



Appeal Decision

Site visit made on 3 August 2020

by A Parkin BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 August 2020

Appeal Ref: APP/U4230/W/20/3249603

Vacant land, Granary Lane, Worsley M28 2PH

- 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 Michael Riding of Chilton Estates Ltd against the decision of Salford City Council.
 - The application Ref 19/74018/FUL, dated 9 August 2019, was refused by notice dated 26 September 2019.
 - The development proposed is 3 Nr residential detached properties with garages and ancillary landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The scope of Permission in Principle (PIP) is limited to location, land use and the amount of development, with other matters considered at the subsequent technical details consent stage¹.
3. In making their appeal the appellant submitted additional evidence, including a potential layout plan and information regarding trees on the site, which was not before the Council when it refused PIP. Whilst it is debateable whether such evidence is relevant to a PIP proposal, both the appellant and the Council make reference to the additional evidence in their respective Statements. However, there were inconsistencies regarding this additional evidence and so I contacted both main parties to seek clarification.
4. The Council provided copies of additional documents that it stated were provided by the appellant on 16 June 2020, after the appeal was made. Not all of these documents were in the evidence previously submitted by the appellant as part of their appeal.
5. The appellant did not respond to my request for clarification and notwithstanding the Council's response, it is not clear that they intended these additional documents to form part of their appeal.
6. Government guidance is that in general, appeals should be determined on the same basis as the original application²; furthermore, an appeal should not be used to evolve a scheme and it is important that what is considered by the

¹ Planning Practice Guidance (PPG) - Permission in Principle - Paragraph: 012 Reference ID: 58-012-20180615
Revision date: 15 06 2018

² PPG - Appeals - Paragraph: 006 Reference ID: 16-006-20140306 Revision date: 06 03 2014

Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought³.

7. Consequently, I have not had regard to the additional evidence submitted by either of the main parties in determining this appeal.

Main Issue

8. The main issue is whether the location, land use and amount of development proposed would be acceptable, having particular regard to the effect upon the existing land use and the character and appearance of the area.

Reasons

9. The appeal site is located at the southern end of Granary Lane, opposite the dwellings at Nos 35 and 37, and next to the rear gardens of the dwellings at Nos 1-15 Ryecroft Lane. To the south of the site is a loosely surfaced car park area, next to playing fields and a single storey brick pavilion for AFC Monton.
10. The site is located in the northern part of a larger area of land designated for recreational purposes in the development plan⁴. Area 16 - *Alder Forest, Winton* comprises formal recreational uses associated with AFC Monton and more informal recreational space, including woodland, grassland, a cycleway/track and a locally designated Site of Biological Importance in the south.
11. The appeal site comprises a mixed area of mature and semi-mature woodland and scrub vegetation, through which a public footpath winds from Granary Lane in the east to a track in the west. It also forms part of a wider area covered by a woodland Tree Preservation Order⁵ (TPO).
12. Notwithstanding the peripheral location of the appeal site within Area 16, the provision of three dwellings there would conflict with its recreational purpose. I am satisfied that Policy R6/16 of the UDP is consistent with the National Planning Policy Framework 2019 (the Framework) and so I give this policy substantial weight⁶.
13. Furthermore, and notwithstanding the lack of a definitive layout or details of the proposal, I am satisfied that the provision of three detached dwellings with garages within this relatively small area of TPO-protected woodland would be incongruous.
14. The nearby dwellings are located outside the TPO designation / Area 16 and are visually distinct from them. The rear gardens of the Ryecroft Lane dwellings provide a buffer between them and the site, whilst Granary Lane and the front gardens of Nos 35 and 37 provide a clear separation between these dwellings and the site.
15. Consequently, the proposed development would significantly and adversely affect the woodland's character and appearance and would therefore detract from its informal recreational purpose.

³ Procedural Guide Planning Appeals – England July 2020, Annexe M, Paragraph M.2.1

⁴ Policy R6 (New and Improved Recreation Land and Facilities) (Area 16) of the City of Salford Unitary Development Plan, adopted June 2006 (the UDP).

