



Appeal Decision

Site visit made on 31 January 2023

by K L Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 February 2023

Appeal Ref: APP/D2320/W/22/3305925

Land to the south of Southport Road, Shaw Green, Chorley PR7 6ET

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for a permission in principle.
 - The appeal is made by Mr John Ashcroft against Chorley Borough Council.
 - The application Ref 22/00741/PIP is dated 4 July 2022.
 - The development proposed is Stage 1 permission in principle application for the erection of up to 5no. dwellings.
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Decision

1. The appeal is dismissed and permission in principle is refused for the erection of up to 5no. dwellings.

Preliminary Matters

2. The appeal is against the Council's failure to determine an application for a permission in principle. The Council has provided a report which states that in its opinion the proposal is unacceptable, however, this is not a formal determination of the Council as the jurisdiction to determine the application transferred from the Council upon valid receipt of this appeal. However, from the evidence before me, it appears that the Council would have refused the application had it been empowered to do so.
3. Planning Practice Guidance (PPG) advises that a permission in principle 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. The second stage (Technical Details Consent) stage is when the detailed development proposals are assessed. This appeal relates to the first of the two stages.
4. The scope of the considerations for the permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of the subsequent Technical Details Consent application if permission in principle is granted. I have determined the appeal accordingly.

Main Issues

5. The site lies in the Green Belt; accordingly, the main issues are whether the site is suitable for residential development having regard to its location, the proposed land use, and the amount of development with respect to:
 - whether or not the proposal is inappropriate development in the Green Belt;

- the effect of the development on the openness of the Green Belt; and
- if the proposed development is inappropriate, whether the harm by reason of inappropriateness and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development

6. Paragraph 149 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. It makes it clear that new buildings in the Green Belt are inappropriate. However, an exception to this is criteria e) limited infilling in villages.
7. The appeal site is located on Southport Road (A581) and is currently occupied almost entirely by a large glasshouse actively use for horticultural purposes. It is bounded by a continuous substantial hedge along the road frontage. The site forms part of a group of dwellings to the south side of the road, which forms a mostly continuous street frontage. This form of development is typical of the local area. On my site visit I observed other stretches of ribbon development along main roads outside of the nearby settlements of Ecclestone to the south, Euxton to the east and Croston to the west. The appeal site itself has a relatively wide frontage. Although the site is currently occupied by a large glasshouse, the wide entrance to the site and the office building together with the substantial hedge along the road frontage separates a small group of dwellings to the east of the appeal site from a larger group to the west of it.
8. The Framework does not define a village. I am, therefore, mindful that when considering whether a site is in a village it is important to have regard to the situation 'on the ground' as well as any relevant policies. The appeal site has been referred to being located within the 'parish village' of Shaw Green. The location within a parish does not directly indicate that a site is located within a village.
9. Whilst the appeal site is located with a group of dwellings along the A581, a restaurant and a farm shop located are close by and a public house is situated a little further along the A581, it cannot be held that proximity to these types of services automatically signifies the location to be a village. From what I saw on my site visit I do not consider that the group of buildings which contains the appeal site could be reasonably considered to be a village, rather it forms a section of ribbon development which lies between larger settlements further afield. Given that the development is not located within a village, I do not need to consider whether the site meets the definition of limited infilling.
10. My attention has been drawn to several other appeal decisions and permissions in principle where limited infilling in villages have been granted permission. I do not have the full details of these before me. However, from what I have seen and read their circumstances appear to differ from that of the appeal before me and are therefore not directly comparable. They do not lead me to an alternative conclusion on this matter.
11. Therefore, the proposal would not satisfy the requirements of Framework paragraph 149 e), as a result the proposal would not amount to the limited

infilling in a village. Accordingly, the proposal would comprise inappropriate development in the Green Belt. The Framework requires that substantial weight must be given to any harm to the Green Belt.

The effect of the proposed development on openness

12. A fundamental aim of Green Belt policy as set out in paragraph 137 of the Framework is to avoid urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.
13. Technical details are considered at a later stage in the process, with considerations in the appeal before me limited to location, land use and the amount of development. However, openness is a fundamental characteristic of the Green Belt. Openness has a spatial aspect as well as a visual aspect. The appeal site is occupied by expansive glasshouses at present, these are generally low lying and lightweight in appearance and structure. I do not have any substantive evidence before me that the replacement of the glasshouses with up to five houses in this location, which would also be substantial in size, would have a positive effect on the openness of the Green Belt.
14. Although the form of development is not under consideration at the permission in principle stage, in visual terms, houses would be taller and thus more visually prominent than the glasshouses are at present. Whilst bungalows would be lower in height, they would be likely to cover a larger footprint. Whilst there may be a positive effect on the quantum of development in terms of spatial coverage, I have no substantive evidence before me and therefore any positive effect on the openness of the Green Belt is not definitive. Therefore, it follows that the proposal would not conclusively preserve the openness of the Green Belt.

Other considerations

15. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be allowed except in very special circumstances. Substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.
16. The Council cannot demonstrate a five-year housing land supply. Paragraph 11 of the Framework informs that the presumption in favour of sustainable development is not engaged where the application of the policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. Framework footnote 7 advises that these include such policies as Green Belt. Therefore, the provisions of Framework paragraph 11 d) are not engaged.
17. The proposal would, nevertheless, make a small contribution towards the provision of housing in the area. Given the number of dwellings proposed, the benefits of providing between one and five houses would, however, be limited.
18. The Framework provides support for small to medium sized housing sites at paragraph 69. I have not been provided with any substantive evidence regarding the supply of sites of this size in the area. Whilst the appeal site would provide a benefit of bringing forward a site of this nature, I only attribute limited weight to this benefit.

19. Benefits would arise from the development including contributions to the local economy during the design, planning and construction phase of the development. These would be short term benefits and the economic support to the area arising from them would be small. I therefore attach limited weight in favour of the proposal to this.
20. Further economic benefits would arise from the occupation of the dwellings. Whilst this benefit carries some weight in support of the proposal, together with the other benefits identified, it falls far short of clearly outweighing harm in the manner described at Framework paragraph 148.
21. I therefore conclude that the proposed development would not fall into any of the exceptions listed in paragraph 149 of the Framework and would form inappropriate development in the Green Belt. Substantial weight should be given to this harm. Furthermore, it has not been demonstrated that the proposal would preserve openness. The proposed development would also be contrary to the relevant provisions of Chorley Local Plan (2015) Policy HS7 which seeks to ensure that the character of rural settlements is preserved.

Green Belt Balance

22. I attach no more than cumulative moderate weight to the benefits of the proposed development which make up the other considerations. As such, they do not clearly outweigh the harm to the Green Belt.
23. Consequently, the very special circumstances necessary to justify the development in the Green Belt do not exist. The proposed development would not therefore accord with Framework paragraphs 147, 148 and 149 which together seek to protect the Green Belt from inappropriate development.

Conclusion

24. For the reasons set out, having considered the development plan as a whole, the appeal should be dismissed.

KL Robbie

INSPECTOR