



Appeal Decision

Site visit made on 11 June 2025

by B Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 June 2025

Appeal Ref: APP/E2340/W/25/3362927

Land at Old Stone Trough Lane, Kelbrook, Lancashire

Grid Ref Easting: 390120, Grid Ref Northing 444278

- 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 Ms Lucy Lancaster against the decision of Pendle Borough Council.
 - The application Ref is 24/0773/PIP.
 - The development proposed is the erection of one dwelling.
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Decision

1. The appeal is allowed, and permission in principle is granted for the erection of one dwelling at Land at Old Stone Trough Lane, Kelbrook, Lancashire in accordance with the terms of the application, Ref 24/0773/PIP.

Preliminary Matters

2. The appeal seeks permission in principle. Planning Practice Guidance advises that this is an alternative way of obtaining planning permission for housing-led development. This consent route has two stages. The first establishes whether a site is suitable in principle for development and the second is for detailed assessment of the proposals. This appeal relates to the first stage, so the scope of considerations is limited to location, land use and the amount of development proposed. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. It is undisputed that the site would accord with matters of 'amount of development proposed'. As such, I shall focus on matters of location and land use alone and have determined the appeal accordingly.
3. A layout plan has been submitted as part of the proposal. This is an indicative plan and shows only one way that the scheme could be developed. I have therefore attributed limited weight to the layout plan in my consideration of the appeal.

Main Issue

4. The main issue is whether the site is suitable for residential development, having regard to its location and the proposed land use.

Reasons

5. The Pendle Local Plan (Part 1) Core Strategy [2015](CS) establishes the Council's approach to the distribution of housing across the district. CS policy SDP2 establishes a settlement hierarchy with development first targeted towards Key Service Centres, then Local Service Centres, then Rural Service Centres and

finally Rural Villages. The policy requires development to be located within defined settlement boundaries. CS policy LIV1 relates to housing provision and delivery. This states that to encourage delivery of the Council's housing delivery requirement, proposals for new housing will be supported where they accord with other policies of the CS and are either on non-allocated sustainable sites within Settlement Boundaries or (until such time that the Council adopts the Pendle Local Plan Part two: Site Allocations and Development Policies) on sustainable sites outside but close to a Settlement Boundary.

6. The appeal site is adjacent to the village of Kelbrook which is defined, by CS policy SDP2 as a Rural Service Centre. This settlement type is defined as providing a focus for growth in Rural Pendle and deemed to be capable of accommodating additional services and housing provision. The site is beyond the development limits of Kelbrook, within the open countryside, where the policy explains such development would only be found suitable if it complies with the exceptions listed in the National Planning Policy Framework (the Framework) or by other policies of the development plan.
7. The Kelbrook and Sough Neighbourhood Plan (NP) [made 2022] recognises its role as a Rural Service Centre accommodating growth through its allocations of new housing sites, at both Dotcliffe Yard and Cob Lane. These would, in combination, provide around 15 dwellings. These sites, plus other windfall sites, aim to deliver 64 homes in accordance with the housing requirements of the CS for the village. The NP explains that this figure may need to be adjusted in future years following the adoption of the Council's new Local Plan. Whilst the NP identifies sites for housing, it is silent on the approach to new housing beyond the settlement edge.
8. With respect to CS policy LIV1 and the second limb of provision (ii), the appellant explains that the Council's Local Plan Part 2 has not been adopted and the Council is now pursuing a single Local Plan instead. The Council has not confirmed this either way. In any event, it is evident that as part two of the Plan has yet to be adopted the second limb of provision (ii) remains engaged. I therefore do not agree with the Council that as the NP has been made this addresses the policy requirement of CS policy LIV1, which requires the adoption of the Pendle Local Plan Part 2: Site Allocations and Development Policies. Whilst the NP includes housing allocations this cannot adequately address the needs of CS policy LIV1 for a comprehensive district wide strategy for housing allocation, especially as Kelbrook is identified as a growth centre in Rural Pendle.
9. As such, and in mind of the second limb of CS policy LIV1(ii), consideration of the site as a suitable location for housing is a matter of whether it can be regarded a sustainable site and be deemed to be close to the settlement boundary. As the Council has not directed me to specific guidance on this, such an assessment is a matter of planning judgement.
10. Paragraph 72 of the Framework, in seeking a 5-year supply of housing, does not place a ceiling on further housing. The Framework requires, when seeking sites for housing, to ensure that their size and location will support a sustainable community, with sufficient access to services and employment opportunities within the development itself (without expecting an unrealistic level of self-containment) or to larger towns to which there is good access. This therefore requires proportionate sized development in smaller settlements, such as Kelbrook.

