



Appeal Decision

Site visit made on 11 October 2023

by S Brook BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th December 2023

Appeal Ref: APP/F2360/W/23/3325369

Bridgend, Church Lane, Whitestake, Lancashire PR4 4LH

- 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 Mr McManus of Lanley Developments Ltd against the decision of South Ribble Borough Council.
 - The application Ref 07/2022/00638/OUT, dated 21 July 2022, was refused by notice dated 13 January 2023.
 - The development proposed is Outline Application for the erection of 7no. dwellings with access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Outline planning permission is sought, with access to be considered at this stage. I have determined the appeal on this basis. Whilst not formally part of the scheme, I have treated any details submitted with the appeal application relating to matters of appearance, landscaping, layout and scale as a guide to how the site might be developed.

Main Issue

3. The main issue is whether the proposed development would prejudice the Council's ability to manage the comprehensive development of the wider area of safeguarded land within which the appeal site is located, with particular regard to policy G3 of the South Ribble Local Plan¹ (LP).

Reasons

4. The appeal site comprises part of the land presently associated with the residential dwelling of Bridgend. It includes the existing access to the dwelling, an area of mown grass to the north, as well as an area of stables/manège and part of a tennis court to the east. There are fields adjoining the site to the east, as well as to the north and west beyond the railway line. Residential development is located to the southeast and southwest, with some industrial uses also present.
5. LP Policy G3 specifies that certain land within the borough will be safeguarded for future development, beyond the current Plan period. The appeal site lies within one such area, S3 – land south of Coote Lane, Chain House Lane, Farington. S3 incorporates a large tract of land extending to the east and west of the appeal site. The LP explains that such land is not required for

¹ South Ribble Local Plan 2012–2026, Adopted July 2015

- development within this plan period as sufficient land is identified elsewhere to meet requirements. In such locations, the policy states that existing uses should for the most part remain undisturbed, and that planning permission will not be granted for development which would prejudice potential longer term, comprehensive development of the land.
6. The supporting text to that policy sets out that the presumption against built development on these safeguarded sites will assist in directing development towards those areas allocated for such purposes, whilst also ensuring the permanence of the Green Belt. Additionally, it sets out that such land is intended to be kept free from new physical development and to be kept open at least during the Plan period or until the Plan is reviewed. However, some appropriate minor residential development adjacent to other properties will be considered.
 7. The appellant considers that LP Policy G3 is out of date. This is based on the Council now using the Standard Methodology (SM) to derive local housing need, which is a lower requirement than the figure set out originally in the development plan. Consequently, the existing quantity and distribution of safeguarded land is questioned.
 8. Whilst the Council's Officer Report (OR) does not confirm that this policy is out of date, neither has the Council disputed the matter, despite having had the opportunity to do so. The supporting information provided by the appellant indicates that the Council accepted that policy G3 was out of date in relation to a previous appeal², and I have been provided with no evidence to suggest that this position has changed.
 9. Nevertheless, even if LP Policy G3 is considered to be out of date, that does not necessarily mean it should be disapplied, but rather it is a factor in the weight afforded to it in the planning balance. In this regard, this policy remains consistent with paragraph 143 of the National Planning Policy Framework (NPPF) insofar as it requires that when defining Green Belt boundaries, plans should, where necessary, identify areas of safeguarded land between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period. Additionally, it states that plans should make clear that the safeguarded land is not allocated for development at the present time, and that planning permission for the permanent development of safeguarded land should only be granted following an update to a plan which proposes the development.
 10. Whilst the appeal scheme would not change the present land use, it would intensify it, introducing new and permanent physical development. As such, those parts of the appeal site that are presently open, would not be kept so.
 11. There is dispute between the main parties as to whether the appeal scheme could be considered as appropriate minor residential development adjacent to other properties. There is no definition of minor in LP Policy G3 and whilst I acknowledge that the appeal scheme falls below the definition of major development set out within the NPPF, the LP does not confirm that this is the intended interpretation of the policy. Therefore, a judgement is required in each case.

² APP/F2360/W/19/3234070

12. A number of residential schemes approved by the Council on safeguarded land have been provided by the appellant. These are all for single dwellings, and so the appeal scheme represents a larger scale of development than any of these examples. The site extends to 0.48ha and the indicative layout shows 7 detached dwellings in reasonably sized plots. The site history suggests the appeal site has previously come forward for development as part of a larger plot and whilst the scheme adjoins the host property to the south and west, it adjoins open land to the east. As such, whilst the appeal site is only a small part of the overall safeguarded allocation, I do not consider it represents appropriate minor residential development adjacent to other properties that would not have the potential to prejudice comprehensive development, as envisaged by LP Policy G3.
13. Both parties agree that future development could be made to work around the proposal. Whilst I acknowledge a spur leading from the appeal site through to the land to the east, without any further layout or masterplan showing the appeal scheme in the context of the wider allocation of safeguarded land, it is unclear how this conclusion has been reached. The information before me suggests that S3 consists of numerous parcels of land, some of which are physically separated by roads or railway lines, some which are subject to different ownership and land uses, which could result in development coming forward in a piecemeal fashion. Whilst not necessarily physically prejudicing development of the wider allocation, such piecemeal development would not be comprehensively considered, as required by LP Policy S3.
14. There is no physical reason before me to suggest that the appeal scheme could not come forward as part of a comprehensive development of the safeguarded land. I do not accept that differences in land use or land ownership would necessarily prevent this. There is no substantive evidence before me to support the suggestion that the number of landowners involved would prevent a comprehensive approach to development, or that this would result in the displacement of existing residents. The appellant argues that the intention of the policy is to safeguard the open fields that surround existing dwellings for future development, not existing dwellings themselves. However, the policy is not explicit in this respect and the host dwelling has substantially sized grounds, capable of accommodating multiple new dwellings, even if the host dwelling is to be retained.
15. Whilst I accept that this proposal is smaller than the previous appeal at Chain House Lane, nevertheless it extends to almost half a hectare and piecemeal development of this type, without any overarching framework or masterplan, would fail to ensure that the development of S3 was considered comprehensively, putting at risk the delivery of housing supported by the infrastructure and facilities deemed necessary to provide well designed places that function well.
16. The examples provided of where the Council has accepted residential development on safeguarded land are in different locations, where the relationship of those sites to the wider safeguarded land allocation will no doubt differ from the appeal scheme. As such, each proposal requires consideration in its individual context and so these examples do not lead me away from my findings on this main issue.

