



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: 26 July 2022

Appeal Ref: APP/N2345/W/21/3287416

Taigh Mor, School Lane, Preston PR4 0HL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Susan Egan against the decision of Preston City Council.
 - The application Ref 06/2021/0522, dated 1 April 2021, was refused by notice dated 10 June 2021.
 - The development proposed is erection of detached bungalow in vacant garden.
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This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 10 March 2022.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was submitted in outline. The application form indicates that approval was sought for access, appearance and scale with the matters of landscaping and layout reserved for future approval, the Council dealt with the application on this basis and so shall I. The appellant has provided indicative plans relating to the site layout to illustrate how the property could be accommodated in the site. I have therefore taken these into account in so far as establishing whether it would be possible, in principle, to erect a dwelling on the site.

Main Issue

3. The main issue is whether, the appeal proposal would constitute an acceptable form of development with particular regard to the provisions of local and national policy in respect of the location of development.

Reasons

4. The appeal site is to the northern side of School Lane within the confines of Catforth, a linear dispersed settlement. It comprises of a parcel of land within the curtilage but to the rear of the detached dwelling known as Taigh Mor. The site is bounded to the west by Catforth Primary School with the playing fields directly abutting the site boundaries and to the east by outbuildings and converted residential properties of Fell View / Clarkson Green Farm. To the north of the site are wider agricultural fields.

5. Policy 1 of the Central Lancashire Core Strategy, 2012 (CS) seeks to focus growth and investment on well-located brownfield sites, identified strategic locations and other main urban areas, whilst protecting suburban and rural areas. The policy sets out the hierarchical sequence (a-f) for locating development. The bottom requirement (f) sets out that in other places – smaller villages, development will typically be small scale and limited to appropriate infilling, conversions and proposals to meet local need.
6. Policy EN1 of the Preston Local Plan 2012-26, 2015 (LP) limits development in the open countryside for the purposes of agriculture or forestry or other appropriate rural use, the re-use/re-habitation of existing buildings, and infilling within groups of buildings in smaller rural settlements (criterion c).
7. The policy also permits development that accords with CS Policies HS4, rural exception housing or HS5, agricultural workers dwellings. The aims of the policy, by restricting development in the countryside to these exceptions, helps to maintain the open and rural character of the open countryside. The policy is supported by the Central Lancashire Rural Development Supplementary Planning Document (SPD).
8. The appeal site is not within an identified strategic location within a key service centre or within a main urban area, therefore it falls within the designated open countryside. The proposal would be for the erection of one dwelling and would not involve any re-use of an existing building or be for the purposes of agriculture, forestry, other rural use or fall within the exception of Policies H4 or H5. As such, the proposal would need to be assessed against the criterion of Policy 1(f) of the CS and EN1(c) of the LP.
9. The term infilling is not defined in the National Planning Policy Framework (the Framework) or within the CS / LP. The Council have directed me to an appeal decision¹, where the Inspector in that case stated '*infilling normally refers to a plot in an otherwise built frontage, whereas backland development relates to the rear of existing dwellings*', 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.
10. Nonetheless, I have, in any case reached my own conclusions on the appeal proposal on the basis of the evidence before me, and the term infilling is essentially a question of fact and planning judgement for the decision maker, and responsive to local circumstances.
11. In this case, the existing gap frontage onto School Lane would not be wide enough to accommodate a dwelling with only access taken from the side of Taigh Mor. The dwelling would not be visible from the highway, as it would be positioned on the land to the rear. Whilst the proposal would be of small scale and not extend into the wider countryside or be within an isolated remote location. It would not be sited between properties as there is no built form to the immediate north of the site and the built form of the school / converted buildings immediately west / east is limited, particularly with the position of the school playing fields.

¹ APP/F2360/W/20/3265110

12. The proposal would lack any road frontage on to School Lane, which is characteristic of the linear form of development within the surrounding area. Taking these factors together, I consider it would be back-land development and would not constitute appropriate infilling or infill a gap in a group or a cluster of buildings. Neither would it be located where it would enhance or maintain the vitality of the rural community.
13. The appellant has drawn my attention to nearby residential developments where the Council has granted permission. I do not have the full details of each of these referred schemes. Although, there may be some similarities with the appeal proposal, it should not be seen as setting a precedent. Nevertheless, I consider that application 06/2020/0788 is not directly comparable with the appeal site. That scheme would directly front on to School Lane, and it had been previously established through the permission in principle route of being infill development. Unlike the proposal before me, which would not meet the policy criteria of infill and would be back-land development.
14. Moreover, just because other developments have been approved within the open countryside. This does not justify the approval of further development, and those relevant policies do not restrict development as they clearly permit proposals where they meet those exceptions.
15. For the reasons given above, I conclude that the appeal proposal would not constitute an acceptable form of development with particular regard to its countryside location. It would be contrary to the locational development strategy and rural aims of Policy 1 of the CS and Policy EN1 of the LP, as I have already set out.

Other Matters

16. I note that local residents have expressed additional concerns about the proposed development, including privacy, overlooking, sunlight, wildlife, design, highway safety, car parking and construction works. However, the Council did not raise these points as reasons for refusal and I have no substantive evidence to support those concerns. Given my findings in relation to the main issue, it is not necessary to consider these matters in detail.
17. Although the proposed development would cause no harm in respect of drainage, flooding, ground conditions, sustainability and the site could adequately accommodate a dwelling. These considerations do not outweigh the harm caused by the development.

Planning Balance and Conclusion

18. There is no dispute between the main parties that the Council can demonstrate a 5-year supply of housing, neither is CS Policy 4 cited as a reason for refusal. In these circumstances, paragraph 11d) of the Framework is not engaged. I recognise the appeal proposal would have benefits with regard to the supply of housing in the Borough, and the contribution both construction opportunities and any future occupiers would make to the local economy. However, these benefits would be limited due to the scale of the proposal and do not outweigh the policy conflicts I have identified.

19. The proposed development would be contrary to 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.

20. For the reasons given above, I conclude that the appeal should be dismissed.

K A Taylor

INSPECTOR