
Appeal Decision

Site visit made on 25 November 2020

by William Walton BA MSc Dip Env Law LLM CPE BVC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st December 2020

Appeal Ref: APP/N2345/W/20/3257316

Fox Fields, Inglewhite Road, Preston PR3 2EB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs Barrett against the decision of Preston City Council.
 - The application Ref 06/2019/1421, dated 13 December 2019, was refused by notice dated 3 March 2020.
 - The development proposed is the erection of up to 6 dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The planning application is in outline with all matters except means of access reserved for later determination.

Main Issues

3. The main issues are:
 - Whether the appeal site is an appropriate location for residential development having regard to the Council's settlement hierarchy policy;
 - Whether the development proposal would result in the loss of best and most versatile agricultural land; and
 - Whether the development proposal would affect Great Crested Newts.

Reasons

Whether an appropriate location

4. The appeal site is a flat, rectangular shaped field measuring just under 1 hectare in area and located to the rear of a short row of terraced houses. This small clutch of dwellings is located in the open countryside about 1.5km north-west of Longridge.
5. The site is accessed from a narrow lane that runs from Inglewhite Road to a group of farm buildings called Daisy Dene. The buildings at Daisy Dene are not prominent when viewed from Inglewhite Road.
6. There is a barn together with an area of hardstanding on one part of the appeal site. Planning permission was granted on appeal in June 2019 for the demolition of the barn and for the construction of a bungalow on more or less

the same footprint¹. That permission has not been implemented. The site for that dwelling would comprise about 2/5 of the site currently subject to appeal.

7. Council policy as set out in Policy 1 of the Central Lancashire Adopted Core Strategy Local Development Framework 2012 (CS) and in Policy EN1 of the Preston Local Plan 2012-2026 Site Allocations & Development Management Policies 2015 (LP) is to focus most development on brownfield sites within urban areas. Development in rural areas is limited to identified settlements and the infilling within groups of houses in smaller settlements.
8. The main building on the site is an agricultural barn notwithstanding that it might have performed an ancillary use for the storage of domestic items over several years. Most of the rest of the site is used for equine purposes. Consequently, none of the site other than the area of hardstanding falls within the definition of previously developed land as given in the Glossary of the National Planning policy Framework (the Framework).
9. Some of the farm buildings at Daisy Dene at the far end of the narrow lane have been granted planning permission for change of use to residential purposes. As a result, there are now two identifiable groups of dwellings at either end of the appeal site. The development of the site for up to 6 dwellings would fill most of the large space between these two groups of properties.
10. What constitutes infilling within groups of houses is a matter of fact and degree. The proposed development would not fall within the confines of Policy EN1 which is intended to allow the development of small sites in between an existing group of buildings. It is not intended to allow the development of a field located between one identifiable group of dwellings facing a main road and another quite separate group of former farm buildings, albeit quite close by, serviced from a separate lane.
11. The appeal site would be about a 15-minute walk into Longridge and there is a pavement alongside the road. Notwithstanding what the previous Inspector held on this matter, a journey of around 2.5-3km to the centre of Longridge and back would be unlikely to constitute an acceptable walking distance for many of the occupants of the proposed dwellings. Moreover, the nearest bus service would be around 1km distant. Consequently, it would be likely that most of the journeys would be made by private motor car.
12. The proposal would result in the removal of the barn. However, this is not an unsightly structure and nor, considering its rural context, is it an incongruous one. Since the proposal is in outline with matters relating to scale, layout, landscaping and appearance reserved for later consideration it is not possible to determine to what extent the proposed dwellings might affect the character and appearance of the area. The appellant provided very little detail as to what the design philosophy would be.
13. However, it is likely that the development of up to 6 dwellings, irrespective of their size and the extent to which they would be landscaped, would affect the setting of the area. Given the possible scale of the proposal it would appear as a separate entity to the existing terraced properties facing Inglewhite Road. Thus, it would constitute an incongruous development in the open countryside that would jar with the surroundings.

¹ See reference APP/N2345/W/18/3218811

14. For the above reasons the appeal site would not constitute an appropriate location for the proposed development. It would therefore fail to accord with Policy 1 of the CS and Policy EN1 of the LP which seek to restrict development to major urban areas and key service centres and limit development outside of these locations to infill.
15. It would also fail to accord with Policy 17(c) of the CS, Policy EN9 of the LP and with the advice set out in the Central Lancashire Design Guide Supplementary Planning Document 2012 which require that new development be in sympathy with surrounding land uses.
16. Finally, it would fail to accord with the advice set out at Paragraph 117 of the Framework that planning decisions should seek to safeguard the environment and accommodate as much new development as possible on brownfield land.

Best and most versatile agricultural land

17. Most of the site is used as a paddock for horse grazing. It has not been used for agricultural purposes for at least 14 years. Nevertheless, the land could revert to agricultural use. The Appellant considers that the land is probably grade 3b but has provided no authoritative information to substantiate this proposition.
18. Policy 31 of the CS seeks to protect the best and most versatile agricultural land from irreversible development. The Council's policy remains valid notwithstanding that the statutory requirement to consult with English Nature applies only to development proposals that would result in the direct, or indirect loss, of 20 hectares or more.
19. For the reasons set out above the development proposal does not provide the information required to assess whether it would lead to the loss of the best or most versatile agricultural land. Consequently, the proposal would fail to accord with Policy 31 of the CS. Furthermore, it would also fail to accord with the advice contained at Paragraph 170b) of the Framework that planning decisions should recognise the wider benefits to be derived from the best and most versatile agricultural land.

Great Crested Newts

20. A small pond lies adjacent to the site. In response to advice provided to the Council by the Greater Manchester Ecology Unit the Appellant has undertaken a preliminary ecological assessment.
21. The survey has concluded that it is highly unlikely that the pond contains any Great Crested Newts, a species falling within the category of European Protected Species. Furthermore, it also concluded that were there to be any Great Crested Newts in the pond it is highly unlikely that the development proposal would cause any measurable level of disturbance to the habitat.
22. If Great Crested Newts were found on or close to the site, then development could only proceed with an appropriate license.
23. With the above points in mind the proposed development would not cause any disturbance to Great Crested Newts. Consequently, it would accord with the advice set out at Paragraph 175 of the Framework that proposals should not cause significant harm to biodiversity.

Other Matters

24. Following the judgment of the High Court in August 2020 in the case of *Wainhomes (North-West) Ltd v Secretary of State for Housing, Communities and Local Government ex parte South Ribble Borough Council* [2020] there is now some doubt over the Council's contention that it has a satisfactory supply of housing land across all areas. Unfortunately, there is no definitive statement from either party to this appeal as to what the level of housing supply is in the light of this very recent judgment.
25. However, even if it were accepted that there is a demonstrable housing land shortage and that the tilted balance at Paragraph 11 of the Framework should be triggered this would not affect the outcome of this appeal.
26. As is made clear at Paragraph 8 of the Framework the need to promote sustainable development involves bringing forward land of the right type in the right place with accessible services. By virtue of its isolated location in the open countryside the proposed development would demonstrably fail to do this.

Planning Balance and Conclusion

27. The proposed development would not cause harm to any European Protected Species. However, it would not be in a location consistent with the Council's settlement strategy. Furthermore, the Appellant has failed to demonstrate that the proposal would not result in the irreversible loss of the best and most versatile agricultural land. These findings lead to the conclusion that the proposed development would fundamentally conflict with the provisions of the Development Plan and with the Framework taken as a whole.
28. Consequently, the appeal should be dismissed.

William Walton

INSPECTOR