
Appeal Decision

Site visit made on 14 July 2020

by Helen B Hockenhull BA (Hons) B. PI MRTPI

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

Decision date: 3 August 2020

Appeal Ref: APP/N2345/W/20/3250254

Houghton Cottage, Cow Hill, Preston, PR2 5SE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission in principle.
 - The appeal is made by Miss Michelle Cryer against the decision of Preston City Council.
 - The application Ref 06/2019/0935, dated 2 August 2019, was refused by notice dated 3 October 2019.
 - The development proposed is permission in principle for up to 3 no. dwellings.
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Decision

1. The appeal is dismissed

Procedural matters

2. The appeal proposal is for Permission in Principle (PIP) in accordance with the Town and Country Planning (Permission in Principle) (Amendment) Order 2017. The Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle from the technical detail. Planning permission does not exist unless both the permission in principle and the technical details are approved. This appeal relates to the first of these two stages.
3. The scope of permission in principle is limited to location, land use and amount of development. Issues relating to these 'in principle' matters are considered at the permission in principle stage. In line with the PPG's advice, the amount of residential development must be expressed as a range, indicating the minimum and maximum number of new dwellings which are, in principle, permitted. In this case, permission for up to 3 dwellings is being sought. I have determined the appeal on this basis.

Main Issues

4. The main issues in this case are:
 - whether the development would be in a suitable location for housing, taking into consideration national and local planning policies;
 - if there is conflict with policy, whether there are other material considerations which would justify a decision other than in accordance with the development plan.

Reasons

Suitable location

5. The appeal site forms part of the garden to Houghton Cottage, a residential property located to the northern side of Cow Hill close to the junction of Cow Hill and Whittingham Lane. The site lies in open countryside and in an Area of Separation close to the village of Grimsargh.
6. Policy 1 of the Central Lancashire Adopted Core Strategy 2012 (CS) in part f), provides that in smaller villages, substantially built up frontages and major developed sites, development will typically be small scale and limited to appropriate infilling, conversion of buildings and proposals to meet local need, unless there are exceptional reasons for larger scale redevelopment schemes.
7. Policy EN1 of the Preston Local Plan 2012-2026 (Site Allocations and Development Management Policies) (LP) limits development in the open countryside to that needed for the purposes of agriculture or forestry or other uses appropriate to a rural area, the re-use or re-habitation of existing buildings or infilling within groups of buildings in smaller rural settlements.
8. In this case, whether the appeal site forms an infill plot is the pertinent policy consideration. To the north of Houghton Cottage lies an open field beyond which is sporadic residential development. Similarly, open fields lie to the south to the other side of Cow Hill. Immediately west of the appeal site lies New Park Farm. The farm buildings are set back from the road leaving a front field next to the highway and immediately to the west of the appeal site.
9. Planning permission for 70 dwellings has been granted on land to the east of the appeal site to the south of Whittingham Lane. However, an intervening agricultural field would remain so that this development would be physically separate from the appeal site. Residential development has also been granted to the east of Houghton Cottage at Park House Farm. On my site visit I noted that this development had commenced. When built out, this would create a cluster of built form around the junction of Cow Hill and Whittingham Lane.
10. In summary, whilst there would be some development to the east of the appeal site, it would still have open fields to the other boundaries. It would therefore not form an infill plot, defined by the Council as the development of a relatively small gap between existing buildings. Accordingly, the proposal would not meet any of the criteria set out in Policy 1 of the CS and Policy EN1 of the LP for development in the open countryside.
11. The Council's reason for refusal refers to the site being inaccessible and remote from services and facilities. In order to walk into the village to gain access to shops etc, future residents would need to go along Whittingham Lane. The first 200 metres or so of this route has no footway and there is no lighting for over 500 metres. I have been informed that this situation is likely to be improved as footway improvements are proposed as part of the residential development to the east. Whilst I accept that these works would improve the accessibility of the appeal site, these works have not yet been delivered.
12. The nearest bus stop to the appeal site lies in Grimsargh village approximately 0.5 mile away. From here regular bus services to Preston and Longridge are available. A further bus stop at the Post Office approximately 0.7 km away provides services to Longridge, Goosnargh and Fulwood. The site lies around a

kilometre distance from St Michael's C of E Primary School, 2.3 km from a St Maria Goretti Catholic Primary School and approximately 3.5 km from local secondary schools.

