



Appeal Decision

Site visit made on 2 July 2025

by **S Brook BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 July 2025

Appeal Ref: APP/D2320/W/25/3362388

Land north of Lydiate Farm Cottage, Lydiate Lane, Ulnes Walton, Lancashire

Grid Reference Easting: 351828, Northing: 418677

- 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 Elston against the decision of Chorley Borough Council.
 - The application reference is 25/00008/PIP.
 - The development proposed is Erection of up to five dwellings.
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Decision

1. The appeal is allowed and permission in principle is granted for a minimum of 3 dwellings and a maximum of 5 dwellings at land north of Lydiate Farm Cottage, Lydiate Lane, Ulnes Walton, Lancashire, Grid Reference Easting: 351828, Northing: 418677, in accordance with the terms of the application, reference 25/00008/PIP.

Preliminary Matters

2. 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.
3. 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.
4. An applicant can apply for permission in principle for a range of dwellings by expressing a minimum and maximum net number of dwellings as part of the application. In this instance, the application form specified a minimum of 3 dwellings and a maximum of 5 dwellings.
5. I have taken the site address from the appeal form as this more accurately describes the site location.

Main Issues

6. The main issues are whether the location, the proposed land use and the amount of development is suitable, having regard to:

- whether the proposal would constitute inappropriate development in the Green Belt, considering the National Planning Policy Framework (the Framework) and any relevant development plan policies, including where necessary, the effect on openness, and
- if relevant, 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

7. The appeal site lies within the Green Belt. In its refusal reason, the Council makes no reference to any development plan policies relating to the Green Belt, instead relying on the Framework. The Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
8. Paragraph 154 of the Framework sets out that development in the Green Belt should be regarded as inappropriate, other than in a number of exceptions. Neither main party has suggested that any of these exceptions are met, and I have no reason to disagree. Paragraph 155 of the Framework states that the development of homes on grey belt land should not be regarded as inappropriate, if specific criteria are met.
9. While I have been referred to the Labour Party Manifesto in respect to grey belt land, the Framework and PPG has since been updated, and so they provide the most up to date policy on Green Belt including grey belt land, at the national level. The Framework defines grey belt land as land in the Green Belt, comprising previously developed land and/or any other land that, in either case, does not strongly contribute to purposes (a), (b), or (d) in paragraph 143 of the Framework. It excludes land where the application of the policies relating to areas or assets of particular importance as set out in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.
10. The appeal site is not previously developed land, however, it is 'other land'. The Council does not suggest that areas or assets of particular importance as set out in footnote 7 of the Framework provide a strong reason for refusing or restricting development in this case. However, a number of interested parties have drawn my attention to flooding issues in the locality, providing photographic evidence of flooding on nearby land.
11. The appeal site itself is identified as flood zone 1, land with the lowest probability of flooding. Further mapping provided from the Environment Agency indicates that the site itself is not subject to surface water flooding, albeit, some surrounding land is identified as being at risk from this type of flooding. Paragraph 181 of the Framework states that when determining any planning application, local planning authorities should ensure that flood risk is not increased elsewhere.
12. This application is for permission in principle and the technical details consent stage is to follow, where further details of drainage matters would be required. While the available evidence at this stage suggests that surface water flooding can occur in the locality, it does not automatically follow that flood risk provides a strong reason for refusing the development proposed. There is nothing before me

to suggest that surface water run-off from the proposal could not be managed so as not to increase flood risk elsewhere. As such, the available evidence does not lead me to conclude that the appeal site comprises land where the application of policies relating to areas or assets of particular importance in the Framework provide a strong reason for refusing or restricting development.

