



Appeal Decision

Site visit made on 23 October 2024

by S Brook BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 November 2024

Appeal Ref: APP/F2360/W/24/3342311

Land at Oswald House, Gill Lane, Longton, Preston PR4 4SS

- 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 Mr Jonathan Kay against the decision of South Ribble Borough Council.
 - The application reference is 07/2023/00716/PIP.
 - The development proposed is described as the erection of up to two dwellings and associated development.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Jonathan Kay against South Ribble Borough Council. This application is the subject of a separate decision.

Preliminary Matters

3. The proposal is for permission in principle. The 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 (TDC) 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 TDC application, if permission in principle is granted. I have determined the appeal accordingly.
5. Since the appeal was lodged, the government has published "Proposed reforms to the NPPF and other changes to the planning system", the "National Planning Policy Framework: draft text for consultation", and the Secretary of State's written ministerial statement entitled "Building the homes we need" (WMS). Both parties have had an opportunity to comment on these documents so have not been prejudiced by this change. I have thus had regard to these documents and any comments received in determining this appeal.

Main Issues

6. The main issues are:

- Whether the location, the proposed land use and the amount of development is suitable, having particular regard to whether the proposed development would be inappropriate development in the Green Belt, taking into consideration any relevant development plan policies and the National Planning Policy Framework (the Framework).
- If the development is inappropriate, the effect of the proposal on the openness of the Green Belt; and
- Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

7. Policy G1 of the South Ribble Borough Council Local Plan (Adopted July 2015), (LP), states that planning permission will not be given for the construction of new buildings in the Green Belt unless there are very special circumstances, subject to a number of exceptions.
8. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to those exceptions at paragraph 154.
9. Exception e) of both Framework paragraph 154 and LP Policy G1 is for limited infilling in villages. This is the exception under which the Council considered the proposed development. Neither party has suggested that the proposal would benefit from any other exceptions of the Local Plan or Framework, and from the information before me I have no reason to disagree.
10. The appeal site relates to part of a field that extends up to Gill Lane. To the west of the appeal site, there is a row of three dwellings. To the immediate east is Oswald House, with a plant nursery beyond this. Further fields lie directly north and south. The wider area along Gill Lane is characterised by a mix of agricultural, horticultural and commercial buildings, as well as dwellings, set intermittently among open fields. Mature trees and hedgerows are a common feature.
11. The Council has clarified in its Statement of Case that it considers the proposal to comprise 'limited infilling'. The frontage of the appeal site along Gill Lane extends to approximately 42m. The indicative layout plans suggest that two dwellings could be accommodated along this frontage in a manner not too dissimilar to the layout and arrangement of existing residential properties. Two dwellings on this site would be a limited scale of development that would infill a relatively modest gap between existing houses along this part of Gill Lane. As such, from the evidence before me, I have no reason to disagree with the Council on this matter.
12. However, there is dispute between the main parties as to whether the appeal site is in a village. There is no definition of what constitutes a village in either

the Framework or the Local Plan and I am directed to case law¹ highlighting that a village boundary defined in a Local Plan may not be determinative in defining a village. Villages come in differing forms, and so it is necessary to consider the physical characteristics of the site and its surroundings on the ground. A judgement is required in each case.

13. The appellant's Planning Statement suggests that the site is located at Longton, while the Council indicates that the closest village is Walmer Bridge to the west. Longton lies to the north of Walmer Bridge and appears to lie further away from the appeal site than Walmer Bridge, separated from it by open fields with sporadic development to either side of the A59 Longton bypass. The appeal site could not be considered to be in the village of Longton.
14. When travelling west along Gill Lane from the A59, open fields lie between the A59 and the more densely developed part of Walmer Bridge village. When travelling east along Gill Lane from the A59, towards the appeal site, open fields adjoin the road to the north, while to the south there is a relatively consistent line of mostly houses for some distance, before the built form gives way to open fields. Closer to the appeal site, as described above, intermittent buildings are set amongst open fields with hedgerows.
15. From along Gill Lane, views are possible across surrounding agricultural land. While the road has streetlights, telegraph poles, and a footway to the south, the intermittent pattern of development set amongst open fields with hedgerows interspersed with mature trees, gives the area a predominantly rural character. This is a notable change in character over some distance from the more densely built-up area of Walmer Bridge village. The appellant acknowledges that the appeal site is remote from the village of Walmer Bridge and that it is connected by sporadic development. Given the change in character, the appeal site could not be considered to be in the village of Walmer Bridge, nor on its edge.
16. Further, given the limited number and sporadic arrangement of intermittent buildings along this part of Gill Lane, set amongst open fields, this existing development could not be considered a ribbon of development sufficient to comprise a village in its own right.
17. Consequently, the proposed development would not comprise limited infilling in a village. It would amount to inappropriate development in the Green Belt, conflicting with LP Policy G1 and paragraph 154 of the Framework. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Openness

