The Planning Inspectorate

Appeal Decision

Site visit made on 9 December 2019

by J Hunter BA (Hons) Msc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th March 2020

Appeal Ref: APP/N2345/W/19/3238195
Land south of Brierley Lane, Eaves, Preston PR4 0DP

- 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 John Duxbury against the decision of Preston City Council.
- The application Ref 06/2019/0760, dated 24 June 2019, was refused by notice dated 25 July 2019.
- The development proposed is described as Stage 1 Permission in Principle for up to 2no. dwellings.

Decision

1. The appeal is dismissed.

Application for costs

2. An application for a full award of costs was made by Mr John Duxbury against Preston City Council. This application is the subject of a separate decision.

Procedural Matters

3. As explained in the Planning Practice Guidance (PPG), the Town and Country Planning (Permission in Principle) (Amendment) Order 2017 (the Order) is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for the proposed development from the technical detail. The scope of the first stage, that is to establish whether a site is suitable in principle for development, is limited to location, land use and the amount of development.

4. In respect of residential development, an applicant can apply for permission in principle (PIP) for a range of dwellings by expressing a minimum and maximum number of net dwellings as part of the application. In this instance, permission in principle has been sought for the erection of a maximum of two dwellings at the appeal site. For the avoidance of doubt, I have determined the appeal on that basis, having regard to the requirements of the above referenced Order and the PPG.

Background and Main Issues

5. There is dispute between the main parties about whether or not the Local Planning Authority can demonstrate a deliverable five-year supply of housing sites. However, based upon the evidence before me, I am unable to reach a definitive conclusion in this regard.

6. Therefore, in applying the worst case scenario that there is not a five-year supply of housing deliverable sites, paragraph 11 d of the National Planning Policy Framework 2019 (the Framework) is engaged. Consequently, the most important development plan policies for determining the planning application are out of date. That said and given Section 38(6) of the Planning and Compulsory Purchase Act 2004, it is still necessary to determine the appeal against such development policies albeit that they are out of date. In this context, the main issues are (i) whether the development would accord with local and national planning policies in terms of location and accessibility; (ii) the effect of the proposal on the character and appearance of the countryside and, (iii) if there are any identified adverse impacts whether these would significantly and demonstrably outweigh any identified benefits of the proposal when assessed against the policies in the Framework taken as a whole.

Reasons

Location and Accessibility

7. The appeal site is a parcel of agricultural land located in the open countryside. The surrounding area is characterised by very sparse ribbon development consisting predominantly of houses and farmsteads punctuated by large open areas and surrounded by agricultural land.

8. For the purposes of Policy 1 of the Central Lancashire Adopted Core Strategy 2012 (CS), the site falls in 'other places' where in smaller villages, substantially built up frontages and major developed sites, development is limited to appropriate infilling, conversion of buildings and proposals to meet local need, unless there are exceptional reasons for larger scale redevelopment schemes.

9. Similarly, Policy EN1 of the Preston Local Plan 2015 (LP) restricts development in the open countryside to that of an agricultural, forestry or other rural business purposes, the re-use or re-habitation of existing buildings within groups of buildings or infilling within groups of buildings in smaller rural settlements.

10. The appeal site sits to the south of Brierley Lane, approximately 200 metres west of the junction with Eaves Lane. To the west it is bounded by the residential grounds of a large detached residential dwelling which has frontage to the road, further west there is a gap in the frontage of approximately 70 metres before the next property. To the east, between the appeal site and the junction with Eaves Lane, at a distance of approximately 100 metres, there is residential land associated with Tanyard House, but there are no actual buildings with frontage onto Brierley Lane. Consequently, I do not consider that the appeal sits falls within a 'substantially built up frontage' or within a 'group of buildings.' Accordingly, it is not infill development and nor does it meet any of the other exceptions set out within the development plan. Therefore, the proposal conflicts with Policy EN1 of the LP and Policy 1 of the CS.

