



Appeal Decision

Site visit made on 1 March 2022

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 March 2022

Appeal Ref: APP/F2360/W/21/3284681

Land at 8 Park Avenue, New Longton, Preston, Lancashire PR4 4AY

- 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 Ms Nicola Hurt against the decision of South Ribble Borough Council.
 - The application Ref 07/2021/00853/PIP, dated 5 July 2021, was refused by notice dated 20 September 2021.
 - The development proposed is erection of up to two detached dwellings.
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Decision

1. The appeal is allowed and permission in principle is granted for a residential development comprising a minimum of 1 dwelling and maximum of 2 dwellings at Land at 8 Park Avenue, Preston, Lancashire PR4 4AY in accordance with the terms of the application, Ref 07/2021/00853/PIP, dated 5 July 2021.

Procedural 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 permitted¹. 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.
4. I have taken the appeal site address from the Council's decision notice, as this appears to be a more accurate reflection of the site's location.
5. The description of development in the header above is taken from the application form. However, the PPG explains that any decision notice granting permission in principle must indicate the amount of residential development expressed as a range². Accordingly, I have amended the description in my decision to refer to the minimum and maximum number of dwellings. I have dealt with the appeal on this basis.

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

² PPG Paragraph: 052 Reference ID: 58-052-20180615

Main Issues

6. The main issues are whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development, with particular regard to:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - The effect of the proposal on the openness of the Green Belt; and
 - If the development is inappropriate within the Green Belt, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Whether Inappropriate Development

7. The Framework sets out the Government's planning policies for England and is an important material consideration in all planning decisions. Paragraph 149 of the Framework sets out that the construction of new buildings in the Green Belt should be regarded as inappropriate development, unless it meets one or more of a list of exceptions. This includes (e) limited infilling in villages. Paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
8. Policy G1 of the South Ribble Borough Council Local Plan, 2015 (LP) sets out that planning permission will not be given for the construction of new buildings unless there are very special circumstances. Exceptions to this include (e) limited infilling in villages. This part of Policy G1 is consistent with the approach of the Framework.
9. The appeal site is within the Green Belt and is directly adjacent to, but outside of the settlement boundary of New Longton. The appeal site comprises of grassland situated on the eastern side of Park Avenue and is associated with the property at No.8. Park Avenue consists of several residential properties being semi-detached and detached dwellings which face onto the roadway with front gardens and driveways. Opposite the appeal site is a large property in use as a residential care home known as 'The Brambles' set within its own grounds. There are further properties to the northern end of Park Avenue, including Lambourne House and The Bungalows, which are orientated to the side of the road. To the rear of the site is recreational land.
10. The Council acknowledge that the appeal site is wider than most on Park Avenue but of comparable depth to neighbouring properties, whilst the care home opposite is of a significantly greater size. The Council contend that due to the small cluster of properties to the north of the site it would not infill a gap in an otherwise development frontage. There is no reference to measurements of the gap, but it would appear from the indicative plan that the site could adequately accommodate up to two dwellings.

