
Appeal Decision

Site visit made on 1 March 2022

by S Ashworth BA (Hons) BPI MRTPI

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

Decision date: 24th March 2022

Appeal Ref: APP/F2360/W/21/3282566

Land at Newgate Lane, Whitestake, Preston PR4 4JU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by ADB Preston Ltd against the decision of South Ribble Borough Council.
 - The application Ref 7/2021/00483/FUL, dated 20 April 2021, was refused by notice dated 27 August 2021.
 - The development proposed is described as 'the erection of three semi-detached "homes for the future" on an infill site located on New Gate Lane'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development indicates that the proposal is for three semi-detached houses. However, on the basis of the plans before me and from information contained with other documentation, it is clear that the proposal is for 6 semi-detached houses. The Council considered the proposal on that basis and so shall I.
3. In addition, it has been pointed out to me that there is inconsistency in the appeal documentation in terms of, amongst other things, the name and address of the appellant. An appeal can only be lodged by a person who has made the planning application that has led to it. In this case, the company name is the same on both forms and on that basis I am satisfied that no interested party would be prejudiced by my determination of the appeal.

Main Issues

4. The site lies within the designated Green Belt. Accordingly, the main issues in this case are:
 1. Whether or not 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;
 2. The effect of the proposal on highway safety, having particular regard to vehicular parking and turning provision within the site;
 3. If inappropriate development, whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by

other considerations so as to amount to the very special circumstances necessary to justify the proposal in the Green Belt.

Reasons

Whether inappropriate development

5. The Framework advises at paragraph 149 that the construction of new buildings should be regarded as inappropriate in the Green Belt. Exceptions to that include limited infilling in villages. Policy G1 of the South Ribble Local Plan (the Local Plan) is consistent with the Framework in that respect.
6. There is no dispute between the parties that the site, which is a sizeable area of land on Newgate Lane, lies within a village which is washed over by the Green Belt. I have no reason to disagree.
7. The appellant has referred to several appeal decisions which attempt to define infill development. However, the terms 'limited' and 'infill' development are not defined in either the Framework or Local Plan and are therefore a matter of planning judgement taking into account the nature and size of the proposed development, the location of a particular site, and its relationship to existing development adjoining and adjacent to it.
8. Newgate Lane is a narrow rural lane which extends northwards from Chain House Lane into the open countryside. Immediately opposite the site are rows of small rural terraced cottages and I noted residential construction work at a site further along the lane. However, whilst the east side of the road is more built up, development on the west side of the road is sporadic. Properties on this side of the road are of various styles and are set out at irregular intervals with open space between some of them. Gaps between some of the properties allow glimpses of the wider countryside beyond, thereby contributing to the rural character of the lane and linking the area with the wider open space around it. There are open areas on either side of the site and as such the proposal does not represent a narrow gap in an otherwise built up frontage.
9. In addition to that, the number of dwellings on this side of the road is limited. In that context the construction of a further six dwellings is significant. Furthermore, the scale and massing of the development, which would comprise three substantial, regularly spaced buildings each accommodating a pair of dwellings, plus a private access roadway and parking /turning areas, would have a significant effect in its context.
10. Accordingly, the proposal cannot be regarded as limited infilling and on that basis the proposal represents inappropriate development in the Green Belt.

Openness

11. The site is located immediately adjacent to the highway. It is bound in part by a dense mature hedge to the road, a line of conifers to the rear and what appears to be a newly erected fence. The land itself is overgrown but nevertheless open in terms of its character and can clearly be seen from the highway through the gap at the north-east corner. The openness of the site, generally held to be the absence of development, makes a positive contribution to the purposes of the Green Belt as set out in the Framework, the essential characteristics of which are their openness and their permanence.