11. The proposed scheme would be for a single dwelling on a site adjacent to the Settlement Boundary, it would therefore not be isolated or remote from existing built form. It would be adjacent to a series of bungalows alongside a country lane which does not benefit from streetlights or footways. However, the village is relatively compact and the lane adjacent to the site is comparatively wide and open. This would enable future pedestrians and cyclists to gain easy access to the goods and services of the village using sustainable travel means. Therefore, being for one dwelling only, adjacent to the settlement boundary and in close proximity to the centre of the village, the site is deemed to be proportionate to the size of the village and within a sustainable location.
12. Accordingly, the proposed residential development would be within a suitable location and for a suitable land use and would comply with CS policies SDP2 and LIV1. These policies, among other matters, support housing development on sustainable sites outside but close to a Settlement Boundary. Moreover, whilst the Council has identified conflict with NP policy KS DEV1, this policy relates to design criteria. This consideration should be taken into account at the Technical Details Stage (TDS), where a Permission in Principle application is crystallised into a full planning permission if deemed acceptable in all regards. As such, this policy at this stage of the process weighs neither for nor against the proposal.

Other Matters

13. Interested parties raise concerns that the existing access would not be suitable, and a new access would need to be created for the proposal. The details of the proposed access would need to be considered at the TDS, but the Council has demonstrated that visibility splays would need to be assessed at a later stage to ensure that the access would operate in a safe manner. Furthermore, additional traffic associated with the proposed use would be limited and would not cause a material impact on existing traffic levels and road users of Old Stone Trough Lane, a conclusion shared by the Highway Authority.
14. Objections from interested parties raise concern that the proposal would harm the area's landscape character. However, being connected to existing built form and being a relatively small addition to the streetscene, there is no clear reason why the proposal would have more than a minimal impact on the wider landscape character. Essentially this matter relates to the final design, scale and positioning of the proposed dwelling, matters that are beyond the consideration of a Permission in Principle application.
15. Impact on adjacent resident's living conditions have been raised with respect to light pollution. However, the light connected with any dwelling would be limited and there is no reason why it would be any greater than light sources found within the immediate residential area within the village.
16. Concerns have been expressed that the sewerage system may not be able to be connected to by the proposal as it may not have the required fall. However, matters with respect to foul water drainage, and other utility connections, are either matters for Building Regulation Approval or can be adequately addressed at the TDS of the proposal. I also note the concerns expressed with respect to roadside flooding at times of high rainfall, but this matter can also be adequately addressed at the TDS.

17. Although there may well be properties for sale in Kelbrook, this issue has no bearing on my consideration of the merits of the proposal the subject of this appeal. Also matters raised with respect to the precedent created for future development cannot be a determinative consideration as each case must be considered on its own merits.
18. Two listed buildings and a non-designated heritage asset (NDHA) are identified as being close to the site within Kelbrook. These are within the built-up limits of the settlement, on Old Stone Trough Lane, to the northeast of the site. The closest to the appeal site, Spring House (a NDHA) is read within the context of existing built form and visually separated from the site by boundary planting. Also, the two nearest listed buildings, at Stoops Farm and Yellow Hall, would be a significant distance from the site. Although Stoops Farm can be seen from the site frontage, neither building seems to have a material functional or visual link to the site, and no compelling evidence has been provided to indicate otherwise. As such, due to its separation distance and extent of intervening buildings and vegetation the proposed dwelling would preserve the significance of these assets.

Conclusion

19. Accordingly, the proposal would accord with the development plan. As such, the appeal is allowed and permission in principle is granted.

B Plenty

INSPECTOR