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## Appeal Decision

Site visit made on 21 July 2020

by **Sarah Manchester BSc MSc PhD MIEnvSc**

an Inspector appointed by the Secretary of State

Decision date: 19<sup>th</sup> August 2020

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**Appeal Ref: APP/U2370/W/20/3251061**

**Poulton Plaiz Holiday Park, Garstang Road West, Poulton-Le-Fylde, Lancashire FY6 8AR**

- 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 M McCarthy against the decision of Wyre Borough Council.
  - The application Ref 19/00151/FUL, dated 01 February 2019, was refused by notice dated 22 November 2019.
  - The development proposed is demolition of existing barn and house to allow for the siting of 11 timber lodges.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

### Main Issues

2. The main issues are:
  - i) Whether or not the proposal would be inappropriate development in the Green belt, having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies; and
  - ii) 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 it.

### Reasons

*Whether the proposal would be inappropriate development*

3. The appeal site is a parcel of land that is largely undeveloped except for a former dwelling and traditional agricultural barn. It forms part of a continuous swathe of countryside between the edge of the settlement and the holiday park. It is in the Green Belt.
4. Policy SP3 of the Wyre Local Plan 2011-2031 Adopted February 2019 (the LP) states that in the Green Belt, permission will not be granted for inappropriate development as defined in national policy except in very special circumstances. Paragraph 143 of the Framework confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

5. Paragraph 145 of the Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt, subject to a number of listed exceptions, including Paragraph 145 g) the limited infilling or the partial or complete redevelopment of previously developed land (PDL) which would not have a greater impact on the openness of the Green Belt than the existing development.
6. The definition of PDL in the Framework includes land which is or was occupied by a permanent structure, including the curtilage of the developed land. However, land that is or was last occupied by agriculture or forestry buildings, and land in built up areas such as residential gardens, are excluded.
7. The appeal site is not in a built up area. Therefore, the garden associated with the former dwelling is PDL for the purposes of the Framework. However, the attached barn was previously in agricultural use as part of an agricultural unit. Consequently, the barn and its curtilage are not PDL.
8. The Framework advises that openness and permanence are the essential characteristics of the Green Belt. Openness is the absence of development and it has both spatial and visual aspects.
9. With the exception of the area including the modest former dwelling and attached barn, the appeal site is open and undeveloped. In contrast, the numerous chalets and internal access road would result in a significant increase in the spatial footprint of development at this site. Notwithstanding that each chalet would be relatively small, cumulatively there would be a significant visual impact in this location as a result of the chalets, each with a veranda and dedicated parking area, internal access road, the parking of cars and the domestic paraphernalia associated with the use of the chalets. Consequently, there would be a moderate loss of openness of the Green Belt in this location.
10. The landscape boundary planting would partially screen views of the proposal. Nevertheless, it would be visible from the surrounding area, including during times of the year when trees are not in leaf and overnight, when domestic lighting would be conspicuous.
11. While there is no dispute that there would be a loss of openness, it is suggested that this should be considered in the context of the extant planning permissions<sup>1</sup> at this site. However, paragraph 145 g) of the Framework relates to the redevelopment of PDL which would not have a greater impact on the openness of the Green Belt than the existing development. The baseline for the assessment must then be the existing development.
12. Therefore, the proposal would not be the redevelopment of PDL which would not have a greater impact on the openness of the Green Belt than the existing development at the site. It would not meet the exception set out in Paragraph 145 g) of the Framework. It would conflict with Policy SP3 of the LP and the policies in the Framework that protect the Green Belt.

#### *Other considerations*

13. Although there is some uncertainty as to whether or not the existing planning permissions could both be implemented, I have taken a precautionary

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<sup>1</sup> Ref 17/00953/FUL - the erection of a dwelling and new access following demolition of existing buildings on site and Ref 17/00952/COUQ - prior approval for change of use of the agricultural building to 2 dwellings.

approach and assumed that they would be implemented if the appeal should fail. Therefore, while I have considered the appeal scheme on its own merits, I have considered whether the impact would be significantly different to that arising from the fallback position. In this regard, the appeal proposal would have a larger spatial footprint and a greater visual impact than the approved schemes. Consequently, the fallback position does not provide a justification for the proposal and it therefore attracts neutral weight in my assessment.

14. The proposal would be an expansion of the appellant's business, which includes several holiday parks in the district and in adjacent administrative areas. In this regard, the income from rental or sale of chalets would be a private benefit. There would be a small benefit in terms of support for local services and facilities and there would be a small contribution to the wider UK tourism industry. Although the economic benefits might be sufficient to support 5 full-time jobs in the tourism industry, the evidence indicates that no additional employment opportunities would be created in this area. Therefore, these are matters that carry limited weight in favour of the scheme.
15. There is no evidence that the existing business is not economically viable or that its continuing contribution to the local economy is dependent on the appeal scheme. Therefore, the existing business does not justify the proposal.
16. While the chalets would be temporary and they could be moved, the appeal scheme would be permanent. The proposal is not exempt from consideration against the relevant policies in the Framework and the development plan. The temporary nature of the chalets does not weigh in favour of the proposal.
17. The Framework encourages the effective use of land, including PDL. However, paragraph 145 g) of the Framework is clear that the redevelopment of PDL in the Green Belt is only acceptable in certain circumstances. Therefore, the re-use of PDL does not provide a justification for the proposal.
18. Evidence has been provided in relation to the purposes of the Green Belt, which include assisting in safeguarding the countryside from encroachment. However, even if the proposal would not conflict with the purposes of the Green Belt, Paragraph 145 g) of the Framework does not require an assessment in this regard. Therefore, this is not a matter that weighs in favour of the scheme.
19. On the basis of the evidence, the proposal would be in keeping with the character and appearance of holiday accommodation in the area. It would not harm the living conditions of neighbouring residential occupiers or the safe operation of the highway. There are no significant concerns in relation to land contamination or flood risk. However, these are requirements of policy and they do not weigh in favour of the scheme.

#### *Green Belt Balance*

20. I have concluded that the proposal would be inappropriate development in the Green Belt. It would result in a moderate loss of openness of the Green Belt. These matters attract substantial weight.
21. There are no other considerations that would clearly outweigh the harm to the Green Belt by reason of inappropriateness and loss of openness. Therefore, the very special circumstances necessary to justify the proposal do not exist.

*European protected species*

22. The ecological survey is dated 2017 and it is therefore out of date. I note that the Council considers that updated European protected species surveys, together with mitigation measures if required, could be secured by planning condition.
23. However, Paragraph 175 of the Framework is clear that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. In this respect, the Planning Practice Guidance advises that where a proposal is likely to affect a protected species, planning permission can be granted if an appropriate survey has been carried out and subject to any necessary proposals for mitigation or compensation being found acceptable.
24. Therefore, the assessment of impacts on protected species and the need for mitigation are not matters that should be dealt with by planning condition. Nevertheless, as I have concluded that there are no very special circumstances to justify the proposal in the Green Belt, it is not necessary for me to further consider the impact on protected species.

**Conclusion**

25. For the reasons set out above, the appeal should be dismissed.

*Sarah Manchester*

INSPECTOR