
Appeal Decision

Site visit made on 12 June 2017

by Harold Stephens BA MPhil DipTP MRTPI FRSA

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

Decision date: 20 June 2017

Appeal Ref: APP/N2345/W/17/3171825

Whinneyfield Farm, Whinneyfield Lane, Woodplumpton, Preston PR4 0LL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs Richard and Jessica Leeming against the decision of Preston City Council.
 - The application Ref 06/2016/1194, dated 25 November 2016, was refused by notice dated 19 January 2017.
 - The development proposed is the erection of 2 no. dwellings and associated works.
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Decision

1. The appeal is dismissed.

Main Issue

2. I consider the main issue in this appeal is whether or not the proposed development would comprise a sustainable location in the light of prevailing planning policies.

Reasons

3. The appeal site comprises former agricultural buildings and associated land which form part of Whinneyfield Farm. The site is located at the end of Whinneyfield Lane, which is an unadopted road some 800m to the west of Woodplumpton Road, and within the open countryside of the Policies Map of the Preston Local Plan 2012-2026 adopted in 2015.
4. The appeal proposal seeks outline planning permission for the erection of 2 no dwellings following demolition of existing buildings. All matters are reserved for subsequent approval.
5. Both sides set out the relevant planning history. I note that on 15 December 2016 the Council granted permission for a large stone built barn associated with Whinneyfield Farm, but not directly within the appeal site, to be converted into three dwellings by virtue of Class Q, Part 3 of the GDPO 2015.¹ This permission has not been implemented. It is proposed, as part of the current appeal that the Appellants would formally surrender this prior notification consent via a suitably worded planning obligation. This would mean that only two dwellings would be established on the site as opposed to the three units already permitted or even a combined five dwellings. However, no such

¹ Ref. 06/2016/0987

planning obligation was submitted as part of the appeal documentation. I shall return to this matter later in my decision.

6. The development plan for the area comprises the Central Lancashire Core Strategy (2012) and the Preston Local Plan 2012-2026 (2015).
7. Core Strategy Policy 1 aims to focus growth and investment on brownfield sites where it will be concentrated in the Preston/South Ribble Urban Area, Key Service Centres and Strategic Sites. Policy 1 (f) states that in other places – smaller villages, substantially built up frontages and Major Developed Sites – development will typically be small scale and limited to appropriate infilling, conversion of buildings and proposals to meet local need, unless there are exceptional reasons for larger scale development.
8. Core Strategy Policy 4 seeks to deliver a total of 22,158 new dwellings across the three Central Lancashire districts during the plan period of 2010 – 2026. The policy sets the minimum requirement of 507 new dwellings per annum for Preston. Policy 4 also seeks to ensure that at least 70% of new housing developments are located on brownfield sites. The Council can demonstrate a 6.15 years' supply of deliverable housing land when account is taken of completions between 1st April and 30th September 2016 and planning permissions granted since 1st April 2016. Core Strategy Policies 1 and 4 are not considered to be out-of-date and can therefore be afforded full weight.
9. Policy EN1 of the Preston Local Plan aims to protect designated open countryside from development that would harm its open and rural character. With the exception of rural exception housing (Policy HS4) and agricultural workers dwellings (Policy HS5), Policy EN1 advises that development in the open countryside will be limited to (a) that needed for purposes of agriculture or forestry or other uses appropriate to a rural area including uses which help to diversify the rural economy; (b) the re-use or re-habitation of existing buildings (c) infilling within groups of buildings in smaller rural settlements.
10. Paragraph 28 of the NPPF states that policies should support economic growth in rural areas and support sustainable growth and expansion of all types of business and enterprise in rural areas. Paragraph 55 of the NPPF states that in order to promote sustainable development in rural areas Local Planning Authorities should avoid the development of new isolated homes in rural areas unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside.
11. The Appellants maintain that the proposed development is consistent with Policy 1 of the Core Strategy given that it is small scale and can be said to constitute appropriate infilling. It is claimed that the development would sit entirely within the developed portion of the farmyard and would see the removal of substantial and unattractive buildings as well as large areas of hard standing. It is stated that the scheme would help to meet a local need, in that the intended occupants of the dwellings are the current principal Directors of the Tom Barron Group, along with their families. The firm is an internationally known poultry and dairy business with its head office in the local area. It is claimed that the proposal constitutes infilling within a cluster of buildings on the edge of a smaller settlement which will help to support an established rural business under Policy EN1 of the Preston Local Plan.

