



Appeal Decision

Site visit made on 23 April 2024

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 31 May 2024

Appeal Ref: APP/V4250/W/23/3335061

Land North of 1 Black Horse Croft, Arbour Lane, Standish, Wigan WN6 0YP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by J, E, R and C Whalley, Bithell, Higham, Higham against the decision of Wigan Metropolitan Borough Council.
 - The application Ref is A/22/94839/PIP.
 - The development proposed is permission in principle for the erection of up to 5 dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The revised National Planning Policy Framework (the Framework) was published on 20 December 2023, which is after the appeal was made. It is a material consideration in the determination of the appeal. The revisions do not appear directly relevant to the main issues in the appeal. Moreover, on the basis that the main parties are aware of the revised Framework, I am satisfied that the interests of neither party would be prejudiced by the changes.
3. The Places for Everyone Joint Development Plan Document for Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan 2022 to 2039 (the PfE) was adopted on 21 March 2024. The PfE is the development plan for the purposes of the appeal and it supersedes the policies in the Wigan Local Plan Core Strategy Adopted September 2013. The main parties are aware of the PfE and have been provided with the opportunity to comment on the implications of it to their cases through the appeal process. They have advised that the relevant PfE policies do not alter their cases.
4. 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.
5. 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.

6. An illustrative plan has been provided to demonstrate how five dwellings could be accommodated at this site. However, the permission in principle stage does not consider matters of appearance and layout and I have treated the submitted plans as indicative only.

Main Issues

7. The main issues are:

- i) Whether the proposal would be inappropriate development in the Green Belt, having regard to the Framework and any relevant development plan policies;
- ii) The effect of the proposal on the openness of the Green Belt; and
- iii) If the proposal is inappropriate development, 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 or not inappropriate development

8. The appeal site is a large parcel of undeveloped greenfield land to the east of Arbour Lane. It lies between the car park of the Charnley Arms Public House (PH) to the north and Black Horse Croft (BHC), which is a small residential development to the south. It is outside the settlement of Standish, in the countryside and the Green Belt.
9. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
10. Policy JP-G9 of the PfE sets out that the beneficial use of the Green Belt will be enhanced where this can be achieved without harm to openness, permanence or its ability to serve its five purposes as set out in national policy. Paragraph 154 of the Framework advises that the construction of new buildings will be inappropriate in the Green Belt unless it meets one of several listed exceptions, including paragraph 154e) limited infilling in villages.
11. The Framework does not define 'village' or 'limited infilling'. However, as noted by the Council, infill development generally refers to the filling of a small gap in an otherwise built-up frontage.
12. The appeal site is within the Standish Neighbourhood Area (SNA), as defined in the Standish Neighbourhood Plan 2015-2030 Adopted July 2019 (the NP). However, the SNA includes not only the settlement of Standish but also large swathes of the surrounding countryside. Nevertheless, while the appeal site is in the countryside, case law has established that the boundary of a village in a local plan is not necessarily determinative for the purposes of establishing whether a site is within a village.
13. Arbour Lane loops to the south of the A5209 and it encloses an area of countryside that includes the appeal site. There is a ribbon of residential development where its eastern end meets the A5209. Elsewhere, Arbour Lane

passes through open countryside with scattered development including farmsteads.

14. The PH forms part of a built-up frontage along the A5209 in Standish. However, the PH buildings are widely separated from the appeal site by the intervening car park. The car park tapers along Arbour Lane with only its narrowest point meeting the appeal site. It is well screened from the road and the adjoining countryside by dense boundary vegetation. As a result, the hardstanding is not conspicuous and the screening vegetation results in a visual transition between the urban built form and the countryside rather than having the appearance of a built-up frontage.
15. The southern boundary of the appeal site adjoins BHC, a former rural farmstead comprising a cluster of buildings including 3 new dwellings set back from the road behind the farmhouse and outbuildings. The farmhouse is widely separated from the next neighbouring dwelling, Croftlea, by the large farmhouse garden with its long sweeping roadside boundary hedge.
16. In contrast to the urban form of the settlement, this part of Arbour Lane is characterised by irregularly sited and spaced buildings that are more typically rural in character and appearance. The sporadic buildings are widely separated by vegetated gaps, including fields and garden land, which connect visually to the surrounding open countryside. Consequently, there is a distinct change and a rural character to the south of the busy A5209 and its urban environs.
17. The appeal site is a relatively large field with a roadside boundary of around 70m formed from a mature boundary hedge with hedgerow trees. Viewed in conjunction with the mature planting to the north, the appeal site forms part of a wide gap between the PH buildings and the BHC site. There is a plant nursery and garden centre close to the Arbour Lane junction on the opposite side of the road. However, most of the opposite roadside boundary abuts farmland, as does the rear of the appeal site. Consequently, the appeal site is physically, functionally and visually related to the surrounding countryside.
18. The appeal site is conveniently located so that occupiers could access shops, services and community facilities on foot. Future occupiers would be likely to consider themselves as part of the wider Standish community. Nevertheless, taking into account the rural context and the physical and visual separation of the appeal site from the urban settlement edge, I find that the appeal site is not in the developed village envelope. The appeal site is part of a very wide gap between the PH and BHC former farmstead. However, taking into account the dense vegetation to the north and the separation between Black Horse farmhouse and Croftlea, the appeal site is not part of a built-up frontage. Consequently, irrespective of whether or not 5 dwellings would be a limited amount of development, the proposal would not be limited infilling in a village.
19. The indicative plan illustrates that each new dwelling would have a relatively generous plot, in keeping with the plot sizes of the BHC dwellings. However, the former farmstead is not within the village envelope and the indicative plot sizes do not demonstrate that the appeal site is in a village.
20. Therefore, I conclude that the proposal would not be limited infilling in villages. It would not meet the exception set out in Paragraph 154e) of the Framework. It would be inappropriate development in the Green Belt, in conflict with PpE Policy JP-G9 and the policies in the Framework that protect the Green Belt.

