



Appeal Decision

Site visit made on 6 July 2022

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 August 2022

Appeal Ref: APP/D2320/W/22/3293422

Mayfield, Blue Stone Lane, Mawdesley L402RH

- 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 Max Halsall against the decision of Chorley Borough Council.
 - The application Ref 21/00999/PIP, dated 9 August 2021, was refused by notice dated 19 October 2021.
 - The development proposed is the erection of one dwelling
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Decision

1. The appeal is allowed and permission in principle is granted for the erection of one dwelling at Mayfield, Blue Stone Lane, Mawdesley, in accordance with the terms of the application, Ref 21/00999/PIP, dated 9 August 2021.

Preliminary Matters

2. The proposal is for permission in principle. 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 two stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these two 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 technical details consent application if permission in principle is granted. I have determined the appeal accordingly.
4. I have taken the description of development from the application form. In doing so, I have removed words that are not acts of development.

Main Issue

5. The main issue 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

Whether Inappropriate Development.

6. Paragraph 147 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 149 makes it clear that, other than in specified circumstances, new buildings are inappropriate development. One of the exceptions at 149. e) is limited infilling in villages.
7. It is not a matter in dispute between the main parties that the appeal site falls within a village and this is consistent with my impressions on site. Limited infilling is not defined in the Framework. Policy HS7 of the Chorley Local Plan (2015) (CLP) defines limited infilling as the '*infilling of a small gap in an otherwise built-up street frontage*'. Policy HS7 also lists criteria that must be met, including: *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'*. These additional criteria are more restrictive than the provisions of the Framework.
8. The appeal site is a parcel of land, located adjacent to a bend in the road between the side garden of 2 Bluestone Barn and the garden of the southern most property of a pair of semi detached dwellings. A detached outbuilding is located on the south western edge of the appeal site, positioned perpendicular to Bluestone Barn. Whilst this is orientated at a slightly different angle to the semi-detached dwellings to the north, it still faces onto the bend in the road and gives the impression of development continuing around the bend. Further along the road and beyond the bend is a sub-station. This is located within the verge between the appeal site and the road. Beyond 1 and 2 Bluestone Barn there is a further dwelling known as the Owls.
9. There is a gap between the Owls and the dwelling to the west, however this is small with dwellings positioned tight to the boundary on either side. Nevertheless, the prevailing character comprises a clearly identifiable built-up frontage located along this side of the road. The appeal site lies within this frontage, with buildings to either side. The site does not extend this frontage.
10. The depth of the appeal site is reflective of its neighbours to either side. The width of the site, between 2 Bluestone Barn and the boundary with the semi-detached dwelling to the north is similar to that of Bluestone Farm opposite, as well as that of 2 Bluestone Barn. However, I accept that due to the position of the latter, adjacent to the bend, much of this width does not bound the road edge. Nevertheless, a dwelling located within the appeal site would not appear to be sited on an overly large plot in comparison to the surrounding properties. Having regard to the site's surroundings and notwithstanding the limitations of the first stage of the permission in principle route, I see no reason why a single dwelling of an appropriate design would not complement the character and setting of the existing buildings, in accordance with CLP Policy HS7.
11. I therefore conclude that the proposed development of a single dwelling on the appeal site can be regarded as 'limited infilling in villages', meeting the exception listed at paragraph 149. e) of the Framework. The proposal is therefore not inappropriate development in the Green Belt. 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

12. I have had regard to the concerns of local residents including reference to flood risk and highway safety. However, I note that these comments were considered by the Council to fall outside the scope of the first stage of permission in principle at the application stage and did not form part of the reason for refusal, which I have dealt with in the assessment above. Nevertheless, there is no convincing evidence before me that would lead me to come to a different conclusion to the Council on these matters.

Conditions

13. 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. 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 three years. Nothing I have seen or read would indicate that a departure from the default duration would be appropriate in this instance.

Conclusion

14. 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.
15. For the reasons given I conclude that the appeal should succeed.

Paul Martinson

INSPECTOR