

Appeal Decision

Site visit made on 20 August 2024

by Helen Hockenhull BA (Hons) B.PI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 September 2024

Appeal Ref: APP/P2365/W/24/3343353

Land North of Electricity Substation, Mossy Lea Road, Wrightington, Lancashire, WN6 9RY

- 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 United Utilities against the decision of West Lancashire Borough Council.
 - The application Ref is 2023/1002/PIP.
 - The development proposed is Application for Permission in Principle - Erection of a maximum of two dwellings.
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Decision

1. The appeal is allowed and permission in principle is granted for the erection of a maximum of two dwellings at land north of Electricity Substation, Mossy Lea Road, Wrightington, WN6 9RY in accordance with the terms of the application, Ref 2023/1002/PIP, dated 2 November 2023.

Applications for costs

2. An application for costs was made by United Utilities against West Lancashire Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The proposal is for permission in principle (PiP). 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 two 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 two stages.
4. 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.
5. The original planning application refers to the appellant as United Utilities, however the appeal form states the appellant is United Utilities Property Services. For clarity, I have used that stated on the original application form in the banner heading above.

Main Issues

6. 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

7. The appeal site forms a greenfield plot of around 0.15 hectares to the east of Mossy Lea Road in Wrightington Bar. It lies in a residential area within the settlement boundary of the village.
8. Wrightington Bar is defined in West Lancashire Local Plan Policy SP1 as a Small Rural Village. Policy RS1 permits limited infill, up to 4 dwellings within such settlements. The proposal is for two dwellings on an infill site within the settlement and is therefore compliant with the above policy. Policy RS1 also sets out a minimum density of 30 dwellings per hectare subject to specific site context. The appeal proposal equates to a density of around 13 dwellings per hectare. However, giving consideration to the rural village location of the site, and the need to consider topography and the amenity of adjoining residential dwellings, I am satisfied that the amount of development proposed is acceptable and therefore policy compliant.
9. The site is in an accessible location with Mossy Lea Road forming a bus route; a bus stop lies immediately adjacent to the site. Local facilities are available in Wrightington village centre and in the nearby village of Heskin.
10. The Council's reason for refusal states that the proposal conflicts with Policy EN3 (v) and (vi). This Policy seeks to provide green infrastructure and open recreation space. In paragraph 9.28, the Plan defines green infrastructure as including parks, sports facilities, play areas, natural and semi natural open spaces, footpaths, green corridors, allotments and the inland waterways and canal network. The main focus of the policy is to enhance and safeguard existing green links, create new and accessible green infrastructure, protect open space and facilities with a recreational value, provide open space in new development and protect designated countryside recreation sites.
11. Part v) of the policy seeks to prevent development on open spaces that contribute to the distinctive form, character and setting of a settlement. Part vi) aims to safeguard open space which is a focal point within the built-up area.
12. The appeal site is a small piece of vacant land in the settlement. It is not publicly accessible and has no recreational value. Furthermore, it does not meet the definition of open space in the Town and Country Planning Act 1990, which describes open space as any land laid out as public garden, or used for the purpose of public recreation, or land which is a disused burial ground. The appellant has commented that the appeal site is not denoted as being subject to Policy EN3 in the Local Plan Policies Map, unlike the Mossy Lea children's play park approximately 400 metres to the south. I therefore conclude that Policy EN3 does not apply in this case.
13. Notwithstanding the above, if it were to apply, Wrightington Bar forms a linear settlement along a main spine road. The development of the appeal site for two dwellings would be consistent with the character of the settlement.

The site does not make a significant contribution to the setting of the village, which is defined by the open countryside which surrounds it. The proposal therefore does not in my view conflict with part v) of Policy EV3. During my site visit, I struggled to identify a focal point for the village, though it could possibly be argued that the public house serves this purpose. Nevertheless, the appeal site itself does not form a focal point within the built up area. Part vi) of the policy is therefore not relevant.

14. The Council advises that their Open Space Study conducted in 2018 found a shortage of open green space in the Eastern Parishes of the Borough. However, the study goes on to state that the Parish Council in Wroughtington considers there is sufficient open space to meet the needs of the community. Having regard to the site's lack of recreational value, its loss would not be unacceptable in terms of open space provision in the village.
15. Given the above, I find that the appeal site is suitable for residential development, having regard to its location, the proposed land use and the amount of development proposed. The development complies with Policies SP1, GN1 and RS1 of the Local Plan which seek to achieve sustainable development.

Other Matters

16. The Council's reason for refusal references paragraph 135b) of the National Planning Policy Framework (the Framework) which requires planning policies and decisions to ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. The appeal relates to a PiP where details of design and layout form matters for the Technical Details Consent. This paragraph in the Framework is therefore not applicable at this stage where the principles of development are being considered.
17. I acknowledge that the Council's concern relates to the impact on the visual character and appearance of Mossy Lea Road. Such matters are relevant to whether the site is suitable for development. The site is well screened by existing hedgerow, trees and shrubs on the site boundary with Mossy Lea Road and also on the southern boundary along the access to the electricity sub station. The retention of these features, to maintain the visual amenity of the area can be addressed at the Technical Details Consent stage and secured by appropriate conditions.
18. I note that there is a milestone on the site boundary with Mossy Lea Road which forms a Grade II Listed structure. Whilst the development does not affect it directly, it will have an impact on its setting. This can be addressed at the Technical Details stage to ensure its significance is not harmed.

Conditions

19. Planning Practice Guidance (PPG) makes clear that it is not possible for conditions to be attached to a grant of permission in principle, whose terms may only include the site location, the type and amount of development. The PPG sets out that where permission in principle is granted, the default duration of that permission is three years.

Conclusion

20. For the reasons given above, and having had regard to all matters raised, I allow this appeal.

Helen Hockenhull

INSPECTOR