
Appeal Decision

Site visit made on 28 August 2020

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd September 2020

Appeal Ref: APP/N2345/W/20/3246748

**Moorside House Farm, Moorside House Lane, Woodplumpton, Preston
PR4 0TB**

- 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 Graham Shepherd against the decision of Preston City Council.
 - The application Ref 06/2019/1193, dated 17 October 2019, was refused by notice dated 26 November 2019.
 - The development proposed is described as the demolition of an existing agricultural building and the erection of one dwelling – total gross new internal floorspace (square metres): 150.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. As explained in the Planning Practice Guidance, the Town and Country Planning (Permission in Principle) (Amendment) Order 2017 is an alternative 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, that is to establish whether a site is suitable in principle for development, is limited to location, land use and amount of development.
3. In respect of residential development, an applicant can apply for permission in principle (PIP) for a range of dwellings by expressing a minimum and maximum number of net dwellings. In this case, the application form expresses the range as a minimum and maximum of 1 dwelling.

Main Issues

4. The main issue is whether the proposed development would be suitably and sustainably located having regard to the strategic and accessibility development requirements of the development plan for the area and, if not, whether there are any identified other material considerations which would outweigh the conflict with any such development plan policies.

Reasons

5. The proposed dwelling would be erected on land just beyond an existing agricultural building. It would relate closely to an existing cluster of farm buildings. Nonetheless, the proposal would not meet any of the exceptional developments allowed in this area of countryside as detailed in policy EN1 of the adopted Preston Local Plan 2015 (LP). One of the exceptions relates to *'infilling within groups of buildings in smaller rural settlements'*.
6. The aforementioned policy does not seek to define what is infilling, but I consider that the Council's interpretation that this means *'the development of a relatively small gap between existing buildings'* is a reasonable one. In this case, the dwelling would be located on the edge of a cluster of a small number of existing buildings and hence would not constitute the development of a gap site. The proposal would not accord with any of the exceptions in policy EN1 of the LP and this weighs against allowing the proposal.
7. The appellant asserts that the proposal accords with Policy 1(f) of the adopted Central Lancashire Core Strategy 2012 (CS) which states that *'in other places - 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'*. Whilst the proposal would be small scale, it would not amount to infilling for the reasons already outlined above.
8. The proposal would not accord with Policy 1 of the CS and the erection of a dwelling in the location proposed would lead to some limited encroachment beyond the existing tight knit cluster of buildings into the otherwise more open, undeveloped and rural landscape. To this extent, I find that there would be some conflict with paragraph 170b of the National Planning Policy Framework (the Framework) which states that planning decisions should *'contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside'*.
9. As part of my site visit, I was able to consider the proximity of the appeal site to the nearest settlement of Woodplumpton which appeared to have a limited range of facilities, services and amenities for day to day needs. There is no dispute between the main parties that the nearest main bus stop from the site is about 13 minutes' walk (at White Cross Farm) and that this includes places where there is no footway provision or lighting. I have not been provided with information about the frequency or detail of bus services in the area but, in any event, I do not consider this would be a safe or convenient walking route to the bus stop.
10. Whilst there is a public right of way which offers an alternative route to Woodplumpton, this is not as direct, is not lit and is unlikely to be regularly used during inclement weather. I therefore find that the occupiers of the dwelling would be likely to be heavily reliant on the private motor vehicle for most journeys, some of which would likely need to be further afield where there are more facilities, services and employment opportunities. I therefore find that the dwelling would not be located in an accessible location and hence there would be conflict with paragraph 102 of the Framework which requires development proposals to take account of opportunities to promote walking, cycling and public transport.

Other Considerations

11. When the PIP application was originally determined the local planning authority (LPA) acknowledged that it could not demonstrate a deliverable five year supply of housing sites. On this basis, paragraph 11d of the Framework was engaged. The LPA now claim that a deliverable five year supply of housing sites can be demonstrated. They have provided a copy of the Memorandum of Understanding and Statement of Co-operation: relating to the Provision and Distribution of Housing Land (April 2020). However, the Council has confirmed that the latter document is the subject of a judicial review. Hence, I am unable to reach a certain view in terms of the current housing land supply position.
12. Given the above, I have determined this appeal on the basis that the Council cannot demonstrate a deliverable five year supply of housing sites. In this context, and on the basis that paragraph 11d of the Framework is engaged, it is necessary for me to consider whether any adverse impacts of granting planning permission would be outweighed by identified benefits, when assessed against policies in the Framework.
13. In this case, the proposed dwelling would be closely aligned with existing buildings. It would not be physically isolated: it would be close to a cluster of buildings and hence people. It would not be within the built up part of the settlement of Woodplumpton, but that in itself does not mean that the dwelling would be isolated. With reference to paragraph 79 of the Framework, the Council contend that an isolated dwelling would be erected on the site. They reach this view as they consider that the site would not be accessible to other places with services and facilities. However, the Courts have held that paragraph 79 of the Framework does not relate to accessibility. The latter is a separate consideration.
14. I find that whilst the proposal would not lead to the erection of an isolated home in the countryside, with reference to paragraph 79 of the Framework, it would nonetheless be positioned in an inaccessible location in conflict with the environmental aims of the Framework. Furthermore, I have already identified that, in principle, some limited harm would be caused to the intrinsic character and beauty of the countryside, at odds with paragraph 170b of the Framework.
15. I acknowledge that the provision of one dwelling would seek to boost the supply of housing in the area and that there would be some economic and social benefits associated with occupation of the appeal building. However, whilst these would be positive contributions, they would nonetheless be limited from only one dwelling. I do not doubt that it would be possible to erect a very energy efficient dwelling on the site, although I do not have specific details about this matter as this is a stage 1 PIP application.

Planning balance and conclusion

16. I find that proposal would not accord with policy EN1 of the LP or Policy 1 of the CS. Even with paragraph 11d engaged, and hence such policies being out of date, the conflict with such development plan policies still weighs against allowing the proposal. Furthermore, and in any event, the proposal would conflict with the Framework in so far that it would result in significant reliance on the private motor vehicle for most journeys. In addition, some limited harm would be caused to the intrinsic character and beauty of the countryside.

17. Overall, I conclude that the adverse impacts of the proposal would significantly and demonstrably outweigh the identified benefits when assessed against the policies in the Framework taken as a whole. In addition, there would be conflict with identified development plan policies. Therefore, the proposal would not deliver sustainable development and therefore the appeal should be dismissed.

D Hartley

INSPECTOR