



Appeal Decision

Site visit made on 4 July 2023

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 August 2023

Appeal Ref: APP/M2325/W/22/3310575

Land to the North of Preston New Road, Freckleton, Lancashire PR4 1HN

- 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 and Mrs Hardman against the decision of Fylde Borough Council.
 - The application Ref 22/0551, dated 13 July 2022, was refused by notice dated 31 August 2022.
 - The development proposed is the erection of up to two dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal relates to an application 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. 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 Issues

4. As matters of land use are undisputed by the main parties, this appeal for permission in principle is concerned with the location and amount of development. Accordingly, the main issues of this appeal are 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 location of the development would amount to inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - The effect on the openness of the Green Belt;
 - The suitability of the proposed development due to the amount of development proposed; and

- 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 required to justify the proposed development.

Reasons

5. The appeal site relates to a rectangular parcel of land located between the grounds of a residential property known as Harford, and a commercial car wash and sales business. The site measures approximately 0.2 hectares and is enclosed by mature hedging to the front and to both sides. The rear boundary is currently undefined, lying adjacent to additional land in the appellant's control which wraps around the rear of Harford. The site is served by an existing gated access off Preston New Road, close to the boundary with the adjacent commercial premises. The site is located within the Green Belt.

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 of the Framework states that new buildings are inappropriate in the Green Belt unless they fall within the given list of exceptions. Paragraph 149(e) includes limited infilling within villages.
7. Policy GD2 of the Fylde Local Plan to 2032 (incorporating Partial Review) 2021 (FLP) states that development proposals should be considered in accordance with national Green Belt policy as set out in the Framework. Neither the Framework, nor this policy provides a definition of 'limited infilling' or 'village'.
8. The appeal site fronts on to Preston New Road and is located outside of, but to the edge of the settlement boundary of Freckleton, as defined in FLP Policy GD1. The settlement boundary follows the northern most edge of Preston New Road. Most of the village, which is designated as a Local Service Centre, is located to the southern side of Preston New Road. This is a dual carriageway acting as a distributor road within the Borough. This road provides a strong physical boundary between development within the settlement boundary, and the development which extends along the roadside to the north.
9. Although a settlement boundary, as defined in the Local Plan, is a relevant consideration, it would not necessarily be determinative as to whether a site is located within a village for the purposes of Paragraph 149 of the Framework. In this respect, a decision as to whether or not a site is within a village is a matter of planning judgement taking the site's context into account.
10. I acknowledge that the appeal site is located within a ribbon of development, which has a frontage onto Preston New Road and abuts the defined settlement boundary. However, the character of the appeal site is such that there is a clear transition between the dense, more built-up pattern of development which defines to the edge of Freckleton and the more rural character evident as you leave the village. In particular, the development on Preston New Road, which is located beyond Waxy Lane, is more sporadic in its nature and forms an area of transition into the countryside beyond.
11. Accordingly, the character of the appeal site and its surrounding area is distinctly different to that which exists on the opposite side of the road. The properties on the opposite side of the road have no active frontage onto

Preston New Road. Visually, there is an absence of development in this location until you reach the roundabout at the entrance to the village. Only in this location, do you find a cluster of properties which face onto the road, on its southern side. These properties which are a considerable distance away from the appeal site and include Freckleton Village Memorial Hall, are closely related to development within the village. The dispersed ribbon of development in which the appeal site sits, has a distinctly different character to the development found within the above described part of the village.

12. The settlement boundary for Freckleton includes some land to the north of Preston New Road, which includes development which is found along Kirkham Road to the west of the appeal site. Much of the housing found on Kirkham Road, is traditional terraced or semi-detached housing, with some more recent examples of development interspersed. This part of the village, whilst acknowledged that it extends the village in a northerly direction, is not comparable in terms of its character or form to the appeal site.
13. I have had regard to the existence of a bus stop, providing public transport connections to Preston further to the east of the appeal site, and also to the existence of other services away from the core of the village. However, this would not materially increase the accessibility of the site.
14. I have also had regard to the status of Freckleton as a 'village', and whether the settlement is, or is not a village for the purposes of Paragraph 149(e). The Council briefly consider this in their Officer Report, but do not reach a firm view. Policy S1 of the FLP, which provides the settlement hierarchy for the Borough does not define settlements as towns or villages, but instead as Key Service Centres, Local Service Centres, Larger Rural Settlements and Smaller Rural Settlements. I find that these terms define settlements and see no reason why Freckleton, being a small settlement would not fulfil the term of village for policy purposes.
15. Despite this finding, whilst it is argued that the ribbon of development, in which the appeal site sits, forms part of the village, the degree of visual and physical separation by virtue of its location in relation to Preston New Road is sufficient for me to conclude that the site is not within the village. Further, the defined settlement boundary, although not in itself determinative is a material consideration to which I attribute substantial weight.
16. Turning to whether the development would be 'limited infilling', my attention has been drawn to FLP Policy GD4 which is concerned with development in the countryside and supports 'minor infill development'. However, Policy GD4, which relates to development in the countryside, does not relate to Green Belt Policy. This policy is therefore not applicable when considering the effect of Paragraph 149(e).
17. There is no formal definition of what constitutes limited infilling within the Framework, and the Council do not provide a definition in the development plan. It is therefore a matter of fact and planning judgement for the decision maker. It is reasonable to consider that limited infilling would be the infilling of a modest gap in an otherwise continuous built-up frontage. With this in mind, I have had regard to the nature and size of the development proposed, the location of the appeal site and its relationship to existing adjoining development.

