The Planning Inspectorate

# Appeal Decision

Site visit made on 9 September 2020

**by I Jenkins BSc CEng MICE MCIWEM**

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

**Decision date: 08 October 2020**

**Appeal Ref: APP/F2360/W/19/3238776**
**Moss Farm, 25 Midge Hall Lane, Midge Hall, Leyland, PR26 6TN**

- 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 Mrs Susan Snape against the decision of South Ribble Borough Council.
- The application Ref 07/2018/8493/PIP, dated 13 November 2018, was refused by notice dated 9 April 2019.
- The development proposed is erection of one dwelling (specialist housing).

## Decision

1. The appeal is allowed and permission in principle is granted for the erection of one dwelling (specialist housing) at Moss Farm, 25 Midge Hall Lane, Midge Hall, Leyland, PR26 6TN in accordance with the terms of the application Ref. 07/2018/8493/PIP, dated 13 November 2018.

## Procedural matters

2. In support of her appeal the appellant has made reference to a number of documents which weren't before the Council when it made its decision to refuse planning permission. For example, updated guidance set out in the national *Planning Practice Guidance* (PPG). The Council has had an opportunity to respond to those submissions. I am satisfied that it would not unfairly prejudice the case of anyone to take the related submissions into account and I have done so.

## Application for costs

3. An application for costs was made by Mrs Susan Snape against South Ribble Borough Council. This application is the subject of a separate Decision.

## Main Issue

4. The national *Planning Practice Guidance* (PPG) confirms that the scope of permission in principle is limited to location, land use and amount of development. Issues relevant to these 'in principle' matters should be considered at the permission in principle stage. Other matters should be considered at the technical details consent stage.

5. Against this background, I consider that the main issues in this case are whether the proposed development would be acceptable in terms of location, land use and amount of development, with particular reference to: whether the

proposal would be inappropriate development in the Green Belt, having regard to any relevant local and national policies; the effect on the character and appearance of the area; and, in the event harm is identified, whether there are other considerations which would justify the grant of permission in principle in this case.

## Reasons

### *Whether the proposal would be inappropriate development in the Green Belt*

6. No. 25 comprises a house, with a detached double garage and gardens, which fronts onto the southwestern side of Midge Hall Lane. The house and garage are positioned towards the northwestern side of the curtilage of the property and appeal site comprises the section of garden to the southeast of the house, between its front and rear boundaries. The proposal involves the erection of a single dwelling within the site.

7. There is no dispute that the site constitutes previously developed land, with reference to the *National Planning Policy Framework* (the Framework) definition. However, the area within which the appeal site is located is designated as Green Belt. Consistent with the Framework, Policy G1 of the Council's *Local Plan*, adopted July 2015 (LP) indicates that, subject to certain identified exceptions, planning permission will not be given for the construction of new buildings in the Green Belt unless there are very special circumstances. The exceptions include limited infilling in villages. The appellant argues that the proposal constitutes limited infilling within the village of Midge Hall, a position disputed by the Council.

8. The Council has indicated that No. 25 is part of a small community with some community facilities which may be loosely termed a village, with reference to a suggested definition that a 'village is larger than a hamlet but smaller than a town'. However, it considers the site to be on the edge of the settlement and that the proposal would constitute an extension of the village 'away from its albeit limited natural centre'.

9. I saw that No. 25 forms part of a linear pattern of development along the southwestern side of Midge Hall Lane that extends from a point close to its junction with Longmeanygate, which is some distance to the southeast of the site, up to and including the dwelling immediately to the northwest of No. 25, known as Arden House. Closer to the junction there is also development along the northeastern side of Midge Hall Lane and along neighbouring sections of Longmeanygate. The land uses are mixed, including a significant number of residential properties, relatively large commercial premises and also a church. In my judgement, the pattern of development I have described can be reasonably regarded as forming part, if not the whole, of a village, within which the appeal site is located. To my mind, that element of the criteria is satisfied and, in this context, it is of little relevance that the proposal would be located towards one end of the village and away from what the Council might regard as its 'natural centre'. I consider that my approach to this particular matter is consistent with that taken in appeal decision Ref. APP/P1940/W/17/3183388 and, appeal decision Ref. APP/B3438/W/18/3211000 regarding the definition of a village. However, the specific circumstances in those cases and associated with other appeal decisions referred to by the appellant are not directly

comparable to those in the case before me, which involves a single dwelling (specialist housing) in Midge Hall, and so they are otherwise of little assistance.

