct development to sustainable locations where the environment is accessible to all sections of the community and encourages the use of public transport, so to avoid new isolated homes in the countryside.

#### *Other Matters*

28. I have had regard to the appellant's concerns regarding the Council's handling of the planning application. I also note that the appellant entered into pre-application discussions with the Council and that amendments were made with a view to finding a solution. However, these matters do not alter or outweigh my findings on the proposal before me, which I have considered on its merits.

#### **Conclusion**

29. For the reasons set out above, I conclude that the appeal should be dismissed.

*Andrew McGlone*

INSPECTOR

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<sup>6</sup> The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 3, Class Q