Openness

21. The Framework advises 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 therefore their openness and their permanence. Openness is the absence of development and it has both spatial and visual aspects
22. In this case, the proposal would be the erection of up to five dwellings. Even in the absence of details, it is safe to say that the residential development would result in a significant quantum of buildings and hardstanding. This would result in a moderate spatial loss of openness.
23. In addition to new buildings and internal access roads and driveways, there would be residential boundaries and gardens with associated paraphernalia, the parking of vehicles and significant residential activity. Due to the local topography, the appeal site is widely visible from locations in the surrounding area. Even allowing for limited views through gaps between dwellings, there would be a significant change to the character and appearance of the site. The urbanisation of the countryside would result in an adverse visual impact and there would be a moderate visual loss of openness.
24. Consequently, the proposal would result in a significant and permanent spatial and visual impact on the openness of the Green Belt. Taking into account the scale of the proposal, there would be a moderate and harmful loss of openness of the Green Belt.

Other Considerations

25. The adjacent BHC development¹ comprises 3 dwellings following the demolition of existing buildings. There are also recently approved² stables and garaging at the farmhouse. Full details of those schemes are not before me. However, the redevelopment of a brownfield site and replacement buildings is not directly comparable to the proposed residential development of undeveloped land and it does not provide a justification for it nor weigh in its favour.
26. My attention has been drawn to allowed appeal decisions³ in the Green Belt elsewhere. For reasons set out below, I find that neither case is directly comparable to the appeal proposal and they do not weigh in its favour.
27. The Fellbridge scheme relates to the demolition of a large detached dwelling and outbuildings, the erection of 8 detached houses and the subdivision of the curtilage. The local plan policy potentially allowed for infilling within a substantially developed frontage provided it did not subdivide the curtilages to a size below that prevailing in the area. A consideration of plot sizes therefore formed part of the Inspector's reasoning. However, that site is in a defined village in the Green Belt, on a continuously developed road with development to an equivalent depth to the side of it and backing onto development rather than open countryside. It therefore differs from this appeal which relates to an undeveloped green field site largely surrounded by undeveloped land.

¹ Refs: A/18/85284/OUT outline application and A/20/88972/RM reserved matters application.

² Ref: A/21/91496/NMAS

³ Refs: APP/M3645/W/16/3141780 Fellbridge and APP/P2365/W/19/3235741 Bescar Goods Yard

28. The Bescar appeal relates to infill development at a former railway goods yard adjacent to the railway line and railway station. The site is outside the settlement boundary, but the Inspector found that an arbitrary boundary line would not prevent members of the community on either side of it from sharing activities. However, the Inspector also took account of the rural context of the settlement and the physical and visual relationship of the site to surrounding buildings. It therefore differs from the proposal, which is not previously developed land or in close proximity to buildings in the settlement of Standish.
29. The Council's officer report and the decision notice are clear that the proposal would not be limited infilling in villages. However, there is a typographical error in the officer report where the Council concludes that on balance the site would constitute infill development. The Council confirms that this should state that it would not be infill development. The appellants consider this is an unfortunate mistake given the planning matters. However, the Planning Statement and the appeal statement set out the appellants' position in relation to both limited infilling and villages. Therefore, the interests of the parties would not have been prejudiced by the error and it does not weigh in favour of the scheme.
30. There are several third party objections to the proposals. I understand that a large number of new homes have already been constructed in Standish. Even so, the contribution of up to 5 new dwellings towards the Government's objective of significantly boosting the supply of housing would weigh to a small degree in favour of the scheme. Impacts on biodiversity, including European protected species, drainage and flooding, and access via the private road that serves BHC are matters that would be considered as part of a subsequent application. Therefore, while I acknowledge concerns in these regards, these matters carry neutral weight.

Green Belt Balance

31. I have concluded that the proposal would be inappropriate development in the Green Belt, in conflict with the local and national policies that protect the Green Belt. It would result in a harmful loss of openness of the Green Belt. These matters attract substantial weight.
32. There are no other considerations that would clearly outweigh the harm to the Green Belt by reason of inappropriateness and loss of openness. Therefore, the very special circumstances necessary to justify the proposal do not exist.

Conclusion

33. For the above reasons, I conclude that the site is not suitable for residential development, having regard to its location, the proposed land use and the amount of development.
34. Therefore, I conclude that the appeal should be dismissed.

Sarah Manchester

INSPECTOR