



Appeal Decision

Site visit made on 17 March 2020

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 6th April 2020

Appeal Ref: APP/N2345/W/19/3242308

The Old Pump House, Rosemary Lane, Preston, Lancashire PR4 0HB

- 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 A Barton against the decision of Preston City Council.
 - The application Ref 06/2019/0514, dated 02 May 2019, was refused by notice dated 13 June 2019.
 - The development proposed is erection of two detached dwellings.
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Decision

1. The appeal is dismissed.

Procedural matter

2. As explained in the Planning Practice Guidance, the Town and Country Planning (Permission in Principle) (Amendment) Order 2017 (the Order) is a 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, establishing whether a site is suitable in principle for development, is limited to location, land use and amount of development.
3. The name of the appellant in the appeal form is different to the applicant in the application form. However, the appellant's agent has confirmed that the name in the application form was spelled incorrectly and the appellant and the applicant are the same person. Therefore, I have taken the name of the appellant in the banner heading above from the appeal form.

Main Issues

4. The main issues are:
 - i) Whether the location is suitable for new residential development, having regard to local and national planning policy for the delivery of housing; and
 - ii) The effect of the proposal on the character and appearance of the area.

Reasons

Whether the location is suitable for new residential development

5. The appeal site is domestic land associated with The Old Pump House, a residential dwelling adjacent to Rosemary Lane. The site includes garden land,

- a shed that appears suitable for keeping poultry, a detached garage building and off-street parking. The part of Rosemary Lane that includes the appeal site is a short branch leading off Rosemary Lane, which is a rural road that crosses the M55 motorway and links Bartle Hall to the south and Catforth to the north. The small cluster of built development near to the appeal site comprises predominantly residential dwellings with some commercial premises.
6. Policy 1 of the Central Lancashire Adopted Core Strategy Local Development Framework Adopted July 2012 (the CLCS) sets out the Council's locational development strategy. This seeks to focus development in accordance with the hierarchy of settlements. In smaller villages and substantially built up frontages, small scale development will be limited to appropriate infilling, conversion of buildings and proposals to meet local need.
 7. Policy EN1 of the Preston Local Plan 2012-2026 Site Allocations & Development Management Policies Adopted July 2015 (the PLP) seeks to limit development in the open countryside. Exceptions to this include proposals that require a rural location, the re-use of buildings, and infilling within groups of buildings in smaller rural settlements including cluster of buildings.
 8. The cluster of buildings on Rosemary Lane is not an identified settlement and the appeal site is in the open countryside for planning purposes. However, the site is not remote from other dwellings. The proposal would not therefore result in the creation of isolated homes in the countryside, which the National Planning Policy Framework (the Framework) seeks to avoid.
 9. There is a business centre nearby and uses including a church, village hall, primary school, public house and hotel in the wider area. However, this does not constitute an accessible range of services or facilities to support the basic daily needs of future occupiers. The need to travel would not be minimised in this location. The closest rural settlements are small, lacking in services and facilities and further than could be considered a short or convenient walk. Although the more distant larger settlements, including Preston, would be within cycling distance of the appeal site, future occupiers would not meet their daily needs by walking or cycling.
 10. While there is reference to a hail and ride bus service operating in this area, the evidence indicates that the closest bus stop is in Catforth, which is approximately 1km away. There is no continuous footway or street lighting along the intervening rural road, which is subject to the national speed limit. Therefore, the appeal site is not accessible by public transport.
 11. Future occupiers would be likely to do some shopping via the internet and associated home delivery services. However, they would not meet their daily needs in this way and the ability to make online purchases does not demonstrate that the appeal site is in a sustainable and accessible location.
 12. The proposed dwellings do not require a countryside location, they would not meet a local need and they do not relate to the re-use of buildings. Therefore, the proposal does not meet the exceptions for new housing in the open countryside, with the possible exception of infilling.
 13. Although there is no definition of infill development in the Framework, for the purposes of planning it is frequently understood to mean a limited number of dwellings in a modest gap between buildings in an otherwise built-up frontage.

This is consistent with the definition of infill development referred to by the Council, which is the development of a relatively small gap between existing buildings.

