



Appeal Decision

Site visit made on 4 January 2022

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 30th March 2022

Appeal Ref: APP/N2345/W/21/3280926

Little Foxes, Church Lane, Whitechapel, Preston, PR3 2EP

- 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 and Mrs Brakewell against the decision of Preston City Council.
 - The application Ref 06/2021/0902, dated 15 June 2021, was refused by notice dated 13 July 2021.
 - The development proposed is described as Stage 1 Permission in Principle application for the demolition of the existing dwelling and erection of up to 5no. dwelling houses (resubmission of application reference 06/2021/0568).
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Town and Country Planning (Permission in Principle) (Amendment) Order 2017 (the Order) is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for the proposed development from the technical detail. The scope of the first stage, that is to establish whether a site is suitable in principle for development, is limited to location, land use and amount of development.
3. The earlier planning application (ref 06/2021/0568) was refused for substantially similar reasons. The scheme has been amended, including its location plan and the maximum number of dwellings has been reduced.

Main Issue

4. The main issue is whether or not the site is suitable for new residential development, having regard to its location, the proposed land use and the amount of development.

Reasons

5. The appeal site comprises a detached dwelling and part of its grounds. It lies to the west of Whitechapel in the open countryside which is characterised by fields with hedgerows, trees and woodland. The Forest of Bowland Area of Outstanding Natural Beauty lies on the opposite side of the road at this point.
6. Policy 1 of the Central Lancashire Adopted Core Strategy Local Development Framework Adopted July 2012 (the CS) is the Council's spatial development strategy and it seeks to focus development on well-located brownfield sites and the larger settlements. In smaller villages and substantially built up frontages,

typically small scale development will be 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 LP) restricts development in the open countryside with certain exceptions, one of which is infilling within groups of buildings in smaller rural settlements.

7. Whitechapel is formed from a loose aggregation of buildings to either side of the road interspersed with open countryside. There is no defined settlement boundary, but the dwellings, church, public house, primary school and sports facilities will function as a small rural settlement.
8. The Council considers that the proposal would be small scale and it would be an appropriate land use and amount of development in terms of its density. I see no reason to disagree.
9. The Planning Portal defines infill development as the development of a relatively small gap between existing buildings. This is not a statutory definition but, in the absence of a definition in the National Planning Policy Framework (the Framework) or the development plan, it serves as a starting point to the understanding and interpretation of infill development. However, each case must be considered on its individual merits taking into account the proposal and the surrounding context.
10. The appeal site is bounded by Church Lane to the front and its rear boundary coincides with the garden boundary of Little Foxes. The eastern boundary is formed by the subdivision of the garden to exclude a detached annexe building. The western boundary has been drawn to exclude a former joiner's yard building located in a wooded area within the land controlled by the appellants. Except for its outline on the plans and a reference to it as an outbuilding, there is little evidence in relation to the former joiner's yard building or its relationship to Little Foxes or to the appeal site. In this regard, while there is a well established boundary between the appellants' land and the neighbouring field, there does not appear to be a similarly demonstrably strong boundary between the appeal site and the outbuilding.
11. The long appeal property frontage comprises roadside hedgerows and trees interrupted by fences and walls around the highway access points. The annexe is separated from the neighbouring school building by the bowling green with its mature verdant landscaped frontage. On the other side of Little Foxes, heading towards Burton Lane, the road is enclosed by field hedgerows. In contrast to the annexe, which has a roadside presence, the outbuilding is deeply set back behind the rear building line of Little Foxes and it is hidden from view. The appeal site is not part of a substantially built-up frontage.
12. By virtue of their ancillary relationship and proximity to it, the annexe and the outbuilding form a building group with the appeal property. However, they are widely separated from neighbouring buildings. They are not physically, functionally or visually connected to the nearby school and community building group. Moreover, even if 2 buildings could be considered to be a group, the annexe and the outbuilding are modest and widely separated and, if it was not for the intervening dwelling, they would not be read together. The proposal would not be infilling in a group of buildings.

13. Therefore, I conclude that the location is not suitable for new residential development. The proposal would not be appropriate infilling in substantially built up frontages or within groups of buildings in smaller rural settlements. It would conflict with the aims of CS Policy 1 and LP Policy EN1.