18. Exception e) of paragraph 154 of the Framework does not contain any requirement to assess the impact of a proposal on the openness of the Green Belt. However, as I have concluded that the proposal would not meet this exception, and it would be inappropriate development in the Green Belt, it is necessary to go on and consider the impact of the proposal on the openness of the Green Belt.

¹ Julian Wood v The Secretary of State for Communities and Local Government, Gravesham Borough Council [2015]

19. The appeal site comprises flat grazing land, forming part of a field that extends some distance back from Gill Lane. While existing houses flank the appeal site to either side, the site itself is presently free from any built form and so it is open. While the site frontage is mostly lined by hedgerow, the openness of the appeal site can be appreciated from its north-west corner. No boundary treatment presently defines the southern boundary of the appeal site, so open views through and across the site to the remaining field are possible, towards the mature belt of trees further south. As such, the appeal site's openness is readily apparent.
20. The Framework establishes that the essential characteristics of Green Belts are their openness and their permanence. While no detailed plans are before me at this stage, the introduction of up to two dwellings on the appeal site where there is presently no built form, would diminish the openness of the site to a significant degree, eroding the contribution the site makes to the openness of the wider area. Consequently, I find that the proposal would harm the openness of the Green Belt. The Framework indicates that substantial weight should be given to any harm to the Green Belt.

Other Considerations

21. As part of the appellant's evidence, I have been provided with a number of examples of development involving new dwellings in the Green Belt, given planning permission by the Council, where it was necessary to consider whether each development was in a village for the purposes of exception e) of paragraph 154 of the Framework and LP Policy G1. The appellant suggests that these examples demonstrate the Council's approach to what should be considered a village, providing justification for the proposal.
22. Given its location, of most relevance to the appeal scheme is the grant of outline planning permission for a dwelling on the car park to the front of Whitegate Farm Nurseries² (WFN), which lies to the opposite side of Oswald House from the appeal site.
23. In the Council's Officer Report (OR) for the development at WFN, the site was considered in relation to the village of Longton, while I am advised that the nearest village to the appeal site is Walmer Bridge. The OR stated that WFN was not in the village of Longton. It went on to state that it was within close proximity to that village and could be considered to be edge of settlement, concluding that it was sustainable in its location. This appears to conflate more than one issue as sustainability of location is not referenced in the relevant exception criteria for buildings in the Green Belt within the Framework or LP Policy G1. Further, the village of Longton lies some distance away from WFN and there is little explanation as to why the Council considered WFN to be on the edge of this village. From the information before me, I find the Council's assessment of the proposal at WFN against exception e) of paragraph 154 of the Framework and LP Policy G1 to be unclear in its reasoning and puzzling in its conclusions.
24. Having considered the physical characteristics of the appeal site and its surroundings, which are shared by WFN, to my mind, neither proposal could be considered to be in a village. As such, albeit a material consideration, this existing planning permission does not lead me away from my earlier findings

² 07/2021/00949

on this matter, and my duty to determine the appeal in accordance with the development plan. I appreciate the importance of consistency in the decision-making process and I acknowledge that case law³ has established that in the exercise of planning judgment a relevant consideration may be the local authority's own approach to similar applications in the locality. However, given my observations on the previous decision set out above, it would be irrational for me to allow a development that did not accord with national and local policies.

