
Appeal Decision

Site visit made on 27 July 2020

by Paul Singleton BSc MA MRTPI

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

Decision date: 31 July 2020

Appeal Ref: APP/F2360/W/20/3244797

Land east of The Cottage and west of Beechwood, Chain House Lane, Whitestake, Lancashire

- 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 Luke Watson against the decision of South Ribble Borough Council.
 - The application Ref 07/2019/1143/PIP, dated 17 October 2019, was refused by notice dated 25 November 2019.
 - The development proposed is erection of up to two dwellings.
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Decision

1. The appeal is allowed and permission in principle is granted for residential development comprising a minimum of one and a maximum of two dwellings.

Main Issues

2. The main issues in the appeal are whether the proposal would constitute inappropriate development in the Green Belt and, if so, whether there are any very special circumstances to justify a grant of permission in principle.

Reasons

3. Under the terms of the Town and Country Planning (Permission in Principle) Order 2017 (the Order) the scope of a permission in principle is limited to location, land use and the amount of development permitted. All other matters need to be considered as part of a subsequent Technical Details Consent application if permission in principle is granted.
4. The Council acknowledges that the location is suitable for residential development in that it is accessible by public transport and within a short travelling distance of New Longton District Centre and the closest school. It also accepts that the site could satisfactorily be developed for two dwellings of a size, scale and placement which are comparable with existing residential development within the village. Permission has been refused on the ground that residential development is not an appropriate land use for the site.
5. The appeal site lies within the Green Belt as designated by Policy G1 of the South Ribble Local Plan (Local Plan). Policy G1 defines the erection of new buildings within the Green Belt as inappropriate development which should not be approved except in very special circumstances. A number of exceptions are set out and these include, at clause (e), "*limited infilling in villages*". Clause (e)

also includes reference to the provision of affordable housing as one of the exceptions, in line with the equivalent national policy in the National Planning Policy Framework (Framework) when the Local Plan was adopted. That reference has been omitted in paragraph 145 of the revised (2019) version of the Framework. However, I consider that the first part of Clause (e) and the remainder of Policy G2 is consistent with the Framework and should be given full weight.

6. The Council accepts that the site lies within the village of Whitestake and that that part of clause (e) is satisfied. No definition is given, either in the Local Plan or the Framework, as to what is meant by "*limited infilling*." The Council relies upon a definition on the Planning Portal website that refers to "*development of relatively small gaps between existing buildings*" but that definition does not form part of any national policy or guidance. I accept that it may be helpful to think of infill development as being that which fills a gap in an otherwise developed frontage. However, there is nothing in paragraph 145 or Policy G2 that states or implies that the exception can be met only through development of small gaps between existing buildings. The matter has to be assessed in the context of the site's location and the form of development proposed.
7. Whether the proposal constitutes limited infilling is, therefore, a question of fact and planning judgement having regard to the nature and size of the proposed development, the location of the site and its relationship to existing development adjoining and adjacent to it.
8. Although it has a reasonably wide frontage, the site is of limited depth, with its rear boundary coinciding with the rear extent of the adjacent residential plots. It adjoins residential curtilages to the east and west and, when the site at the corner of Newgate Lane has been redeveloped for a new dwelling¹, there will be a continuous residential frontage opposite the site on the north side of Chain House Lane. To the rear, the site adjoins a large complex of glasshouses and other buildings within a commercial plant nurseries site. It is, therefore, fair to categorise the site as being enclosed by existing built development.
9. Most of the site's front boundary is screened by a hedge of about 1.8 metres (m) in height which reads, in the street scene, as a continuation of the boundary hedge to the front of the adjacent bungalow (Beechwood). As a result of this screening, most people walking or travelling along the road have very limited, if any views, into the site. Such views are, in any event, curtailed by a large glasshouse on the nurseries site which is of similar height to the adjacent bungalow and extends along the full length of the appeal site's rear boundary. The views past either end of that glasshouse extend only to other such buildings within the nursery site. Accordingly, the site makes a very limited contribution to the openness of the Green Belt in this part of the village.
10. Following the development of the two sites with permission for single dwellings,² there will be an almost continuous frontage of some 18 to 20 residential or other buildings and their respective building curtilages on either side of Chain House Lane (Wham Lane), between its junctions with Long Moss Lane and Naptha Lane. Within that context, the development of two further dwellings, that would also be set in relatively large plots, would represent a

¹ In accordance with planning permission reference 07/2017/1671/FUL

² The site opposite the appeal site (Ref 2017/1671) and the site on the corner of Naptha Lane (Ref 07/2019/2227/PIP) .

limited addition to the existing developed frontage and would not significantly alter the character of the village.