10. In support of its argument that the scheme would not constitute 'limited infilling', the Council seeks to rely on the interpretation of 'infill development' set out in the Glossary to the Planning Portal, which is 'the development of a relatively small gap between existing buildings'. However, the Planning Portal indicates that the status of the Glossary is only an introductory guide to planning issues and not a source of statutory definitions. Furthermore, neither the Local Plan nor the Framework make reference to that interpretation in the context of Green Belt policy or provide a definition or guidance to assist in the assessment of 'limited infilling in villages'. Under these circumstances, I consider that it is a matter for planning judgement having regard to the nature and size of the proposed development, the location of the site and its relationship to other existing development.[1]

11. The northeastern boundary of the appeal site fronts onto Midge Hall Lane and, according to the plans submitted in support the scheme, the width of the site between the southeastern elevation of No. 25 and the southeastern boundary of the appeal site is approximately 18 metres. A narrow access track separates this side boundary of the site from the large carpark serving the Bamfords Mill complex of buildings, which is on the other side of the carpark. The carpark fronts onto Midge Hall Lane, from where it and, for the most part, the vehicles parked there can be seen from the highway. Against this background, I regard the appeal site as representing a narrow gap in the developed frontage along the southwestern side of Midge Hall Lane. Furthermore, in my judgement, the proposed development of only one dwelling within the site can reasonably be regarded as 'limited infilling'.

12. I conclude that the proposal would constitute limited infilling within a village and as such it would not be inappropriate development in the Green Belt under the terms of LP Policy G1 or the Framework. I consider it follows that any associated effect on the openness of the Green Belt and the purposes of including land in the Green Belt is acceptable and it is not necessary in this particular case to meet the Green Belt 'very special circumstances' test.

***Character and appearance***

13. As only permission in principle is sought, a full assessment of the likely effect of the scheme on the character and appearance of the area cannot be carried out at this stage. Nonetheless, I have had regard to plans provided for illustrative purposes by the appellant and the Council's associated concerns.

14. In land use terms the proposed residential development would be in keeping with the existing use of the site, which forms part of the curtilage of an existing dwellinghouse. The village, of which the appeal site forms part, is characterised by a wide variety of residential development, in terms of size, design, set back from the highway and position relative to neighbouring buildings. Against this background, in my view, it would not be a necessary pre-requisite for the proposed dwelling to have a front elevation of a width similar to that of No. 25, to share the alignment of its front building line or to be sited so close to the

[1] Appellant's Appeal Statement Appendix B- R(Tate) v Northumberland County Council & Susan Leffers-Smith [2018] EWCA Civ 1519.

front or southeastern side boundary of the site so as to threaten the health of existing boundary planting.

15. Having had regard to the existing patterns of development in the village, the size of the site and the illustrative plans showing the level of accommodation proposed, I am content that it would be possible for the site to accommodate a dwelling without detriment to the character and appearance of the locality, in keeping with the aims of LP Policy G17 and Policy 17 of the *Central Lancashire adopted Core Strategy, 2012* (CS).

***Other considerations***

*Housing need*

16. The appellant is disabled and recent evidence from her doctors includes the assessment that her condition is likely to deteriorate. Furthermore, whilst there is some uncertainty over whether she would be likely to need a wheelchair in the future, the view that she is in dire need of an adapted and accessible bungalow is clearly set out. The appellant has indicated that the proposed dwelling is intended to meet that need. I consider that the adaptable and accessible credentials of the proposed dwelling could be secured through the imposition of a suitable condition at the technical details consent stage. Support for this is provided by the reference to the Government's optional technical standards, which include M4(2): Accessible and adaptable dwellings, in footnote 46 of the Framework.

