



Appeal Decision

Site visit made on 25 June 2024

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 2 July 2024

Appeal Ref: APP/D2320/W/23/3331978

Land to the east of Friths Court, Gregson Lane, Brindle PR5 0ED

- 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 Dr S Mclynn (Steven Abbott Associates LLP) against the decision of Chorley Borough Council.
 - The application Ref 23/00280/PIP, dated 28 March 2023, was refused by notice dated 24 May 2023.
 - The development proposed is permission in principle for a minimum of 5 no. dwellings and a maximum of 7 no. dwellings.
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Decision

1. The appeal is allowed and permission in principle is granted for residential development comprising a minimum of 5 and a maximum of 7 dwellings at land to the east of Friths Court, Gregson Lane, Brindle PR5 0ED in accordance with the terms of the application 23/00280/PIP, dated 28 March 2023.

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 permitted¹. 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.
4. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework). Those parts of the Framework most relevant to this appeal have not been amended. As a result, I consider that there is no requirement for me to seek further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by my taking this approach.

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

Main Issue

5. 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

6. The appeal site comprises an area of open land adjacent to the residential development of Friths Court in Gregson Lane, falling outside, but at the edge of, the Green Belt. The area is primarily residential in nature but, due to the surrounding open land, retains an overall rural feel. The proposal seeks permission in principle to erect between 5 and 7 dwellings at the site.
7. The main parties agree that, on the basis of its location, land use, and amount of development, the proposal would represent a small scale, infill housing development in an established residential area that would not conflict with any local or national planning policies. Based on my observations and the evidence before me, I have no reason to disagree and there is nothing substantive to suggest that the appeal site would not be suitable for residential development.
8. For the reasons given, the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development.

Other Matters

9. Reference has been made to planning permissions 01/00617/FUL and 02/00698/FUL for the development of 12 properties on land adjacent to the site. These permissions contained a condition that stated that the appeal site shall be retained as open land at all times in the future. The reason given for this condition was to provide an area of open land adjacent to the Green Belt to ameliorate the impact of the approved development.
10. However, I have found that the proposal would not result in harm or conflict with local or national planning policies. This position is not altered by the existence of a condition on other permissions. As such, I attach limited weight to this planning condition in my assessment of the scheme before me. It is a matter for the main parties to decide between themselves whether the condition attached to the previous permissions should be maintained.
11. I note the concerns of interested parties, including regarding character and appearance, highway safety, flooding, land stability, biodiversity, climate change, impact on services, and health and wellbeing. These concerns were also raised during the application stage and did not form part of the Council's reason for refusal. There is no substantive evidence before me to come to a different conclusion to the Council on these matters at this stage. In any event, these will be matters for detailed consideration at the Technical Details Consent stage when full details of the proposal will be required.
12. I also note that the land is currently designated for agricultural use and that interested parties have alleged a lack of need for further market housing in this location. Nevertheless, it remains for the reasons outlined above that I have found the proposal would not result in harm or conflict with local or national policies. Interested parties have also expressed concerns that the proposal would result in a precedent. However, each application is to be decided on its own merits, as I have done in this case.

Conditions

13. I note that the Council has suggested planning conditions. However, it is not possible for conditions to be attached to a grant of permission in principle and its terms may only include the site location, the type of development and amount of development. Conditions may be attached to any approval at the technical details consent stage. Where permission in principle is granted by application the default duration of that permission is three years.

Planning Balance and Conclusion

14. The main parties agree that the Council cannot demonstrate the required housing land supply and paragraph 11(d) of the Framework is engaged.
15. The proposal would contribute to the housing supply of the area, in a sustainable location alongside established residential dwellings. It would also have economic benefits in contributing to the local economy by providing construction jobs, potential for purchase of local materials, and new customers to surrounding shops thus enhancing and maintaining the local services. In addition, the proposal would not conflict with local or national policies.
16. Even acknowledging the limited weight I have attached to planning conditions requiring the appeal site to remain open, no adverse impacts have been identified that would significantly and demonstrably outweigh the benefits of granting permission when assessed against the policies in the Framework taken as a whole.
17. For the reasons set out above, I conclude the appeal should be allowed.

C Rafferty

INSPECTOR