
Appeal Decision

Site visit made on 4 November 2019

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st November 2019

Appeal Ref: APP/N2345/W/19/3235860

Land at Former Garlick House, Green Lane, Catforth, Preston PR4 0HT

- 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 Porter against the decision of Preston City Council.
 - The application Ref: 06/2019/0666, dated 30 May 2019, was refused by notice dated 30 July 2019.
 - The development proposed is the erection of a single dwelling house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) whether the proposal would be in a suitable location for housing with regard to the accessibility to services; and (ii) the effect on the character and appearance of the area.

Reasons

Accessibility to Services

3. The appeal site consists largely of an area of cleared land. Adjacent to the site is a Public Right of Way, beyond which are 2 new dwellings that are nearing completion. The remaining boundaries of the site abut fields and land to the rear of a further residential property. The site itself is well set back from Green Lane, which is a narrow unlit single track road with occasional dwellings and buildings.
4. The few services that Catforth has are well spread out and some distance from the site. A footway runs from the end of Green Lane into the village, although it does not become lit until the public house is reached which is approximately 700 metres from the site. The other principal services are a primary school and a village hall which are found a further distance away, at the far end of the village.
5. For the purposes of Policy 1 of the Central Lancashire Adopted Core Strategy (2012) (CS), the site falls in 'other places' due to its distant location from settlements of any size. It is also evident from the supporting text to the policy that accessibility is an important consideration in the hierarchical approach to the location of development that the policy sets out. In relation to Policy EN1 of the Preston Local Plan 2012-26 Site Allocations & Development

Management Policies (2015) (LP), the site lies in open countryside. What growth is permitted in such a location by way of these policies is of a limited nature.

6. The occupants of the proposed dwelling would have to travel into Catforth to access its basic range of local services. With the distances involved, this would result in a likely reliance on the private car as the primary means of transport. Whether or not the pattern of development in Catforth is clustered or otherwise does not impact on the location of the local services themselves, other than that they are well dispersed.
7. The appellant has made reference to a 'hail and ride' type bus service close to Green Lane which also passes through Catforth and to other destinations with a greater range of facilities. Such a service, though, would not be likely to substantially reduce car usage as there would still be a need to get to where the bus may stop by using the long access track from the site onto Green Lane and then walking along this road. This would not be an attractive proposition, in particular in inclement weather or poor light, compared to the convenience of the car. More distant bus stops would be even less likely to attract usage. The location of the proposed dwelling would not encourage the use of travel modes other than by the car.
8. This limited accessibility is reflective of the site's location in open countryside under Policy EN1 of the LP and the hierarchal approach to development with regard to Policy 1 of the CS. The proposed dwelling would not, based on the evidence before me, constitute a type of development under these policies that is permitted in such a location. It would not reasonably constitute infill for the purposes of Policy EN1 because the site abuts fields on the opposite side from the 2 new dwellings. The site is not isolated in the sense that it is located in close proximity to these dwellings, but this does not account for the lack of accessibility to services. In coming to this view, I have considered the Braintree judgment¹ that I have been referred to.
9. Whilst opportunities to maximise sustainable transport will vary between urban and rural locations, the proposal would be at odds with the National Planning Policy Framework (Framework) in this respect due to the likely reliance on the car, with the type of development and its location. The accessibility of services is dependent on the particular site circumstances and so where both main parties have referred to appeal decisions on different sites, these only have a limited bearing on my decision. Whilst I have no reason to believe that local residents do not consider themselves part of the community of Catforth, again, this does not deal with the lack of accessibility.
10. I conclude that the proposal would not be in a suitable location for housing with regard to the accessibility of services. As such, it would not comply with Policy 1 of the CS, Policy EN1 of the LP and the Framework in relation to the controls they apply to the location of development to manage growth and promoting sustainable transport, amongst other considerations.

¹ Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd [2018] EWCA Civ 610

Character and Appearance

11. The area in the vicinity of the site is characterised by a rural landscape of mainly open agricultural land with isolated farmsteads and dwellings, or small clusters of dispersed development. Hence, the spaciousness created by the generally low levels of built development is an important attribute of what are pleasant countryside surroundings. The site, as it is devoid of buildings, contributes to this character despite that it has the appearance of cleared land.
12. As the development proposes a new build dwelling with the associated domestic infrastructure, it would be at odds with the open qualities of the site and its contribution to the rural character. Much of the associated spaciousness of the site would be lost. In this context, it would appear cramped as a consolidation of built development in the countryside that would be detrimental to this character and the sparser arrangement of buildings.
13. The appellant has referred to that the site previously contained buildings. This aspect of the site is no longer apparent with its cleared appearance and, based on the photographic evidence that I have been provided with of its former state, the overall size and proportions of these buildings was fairly modest so as not to appreciably detract from the prevailing character, compared to the proposal before me. As the site has been cleared, matters in relation to the interpretation of the Central Lancashire Rural Development Supplementary Planning Document (2012) do not change my views.
14. The proposal is to be determined on its own merits and so I have only considered the 2 new dwellings as far as they form part of the character of the area with their advanced state of construction. Comparisons of the plot area and size of the dwellings do not take account of the encroachment of built development onto the open qualities of the site that would occur under the proposal. Landscaping would not address the incursion of the proposed dwelling onto the site and nor would the external appearance of the dwelling by way of its design.
15. I conclude that the proposal would have an unacceptable effect on the character and appearance of the area. Therefore, it would not comply with Policy 17 of the CS and Policy EN9 of the LP which, amidst other considerations, expect development proposals to take account of the character and appearance of the area, and make a positive contribution to local distinctiveness through a high quality new design that responds to its context.

Planning Balance

16. The appellant has stated that the Council cannot demonstrate a deliverable 5 year housing land supply in accordance with the Framework, with a shortfall of 1.2 years. This has not been contested. Hence, paragraph 11 d) of the Framework is engaged. Accordingly, the development plan policies which are most important for determining the planning application are out of date. This does not mean they do not apply. However, the conflict with the policies attracts limited weight.
17. The proposal would make a modest contribution to addressing the deficit in housing land supply, as well as to meeting the housing needs of different groups. There would be minor economic benefits by way of construction and

the spend of the future occupiers, and it would support local, social and community interests.

18. The main parties dispute the circumstances by which the 2 new dwellings received planning permission and whether or not the site constitutes previously developed land (PDL) for the purposes of the Framework. Even if the site can be considered PDL, support for the development of such land under the Framework is not unqualified and it would not allay the concerns that I have set out.
19. In relation to the adverse impacts, the harm that would arise with regard to the accessibility of services and the effect on the character and appearance of the area would be significant. It would be contrary to Policies 1 and 17 of the CS, and Policies EN1 and EN9 of the LP. Set against this would be the contribution of the proposal to the supply of housing, although with the additional unit that would result, the weight to be attached to this benefit would be limited. All other benefits also carry limited weight.
20. Taking these matters together, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. As a result, the application of paragraph 11 d) does not indicate that permission should be granted.

Conclusion

21. Overall, the adverse impacts identified above would significantly and demonstrably outweigh the benefits. Consequently, the proposal would not accord with the presumption of sustainable development, as is set out in the Framework. Therefore, in the circumstances of this appeal, there are no material considerations to justify making a decision other than in accordance with the development plan. For these reasons, the appeal should be dismissed.

Darren Hendley

INSPECTOR