13. Next, I turn to whether the appeal site strongly contributes to purposes (a), (b), or (d) of paragraph 143 of the Framework. The Council does not suggest that the appeal site prevents neighbouring towns merging into one another, or that it preserves the setting and special character of historic towns. From the available evidence, I have no reason to disagree. The area of dispute between the main parties relates to the consideration of purpose (a) whether the appeal site strongly contributes to checking the unrestricted sprawl of large built-up areas.
14. The PPG clearly states that as purpose (a) relates to the sprawl of large built-up areas¹, villages should not be considered as such. It goes on to provide considerations for informing a judgement on whether land strongly contributes to this purpose.
15. The appeal site has the typical appearance of a field used for grazing, with hedgerows to its boundaries. As such, the site itself is free from built development and it is open. However, while there are further fields to the north, the A581 forms the northern boundary of the site itself, and the B5250 forms the eastern boundary. Further, residential development is located opposite the site to the east and directly south, with additional housing visible further west. These physical features, in reasonable proximity, provide some containment of the appeal site.
16. While the appeal site is seen in the context of this existing development along Southport Road and Lydiate Lane, this level of development does not in itself constitute a large built-up area, and so the appeal site could not be described as being adjacent to, or near a large built-up area. Given the presence and arrangement of existing development along these two roads, the proposal would not result in an incongruous pattern of development. For these reasons, I conclude that the appeal site does not make a strong contribution to purpose (a) of paragraph 143 of the Framework. Consequently, it does meet the definition of grey belt land.
17. Given the extent of development along Southport Road and Lydiate Lane in the vicinity of the appeal site, the proposal would not appear as an obvious encroachment into the countryside. There is no evidence before me to suggest that the proposal would undermine the Green Belt purpose of assisting in urban regeneration. As such, the proposal would not fundamentally undermine the purposes, taken together, of the remaining Green Belt across the plan area.
18. The Council does not presently have a five-year supply of deliverable housing land and so, while the proposal would not necessarily provide affordable housing, there is a demonstrable unmet need for the type of development proposed.
19. The Council does not dispute that the appeal site is within a sustainable location with reference to paragraphs 110 and 115 of the Framework. A shop and public house are within reasonable walking distance, as are a number of bus stops providing services to the wider area. The Framework recognises that opportunities

¹ Paragraph: 005 Reference ID: 64-005-20250225

to maximise sustainable transport solutions will vary between urban and rural areas. In this case, there does appear to be some genuine choice of transport modes, other than reliance on the private car, and so I have no reason to disagree with the Council on this matter. The proposal is not major development, and so it is not necessary for me to go on and consider the 'Golden Rules' of paragraph 156 of the Framework.

20. To conclude, the appeal site comprises grey belt land and the proposed development would meet the criteria of paragraph 155 of the Framework. Therefore, the proposal would not constitute inappropriate development in the Green Belt. In these circumstances, it is not necessary for me to go on and consider any effects on openness of the Green Belt, or whether there are any very special circumstances to justify the development.

Other Matters

21. Interested parties have raised a number of issues in addition to those discussed above. A number of these would be for consideration at the TDC stage, including access arrangements and the implications for pedestrian and highway safety, the extent of any hedgerow removal and any implications for biodiversity, as well as layout arrangements and the privacy of existing residents.
22. The proposal would result in a modest loss of agricultural land. The Council has not raised any concerns with this loss, and I have no reason to consider that this would be harmful to the overall provision of such land in the plan area.
23. While construction work may result in some level of noise and traffic disruption, this will be for a temporary duration only and there is nothing before me to suggest that this could not be appropriately managed, including in relation to emergency vehicles.
24. Reference has been made to factual inaccuracies with regards to the relationship of the site to nearby villages. Having visited the appeal site, I have reached my own conclusions on this matter. While concerns are raised that the proposal would set a precedent for future development in the Green Belt, each case must be assessed on its individual planning merits.

Conclusion

25. Having considered the matters of location, the proposed land use and the amount of development, no conflict with the development plan has been identified and having considered all other material considerations, including the Framework, I find that the appeal should be allowed.
26. It is not possible for conditions to be attached to a grant of permission in principle. The default duration for permission is three years. Any other matters can be addressed at the TDC stage.

S Brook

INSPECTOR