Other Considerations

14. Planning permission has been granted elsewhere for infill development. The Mount (ref 06/2017/0984) relates to a cluster of built development set back and hidden from the road and that includes a dwelling, its outbuildings and a neighbouring farm. Moss Farm (APP/F2360/W/19/3238776) is in the Green Belt in a different authority area. That site is contained by the neighbouring property, the road and access tracks, and it is part of a developed frontage. Neither of those schemes is directly comparable to the appeal proposal and they do not provide a justification for it.
15. The services and facilities in Whitechapel would not meet the daily needs of future occupiers. Future occupiers would need to travel to other settlements using the rural roads with no footways and little or no street lighting. Although there would be no reasonable access by walking, there could be some access by cycling or public transport. However, there is little substantive evidence that bus services offer a realistic alternative transport solution in this location. The proposal would not minimise the need to travel and future occupiers would be heavily dependent on private car journeys. The location does not weigh to any marked degree in favour of the scheme.
16. Although the proposal would utilise previously developed land, I have found that the appeal site is not suitable brownfield land in settlements for homes. Small and medium sized sites can make an important contribution to meeting housing requirements and the Framework directs local planning authorities to identify land to accommodate at least 10% of their housing requirement on sites of less than 1ha. However, the appeal site would not be a suitable windfall site within existing settlements for homes. These matters carry limited weight in favour of the proposal.
17. There is a planning permission for extensions to the appeal property (ref 06/2016/1219). This would be the fallback position if the appeal should fail. However, while it would result in a comparable built volume to the appeal proposal, the Council's concerns do not relate to visual amenity or the amount of development. The fallback does not provide a justification for the proposal.

Planning Balance

18. The adverse impacts of the proposal relate to the unsatisfactory location for new residential development. As set out above, the proposal would not accord with the policies in the development plan.
19. Paragraph 11 of the Framework establishes the presumption in favour of sustainable development and the circumstances where this may be engaged, including where the policies which are most important for determining the application are out-of-date. Footnote 8 of the Framework explains that this includes, in relation to the provision of housing, situations where the Council cannot demonstrate a 5 year supply of deliverable housing sites (5YHLS).
20. Notwithstanding the 5YHLS position established by the appeal decision for Land at Cardwell Farm (ref APP/N2345/W/20/3258889), the Council states that it

can now demonstrate a 5YHLS. If Local Housing Need is calculated using the Standard Methodology, then it can demonstrate a 15.3 year supply. The alternative method, the CS Policy 4 requirement, results in a 6.1 year supply. Therefore, in the absence of evidence to the contrary, the provisions of Framework paragraph 11d) are not engaged on grounds relating to 5YHLS.

21. The most important policies for determining the application and the appeal are CS Policy 1 and LP Policy EN1. The Framework advises due weight be given to existing policies according to their degree of consistency with the Framework. CS Policy 1 is strategic and it seeks to focus growth on well located brownfield sites and in accordance with the hierarchy of settlements. In other places, including smaller villages and substantially built up frontages, development will be typically small scale and limited to specific exceptions. LP Policy EN1 sets out acceptable types of development in the designated open countryside. These policies are consistent with the aims of the Framework, including in relation to supporting town centres and local services and facilities, rural housing that meets local needs, and minimising the need to travel and offering a genuine choice of transport modes. CS Policy 1 and LP Policy EN1 attract full weight.
22. The Council's housing delivery policy, CS Policy 4, establishes the requirement for housing over the plan period. This policy is acknowledged to be out-of-date. However, the Council can demonstrate a 5YHLS without the appeal proposal and CS Policy 1 and LP Policy EN1 do not compromise the delivery of housing. Consequently, when read as whole the most important policies for the determination of the appeal are not out-of-date and the presumption in favour of sustainable development does not apply.
23. I have found that Whitechapel is a smaller rural settlement, but the proposal would not be infilling in a built-up frontage or in groups of buildings. The proposal would conflict with the Council's locational development strategy and rural housing aims, which seek to focus development in the more sustainable and accessible locations. The new dwellings would contribute to the Government's objective of significantly boosting the supply of homes. There would be economic benefits in the short-term during construction. Future occupiers would contribute to the local community, local services and facilities. However, the modest benefits do not outweigh the harm due to the unsuitable location and conflict with the development plan and they do not indicate that the decision should be made otherwise than in accordance with the development plan.

Conclusion

24. 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.
25. Therefore, the appeal should be dismissed.

Sarah Manchester

INSPECTOR