11. The term limited infilling is not defined in the Framework or within the LP. The Council have directed me to an appeal decision³, where the Inspector in that case referred to infill development as being '*that which fills a gap in an otherwise developed frontage*', and reference to the description which is from the Glossary of the Planning Portal, '*The development of a relatively small gap between existing buildings*'. Whilst these definitions could be a useful starting point, it is not adopted policy, guidance or referred to within the Framework.
12. Although, in that decision there may be some similarities with the appeal proposal, I do not have the full details of that scheme and it should not be seen as setting a precedent. Nonetheless, I consider that it is not directly comparable with the appeal site with regard to the amount of built development that exists along Chain House Lane, where there appears to be numerous large gaps between buildings unlike Park Avenue, which has limited residential properties.
13. I have also had regard to the appeal decision⁴ which the appellant has drawn my attention to. This relates to the grant of planning permission, unlike the proposal before me for permission in principle. However, I would agree with the Inspector in paragraph 11 of the decision relating to the Council's continued approach for limited infilling, '*Although relevant, those decisions are not binding and do not limit the scope of judgement in individual case circumstances in other locations*'. I have, in any case reached my own conclusions on the appeal proposal on the basis of the evidence before me, and the term limited infilling is essentially a question of fact and planning judgement for the decision maker.
14. The appeal site has an established and clear relationship to No.8. The proposal would sit adjacent to No.8 and between those properties further north, albeit the orientation slightly differs, they represent existing buildings. The depth of the site would be consistent with the continuous row of properties along the east and garden areas. Although there would be views of the site from the rear recreational land, it would be seen in the context of existing built form along the east and wider area of Chapel Lane. Views from Park Avenue would be limited to those accessing existing properties or the care home.
15. Taking these factors together, the proposal would fill a relatively modest gap between No.8 and those properties to the north, as such it would represent limited infilling. Furthermore, although shown on the indicative plan, I see no reason why the proposal could not form part of a continuous frontage with those properties to the south in consideration of a technical details consent.
16. The Council considers that the site is within a sustainable location with regard to accessibility to local services, shops and public transport. It is not clear from the evidence if the Council considered whether the site would form part of the village. Nevertheless, I have had regard to the judgement⁵, in considering whether a settlement is a village or whether a site is in a village as the local plan boundary of a village is not determinative for that purpose. Therefore, it is necessary to consider the situation "on the ground" as well as any relevant policies. It is a matter of judgement depending on those factors.

³ APP/F2360/W/20/3244797

⁴ APP/F2360/W/21/3274471

⁵ Julian Wood v SSCLG, Gravesham Borough Council [2015] EWCA Civ 195

17. Although the settlement boundary appears to finish at No.8 and cuts through the Brambles residential care home on the opposite side. New Longton contains a significant amount of residential properties, which from Chapel Lane continues onto both sides of Park Avenue. The appeal site forms part of the land associated with No.8, and despite its appearance, it would not be seen in isolation to those properties to the south or cluster to the north. Therefore, it would be logical that the appeal site is not physically and functionally separated from the settlement of New Longton. Taking these considerations together, I find the proposal would amount to limited infilling within a village.
18. As I have found that the proposed development would not be inappropriate development in the Green Belt, there is no place for a subsequent assessment of the effect of the development on the openness of the Green Belt, or the impact on Green Belt purposes, having also regard to the judgement in the Court of Appeal⁶. Moreover, given that the proposed development would not amount to inappropriate development, there is no need for me to assess other considerations, and whether very special circumstances exist in order to justify the development.

Other Matters

19. Local residents have raised additional concerns with the proposal. However, the evidence indicates that such matters could be satisfactorily addressed at the technical details consent stage relating to design, highway safety, car parking, construction works / safety, drainage, contamination, service provisions and biodiversity. I have concluded that the proposal would be acceptable, I can see no reason why it would lead to harmful developments on other sites in the area. Restrictive covenants and ownership issues of access are a private matter between the relevant parties and not within my jurisdiction.

Conclusion

20. The proposed development would not be inappropriate development in the Green Belt and would not conflict with the development plan and the Framework, taken as a whole. There are no other material considerations that would indicate that the proposed development should be determined other than in accordance with the development plan.
21. The PPG sets out that it is not possible for conditions to be attached to a grant of permission in principle. I have therefore not considered such matters in the determination of this appeal. Nonetheless, the PPG indicates that, unless some other period is justified, where permission in principle is granted by application, the default duration of that permission is 3 years. I have no reason to consider that a departure from the default duration would be justified in this case.
22. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be allowed.

K A Taylor

INSPECTOR

⁶ Lee Valley Regional Park Authority, R (on the application of) v Epping Forest District Council & Anor (Rev 1) [2016] EWCA Civ 404