



Appeal Decision

Site visit made on 22 April 2025

by N Kempton BAHons PGDip MA IHBC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th May 2025

Appeal Ref: APP/D2320/W/24/3357068

Land at junction of Knowley Brow and Bagganley Lane, Knowley Brow, Chorley, Lancashire PR6 9BG

- 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 Mick Matthews against the decision of Chorley Borough Council.
 - The application Ref is 24/00741/PIP.
 - The development proposed is the erection of 1no. dwelling.
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Decision

1. The appeal is allowed and permission in principle is granted for residential development comprising a minimum and maximum of 1 dwelling at land at junction of Knowley Brow and Bagganley Lane, Knowley Brow, Chorley, Lancashire PR69BG in accordance with the terms of the application, Ref 24/00741/PIP, dated 28th August 2024.

Preliminary Matters

2. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework) in December 2024. 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 this.
3. 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.
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. Conditions cannot be imposed on a permission in principle. I have determined the appeal accordingly.
5. The appellant's appeal statement confirms that the submitted indicative site layout plan is for illustrative purposes only. I have determined the appeal on this basis.

Main Issue

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 is a vacant, undeveloped and overgrown triangular parcel of land. The site is bordered by a terrace of residential dwellings fronting Knowley Brow to the east, a detached dwelling opposite on the north side of Knowley Brow and Bagganley Lane to the south. Westwards, beyond the junction between Knowley Brow and Blackburn Brow, are residential dwellings and a public house. Other commercial uses in the immediate vicinity of the appeal site include a hair salon and a narrowboat maintenance yard. An area of undeveloped wooded land is on the south side of Bagganley Lane.
8. The Council's refusal reason referred to Policy BNE2 of the Chorley Local Plan (2012-2026) July 2015 (LP), which restricts development in the Area of Other Open Countryside, in order to protect the area from inappropriate development which would harm the open and rural character of the designation. This policy identifies two exceptions, neither of which are applicable to the appeal proposal. There is no dispute that the appeal site is located within an Area of Other Open Countryside. Therefore, the proposed development would conflict with Policy BNE2.
9. Policy HS7 of the LP, is also cited in the Council's refusal. This policy states that within smaller villages limited infilling for housing will be permitted provided that defined criteria are met, including: the existing buildings form a clearly identifiable built-up frontage; the site lies within the frontage, with buildings on either side, and its development does not extend the frontage; the proposal would complement the character and setting of the existing buildings.
10. The appeal site is 25 metres to the east of the settlement edge of Chorley, separated by the M61 and the Leeds and Liverpool Canal. Chorley is not a smaller village but a notable settlement. The evidence before me does not suggest that the criteria in Policy HS7 is applicable to the location of the appeal site. It has not been demonstrated that the appeal settlement is within a 'smaller village'. Despite the Council referring to the appeal site as being within a 'village', it is not explained how the appeal site could be both within a smaller village and an Area of Other Open Countryside for the purposes of the LP. It follows that I do not find conflict with Policy HS7 of the LP because I am not convinced it is applicable in these circumstances.
11. However, there are other considerations relating to the location, land use and amount of development, which are relevant to the determination of this appeal.
12. The land parcel of rough grassland does not make a strong contribution towards the open, rural character of the area. The absence of built form on the appeal site is noted, as is the reference to a public house formerly occupying the site, albeit some decades ago. This parcel of residual land is at the intersection of roads and is close to housing on three sides. The proposed development would form a 'bookend' adjacent to the terrace, which forms an identifiable built-up frontage. It would not extend the frontage into open countryside rather the proposed development would utilise a vacant plot, in close proximity to local

services and amenities. Furthermore, given the close proximity to Chorley, the appeal site has genuine alternative transport options to the car.

13. Whilst the second stage will consider the detailed development proposal, there is nothing to suggest that the proposed development could not assimilate well with the settlement, rather the indicative site layout plan persuades me that development of the site, as proposed, is feasible. Subject to securing an appropriate design and material palette, the proposed residential development would be small scale, visually well-related to the built form of the settlement and would positively contribute to the spatial quality of the area. It would complement the character and setting of the existing buildings. It would represent infill development that is commensurate with its' context in size, scale, form, and function.

Planning Balance and Conclusion

14. I have found conflict with Policy BNE2 of the LP, which restricts development in the Area of Other Open Countryside. Nevertheless, I also found that tangible harm to the open and rural character of the designation would be avoided.
15. The proposed development would provide an additional dwelling; an important consideration in the context of the Government's objective to boost significantly the supply of homes particularly given that Chorley Council is unable to demonstrate a 5-year housing land supply. It would also bring some uplift to the local economy from construction services and the spending of future occupiers.
16. Owing to the housing land supply position, the circumstances described in footnote 8 of the Framework are met such that paragraph 11 of the Framework is engaged. There is nothing before me to suggest that the circumstances outlined in paragraph 11d(i) provide strong reasons to refuse the development. Hence, the balance in paragraph 11d(ii) applies. This states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having regard to specified key policies. I find that the presumption in favour of sustainable development does apply given the effective use of land, accessibility of the site and economic benefits arising from the proposed development.
17. I have found conflict with the development plan, but the presumption in favour of sustainable development is a material consideration of such importance that it outweighs the conflict in this case.
18. The appeal is allowed.

N Kempton

INSPECTOR