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# Appeal Decision

Site visit made on 22 May 2023

**by L Wilson BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 13 June 2023**

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**Appeal Ref: APP/D2320/W/22/3313589**

**Land Opposite Hampton Grove, Wigan Road, Clayton-le-Woods 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 Mohammed Shah against the decision of Chorley Borough Council.
  - The application Ref 22/01164/PIP, dated 3 November 2022, was refused by notice dated 9 December 2022.
  - The development proposed is permission in principle for a minimum of six dwellings and a maximum of nine dwellings.
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## Decision

1. The appeal is dismissed.

## 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 2 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 2 stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted<sup>1</sup>. 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.

## Main Issue

4. 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.

## Reasons

### *Location- Green Belt*

5. Paragraph 149 of the National Planning Policy Framework (the Framework) states that new buildings are inappropriate in the Green Belt unless they fall within the given list of exceptions. This includes e) limited infilling in villages.

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<sup>1</sup> PPG Paragraph: 012 Reference ID: 58-012-20180615

6. The appeal site forms part of a village, and this is not disputed by the main parties. The main issue therefore relates to whether the proposal amounts to limited infilling.
7. Policy HS7 of the Chorley Local Plan 2012-2026: Site Allocations and Development Management Policies Development Plan Document (2015) (LP) sets out the Council's approach to residential infilling in villages. It states that infill 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.
8. Towards the north of the appeal site are commercial units. There is open land between the site and Wigan Road to the east. I understand that this adjoining site has obtained permission in principle for a maximum of four dwellings<sup>2</sup>. To the south of the appeal site are dwellings located on Moss Lane. Towards the west is woodland and scrub land which separates the site from the M6 motorway.
9. Although the land between the appeal site and Wigan Road has been granted permission in principle, that land is currently undeveloped, and the consent has not been implemented. I also understand that the technical details consent has not been obtained and there is no guarantee that the land would be developed. Consequently, my assessment is based on the current physical circumstances surrounding the site.
10. The appeal site is set back considerably from the highway frontage along Wigan Road. Open land separates the appeal site and that frontage. As a result of the site's set back from Wigan Road, it does not fill a gap within the Wigan Road frontage. The dwellings along Moss Lane are large and set within substantial plots. The proposed development of 6-9 dwellings would be broadly in keeping with the size and form of plots on Moss Lane. Congham House, which is adjacent to the site granted permission in principle, lies within the Wigan Road frontage. However, the other dwellings along Moss Lane visually have limited connection with the appeal site. This is because these dwellings benefit from large rear gardens and there are also a considerable number of trees between these dwellings and the appeal site.
11. The set back from the frontage would be at odds with nearby buildings and would be out of character with the built form and pattern of development due to the separation with the highway. Thus, although there is development adjacent to the appeal site, given the set back from Wigan Road, intervening open land, separation distance and relationship with nearby buildings, the site does not read as a gap in an otherwise built-up street frontage.
12. The appellant acknowledges that the site does not lie within a street frontage. They have drawn my attention to appeal decisions where infill development has been granted on sites that do not form part of the built frontage yet have been found to be sufficiently surrounded by existing development to represent infill<sup>3</sup>. The Norton Farm case relates to a development in the countryside, rather than Green Belt. Therefore, the policy considerations cannot be compared, and also the main issue did not relate to whether the site forms infill development. Similarly, the Inspector found in the Evergreen Lodge case that the

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<sup>2</sup> 22/00765/PIP and APP/D2320/W/21/3282134

<sup>3</sup> Including APP/L3245/W/20/3260022 and APP/D0840/W/20/3260870

development would be located within the settlement, rather than Green Belt, and the proposed arrangement of dwellings would not be at odds with the pattern of development at this location. Thus, these cases cannot be directly compared to the scheme before me. In any event, I have determined the appeal proposal on its own merits and the highlighted decisions do not alter my findings above.

13. Having regard to the width and depth of the appeal site, it cannot reasonably be described as a small gap. The appellant has drawn my attention to appeal decisions to demonstrate that in some cases limited infill development is not restricted to one or two dwellings<sup>4</sup>. Nonetheless, it appears that the Greenwood Avenue case did not relate to a Green Belt site and in the Copthorne Road case the relevant development plan document referred to small-scale development rather than a small gap. Therefore, the policy considerations, and their wording, as well as the context of the sites cannot be directly compared.
14. For the reasons given above, the development would not represent limited infilling because the site cannot be considered a small gap in an otherwise built-up street frontage and would not be in keeping with the character of the street frontage. Consequently, the proposal would not fall under any of the exceptions listed in the Framework and would be inappropriate development in the Green Belt having regard to Policy HS7 of the LP and paragraph 149 e) of the Framework.

#### *Openness*

15. Paragraph 137 of the Framework confirms 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.
16. Even though the proposal is for permission in principle and having regard to the surrounding land uses and scale of the development, the proposal would have a spatial and visual impact on the Green Belt. This is because it would result in an erosion of space where there are currently no buildings. Furthermore, given the open land between the appeal site and Wigan Road and low boundary treatment, views of the proposed development would be visible from Wigan Road. Although there is development towards the north and south of the site, and the M6 is in close proximity, that is not particularly evident when the nearby trees are in leaf.
17. Consequently, the development would, visually and spatially, not preserve the openness of the Green Belt. As such, whilst the importance of the land's function in meeting Green Belt purposes has been diminished because of the surrounding development, the proposal would conflict with the fundamental aim of Green Belt policy, as stated in the Framework, to keep land permanently open.

#### *Other considerations*

18. The appellant highlights that the Council has a significant shortfall in their deliverable supply of housing sites, and the Council has not disputed this. The development of the site for 6-9 houses would assist with the Council's housing

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<sup>4</sup> Including APP/Q3115/W/17/3187058, APP/Q3115/W/17/3187059, APP/M3645/W/16/3141780

shortfall. Based on the evidence submitted, I attach limited weight to this consideration.

*Whether very special circumstances exist*

19. The proposal would be inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt. The proposal would not preserve the openness of the Green Belt. Paragraph 148 of the Framework is clear that substantial weight should be given to any harm to the Green Belt and that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
20. I give limited weight to the other considerations. When drawing this together, the other considerations advanced in support of the appeal do not clearly outweigh the totality of the harm that I have found. Therefore, the very special circumstances necessary to justify the development do not exist. Consequently, the scheme would conflict with Policy HS7 of the LP and chapter 13 of the Framework, which seek to protect the Green Belt, and the proposed development would amount to inappropriate development in the Green Belt.

**Planning Balance and Conclusion**

21. As stated above, the appellant highlights that the Council has a shortfall in their deliverable supply of housing sites. The development of this site for 6-9 houses would assist with the Council's housing shortfall.
22. Paragraph 11 of the Framework, in the context of the presumption in favour of sustainable development, indicates that planning permission should be granted unless i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.
23. The harm to the Green Belt that I have identified above, including that the proposal would result in inappropriate development, provides a clear reason for refusing the development proposed<sup>5</sup>. Therefore, the presumption in favour of sustainable development does not apply in this instance.
24. As set out above, I conclude that the proposal would amount to 'inappropriate development'. There are no very special circumstances to outweigh the harm caused. Consequently, the proposal would not represent a suitable location for residential development. The benefits associated with the development would be limited. The benefits do not outweigh the deficiencies that would arise as a result of the conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict.
25. For these reasons, I conclude that the appeal does not succeed.

*L Wilson*

INSPECTOR

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<sup>5</sup> See paragraph 11 d) i) – footnote 7 of the Framework