17. For the above reasons, the proposed development would prejudice the Council's ability to manage the comprehensive development of the wider area of safeguarded land within which the appeal site is located, contrary to LP Policy G3. There would be conflict with the requirements of Chapters 5 and 12 of the NPPF, insofar as they seek to ensure the delivery of housing to meet identified needs, supported by any necessary infrastructure and facilities, in order to achieve well designed places that will function well, and add to the overall quality of the area. The proposal would also conflict with NPPF paragraph 143, the purposes of which have been set out above.

Other Matters

18. There is a suggestion that the Council's approach to the appeal scheme would somehow challenge permitted development rights afforded to the host property under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). However, should the property benefit from such rights, then I see no reason why they would be affected.
19. The site is within flood zone 1 and the information before me does not suggest any technical issues with the appeal scheme itself, that could not be appropriately addressed through the imposition of conditions. No heritage assets are identified as being affected by the proposal and the appeal site is not within any landscape or ecological designation. Adequate waste facilities could be afforded to the new dwellings. Sufficient external amenity space would be retained for the host property. The Council's decision does not highlight any conflict with other LP policies, only LP policy G3. The proposal would likely improve visibility at the site access, however the same improvements could be achieved for the host property without the development proceeding, if so desired. These are neutral matters that do not weigh for or against the proposal.
20. A number of other matters have been raised by interested parties and I have taken them all into account. This includes matters such as increased noise and light pollution, increased traffic and highway safety issues, loss of countryside and trees, change to the character of the area, and poor living conditions resulting from the proximity to existing industrial premises. However, I note that these matters were considered where relevant by the Council at the application stage and did not form part of the reasons for refusal. Whilst I can understand the concerns of local residents, there is no compelling evidence before me that would lead me to come to a different conclusion to the Council on these matters.
21. The proposal would provide seven dwellings, in an accessible location, making a positive contribution towards housing supply. Additionally, it would contribute to the NPPF requirement for 10% of new homes to be built out on sites no larger than one hectare. There would be associated economic benefits during the construction phase. Landscaping could provide enhancement, albeit the full details of this are not available at this stage. These are all matters that collectively attract moderate weight.

Planning Balance

22. LP Policy G3 is the most important policy for the determination of this proposal and I have identified conflict with it, and so there is conflict with the Development Plan when taken as a whole.

23. For the reasons outlined above, LP Policy G3 is considered to be out of date. However, its purposes remain consistent with the NPPF in terms of safeguarding land between urban areas and the Green Belt in order to meet longer-term development needs stretching well beyond the plan period. There is no dispute between the main parties that the Council can demonstrate a 5-year housing land supply. Consequently, there is no housing land requirement to justify the release of safeguarded land at this time. As such, I afford significant weight to the conflict with LP Policy G3.
24. As the proposal is for residential development and as the most important policy for determination of the appeal scheme is considered to be out of date, NPPF paragraph 11d) is engaged. The proposal would not harm areas or assets of particular importance and provide a clear reason for refusing the development as set out in NPPF paragraph 11d) i. NPPF paragraph 11d) ii requires granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
25. The proposed development would contribute to achieving the NPPF aims of significantly boosting the supply of housing in an accessible location. However, the Council can demonstrate a 5-year supply of deliverable housing sites, and whilst I accept that this does not represent a ceiling for housing development, it reduces the weight afforded to the benefits, given that they could be delivered elsewhere.
26. These benefits would be achieved by utilising land safeguarded for future development. This land is safeguarded in order to ensure that Green Belt boundaries will not need altering at the end of the Plan period. Whilst the extent and distribution of safeguarded land that LP Policy G3 protects, may have been called into question, this would be a matter for detailed consideration and analysis in the plan-making process rather than for this decision. It remains that the Council can demonstrate the necessary supply of housing land at the present time, and so the release of safeguarded land lacks justification in advance of any review. As such, there would be conflict with NPPF Paragraph 143 in this regard.
27. Consequently, when the proposal is assessed against the policies in the NPPF taken as a whole, the adverse impacts of the proposal would significantly and demonstrably outweigh its benefits. The proposal would not therefore benefit from the presumption in favour of sustainable development.

Conclusion

28. The proposed development would conflict with the development plan, taken as a whole, and there are no material considerations, including the NPPF, worthy of sufficient weight, that would indicate a decision other than in accordance with it. The appeal should therefore be dismissed.

S Brook

INSPECTOR