

Appeal Decision

Site visit made on 11 March 2020

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 March 2020

Appeal Ref: APP/N2345/W/19/3243347

Land at Cumeragh Lane, Longridge, Preston

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mr Ben Casey against the decision of Preston City Council.
 - The application Ref 06/2019/0670, dated 31 May 2019, was refused by notice dated 10 July 2019.
 - The development proposed is described as "Stage 1 Permission in Principle: Application for the Erection of up to 6 no. dwellings".
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. This appeal relates to an application that was made for permission in principle. The Planning Practice Guidance states that the scope of permission in principle is limited to location, land use and amount of development. Accordingly, I have only considered the issues relevant to those "in principle" matters in the determination of this appeal.

Main Issues

3. The main issues are whether the appeal site is suitable for housing having regard to (i) the character and appearance of the surrounding area and (ii) the accessibility of services and facilities.

Reasons

Character and appearance

4. The surrounding area is characterised mainly by rural countryside with a scattering of buildings located to the south of Cumeragh Lane. The appeal site is open land which is separated from the nearest built settlement of Longridge by fields.
5. Given the parameters of the proposal, the development could have a density ranging from around 2 dwellings per hectare (dph) up to approximately 12dph. Whilst the Council have indicated that the current density in the area is approximately 2.4dph, land to the north of Cumeragh Lane, in which the appeal site sits, is mostly devoid of built development. The proposal would introduce built form that would appear out of keeping within the open setting and have a detrimental effect on the appearance of the area.

6. The topography of the site and the existing boundary hedgerow would provide some screening however, the development would be visible particularly from immediate views and the proposed access point. The proposed development would be visually prominent and appear as incongruous features that would detract from the rural character of the area.
7. I have had regard to the appellants statement of case including an approved application for 2no. dwellings¹. I do not have full details of this approved development and so cannot be sure that it represents a direct parallel to the appeal proposal, particularly in respect of location. In any case, I have determined the appeal on its own merits.
8. I therefore find that the proposal would have a harmful effect on the character and appearance of the surrounding area. The proposal would be contrary to Policy 5 of the Central Lancashire Adopted Core Strategy Local Development Framework 2012 (CS) which seeks development to secure densities which are in keeping with local areas and which will have no detrimental impact on character and appearance of an area.

Accessibility of services and facilities

9. The appeal site is located outside the settlement of Longridge and physically detached from other nearby housing. I have had regard to other planning permissions² however, given the location of the site with regards to its surroundings, the proposal would not constitute infill or back land development. Nevertheless, the site is relatively close to the boundary of Longridge and to services and facilities within that settlement.
10. There is a footpath which runs from the appeal site into Longridge and to shops and facilities including a bus stop which is within relatively short walking distance. Given the sites relative proximity to services within Longridge, I am satisfied that future occupants of the proposed development would not be entirely reliant on private motor vehicles to undertake everyday activities.
11. I therefore conclude that the appeal site is a suitable location for housing, having regard to the accessibility of services and facilities.
12. My attention has been drawn to an appeal decision³. I do not consider this to be directly comparable to the appeal proposal, particularly with regards to the type of proposed development. This matter does not alter my findings on the accessibility of the proposed development subject of this appeal.

Planning Balance

13. The Council have indicated that they can demonstrate a housing land supply and refer to a Memorandum of Understanding which does not appear to be formally adopted. The appellant contests the Council's assertions on this matter to a certain degree and also indicates that an appeal decision⁴, which deals with housing land supply, is fundamentally flawed. The appellants position is that Policy 1 of the CS and Policy EN1 of the Preston Local Plan are out of date and paragraph 11 of the National Planning Policy Framework (the Framework) should apply.

¹ Local Planning Authority Reference: 06/2019/0779

² Local Planning Authority References: 06/2016/0786; 06/2016/1214; 06/2018/0710; 06/2017/0339.

³ Planning Inspectorate Reference: APP/N2345/W/18/3218811

⁴ Planning Inspectorate Reference: APP/F2360/W/19/3234070

14. In terms of the Framework's three overarching objectives, there would be some social benefit in providing extra homes which would contribute to housing land supply. There would also be some environmental advantages arising from the homes being in a location which is accessible to services and facilities. Whilst all contributions have a value, it is noted that those offered by six dwellings would be relatively limited.
15. Good design and protecting the environment are also key aspects of achieving sustainable development. There would be harm to the character and appearance of the area. The proposal would not respect the open setting, introducing discordant features that would be visible from the surrounding area. In terms of the harmful effect on character and appearance, the proposal therefore contradicts paragraph 127 a) and c) of the Framework and I attribute significant weight to this matter.
16. Taking account of the above factors, and even if it were found that the Council could not demonstrate a five year housing land supply and the development plan policies were considered out-of-date, the adverse impacts of granting permission would significantly and demonstrably outweigh the relatively limited benefits, when assessed against the policies in the Framework taken as a whole. Therefore, the proposed development cannot benefit from the presumption in favour of sustainable development. There are no other material considerations to indicate that the proposal should be determined otherwise than in accordance with the development plan. I have already identified significant conflict with relevant development plan policies.

Conclusion

17. I conclude that for the reasons given above, and having regard to all other matters raised, the appeal should be dismissed.

Chris Baxter

INSPECTOR