12. The proposal would introduce three sizeable buildings onto the site plus the introduction of domestic activity and vehicular movement and parking. It would therefore inevitably have a significant impact on the openness of the Green Belt in spatial terms. In addition, whilst the access road and the lower part of the houses would be hidden from view behind the hedgerow, the upper part of the dwellings would be visible behind it and at least one of the dwellings would be visible through the vehicle entrance. Accordingly, whilst I acknowledge that the appellant has no intention to remove the present boundary treatment, the development would have an effect on openness in visual terms.
13. As a consequence, the proposal would result in this part of the Green Belt being less open than it is at present, both spatially and visually.
14. My attention has been drawn to an appeal decision¹ where an Inspector had reached a view that infill development constituted small-scale development utilising a vacant plot. I do not have the details of this decision or the circumstances that led to it and cannot know whether the circumstances were the same as those in this case or what led the Inspector to reach this conclusion. However, as set out above, the proposal before me does not constitute small-scale development in the context of the site. Similarly, whilst the Inspector may not have needed to consider the effect of the development on openness because he had found that the proposal was not inappropriate development, that is not the case in this instance. Accordingly, this decision does not justify the proposal before me.

Highway safety

15. Newgate Lane is a narrow road, some 5m in width. At the time of my visit the eastern side of the road was occupied by parked vehicles, which narrowed the road further. It appears from all I have seen and read that given the number and terraced nature of the houses, the demand for parking in the area is high.
16. The application form indicates a total provision of 6 parking spaces on the site, although the plans appear to show parking space for two spaces per dwelling, in other words 12 spaces, arranged in a tandem style. Such an arrangement would result in the need for a degree of vehicle manoeuvring within the site as well as turning facilities for visiting vehicles. Two turning areas some 6m in width would be provided between dwellings as indicated on the submitted plan.
17. The Highway Authority has raised concerns that if the parking areas were occupied by parked vehicles, vehicles may have to reverse out onto Newgate Lane. In addition to that, the Authority indicates that there is insufficient evidence to demonstrate that service vehicles would be able to access the site.
18. It seems to me that the need to reverse onto the highway would only occur if both turning areas were blocked at the same time. However, even if that were to happen, it is not unusual for vehicles to reverse out onto a highway. Indeed, I noted that the semi-detached properties further along the lane have limited or no turning space associated with them. Furthermore, the speed limit of 30mph and the presence of parked cars is likely to mean that vehicles travel slowly in the vicinity of the site. There is a wide verge on this side of the road and the Highway Authority is satisfied that adequate sightlines could be provided.

¹ APP/P0240/W/17/3185864

19. Accordingly, subject to conditions to ensure that the turning and parking areas were provided in accordance with the plan, and that it could be demonstrated that service vehicles could satisfactorily access the site, I am satisfied that the proposal would not cause significant harm to highway safety or the flow of traffic along the lane.
20. On that basis the proposal would accord with Policy G17 (c) of the Local Plan which requires that the development does not prejudice highway safety, pedestrian safety or the free flow of traffic.

Other considerations

21. The provision of 6 dwellings would have limited but beneficial effect on the housing land supply in the area. The appellant has advised the dwellings are to be 'zero carbon homes' although there are no details before of how this would be achieved. Nevertheless, the provision of six dwellings attracts moderate weight in support of the proposal.
22. The Council has raised no objections to the proposal in terms of the living conditions of adjoining residents and from all I have seen and read I have no reason to disagree. However, this is a neutral matter in my considerations rather than one which carries weight. Similarly, no objections were raised by the Council in respect of the impact of the proposal on ecology or drainage. Had I been minded to allow the proposal it seems to me that mitigation and biodiversity enhancement measures, and measures relating to the provision of a satisfactory drainage scheme, could have been dealt with by condition.
23. The appellant opines that the site is not large enough for a beneficial agricultural use as an alternative to the proposed housing. Be that as it may, I can only determine the proposal on the basis of its own merits.

Very special circumstances and conclusion

24. I have concluded that the scheme would be inappropriate development in the Green Belt as defined by the Framework. In addition to that, the proposal would cause limited harm to openness. Paragraph 148 of the Framework requires decision makers to ensure that substantial weight is given to any harm to the Green Belt.
25. On the other hand, the scheme would provide 6 units of accommodation within the Borough. This carries moderate weight.
26. Consequently, in terms of the balance of considerations, there are not the very special circumstances necessary to justify inappropriate development in the Green Belt. On that basis the proposal is contrary to Policy G1 of the Local Plan. There are no other material considerations which indicate that the appeal should be allowed. Accordingly the proposal does not constitute the sustainable development the government seeks to promote.
27. For the reasons given, and taking into account all other matters raised including the representations by local residents, the overall conclusion is that the appeal should be dismissed.

Susan Ashworth

INSPECTOR

