



Appeal Decision

Site visit made on 10 January 2023

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 February 2023

Appeal Ref: APP/F2360/W/22/3307650

Land at Newgate Lane, Whitestake, Preston PR4 4JU

- 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 ADB Preston Limited against the decision of South Ribble Borough Council.
 - The application Ref 07/2022/00315/FUL, dated 20 April 2022, was refused by notice dated 23 August 2022.
 - The development proposed is described as 'outline planning application for the erection of three passive house standard bungalows'.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Outline planning permission is sought with all matters reserved. I have therefore taken any details pertaining to the reserved matters, as shown on the submitted drawings, to be for indicative purposes only.

Main Issues

3. The main issues are:
 - Whether the development would be inappropriate in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - The effect of the proposal on the openness of the Green Belt; and
 - If inappropriate development, whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposal in the Green Belt.

Reasons

Inappropriate development

4. The appeal site is located within the Green Belt. The Framework establishes that new buildings in the Green Belt are inappropriate other than for specified exceptions that are set out in paragraph 149. One such exception, 149(e), is limited infilling in villages. Policy G1 of the South Ribble Local Plan (2012-2026) (LP) conforms with the Framework in this regard, also identifying limited infilling in villages as an exception.

5. In considering a previous appeal¹ on the same site the Inspector considered that the site lies within a village which is washed over by the Green Belt. I have no reason to reach a different conclusion.
6. On my visit I saw that the development on the same side of Newgate Lane to the appeal site is sporadic. The buildings either side of the appeal site between Chain House Lane and the open countryside beyond Newgate Nurseries are informal in their siting. There are several gaps between buildings, some of which are large and offer limited views to the open countryside beyond.
7. As noted by the Inspector in the previous appeal, the term 'limited infilling' is not defined in the Framework or the LP, it is therefore a matter of judgement for the decision maker. In my view, in the context of the appeal site, 'limited infilling' is the development of a small plot in an otherwise built-up frontage. However, the appeal site combined with the open land to either side does not, as the previous Inspector found, form a small gap in an otherwise built-up frontage.
8. The current scheme differs from that considered in the previous appeal as the number of dwellings has been reduced from six to three. Nonetheless, the size of the plot remains the same as in the previous appeal. Furthermore, as shown in the indicative plans, the bulk and massing of the development would be significant.
9. Accordingly, as the previous Inspector concluded, the appeal proposal cannot be regarded as limited infilling within a village. I note that there is a variety of plots sizes nearby on Newgate Lane and the proposal would not be out of keeping with the surrounding pattern of development and settlement character, however that does not alter my conclusion in relation to infilling.
10. The appellant has also referenced the exception at paragraph 149(g) of the Framework relating to limited infilling or the partial or complete redevelopment of previously developed land (PDL) which would not have a greater impact on the openness of the Green Belt. Annex 2 to the Framework defines PDL as land which is or was occupied by a permanent structure, including the curtilage of the development land, and any associated fixed surface infrastructure. As the site does not contain any structure or infrastructure, and nothing I have seen suggests that it previously did, the site is not, therefore, PDL. As such the proposal does not fall within the exception at paragraph 149(g) irrespective of its impact on the openness of the Green Belt which I will address below.
11. The appellant has also referred to the 'Aspley Guise' appeal decision² in which the Inspector concluded that the development proposed constituted infill development as set out in the Framework, and was not, therefore, inappropriate development. However, in the absence of the full details and circumstances of that case, it is not possible to draw comparisons to the case before me. As set out above, I have found that the current proposal does not constitute small-scale development in the context of the site and the surrounding area and in that regard is not comparable to the 'Aspley Guise' case as described. Accordingly, I am not persuaded that the 'Aspley Guise' decision supports the proposal before me. Furthermore, the Inspector found the proposal, in the 'Aspley Guise' case, was not inappropriate development

¹ Appeal reference: APP/F2360/W/21/3282566

² Appeal reference: APP/P0240/W/17/3185864

and as such no consideration of the effect of the development on openness was required. That is not the case in this appeal.

12. I therefore conclude that the proposal does not fall within any of the exceptions that are set out in paragraph 149 and would be inappropriate development in the Green Belt. It would therefore conflict with LP Policy G1 as well as the Framework.

Openness

13. The Framework, at paragraph 137, sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Openness has both spatial and visual aspects.
14. The appeal site is an undeveloped area of land bounded by mature hedge, a line of conifers and a fence. It has an open character that is clearly visible from Newgate Lane through a large gap in the frontage hedge in one corner. As described by the Inspector in the previous appeal, the openness of the site makes a positive contribution to the purposes of the Green Belt.
15. The proposal is for three bungalows on the site with associated vehicle access and driveways. Although the proposal is in outline and the submitted drawings are indicative, it would result in development that would introduce built form into an area of land which is currently absent of such development. Furthermore, despite the presence of the established boundary hedge, the upper part of the dwellings would be clearly visible from Newgate Lane and through the site entrance. Consequently, the proposal would erode the spatial and visual openness of the Green Belt.
16. The harm to openness arising from the proposal would be modest given that three dwellings are proposed. Nonetheless, the Framework requires that substantial weight is given to any harm to the Green Belt.

Other Considerations

17. The proposed development for three bungalows would assist in boosting the housing supply in a location which has some accessibility to services and facilities by means other than the private vehicle. In addition, there would be economic and social benefits resulting from the construction and occupation of such dwellings. However, these are modest benefits that are common to most developments of this type and size.
18. The development could be designed to avoid harm to the character and appearance of the area and to the living conditions of neighbouring occupants. However, the absence of harm is a neutral factor and not a matter to be weighed in favour of the proposal.

Conclusion

19. Paragraph 147 of the Framework advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the Framework advises that substantial weight should be given to any harm to the Green Belt and very special circumstances will not exist unless that harm, and any other harm, are clearly outweighed by other considerations.

20. I have concluded that the appeal scheme would be inappropriate development and would, by definition, harm the Green Belt. In so doing I have also found harm to the openness of the Green Belt. Balanced against this are the other considerations I have referred to. Even when taken together, I conclude that the other considerations do not clearly outweigh the harm in this case.
21. Accordingly, the very special circumstances necessary to justify the development do not exist. Consequently, the proposal conflicts with the Green Belt protection aims of LP Policy G1 and the Framework.
22. I therefore conclude that the appeal should be dismissed.

Elaine Moulton

INSPECTOR