12. I note that the proposal relates to the erection of 2 no. market dwellings on an existing isolated farmstead in the open countryside. At my site visit I saw that the proposed development would be located well outside any defined settlement and would plainly be contrary to Policy 1 of the Core Strategy. Moreover, it is not required for any of the exceptional purposes set out in Policy EN1 of the Preston Local Plan, nor is it infilling located within the defined boundaries of a small rural settlement. In my view this proposal would not enhance or maintain the vitality of rural communities as envisaged in paragraphs 28 and 55 of the NPPF. As such the proposal is contrary to the criteria set out in Policy 1 of the Core Strategy, Policy EN1 of the Preston Local Plan and paragraphs 28 and 55 of the NPPF.
13. The Appellants contend that the principle of residential development at Whinneyfield Farm has been established through the extant permission for 3 no. dwellings granted under the GDPO Part 3 Class Q.² However, the permitted development right does not apply a test in relation to sustainability of location.³ The purpose of the creation of this permitted development right was to deliver more homes and increase housing supply, including the development of homes in locations which would not ordinarily be contemplated by the undiluted application of NPPF policies. The extant permission relates to the creation of 3 no. dwellings through the conversion of a neighbouring agricultural building on the farmstead where the PPG effectively dis-applies a sustainability test. Accordingly, the prior notification consent under Class Q of the GDPO is not a material consideration in the assessment of the appeal proposal for new build market homes on a different part of the farmstead. Nor does it establish a clear fallback against which to determine this appeal. Furthermore, the proposed planning obligation referred to in paragraph 5 of this decision has not been submitted so the surrender of the extant permission would not be secured.
14. The Appellants refer to a number of other policies in support of the proposal. I accept that Core Strategy Policy 4 refers to a minimum figure and therefore the proposal would not conflict with that policy. Reference is made to Core Strategy Policy 17 and to Preston Local Plan Policy EN9 which relate to design matters. The proposal is submitted in outline, with all matters reserved but is accompanied by an indicative site layout plan. The indicative layout adequately demonstrates that the site could accommodate two dwellings. However, it is likely that the scale, design and appearance of two dwellings would have a substantially different material impact on the layout and appearance of the farmstead than the existing buildings which would be demolished. I accept that detailed assessment of the design, layout and impact on the surrounding open countryside would be assessed at the reserved matters stage.
15. Core Strategy Policy 29 seeks to improve water quality, water management and reduce the risk of flooding. The application site lies within Flood Zone 1 where the risk of flooding (fluvial or surface) is not high and from the evidence that is before me the proposal would comply with Core Strategy Policy 29. I also accept that the proposal would comply with Core Strategy Policies 3 and 30 in relation to Air Quality, Core Policy 27 on Energy Efficiency and Policy ST2 of the Preston Local Plan on traffic and highway safety subject to appropriate conditions.

² 06/2016/0987

³ Planning Practice Guidance: Paragraph108 Reference ID: 13-108-20150305

16. Core Strategy Policy 22 and Preston Local Plan Policies EN10 and EN11 seek to preserve and protect protected species and wildlife in order to enhance biodiversity. The Ecological Appraisal accompanying the proposal concludes that no notable or protected species were recorded on the site at the time of the survey. The GMEU Ecologist is satisfied that the impacts on protected species - bats, nesting birds and great crested newts- can be adequately mitigated by relevant conditions. On this basis the proposal development would not have any adverse impacts on protected species and therefore would comply with the aforementioned policies.
17. The Appellants refer to paragraphs 7 and 14 of the NPPF and claim that the proposal is sustainable development which accords with the development plan. It is argued that the proposal would deliver benefits in the context of paragraph 7 of the NPPF including additional housing, supporting key personnel within a rural business and providing a high quality environment which would enhance the site. The submitted Planning Statement provides additional information on bus services accessible locally, cycle routes and footpath network.⁴ It is stated that the location is reasonably accessible by sustainable transport methods.
18. In terms of the 3 limbs of sustainable development set out at paragraph 7 of the NPPF I accept that there would be some social and economic benefits arising from the scheme which carry some weight. The proposal would provide for 2 new households and would generate employment opportunities in construction. It would also provide some support for local rural shops and services but socially it would be unsustainable due to the significant walking distance to the core of the closest village for its services and facilities in Woodplumpton which in my view are likely to be accessed via the private car.
19. In terms of the environmental role, I appreciate that the site is considered to be ecologically poor and so the proposed mitigation and enhancement measures would be welcomed. I also accept that the removal of unsightly agricultural buildings would result in an improvement to the visual impact. However, due to the significant distance to the closest services and facilities, occupiers of the proposed development would likely be highly reliant upon the private car to access everyday needs and services. On this basis, I conclude that there would be substantial harm in relation to the three roles of sustainable development in that the development would not be environmentally or socially sustainable.
20. Moreover, relevant development plan policies for the supply of housing are up-to-date and the Council can demonstrate a five year supply. The proposal would be contrary to Policy 1 of the Central Lancashire Core Strategy and Policy EN1 of the Preston Local Plan 2012-26 and the NPPF and is in overall conflict with the development plan. The *tilted* balance set out in paragraph 14 does not apply in this case. I have determined this case in accordance with the development plan and all other material considerations. I conclude on the main issue that the proposal would represent an unsustainable location in the light of prevailing planning policies.

⁴ Sections 2.4 and 2.5

Other Matters

21. I have taken into account all other matters raised including the comments from interested persons and the Parish Council. Reference is made to a proposed housing development near Grimsargh. However, this development is of a much greater scale than the appeal proposal and it is located immediately adjacent to and adjoining the settlement boundary of the village of Grimsargh. It is materially different to the appeal proposal in many respects. It did not persuade me that the appeal proposal is appropriate in this location.

Conclusion

22. Given its location on an existing isolated farmstead in the open countryside, the proposed development comprising two market houses would not constitute sustainable development in the overall planning balance. The proposal would be contrary to Policy 1 of the Central Lancashire Core Strategy and Policy EN1 of the Preston Local Plan 2012-26 and paragraphs 28 and 55 of the NPPF. I conclude that the proposal is in overall conflict with the development plan. None of the points raised are sufficient to outweigh this conflict. My overall conclusion is that the appeal should be dismissed.

Harold Stephens

INSPECTOR