



Appeal Decision

Site visit made on 28 July 2020

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 August 2020

Appeal Ref: APP/V4250/W/20/3251304
518 Newton Road, Lowton WA3 1PH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Finch against the decision of Wigan Council.
 - The application Ref A/18/85821/FULL, dated 27 June 2018, was refused by notice dated 22 October 2019.
 - The development proposed is construction of 2 detached dwellings with associated shared access.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - the effect of the proposal on the openness of the Green Belt;
 - if the proposal is inappropriate development, whether harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development

3. The Framework outlines that the construction of new buildings, other than in connection with a limited number of specific exceptions, should be regarded as inappropriate in the Green Belt (paragraph 145). Inappropriate development according to the Framework is harmful to the Green Belt and should not be approved except in very special circumstances. One of the exceptions is limited infilling in villages (Paragraph 145e) and another is limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use which would not have a greater impact on openness than the existing development (paragraph 145g).

4. 4. Policy CP8 of the Wigan Local Plan Core Strategy September 2013 only supports development within the Green Belt in accordance with national planning policy. Although the policy references a number of scenarios where limited infill or redevelopment will be allowed, Policy CP8 is broadly consistent with the Framework where it seeks to support development that is in accordance with national policy.

Limited infilling in a village

5. The term 'village' is not defined in the Framework or within the Core Strategy. Having regard to the Julian Wood¹ and Tate² judgements, it is clear that a planning judgement is needed.
6. The appeal site comprises land to the north side of Newton Road, it encompasses 518 Newton Road and land extending broadly eastwards along the road frontage to an agricultural access on the appeal site's eastern boundary. The existing house is a detached house; the land around it is heavily landscaped with mature trees and hedgerows.
7. The generally accepted definition of infill is the infilling of a small gap in an otherwise built up frontage. I would agree that the modest gap between the existing property on the site and the buildings at Marsh Farm represents infill development in the context of this definition.
8. Newton Road is a distributor road that connects the suburban area of Lowton and Newton-le-Willows. Lowton, is more than a kilometre away from the appeal site and comprises of an area with all the necessary services and facilities. Historical maps provided by the appellant indicate that a row of cottages once existed within the appeal site and the site is part of a separate settlement referred to on the maps as the 'Town of Lowton'. However, Newton Road has evolved into loosely aggregated groups of buildings of various character with a significant number of large open gaps of mainly agricultural fields between properties. The evidence suggests that the former 'Town of Lowton' as indicated on the historical maps has declined with the loss of the school, shop and station.
9. With the exception of bus stops and the Travellers Rest to the east of the appeal site Newton Road does not have any services and facilities within the vicinity of the site that might be expected in a village location. I have had regard in particular to the points the appellant draws out from the cases including that the proposed dwellings would be in keeping with the character of the area, the development would reinstate development in a gap that where once built form existed, the historical layout of the settlement, the numbering system of Newton Road, the site is not isolated, is not large scale and the site frontage is comparable with the length of the frontage of Marsh Farm. These points might lead one to conclude that the development is limited infill, but it does not persuade me that the site is within a village. As the site is not within a village the development does not accord with paragraph 145e of the Framework.
10. I appreciate that permission has been granted for a dwelling in the ribbon of development further along Newton Road. It appears in that case that the Council considered the site to be previously developed land.

¹ Julian Wood v SSCLG, Gravesham Borough Council [2015] EWCA Civ 195

² David Tate v Northumberland County Council [2017] EWHC 664 (Admin)

11. A number of other cases are referred to by the appellant and while they may raise some of the same issues to those at the appeal site it remains the case that a planning judgement is needed as to whether a site is within a village.

