



Appeal Decision

Site visit made on 15 March 2022

by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th March 2022

Appeal Ref: APP/D2320/W/21/3283978

Land off Chapel Lane, Heapey, Chorley, PR6 8EW

- 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 Keith Knott against the decision of Chorley Borough Council.
 - The application Ref 21/00744/PIP, dated 14 June 2021, was refused by notice dated 13 August 2021.
 - The development proposed is described as: 'stage 1 Permission in Principle application for the erection of 1 no. dwelling'.
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Decision

1. The appeal is allowed, and permission in principle is granted for the erection of 1no. dwelling at Land off Chapel Lane, Heapey, Chorley, PR6 8EW (359969, 420694) in accordance with the terms of the application Ref 21/00744/PIP, dated 14 June 2021.

Preliminary Matters

2. The proposal is for permission in principle. The 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 (TDC) 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 TDC application if permission in principle is granted. I have determined the appeal accordingly.

Main Issue

4. The main issue of this appeal is 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 proposed development would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies.

Reasons

5. The Framework establishes, at paragraph 149, that the construction of new buildings is to be regarded as inappropriate in the Green Belt unless, amongst

other things, they represent limited infilling in villages¹. There is no dispute between the parties surrounding the location of the site within a village, and in the absence of substantive evidence to the contrary and from my own findings during my visit, I agree with this observation.

6. The Framework does not define what would constitute limited infilling. However, Policy HS7 of the Chorley Local Plan 2015 (LP) seeks to add clarification on this matter by stating that '*infill is the infilling of a small gap in an otherwise built-up street frontage*'. LP Policy HS7 also lists criteria that must be met, which includes: a) the existing buildings form a clearly identifiable built-up frontage and b) the site lies within the frontage, with buildings on either side, and its development does not extend the frontage. Nonetheless, the requirements of LP Policy HS7 are more restrictive than the Framework.
7. The width of the site is commensurable with other properties located off Chapel Lane and in the vicinity of the site. The site and the land in between the site and the property known as Beechwood currently form a notable gap in the street scene. However, in this location, I noted a modest mono-pitch structure adjacent to the site, which due to its proximity to the road, broke up the open section of the street. The site has a close relationship with the existing pattern of development on both sides of Chapel Lane. I accept the visual connection between the site and the property known as Garwick is stronger than that between the site and Beechwood, due to its side garden.
8. However, the side garden at Beechwood is not extensive and even if this land was not in domestic use, it would not alter my findings in this regard. The appellant has drawn my attention to a number of appeal decisions², which I consider as material considerations in the determination of this appeal. However, whether or not a scheme represents limited infilling is ultimately a matter of planning judgment, having regard to factors such as the nature and size of the development, the location of the application site and its relationship to other, existing development adjoining and adjacent to it.
9. The existing buildings on Chapel Lane form a clearly identifiable built-up frontage and the site lies within the frontage, with buildings on either side and it does not extend the frontage. Additionally, the proposed development would complement the character and setting of the existing buildings, in accordance with the rural infilling aims of LP Policy HS7. Consequently, the proposed development of a single dwelling on the site can be regarded as 'limited infilling in villages', meeting the exception listed at paragraph 149 e) of the Framework.
10. As I have not found that Green Belt harm would arise in this case, it is not necessary to consider the effect of the proposed development on Green Belt openness. Additionally, the demonstration of very special circumstances is not required to make the proposed development acceptable.

Other Matters

11. I have had regard to the concerns of a local resident, including reference to living conditions, highways safety and the location of the site with regards to Wheelton, amongst other things. However, I note that these matters were considered where relevant by the Council at the application stage and did not

¹ Paragraph 149 e)

² APP/C3430/W/20/3258620; APP/F2360/W/19/3238776 and APP/R0660/W/17/3185237;

form part of the reason for refusal, which I have dealt with in the assessment above. Whilst I can understand the concerns of this interested party, there is no compelling evidence before me that would lead me to come to a different conclusion to the Council on these matters.

12. The purchase of land by occupiers on Chapel Lane is not a planning matter and is therefore of little consequence in the determination of the appeal. I have considered this appeal on its own merits and concluded that the proposed development would be acceptable for the reasons set out above.

Conclusion

13. I have concluded that the proposed development does not amount to inappropriate development in the Green Belt. There is also an absence of other harm arising from the scheme. Consequently, the proposed development does not conflict with the development plan and Framework when 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.
14. 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.
15. For the reasons given above, I conclude that the appeal should succeed.

W Johnson

INSPECTOR