18. The appeal site, although acknowledged to have a road frontage, would be sited within a relatively wide plot between the garden of Harford and the adjacent commercial premises, with its single storey building located 16 metres away from the site's eastern boundary. Harford, is set behind mature hedging which extends the full width of this property and across the front of the appeal site, contributing to its rural context. This contrasts with the continuous built edge of development found to the other side of Waxy Lane and closer to the village. The nature of development in this location is such that there is not an appearance of a continuous built frontage which is found elsewhere in the surrounding area, but rather the increased presence of gaps and open spaces contributing to its more rural character.
19. The appellant has drawn my attention to some appeal decisions, including the Midge Hall site, which also deal with the matter of infill. However, these schemes are located in different local authority areas, and I have only been provided with limited details of each proposal. In any event, as site specific contextual analysis is fundamental in concluding on these matters, I am unable to draw any clear and direct comparisons between these schemes.
20. Taking the above matters together, I find that the proposed development would not constitute limited infilling in that it would not infill a modest gap within a continuous built frontage.

Openness

21. Paragraph 137 identifies that a fundamental aim of the Green Belt is to prevent urban sprawl and keep land permanently open. The openness of the Green Belt has both spatial and visual dimensions. FLP Policy GD2 states that national policy should be applied and in considering the effect of the proposed development on openness of the Green Belt.
22. The appeal site is enclosed by mature hedging to the front and to both sides. However, the proposed development would result in the introduction of built development where there is presently none. Whilst I have not been provided with any detailed proposals for the development of the site, the introduction of any built features in this context would inevitably lead to a loss of openness.
23. Further, as I have found that the site is part of the open countryside rather than as part of the village, the development would lead to encroachment of development into the countryside and would therefore result in a loss of Green Belt openness. Consequently, the proposal would have a moderately harmful effect on the openness of the Green Belt.

Amount of development

24. Turning to the amount of development, the proposed development is for up to two dwellings on a site which measures approximately 0.2 hectares. This would result in an approximate density of 10 dwellings per hectare.
25. FLP Policy HL2 requires development to make efficient use of land, which would normally result in a minimum net density of 30 dwellings per hectare. However, this is a starting point, and the policy recognises that there may be factors which influence the suitable density of development for a site, including avoiding a detrimental impact on amenity, character, appearance, distinctiveness, and environmental quality of the surrounding area. This is

echoed in Paragraph 130(c) of the Framework which states that decisions should be sympathetic to local character.

26. Evidence submitted by the appellant supports the assertion that the proposal would be in keeping with the surrounding area, which includes analysis of neighbouring plot sizes. However, whilst the overall density of development might be broadly comparable with some of the larger surrounding properties, the submitted evidence also demonstrates that the area includes a range of plot sizes along Preston New Road where a higher density of development would also complement the area.
27. For the above reasons, I therefore conclude that the amount of development proposed would be a low density, in conflict with FLP Policy HL2.

Other Considerations

28. The proposed development would deliver up to two new homes and would therefore accord with Government's objective of significantly boosting the supply of homes in contributing to local housing supply. I am cognisant that the Council stated that existing housing commitments within the Borough will meet their housing needs. However, proposals for housing should not be subject to a maximum threshold and Policy GD2 and Paragraph 149(e) clearly supports residential development in line with the established exceptions. Accordingly, the contribution to housing supply is a benefit, albeit moderate due to the limited number of dwellings proposed.

Very Special Circumstances

29. The proposed development would be inappropriate development in the Green Belt. It would also lead to harm to the openness of the Green Belt. The Framework establishes that substantial weight should be given to any harm to the Green Belt, and development should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.
30. The other considerations before me carry only moderate weight, and therefore are of insufficient weight to amount to the very special circumstances necessary to justify the proposed development. Consequently, the proposal fails to adhere to the local and national Green Belt policies I have already outlined. There are also no material considerations that indicate that the appeal should be determined other than in accordance with the development plan.

Conclusion

31. Accordingly, as the location and amount of development would not be suitable in principle, the appeal should be dismissed.

K Lancaster

INSPECTOR