17. In keeping with the aims of the Framework, CS Policy 17 seeks to ensure that new buildings make provision for the needs of special groups in the community such as the elderly and those with disabilities. The *Central Lancashire Strategic Housing Market Assessment, 2017* (SHMA) identifies that there is a clear need to increase the supply of accessible and adaptable dwellings and wheelchair user dwellings, equivalent to around 62 specialist new homes per year in the Council's area. The *Central Lancashire Housing Study, 2020*, which has been produced to inform emerging Development Plan policy, also identifies a growing need for housing to be delivered to meet Part M4(2) accessible and adaptable home standards. Whilst the Council has identified that some ground floor level extra care apartments are under construction or have recently been completed in the area, the numbers are relatively small. Furthermore, the Council has indicated that it does not currently monitor the overall number of specialist housing completions and so cannot demonstrate that the level identified by the SHMA is being achieved. In my judgement, the proposal would be likely to contribute towards meeting the need for specialist housing in the area and in this respect would accord with the aims of CS Policy 17 and the Framework, which gives encouragement to the creation of mixed and balanced communities.

18. CS Policy 7 indicates that special needs housing will be required to be well located in communities in terms of reducing the need to travel to care and other service provision. Whilst the village contains some service and community facilities, which would be reasonably accessible from the appeal site, they are limited in number and they appear not to include care services. Therefore, I consider that the proposal would not be wholly consistent with CS Policy 7.

19. Nonetheless, I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the *Equality Act 2010*, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Relevant protected characteristics include disability. It does not follow from the PSED that the appeal should succeed. However, the proposal involves the provision of an adaptable and accessible dwelling as would be likely to be suitable for someone who is disabled. Furthermore, it appears likely that there is a shortage of such properties in the area, which may indicate an inequality of housing provision suitable for people with disabilities which the proposal would help to address.

20. I conclude overall that the proposal would make a valuable contribution towards meeting housing need in the area consistent with the aims of CS Policy 17 and the Framework in relation to such matters. In my judgement, this outweighs the limited shortcomings of the scheme in relation to the requirements of CS Policy 7. I note that my view regarding the valuable contribution the proposal would make to meeting housing need in the area is shared by a number of the residents of the village and this adds some further weight to my finding.

*Suggested alternatives*

21. In support of the scheme, the appellant has submitted a Chartered Architect's report regarding the possibility of adapting No. 25, which concluded that it would be costly and impracticable to modify the property to meet even accessible and adaptable standards, which are less onerous than those for wheelchair access. I have not been provided with any compelling evidence to the contrary. Whilst the Council has indicated that there are bungalows for sale in the area, there is no evidence to show that they meet the standards for accessible and adaptable housing or, if they do not, that they would be more easily modified than No. 25. I give their availability little weight.

22. I have concluded that the proposal would not amount to inappropriate development in the Green Belt and its effect on the character and appearance of the area would be acceptable. Against this background, I consider that little weight is attributable to the view of the Council that adding an extension to No. 25 or converting its garage to provide the accommodation sought by the appellant would have less of an impact than the proposal in relation to those matters.

*Personal circumstances*

23. Whilst the appellant has referred to a number of appeal decisions that deal with personal circumstances, the circumstances in those cases are not directly comparable to those in the case before me and so I give those appeal decisions little weight.

24. The proposal would be likely to meet the appellant's need for accessible and adaptable accommodation. However, in my judgement, this decision does not turn on the personal circumstances of the appellant and so, I do not support the view of the Council that consent to the scheme should include a restriction limiting occupancy of the proposed dwelling to the appellant and her dependents residing with her.

### *Conclusions*

25. I have found that the proposal would not amount to inappropriate development in the Green Belt and its effect on the character and appearance of the area would be acceptable. Furthermore, the contribution made by the proposal to the supply of adaptable and accessible dwellings in the area weighs in favour of the scheme.

26. I conclude on balance, having had regard to location, land use and amount of development, that the proposal would comply with the Development Plan taken as a whole and would amount to sustainable development under the terms of the Framework. For the reasons given above, I conclude that the appeal should be allowed.

27. The PPG indicates that, unless some other period is clearly justified, the default duration of a permission in principle is 3 years. I have no reason to consider that a departure from the default duration would be justified in this case.

*I Jenkins*

INSPECTOR