13. The appeal site is not isolated in that it is close to other buildings and dwellings. I also accept that the appeal site has a degree of accessibility to local services with schools, shops and public transport within a reasonable walking distance. However, having regard to the current nature of the footway and the lack of lighting, I do not consider this would provide an attractive route particularly for older persons or parents with young children. This would result in future residents being likely to travel by car. I acknowledge that this is likely to improve with the completion of the development to the east. However, the weight I can give to this improvement must be tempered by the fact that this has not yet been implemented.
14. Both the Council and the appellant have brought my attention to planning permissions and appeal decisions for dwellings in the countryside and specifically close to the appeal site on Cow Hill. I have not been provided with the full details of these cases to ascertain if they are comparable to the appeal scheme. I am aware however that some of these cases were at a time when the Council could not demonstrate a 5-year housing land supply. In any event each case must be determined on its individual merits and this is what I have done in this appeal.
15. In conclusion on this matter, the development would be in clear conflict with Policy 1 of the CS and Policy EN1 of the LP as it would be located outside the development boundary of the village. As I have set out above, I also have concern regarding the accessibility of the site. The appeal site would therefore not form a suitable location for housing having regard to national and local planning policies. I consider below whether the weight given to this policy conflict would be outweighed by other material considerations.

Other material considerations

16. There is dispute between the parties as to whether the Council can demonstrate a 5-year supply of housing land. At the time the planning application was determined, a 5-year supply could not be demonstrated. However, since then, in April 2020, the Council, with the neighbouring authorities of South Ribble and Chorley, entered into a Memorandum of Understanding (MoU) relating to the provision and distribution of housing land. In advance of the review of the Central Lancashire Core Strategy, this ensures that aggregate housing need across Central Lancashire is established. In May 2020, the Council's prepared an associated Statement of Common Ground.
17. I am aware that there has been a challenge to the Council's approach. In any event, from the evidence before me, I am satisfied that the Council can demonstrate a 5-year land supply whether based on the agreed MoU or on the basis of a local housing need calculation. Accordingly, paragraph 11d (ii) of the National Planning Policy Framework (the Framework) is not engaged and the tilted balance does not apply.
18. At the time of the original planning application, the Council considered the amount of development proposed on the appeal site. Having considered the density of nearby development, the Council Officer's report concluded that a development of up to 2 dwellings would be appropriate. The site has an area of

around 0.145 hectares so that the development of 3 dwellings would represent just under 21 dwellings per hectare. This would be below the density for the approved development of the 34 houses to the east at Park House Farm. Having regard to the site's context and the nature of development in the local area, I conclude that up to 3 dwellings would form an appropriate level of development on the site.

19. The appellant also refers to the design of the proposed dwellings that they could complement the new residential development to the east as well as other dwellings in the locality. This forms a technical detail which at this 'in principle' stage I do not need to address.

Other matters

20. The Parish Council raise concern about the adequacy of on-site car parking for the dwellings proposed. The proposed layout, car parking and manoeuvring space forms a technical matter which would be the subject of later approval should the appeal be successful. This detail is not before me at this stage and therefore there is no requirement for me to consider this further.

Planning balance and conclusion

21. Section 38(6) of the Planning and Compulsory Purchase Act (the Act) (2004) states that planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 of the Framework reflects this and makes it clear that the development plan is the starting point for decision making. The importance of the plan-led system is clear. Nevertheless, the Act provides scope for other factors to be considered in the planning balance.
22. There is clear conflict with the policies of the development plan, (CS Policy 1 and Policy EN1 of the LP) as the site lies outside the settlement in open countryside and does not form an infill site. These policies establish the broad strategy for the distribution of development and should not be set aside lightly.
23. The development would provide limited benefits in terms of the contribution to housing supply and it would also provide limited social and economic benefits with future residents contributing to village life and using local shops and facilities. Whilst I have found that the site would potentially be accessible to the village should the proposed highway improvements be undertaken, at the current time the route for future residents would not be attractive leading to the likely use of the car.
24. The matters here are finely balanced. However, in my view, the benefits of the scheme would not outweigh the policy conflict. Accordingly, the material considerations in this case do not justify a decision other than in accordance with the development plan.
25. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal be dismissed.

Helen Hockenhull

INSPECTOR