25. Further examples include residential development allowed by the Council at other locations including Whitestake, Penwortham, Hutton, Samlesbury, and Farrington Moss, and I have considered these examples carefully. While some appear to share physical similarities with the appeal site, there are differences also. At Parker Lane⁴, albeit there is a field directly north, the linear built form extending south from Chain House Lane appears more consistent than that along Gill Lane. The built form appears to be more frequent along Grange Lane⁵ and along New Preston Way⁶ also. At Pope Lane⁷, the extent of built development extending south from Penwortham appears to include commercial buildings, a housing estate on the former business park, and further housing extending south. The examples at Lodge Lane⁸ and Skip Lane⁹ appear to differ in their proximity to nearby villages, in comparison to the appeal scheme.
26. I highlight these differences only to demonstrate that any decision as to whether or not a site lies in a village requires an assessment of each situation on the ground, and not to verify the Council's decision to allow these examples as Green Belt exceptions. While there may be some similarities between the appeal scheme and the above examples, there are differences also, and so it remains necessary for a judgement to be made on the individual circumstances of each case. As such, these other examples in differing locations do not alter my findings that the appeal scheme does not comprise infilling in a village.
27. The delivery of up to two additional dwellings would make a small but positive contribution towards the Government's objective of significantly boosting the supply of homes as set out at paragraph 60 of the Framework, and building the homes we need as set out in the recent WMS. It would also deliver some support to the local economy during the construction stage. The WMS states the importance of sustained economic growth in improving the prosperity of our country and the living standards of working people. The proposal would also provide support for local services and facilities in the longer term.
28. The plans before me suggest that two dwellings on this plot would have a similar density, arrangement and depth to existing housing nearby. While the detailed design is not before me, a design appropriate for the character and appearance of the area and which maintains the living conditions of neighbouring properties, provides sufficient amenity space for the proposed dwellings, while using land efficiently, could be secured at the TDC stage.

³ Guildford Borough Council v SoS Communities and Local Government [2009]

⁴ 07/2023/00332/FUL

⁵ 07/2018/2907/OUT

⁶ 07/2022/0731/PIP

⁷ 07/2022/00149/OUT

⁸ 07/2024/00053/OUT

⁹ 07/2023/00524/PIP

These are neutral matters that do not carry weight for or against the appeal scheme.

29. The appellant has provided an email exchange between Council officers relating to the merits of the case. Nevertheless, I have reached my own conclusions on the appeal scheme.
30. I note the appellants assertion that under the proposed changes to the standard method for the calculation of housing requirement set out within the "National Planning Policy Framework: draft text for consultation", the Council would be unable to demonstrate a five-year supply of housing land. The quoted land supply figures date from April 2023 and so it is unclear how up to date this information is. There is also disagreement between the main parties as to whether the appeal site could be considered Grey Belt land under the definition introduced in this draft document. The evidence before me is not sufficient to demonstrate that the site comprises previously developed land. As there is no certainty at this stage that the draft document will be adopted in its current form, this limits the weight I can give to these points in any event.

Green Belt Balance

31. The other considerations put before me have not persuaded me that the proposed development would comprise limited infilling in a village and so it would be inappropriate development in the Green Belt. As inappropriate development is, by definition, harmful to the Green Belt, I give it substantial weight as required by paragraph 153 of the Framework. The proposed development would harm the openness of the Green Belt and it would not assist in safeguarding the countryside from encroachment, one of the purposes of the Green Belt.
32. The proposal would contribute towards the supply of housing and it would provide some support to the local economy, as well as local services and facilities. Given the modest scale of the proposal, these benefits attract limited weight. Taken together, these other considerations do not clearly outweigh the substantial weight I have afforded to the Green Belt harm arising from the proposed development. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

33. Having considered the matters of location, the proposed land use and the amount of development, the proposed development conflicts with the development plan when taken as a whole and there are no other material considerations worthy of sufficient weight to suggest the decision should be made other than in accordance with the development plan. The appeal should therefore be dismissed.

S Brook

INSPECTOR