



Appeal Decision

Site visit made on 7 March 2022

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 April 2022

Appeal Ref: APP/D2320/W/21/3282134

Land between Thorntree House and Congham House, Wigan Road, Clayton-Le-Woods, Lancashire PR25 5SB

- 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 M Shah against the decision of Chorley Borough Council.
 - The application Ref 21/00557/PIP, dated 4 May 2021, was refused by notice dated 9 July 2021.
 - The development proposed is permission in principle for up to two dwellings.
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Decision

1. The appeal is allowed and permission in principle is granted for a minimum of 1 dwelling and maximum of 2 dwellings on Land between Thorntree House and Congham House, Wigan Road, Clayton-Le-Woods, Lancashire PR25 5SB, in accordance with the terms of the application Ref 21/00557/PIP, dated 4 May 2021.

Procedural 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 (permission in principle stage) establishes whether a site is suitable in-principle and the second stage (technical details consent) 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. 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. The PPG also advises that any decision notice granting permission in principle must indicate the amount of residential development expressed as a range¹. Accordingly, I have amended the description in my decision to refer to the minimum and maximum number of dwellings.
5. The site address above is taken from the planning application form, which is slightly different from the address included in the decision notice and appeal form.

¹ Paragraph: 016 Reference ID: 58-016-20180615

Main Issue

6. Whether the site is suitable for residential development, having regard to location, land use and the amount of development proposed, with particular regard to whether the proposal would be inappropriate development in the Green Belt.

Reasons

7. The appeal site is a smaller part of a large, undeveloped parcel of land on the western side of Wigan Road. Immediately to the south is a large, detached property and to the north is a considerable cluster of built form, comprising a dwelling, commercial uses and a substantial nursery site. There is built form on the opposite side of Wigan Road in the form of large housing developments.
8. My attention has not been drawn to any specific Green Belt policies within the Council's development plan. The most up to date expression of national Green Belt policy is included within the National Planning Policy Framework (the Framework). The Framework makes it clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. There are exceptions to this general restriction and paragraph 149 (e) advises that the construction of new buildings comprising limited infilling in villages is not inappropriate development.
9. The Council consider that, despite being outside of the settlement boundary, taking into account its close relationship with the surrounding development and the presence of nearby amenities, the appeal site forms part of an urban area that is commensurate with a village. I agree that the site is functionally, physically and visually part of a village.
10. The term limited infilling is not defined in the Framework. However, Policy HS7 of the Chorley Local Plan 2012 – 2026, Site Allocations and Development Management Policies, Development Plan Document (July 2015) (the LP) sets out that an infill development is the filling of a small gap in an otherwise built-up street frontage e.g. typically a gap which could be filled by one or possibly two houses of a type in keeping with the character of the street frontage. The policy also sets out criteria that must be met for proposals to constitute residential infilling in villages, including villages that are within the Green Belt.
11. The existing buildings immediately to the north of the appeal site are readily discernible from the public realm and create a built-up frontage for a considerable stretch along Wigan Road. To the south, despite the mature boundary treatments, the large properties adjoining Wigan Road are also apparent, as are the other properties on Moss Lane. Therefore, in the immediate locality there is a strong presence of built form and thus a clearly identifiable built-up frontage.
12. Although the appeal site currently interrupts this continuous pattern of development, it clearly lies within the frontage along the western side of Wigan Road due to the buildings on either side of the site. Taking this into account, the proposal would logically be seen as completing the prevailing pattern of development.
13. In coming to that view, I acknowledge that the site is of a generous length along Wigan Road and that this area between the existing built form currently has the impression of being a large site. However, the appeal site is restricted

in depth and is commensurate with the plot sizes of the adjacent large properties. In this context, given the spacious character of the area, the appeal site is a small gap in the otherwise built-up frontage.

14. Furthermore, although the details of the proposal would be addressed in the technical details consent stage, taking into consideration the maximum number of dwellings proposed and the arrangement of the site, I can see no reason why the appeal site could not adequately accommodate up to two dwellings that would complement the character and setting of the wider area.
15. Taking all these factors together, the proposal would represent limited infilling in the Green Belt. It would therefore meet the exception at paragraph 149 (e) of the Framework thus would not therefore be inappropriate development in the Green Belt. As such, there is no need for a subsequent assessment on its effect on the openness of the Green Belt or its purposes.
16. Accordingly, the proposal would be acceptable in terms of land use, location and amount of development and, for these reasons, it therefore accords with Policy HS7 of the LP and the Framework.

Other Matter

17. I have had regard to the concerns from a neighbouring resident regarding the effect of the proposal on wildlife. However, this is not a matter which falls within the scope of consideration of the permission in principle consent stage. This would be addressed as part of the technical details consent, the second stage of the process.

Conditions

18. The PPG advises that it is not possible for conditions to be attached to a grant of permission in principle and its terms may only include the site location, the type and amount of development.

Conclusion

19. For the reasons given above, having considered the development plan as a whole, along with all other material considerations, I conclude that the appeal should be allowed.

H Ellison
INSPECTOR