



Appeal Decision

Site visit made on 23 January 2024

by J D Clark BA (Hons) DpTRP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 April 2024

Appeal Ref: APP/F2360/W/23/3328142

The Fields, Long Moss Lane, Whitestake PR4 4XN

- 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 Michael Ellis against the decision of South Ribble Borough Council.
 - The application Ref 07/2022/00182/OUT, dated 3 March 2022, was refused by notice dated 12 July 2023.
 - The development proposed is outline planning application with all matters reserved to create a passive house standard community of fourteen one and two bedroom bungalows. In addition integrating a park area to the north for the benefit of the community.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application is in outline and all matters have been reserved for later determination. However, site layout plans have been submitted together with floor and elevation plans and access details. They are not marked as indicative but the Council has determined the planning application on that basis. The statement of appeal also identifies the outline planning application as having all matters reserved. I have assessed the appeal as applied for on the application form with all matters reserved.
3. Although the description on the planning application form is as set out in my summary box above, the decision notice states - Outline permission with all matters reserved for the erection of 10 no retirement bungalows, in addition to open space amenity land. The plans submitted also include reference to plots 11-14 being omitted. The appellant's statement also refers to 10 dwellings. In the interests of clarity, I have taken the description on the decision notice as the basis for my assessment of this proposal.
4. The appellant is identified as Mr Micheal Ellis on the appeal form. I have however taken the appellant's name from the planning application form and as referred to in the appeal statement.
5. A revised version of the National Planning Policy Framework (the Framework) was published in December 2023 and is a material consideration in this appeal. Having considered the revisions to the Framework, as well as the principles of natural justice, together with the nature of the determining issues in this appeal it is clear to me that there are no material changes in the revised

Framework relevant to the substance of this appeal. I have consulted with the main parties but no further comments have been received.

Main Issue

6. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

7. The semi-rural character of the area is defined by development within the built-up parts of the settlement, the open countryside beyond the settlement and an area of open land bounded by residential properties. The area of open land contributes positively to the character of the area by providing a visually open and natural space in an otherwise built-up part of the settlement. The appeal site comprises part of this open land where the proposal is to erect ten bungalows.
8. The appeal site is part of an area allocated within the Local Plan¹ as Protected Open Land although part of the allocation includes two properties, Manor Barn and The Fields, Long Moss Lane. The larger part of the allocation however is open and undeveloped as described above. Local Plan Policy G4 establishes a presumption against inappropriate development on Protected Open Land, permitting development only where it is required for the purpose of agriculture; uses appropriate to a rural area; or it involves the re-use of existing buildings. The proposal would not fall within any of these permitted uses.
9. The purpose of the policy is to retain openness and the natural character of the area and to protect it from development. The proposal would result in a substantial part of the Protected Open Land being developed leaving a much smaller area undeveloped. The appellant has suggested that the remainder of the Protected Open Land, which lies outside the appeal site, would be used to create a park or amenity area to maintain the open space and be of benefit to local residents. This would not however satisfactorily mitigate the loss of the Protected Open Land. Given that the area is otherwise surrounded by residential development and the positive contribution that the appeal site makes towards the semi-rural character of the area, the proposed loss of this open space would be harmful to the character and appearance of the area. Moreover, it would conflict with Policy G4.

Other Matters

10. The appellant states that the proposal would provide ten retirement bungalows which would be accessible for wheelchairs and those with disabilities for which there is a need for in an area where there is an aging population. Furthermore, various documents are referred to² that indicate the Council's objectives to bring forward a range of housing for older and vulnerable people, lifetime homes, bungalows, adapted homes and purpose built care provision. The appellant also refers to retirement villages and his aim to achieve this on a smaller site (a Retirement Village would typically comprise a much larger development and include a range of community facilities).

¹ South Ribble Borough Council Local Plan, Adopted July 2015.

² For example, Housing for the Elderly Charity Report and the South Ribble Housing Framework are quoted but no documents bearing these titles have been submitted.

11. However, although there may be a need for bungalows as stated, the site is not of a sufficient size to create a retirement village and even if the proposal was aimed at a specific age group, there is no mechanism in place to secure this. The appellant states that the occupiers of the bungalows would have access to the existing village facilities, shops, restaurants, pubs and the wider bus network. In any event, although ten dwellings would contribute towards the provision of bungalows in the area, that provision would not be of a scale to overcome the harm I have identified.
12. The appellant suggests that the Council does not have a five year supply of housing land for this type of development but I have no evidence to support this view. The Council make no reference to its supply of housing land although it acknowledges that the proposal would make a contribution towards its housing needs. Furthermore, the housing land supply test in the Framework does not relate to types of development but to housing sites as a whole. I therefore have no evidence that there is a shortfall in housing land supply. I have found that any contribution towards a specific housing sector, such as the elderly, would not be of a size to overcome the conflict with the Local Plan Policy, as explained above.
13. The bungalows are described as being built to passive house standards. However, there is no indication as to whether the bungalows would be constructed to a standard above that which would be required through Building Regulations. Whilst the appellant has stated an intention to encompass zero carbon policies, other than incorporating high energy efficiency standards, there is little evidence that would support setting this development apart from any other sufficient to overcome the harm set out in my main issue.
14. The proposal includes reference to the land to the north providing amenity open space for the benefit of the local community, that would also form part of a Biodiversity Net Gain area that would secure habitat creation. The appellant states that the number of bungalows was reduced from the initial 14 referred to above to 10, in order to increase the area for environmental management. However, no mechanism is in place that would secure this and therefore as a means to overcome the loss of a large area of the existing open space, the weight I can afford it is limited.
15. Other matters have been raised including the reference to infilling although in policy terms this is usually referred to in the context of development in the Green Belt. It is not applicable here. The appellant considers that infilling should be considered in a wider context of infilling a gap between buildings. However, whilst an area of the site closest to its boundary with Long Moss Lane appears as a gap between residential properties, the site overall is much larger and wider than this, opening out into a substantial area of Protected Open Land. I do not therefore consider that the appeal site could be described as infilling and, in any event, Policy G4 makes no such exception and no other policy in the Local Plan has been referred to that would justify such a development on this basis. Moreover, the Framework makes no specific provision in this regard. I note that reference is made to other decisions by the Council where development has been permitted but the evidence necessary to support this argument is not before me.

16. I note the appellant's reference to the decision making procedure in the Council's determination of the planning application but this does not alter my assessment of this proposal.

Conclusion

17. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.

J D Clark

INSPECTOR