14. In this case, the appeal site is part of a substantially wide gap between Old Pump Cottage and Crown Lane Cottages. The dwellings on the opposite of Rosemary Lane at this point form a ribbon of development. However, the small number of widely separated rural dwellings to either side of the appeal site do not have the appearance of a continuous built up frontage. Moreover, by virtue of its narrow and tapering shape and its relationship to the verge between the road and the field hedgerow, the appeal site does not have the appearance of a domestic building plot. Therefore, the appeal site is not a modest gap between buildings and the proposal is not appropriate infilling in a group of buildings.
15. My attention has been drawn to an infill development allowed on appeal elsewhere¹. On the basis of the evidence before me, there appear to be differences between it and the appeal scheme including in terms of the characteristics of the site, the size of the gap and its relationship to surrounding built development. It also differs in terms of the distance to and accessibility of services and facilities, its proximity to an identified settlement and by virtue of being in an area where the principle of residential development has been established. It is not therefore directly comparable to the appeal scheme and it does not provide a justification for it.
16. The North West Preston Strategic Location, part of the northern suburbs of Preston, is one of the areas identified for growth and investment in the CLCS. Although it includes residential development, and highway and public transport improvements, the Strategic Location is approximately 1.5km from the appeal site. Moreover, that development is not completed. There is no substantive evidence before me that future growth and investment in Preston would result in the appeal site being significantly more accessible in terms of services and facilities and non-car modes of transport. This is therefore a matter that carries limited weight in my assessment.
17. Therefore, the location is not suitable for new residential development. It would conflict with the locational aims of Policy 1 of the CLCS and Policy EN1 of the PLP. It would also conflict with the rural housing and sustainable transport aims of the Framework.

Character and appearance

18. The appeal relates to a permission in principle application and the technical details would therefore be dealt with at a later stage. Nevertheless, and irrespective of the appearance of the proposal, it would increase the quantum of built development in this location. By virtue of the small size of the appeal site, 2 dwellings would not be in keeping with the traditional density and pattern of rural development in the area. The proposal would erode the open rural character and appearance of the area and it would have an urbanising effect in this location.
19. The appellant has indicated that he would be willing to amend the scheme to one dwelling. This would result in a lower density of development than would be the case with 2 dwellings. However, taking into account the awkward

¹ Ref APP/N2345/W/18/3163689

narrow and tapering shape of the appeal site, in the absence of any further details the proposal does not demonstrate that even one dwelling would be in keeping with the pattern of the surrounding built environment.

20. Therefore, the proposal would harm the rural character and appearance of the open countryside. It would conflict with the development plan, including Policy 5 of the CLCS which requires that development is of an appropriate density such that it respects local character and distinctiveness. It would conflict with Policies in the Framework that promote the efficient use of land, safeguarding the environment and taking into account the desirability of maintaining an area's prevailing character and setting (including residential gardens).

Other Considerations

21. At the time the application was determined, the Council was unable to demonstrate a 5 year housing supply (5YHLS) and the provisions of Paragraph 11 d) of the Framework applied. However, evidence submitted to the appeal indicates that the position has changed, the Council can demonstrate in excess of a 5YHLS, and therefore the provisions of Paragraph 11 d) no longer apply.
22. In this respect, the appellant refers to an ongoing legal challenge relating to the Council's housing supply. However, no details have been provided and I am not aware that the Council is currently failing to deliver sufficient homes.
23. A maximum of 2 dwellings would make a minimal contribution to the supply of housing. There would be minimal economic benefits, primarily short term during construction. Given the absence of facilities, 2 dwellings would make a minimal contribution to the vitality of the local community. The proposal would make a similarly limited contribution to supporting services in villages nearby. Conversely, there would be moderate harm due to the conflict with the Council's locational policies, the reliance on private car journeys and the adverse effect on the character and appearance of the countryside.
24. Therefore, even if I was to conclude that the Council could not demonstrate a 5YHLS, the adverse impacts of the proposal would significantly and demonstrably outweigh the limited benefits when assessed against the policies in the Framework as a whole.

Conclusion

25. I have found that the proposal would conflict with the development plan and there are no other considerations that would outweigh that conflict. For this reason, the appeal should therefore be dismissed.

Sarah Manchester

INSPECTOR