



Appeal Decision

Site visit made on 26 January 2021

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 16th February 2021

Appeal Ref: APP/N2345/W/20/3261616

Gleadale House, Cumeragh Lane, Preston PR3 2AJ

- 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 Firth against the decision of Preston City Council.
 - The application Ref 06/2020/0162, dated 07 February 2020, was refused by notice dated 25 June 2020.
 - The development proposed is the erection of 3 No domestic dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have adopted the description of the development from the application form in the banner heading above. However, it is described in the decision notice as "outline planning application seeking approval for access, layout and scale for 3no dwellings (all other matters reserved)" and this is the basis upon which I have determined the appeal. Accordingly, I have treated the plans as illustrative insofar as they relate to reserved matters.
3. Amended plans have been submitted to reduce the number of dwellings and leave the tennis court undeveloped. This is not the scheme that was considered by the Council or upon which interested people's views were sought. I cannot therefore be certain that if I accepted the amended scheme, interested parties would not be prejudiced by my so doing. Moreover, the Procedural Guide – Planning Appeals – England is clear that the appeal process should not be used to evolve schemes. Therefore, I have determined the appeal on the basis of the plans that were considered by the Council.

Main Issue

4. The main issue is whether or not the location is suitable for new residential development, having regard to local and national policies for the supply of housing.

Reasons

5. Gleadale House is a substantial detached property set in generous mature grounds. Its side elevation faces Cumeragh Lane, such that its front and rear gardens extend sideways along the road in either direction. The grounds are separated from the road by a long stone wall with mature trees and shrubs. The appeal site is part of the front garden of the property, and it is separated from the nearby settlement of Longridge by an agricultural field. Adjacent to the road and to the rear and side of Gleadale House, there is a traditional stone

- barn and a residential dwelling. A further dwelling, Gleafield, lies to the rear of the grounds. There is outline permission (ref 06/2018/1229) for 3 dwellings on land between Gleadale House and Gleafield. The appeal site is in the open countryside for planning purposes.
6. The appeal site has been arbitrarily created from part of the front garden of Gleadale House. Two of the dwellings would be located on part of the sweeping carriageway entrance, with the third on the site of the tennis court that protrudes into the agricultural field to the rear of the plot. There would be a new highway access to serve 2 of the dwellings and the appeal property. The existing access would be retained to serve 1 dwelling.
 7. Policy 1 of the Central Lancashire Core Strategy Adopted July 2012 (the CS) sets out the Council's spatial development strategy. It seeks to focus development in accordance with the hierarchy of settlements, well located brownfield sites and strategic locations. Towards the bottom of the hierarchy, in locations including smaller villages and substantially built up frontages, development is expected to be small scale and limited to appropriate infilling, conversion of buildings and proposals to meet local need. Policy EN1 of the Preston Local Plan 2012-2026 (Site Allocations and Development Management Policies) Adopted July 2015 (the PLP) sets out exceptions for new housing in the open countryside, including infilling within groups of buildings in smaller rural settlements.
 8. The definition of previously developed land (PDL) in the National Planning Policy Framework (the Framework) excludes land in built-up areas such as residential gardens. Therefore, on the basis that it is garden land in the countryside, the appeal site may be considered to be PDL. Even so, the Framework advises that it should not be assumed that the whole of the curtilage of the developed land should be developed. Moreover, while the Framework advises that substantial weight should be given to using suitable brownfield land within settlements for homes, it does not attach similar weight to the development of rural residential gardens. Policy 1 of the CS also supports development of well located brownfield sites and the Strategic Location of Central Preston, and the regeneration of brownfield sites in urban areas and key service centres, but both it and Policy EN1 of the PLP seek to restrict development in the smaller villages and the open countryside.
 9. Turning to the question of appropriate infilling, as far as I am aware neither the development plan nor the Framework includes a definition of what would constitute infilling. Nevertheless, infill sites are frequently understood to be modest gaps between buildings. In this regard, Policy 1 of the CS and Policy EN1 of the PLP refer to infilling in smaller villages, substantially built up frontages, and groups of buildings in smaller rural settlements.
 10. Neither the appeal property nor the appeal site is in the settlement boundary of the nearby Key Service Centre of Longridge. There is a distinct change in character at the edge of the settlement, as the densely developed urban form gives way to scattered rural development with dwellings and farmsteads widely separated by intervening countryside. The cluster of buildings of which the appeal property forms part is characteristic of the sporadic built form along the rural road of Cumeragh Lane. The plans indicate that Gleadale House is roughly 120m from Ellesmere, which is the last dwelling at the edge of the settlement.

Consequently, by virtue of physical and visual separation, the appeal property and adjacent buildings do not relate well to Longridge.