Limited infill on previously developed land

12. The appellant argues that in the alternative where the site is considered not to be infilling within a village, in accordance with paragraph 145g the site is limited infilling on previously developed land. The definition of previously developed land is set out in annex 2 of the Framework.
13. The site of the former cottages is separated from the existing house and garden by a small change in level, a garage and the line of a hedge. The site appears unused and does not have the normal attributes of a garden where one may expect some sign of planting or areas for sitting out. The area is also not well related to the internal layout of the house. It appears to me that the land is beyond the domestic curtilage of the property and is not a residential garden.
14. I have been provided with details of the siting of the former Weavers cottages at the site. I was able to discern at my site visit the approximate location of the buildings due to a small area of hardstanding that remains towards the front of the plot, the remnants of which reflect the angled arrangement indicated on the location plan. Nevertheless, there is limited other evidence of the former cottages and I consider that the previous development on the land has blended into the landscape.
15. I conclude that the appeal site is not previously developed land and consequently the development does not represent infill development on previously developed land.
16. For the reasons given I conclude that the proposal would be inappropriate development in the Green Belt and would conflict with Policy CP8 of the Core Strategy and paragraph 145g of the Framework.

Effect on openness

17. The Framework advises that openness and permanence are the essential characteristics of the Green Belt. Openness is the absence of development and it has both spatial and visual aspects.
18. The scheme is for two substantial dwellings set back from the road frontage with new access arrangements parking and gardens. The significant footprint of permanent development would result in a spatial loss of openness.
19. There are views from the road frontage into the appeal site. The evidence indicates that mature trees on the site frontage would be affected with some being removed. The development together with access arrangements and removal of trees would increase the site's visibility from nearby public roads and footpaths. I consider there would be a significant visual impact as a result of the bulk of the buildings, the access arrangements and associated domestic paraphernalia.

20. I have noted the judgements referred to by the appellant³ however the approach to the consideration of openness in these judgements does not lead me to a different conclusion.
21. Overall, I consider that there would be a significant spatial and visual impact and a harmful loss of openness of the Green Belt as a result of the development which would be moderate in this locality.

Other Considerations

22. The appellant indicates that the Council can demonstrate a 5-year housing land supply, although concern is raised that the housing land supply position does not include a significant historic shortfall. However, the Framework seeks to boost the supply of housing and the two proposed dwellings would add to the supply in Wigan, albeit minimally. I attribute a small amount of positive weight to the provision of two houses at the site.
23. The proposal would not harm the living conditions of neighbouring Marsh Farm or the existing property on the appeal site. Matters relating to access arrangements, biodiversity, drainage and flood risk could be dealt with by planning conditions. These are neutral factors in my assessment.
24. There are a significant number of trees on the site. However, the evidence indicates that the trees to the front of the site are not worthy of a Tree Preservation Order and the Council's Tree Officer considers that a landscaping scheme could secure suitable tree replacements. Trees elsewhere within the site could be retained even if this would reduce the usable garden area of the new dwellings. The effect on trees is a neutral factor in my assessment.
25. The site is on a bus route and the availability of access of the site to services and facilities by other means than the car would be a small benefit. However, all sites for new housing are required to be reasonably accessible and there are likely to be equally accessible sites in more suitable locations. Therefore, this carries limited weight in favour of the scheme.

Other Matters

26. I appreciate that it is considered that the service provided by the Council fell below the appellant's expectations. While the matter was pursued through the Council's complaints procedure, I have considered the appeal based on its planning merits alone.

Conclusion

27. I have concluded that the proposal would be inappropriate development in the Green Belt which is, by definition, harmful. It would result in a harmful loss of openness of the Green Belt. These matters attract substantial weight.
28. There are no other considerations that would clearly outweigh the harm to the Green Belt by reason of inappropriateness, loss of openness and any other harm. Therefore, the very special circumstances necessary to justify the proposal do not exist.

³ Samuel Smith Old Brewery and Oxton Farm v North Yorkshire County Council and Darrington Quarries Ltd [2018] EWCA Civ 489 and Euro Garages Limited v Secretary of State for Communities and Local Government and Cheshire West and Chester Council, [2018] EWHC 1753 (Admin).

29. For the reasons given above, the appeal is dismissed.

Diane Cragg

INSPECTOR