11. The proposed dwellings would occupy an essentially undeveloped site in a rural location and would not be immediately adjacent to other buildings. In this context, they would constitute isolated homes in the countryside. The development would not accord with any of the requirements of paragraphs 77 or 79 of the Framework.

12. In addition to the above, I noted during my site visit that there are very few public services or facilities available within the vicinity of the appeal site. I acknowledge the appellant's evidence that there is a public house and a farm shop, both within 800 metres of the site. I also note the Council's evidence at there is a better selection in the nearby settlements including a doctor's surgery around 4.5 miles away and a Post Office approximately 2.6 miles away. However, the roads in the immediate surrounding area of the appeal site are single width, rural lanes without pavements or streetlighting and therefore I am not persuaded that sustainable modes of transport such as cycling and walking would be realistically attractive as a genuine alternative to use of the private motor vehicle for most day to day trips. In this regard, I find conflict with the accessibility and environmental requirements of the development plan and paragraph 108 of the Framework.

13. I have found that the proposal would not constitute infill development and that it would lead to the erection of isolated dwellings. Accordingly, I conclude that the proposal would fail to accord with Policy 1 of the CS, Policy EN1 of the LP and the Framework and would therefore not provide a suitable and accessible location for housing development.

Character and Appearance

14. The mainly undeveloped nature of the appeal site contributes positively to the spacious rural character of the surrounding area. The appeal site is predominantly green and open except for a modest shed that is set back from the road and screened by established foliage. The lack of built form reinforces the sporadic pattern of development in this countryside location which in turn contributes to the local distinctiveness of the area.

15. Whilst I acknowledge that this is a permission in principle application, where the technical details are to be agreed at a later stage, in principle the proposal undoubtedly introduce a denser and more built up form of development into a predominantly open site, appearing prominent and out of place in the context of the existing pattern of development.

16. In addition to the above, the proposal would result in the loss of an open gap, which would detract from the low density, punctuated ribbon development on the southern side of Brierley Lane. In principle, I therefore consider that the introduction of residential development on the site would cause significant and demonstrable harm to the character and appearance of the area.

17. For the collective reasons above, I conclude that the proposal would conflict with Policy 5 of the CS and paragraphs 117 and 127 of the Framework which require, amongst other things, that densities of new development are in keeping with the local area whilst having no detrimental impact on existing character, appearance, distinctiveness and environmental conditions.

Other Matters

18. I acknowledge that the appellant considers that the Council has not in the past consistently applied the policies set out above. Even if this were the case, it does not obviate the need for me to determine this appeal in accordance with the specific requirements of the policies.

19. The appellant further considers that as PIPs were granted by the Council on two sites close by it follows that a precedent has been set and that this appeal

should be allowed. However, the circumstances in respect of this appeal and the aforementioned PIPs are not the same because the approved sites are located off Eaves Lane; one is located between two existing properties with road frontage and the other in a small gap between an existing property and the intersection with Brierley Lane, both sites are located on a shorter section of road where there is group of buildings. In any event, I do not have the full and precise details which lead to the approval of the PIPs and I have determined this appeal on its own planning merits.

20. The proposal would make a modest contribution to the shortfall in housing land supply and there would be some limited economic and social benefits associated with the construction and subsequent occupation of the dwellings. However, these benefits are tempered by the limited amount of development proposed. Nevertheless, in the overall planning balance, they carry moderate weight in favour of the proposal.

Planning Balance and Conclusion

21. I have found that the proposed development would not provide a suitable and accessible location for housing and that in principle significant harm would be caused to the character and appearance of the area. These adverse impacts would significantly and demonstrably outweigh the identified benefits when assessed against the relevant policies in the Framework. Furthermore, there would also be conflict with policies EN1 of the LP and Policies 1 and 5 of the CS.

22. Consequently, whether or not the Local Planning Authority can demonstrate a deliverable five-year supply of housing sites has not been a determining factor in this appeal.

23. For the reasons set out above, and taking into account all other matters raised, I therefore conclude the appeal should be dismissed.

J Hunter

INSPECTOR