11. On the assumption that the outline permission for 3 dwellings between the appeal property and Gleafield will be implemented, at some future point there will be a group of 6 dwellings in this location. However, the dwellings would be to the rear of the appeal property. Gleadale House would remain the closest, but very widely separated, building to Ellesmere. The group would not be read as an extension to the row of predominantly semi-detached and closely-spaced properties at the edge of the settlement.
12. The appeal site occupies only a part of the substantial gap between Gleadale House and Ellesmere and, at its closest point, it is only approximately 15m from the settlement boundary. However, the appeal site is irregularly shaped with a long narrow tapered section that extends along the roadside boundary wall towards the field gateway. The bulk of the appeal site, and the location for development, is much further from Ellesmere. As such, the proposal would be physically and visually separated from the urban form of the settlement.
13. The appeal site is not in Longridge and it is not a well-located brownfield site in a settlement. The proposal is not the conversion of buildings and the dwellings are not proposed to meet a local need. While the proposal would be small scale, the appeal site is part of a very wide gap between poorly related buildings. The proposal would not be infilling between buildings in a smaller rural settlement or group of buildings.
14. My attention has been drawn to permissions¹ elsewhere for residential development in the countryside. While these may relate to infill development and brownfield land, full details have not been provided. On the basis of the limited information before me I cannot be certain that any of them is directly comparable to the proposal. Moreover, it appears that some may have been permitted at a time when the Council was unable to demonstrate a 5 year supply of deliverable housing sites (5YHLS). They do not provide a justification for the appeal scheme which I have considered on its own merits.
15. Therefore, I find that the proposal would not be appropriate infilling and the location is not suitable for new residential development, having regard to national and local policies for housing. It would conflict with the strategic and rural housing aims of Policy 1 of the CS and Policy EN1 of the PLP. It would also conflict with the aims in the Framework in relation to locating rural housing to reflect local needs and support the vitality of rural communities.

Other Considerations

16. Policy 4 of the CS sets out the minimum requirements for new housing across each of the Central Lancashire authority areas. However, the Council acknowledges that Policy 4 is out-of-date. After the application was submitted and before it was determined, the Council adopted the Central Lancashire Memorandum of Understanding and Statement of Co-Operation Relating to the Provision and Distribution of Housing Land (the MOU). While it acknowledged that the MOU was the subject of a Judicial Review, the Council considered it could demonstrate a 5YHLS when it determined the application. The Council has subsequently withdrawn from the MOU and it now assesses whether a

¹ Including refs 06/2016/1075, 06/2016/0408, 06/2016/0786

5YHLS exists based on local housing need calculated using the standard method set out in national planning guidance. Based on the evidence before me, the Council can demonstrate in excess of a 13 year supply of deliverable sites and this is not disputed by the appellant.

17. Even so, Paragraph 11(d) and footnote 7 of the Framework set out that where the policies which are most important for determining the application are out-of-date, the presumption in favour of sustainable development will apply. Policy 4 of the CS is acknowledged to be out-of-date. Nevertheless, the Council can demonstrate a 5YHLS and there is nothing before me to suggest that its settlement boundaries or spatial development strategy are out-of-date. Policy 1 of the CS and Policy EN1 of the PLP seek to direct development to urban areas, prioritising the regeneration of urban brownfield sites, and avoiding the creation of new homes in the countryside subject to exceptions. In this regard, they are broadly consistent with the policies in the Framework in relation to sustainable locations that limit the need to travel, and rural housing that reflects local needs and supports rural communities. Therefore, taken as a whole, the most important policies for the determination of the appeal are not out-of-date. The provisions of paragraph 11(d) of the Framework do not apply.
18. The appellant considers that delays in validating and processing the application were a significant factor in its refusal and, if it had been determined prior to adoption of the MOU, it would have been approved. While the delays were unfortunate, they related to requests for information and the Covid-19 lockdown. I understand the appellant's frustration that the application was not determined at a time when the Council could not demonstrate a 5YHLS, such that the presumption in favour of sustainable development would have applied. However, there is little substantive evidence to demonstrate that an earlier determination would have resulted in permission being granted.
19. There is a footway on the opposite side of Cumeragh Lane at this point which provides access to the shops, services and public transport links within Longridge. Future occupiers of the scheme would need to cross the busy road to access the footway or otherwise walk along the edge of the carriageway to reach Longridge. Nevertheless, the appeal site is not remote from services and facilities. The proposal was not refused on grounds relating to highway safety, character and appearance, trees or biodiversity. These are all neutral factors.

Conclusion

20. For the reasons set out above, the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict.
21. Therefore, the appeal should be dismissed.

Sarah Manchester

INSPECTOR