11. These existing buildings, together with the associated mature hedges and trees to their roadside boundaries, create a sense of visual enclosure along this section of the road. In that context, my assessment is that the western edge of the built area of the village extends to the western boundary of No. 50 on the north side of Chain House Lane, where there is a clear visual break between that property and the rear of the houses fronting onto Pope Lane. On the south side of the road it extends to the boundary of Glen Cottage (close to the Long Moss Lane junction) as it is only at this point that longer distance views to the south and west are opened up. This essentially coincides with the location of the "Whitestake" village sign and the start of the 30 MPH speed limit. The appeal site falls within this built area and, because of its limited depth and its enclosure by buildings to the rear, the site reads as a gap in the existing developed frontage rather as part of a wider open or agricultural landscape.
12. The village is characterised by predominantly detached residential properties in relatively large plots with a wide frontage to the highway. This character is reflected in the fact that the site's approximately 90m wide frontage is broadly equivalent to the combined width of the two adjacent residential plots (Beechwood and its neighbour to the east) and to three residential plots (Numbers 148, 150 and the site of planning permission Ref 2017/1671) opposite the site, on the north side of the road. The site's development for two dwellings would be in keeping with the general rhythm of development along this section of Chain House Lane.
13. In the context of this existing pattern of development, I consider that it is appropriate to have regard to gaps in the developed frontage rather than only to gaps between buildings. This is particularly the case as there are large gaps between the existing buildings that form part of fully enclosed residential curtilages and which make little or no contribution to the visual perception of openness as one moves along the road. In that context, and given the considerations set out above, the site width of approximately 90m does have the appearance of a gap in that developed frontage rather than of a parcel of open land that makes an important contribution to the street scene and character of the locality.
14. Reference is made by the appellant to the Council's decision to grant permission in principle for a dwelling on the site at the corner of Naptha Lane. In that case, the Council concluded that the development of a single dwelling on a site with a frontage of 48m to the road would constitute limited infilling where the gap between the two adjacent dwellings is some 110m and that between the existing residential frontages is about 70m. I appreciate that these dimensions include the width of Naptha Lane but consider that this site is more open to the rear and that, unlike the appeal site, it currently provides for medium distance views of open, rural land to the south of the site itself.
15. Having regard to the Council's conclusions that the development of that site would constitute limited infilling in the village, I consider that the development of two dwellings on the appeal site, which has a 90m frontage and a 90m gap between the existing developed frontages, would also constitute limited infilling in the context of the form and character of the existing development within Whitestake.

16. Taking all of these factors into consideration, I find that the appeal proposal would represent limited infilling within the village as envisaged by paragraph 145 of the Framework. The proposal, accordingly, falls within the scope of the exception set out in paragraph 145 e) and clause (e) of Local Plan Policy G2 and would not constitute inappropriate development in the Green Belt. In accordance with the Court of Appeal judgment in the Lee Valley Regional Park case,³ where a proposal is found not to be inappropriate when applying paragraph 145 of the Framework, it should not be regarded as harmful either to openness or to any of the purposes of including land in the Green Belt. There is no requirement to consider these potential effects separately.

Conclusion

17. For the reasons set out above, I conclude that the proposal is consistent with paragraph 145 of the Framework and Local Plan Policy G2 and that permission in principle should be granted. The appeal is, therefore, allowed.
18. As all detailed matters are subject to separate Technical Details Consent, no conditions are attached to this permission in principle. The appellant's attention is, however, drawn to paragraph 7(b) of the Order which specifies that, where permission in principle is granted by application, the default duration of that permission is 3 years from the date of the permission.

Paul Singleton

INSPECTOR

³ Lee Valley Regional Park Authority, R (on the application of) v Epping Forest District Council and Anor (Rev 1) [2016] EWCA Civ 404