



Appeal Decision

Site Visit made on 14 September 2021

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 October 2021

Appeal Ref: APP/V4250/W/21/3271146

Land adjacent 3 Jackwood Close, Wigan WN3 5DD

- 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 Iain Fowler (Lansat UK Limited) against the decision of Wigan Metropolitan Borough Council.
 - The application Ref A/20/90106/PIP, dated 12 October 2020, was refused by notice dated 10 December 2020.
 - The development proposed is for the erection of a single dwelling including parking.
-

Decision

1. The appeal is allowed and permission in principle is granted for residential development comprising a maximum of one dwelling on land adjacent to 3 Jackwood Close, Wigan WN3 5DD in accordance with the terms of the application, Ref A/20/90106/PIP, dated 12 October 2020.

Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. I have determined the appeal accordingly.

Main Issue

4. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development.

Reasons

5. The appeal site is an undeveloped area of land off the side of Jackwood Close, which is part of a recent residential development. Plants, bushes and young trees are present on the site and appear to have been left to grow naturally. To one side of the site is a dwellinghouse, while to the other side and rear is a large area, which appeared similarly natural and included a stream and pond.

6. By way of its siting and length, the appeal site extends significantly closer to the Smithy Brook and the pond to the rear of the site than any of the existing plots. As a result, the contribution the site makes towards the appearance of the street scene and the green space would be affected.
7. However, the front of the site, as existing, does not relate well to the street as it appears more akin to an overgrown vacant plot than a dedicated green space. In this way, it does not contribute positively to the street scene. Moreover, the development of the appeal site would not affect the natural and open character at the end of the close where a footpath crosses the brook. As such, and whilst the appearance of any dwelling would be for consideration at the technical details consent stage, the principle of a dwelling on this site would not unacceptably affect the street scene.
8. Moreover, whilst Smithy Brook is part of a Site of Biological Importance (SBI) I note from the evidence before me that the SBI does not adjoin the appeal site. I have also not been provided with any substantive evidence to demonstrate that wildlife such as bees, butterflies, birds or bats use the appeal site. Therefore, while the site is close to the SBI, I find that this does not in itself mean that the site is unacceptable for small scale residential development. In reaching this decision I am mindful that the Greater Manchester Ecology Unit also did not object in principle to the proposal and considered any likely impact could be mitigated.
9. In light of the foregoing, the principle of up to one new residential dwelling in this location would not unacceptably affect the adjoining green space or the character and appearance of the street scene. As such the proposal would comply with Policies CP9 and CP10 of the Wigan Local Plan Core Strategy and saved Policy C1C of the Wigan Unitary Development Plan. These policies require that development respects the character and identity of its surroundings, and protects the natural environment and open spaces. The proposal would also comply with the guidance set out in the Design Guide for Residential Development and the Open Space in New Housing Supplementary Planning Document as well as the overarching aims of the National Planning Policy Framework.

Other Matters

10. Other issues have been raised including issues with parking, traffic, crime, the construction works and loss of privacy. However, none of these matters directly relate to the location, proposed use or amount of development and therefore are not within the scope of this appeal. These matters would be considered under a technical details consent application should this appeal be allowed.
11. I note that a neighbour had been reassured by Wain Homes that the appeal site would not be built on. However, I have not been made aware of any legal agreement or condition which restricts future development on this land. Furthermore, from the evidence before me I understand that the appeal site is in private ownership with no public access afforded. Therefore, the development of the site would not result in the loss of a communal space. As such I can attach these matters only very limited weight in the determination of this appeal.

Conclusion

12. For the reasons given, I conclude that the appeal should be allowed.

Samuel Watson

INSPECTOR