⁵ Salford City Council Tree Preservation Order (No 458) 2011 - Ryecroft Lane, Worsley and land to the rear.

⁶ With reference to Paragraph 213 of the Framework.

16. Without reference to a definitive site layout it is not possible to conclude with any certainty that there would be only 'limited' harm as a result of the proposal, as claimed by the appellant. Nevertheless, I have considered the stated benefits put forward by the appellant to offset the harm they have identified.
17. No substantive evidence has been provided to demonstrate a need for three additional homes in this area. I have no reason to doubt the stated housing land supply for the City contained in the Council's Statement of Case. As such, I give the provision of three additional dwellings, even for people who wish to build their own homes, only very limited weight.
18. The proposal would have some effect on the management of woodland within the appeal site. However, given that this is a PIP proposal, the detail of what this would be, and so whether it would have a positive or negative effect is unclear. No details for how the proposal would manage neighbouring woodland beyond the development site are provided.
19. I note that there is no active woodland management from the Council at this time, but that work is undertaken to ensure the site is safe for recreational use. In comparison to the existing arrangements, there is no compelling evidence that the proposal would improve the management of the woodland and so I also give this very limited weight.
20. The removal of any Japanese Knotweed on the site would be a benefit of the proposal, although no details for how this would be achieved are provided. Again, for a PIP proposal this is not unexpected. I also note that the Council has a regular treatment programme for this invasive species which includes this site, and so I give this only very limited weight.
21. The 'opportunity to improve / upgrade an existing footway / cycle way with associated landscaping' would seem to concern the existing public footpath through the appeal site. When I visited the appeal site, the footpath through it was readily walkable, if somewhat overgrown in places.
22. At the time the development plan was adopted in 2006 it was recognised that a wide range of improvements and management were required in order to make Area 16 safe and accessible⁷. However, there is no evidence that the delivery of housing on Area 16 would be the means through which such improvements would be secured.
23. There are no substantive details of the potential improvements, other than the general references to a cycleway and associated landscaping, in the evidence before me. Such details would, in any event, be outside the scope of the PIP proposal and there would be no mechanism for ensuring their future delivery. Consequently, I give these potential benefits only very limited weight.
24. None of the benefits stated by the appellant would outweigh the significant harm to the character and appearance of this TPO-protected woodland, together with the harmful impact on its informal recreational function that I have found.
25. I note the comments made by third parties, both in favour of the appeal proposal and against it. Most of the issues raised are addressed in the reasons

⁷ Paragraph 14.38, the supporting text to Policy R6/16 of the UDP.

above. However, the current pandemic has not changed the basis for determining proposals such as this, which should be in accordance with the development plan, unless material considerations indicate otherwise⁸.

26. I note that the site is not in the Green Belt and that the proposal would provide construction work opportunities and generate additional revenue for the Council. These factors do not outweigh the harm I have identified and do not cause me to reach a different conclusion with regard to this appeal.
27. For these reasons, the location, use and amount of development proposed would be harmful to the existing recreational land use and the character and appearance of the area. It would conflict with Policy R6 of the UDP, and with guidance contained within the Framework, in this regard.

Other Matters

28. The Council is currently preparing its replacement Local Plan, within which it states that the current Area 16 land would not be allocated. Part 2 of the replacement Local Plan is the part that would contain land allocations. However, this document is not in the evidence before me and no details of its preparation have been provided.
29. Given this and the absence of any details of objections or support for it, I give the absence of such an allocation in the replacement Local Plan only very limited and non-determinative weight⁹.
30. From the limited submitted evidence, the recent consultation on Part 1 of the replacement Local Plan, referred to as the SLP:DMP by the Council, or the document itself which does not contain allocations, has no significant bearing on the determination of this appeal.

Conclusion

31. For the reasons given above, and taking into account all matters raised, I conclude that the appeal is dismissed.

Andrew Parkin

INSPECTOR

⁸ PPG – Permission in Principle Paragraph: 011 Reference ID: 58-011-20180615 Revision date: 15 06 2018.

⁹ Including with reference to Paragraph 48 of the Framework.