



Appeal Decision

Site visit made on 5 August 2025

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 15 August 2025

Appeal Ref: APP/N2345/W/25/3367285

Dean Farm, Pudding Pie Nook Lane, Broughton, Lancashire PR3 2JL

- 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 Chris Adams of Lester Developments against the decision of Preston City Council.
- The application Ref is 06/2025/0225.
- The development proposed is permission in principle for up to 9no. dwellings (Parcel 2).

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for permission in principle which the Planning Practice Guidance advises is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first (permission in principle) establishes whether a site is suitable in-principle and the second ('technical details consent') is when the detailed development proposals are assessed. This appeal relates to the first of these 2 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 Technical Details Consent application if permission in principle is granted. I have determined the appeal accordingly.
4. On 31 March 2025, after the appeal was made, the Council published an updated Housing Land Position for the period April 2025 to March 2030. The appellant has been provided with the opportunity to comment on the implications of this to their case. I have taken the respective comments of the parties into account.

Main Issue

5. 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

6. The appeal site (Parcel 2) comprises former equestrian and agricultural land with trees and shrubs, areas of hardstanding and a building. It lies to the rear of Dean Farm, a detached rural dwelling set in extensive mature grounds, and immediately adjacent to Parcel 11¹, it is accessed from Whittingham Lane via Pudding Pie Nook Lane, this being a narrow rural road that serves a number of properties, a

¹ Appeal Ref APP/N2345/W/25/3367258

distribution centre and agricultural land. The appeal site is east of Broughton, outside the defined settlement and in the open countryside for planning purposes.

7. Policy 1 of the Central Lancashire Core Strategy Adopted July 2012 (the CS) sets out the Council's locational development strategy. This directs development in accordance with the settlement hierarchy. In this context, Broughton is not a strategic location for growth nor is it an urban or local service centre. It falls instead under policy criterion f) other places, these being small villages, substantially built up frontages and Major Developed Sites, where development will typically be small scale and limited to appropriate infilling, conversion of buildings and proposals to meet local need. In the open countryside, Policy EN1 of the Preston Local Plan 2012-2026 (Site Allocations and Development Management Policies) Adopted July 2015 (the LP) limits development in the open countryside with exceptions including for the purposes of agriculture and forestry, the re-use of existing buildings, and infilling in building groups in smaller rural settlements.
8. Parcel 2 abuts a commercial use² but it is otherwise surrounded by open land, including countryside and the extensive grounds of Dean Farm. It is not within the settlement of Broughton nor is it an infill plot within a building group. As it is deeply set back from both Whittingham Lane and Pudding Pie Nook Lane, it is not part of a substantially built up frontage. The proposal would not be the conversion or re-use of existing buildings. The dwellings would not be for the purposes of agricultural or forestry nor demonstrably meet local needs. Irrespective that the proposal would be small scale residential development, it would not meet CS policy 1 or LP policy EN1 exceptions to housing in this location.
9. Future occupiers would need to travel roughly 1.5-1.7km to reach services and facilities in the centre of Broughton. In this regard, the lower tier rural settlement offers a relatively limited range of services and facilities including convenience store, food and drink establishments and schools. Future occupiers would therefore need to travel somewhat further to access the full range of services and facilities necessary to meet their daily needs. In this regard, the urban centre of Preston is roughly within a 5km radius, and likely slightly further by road, from the appeal site.
10. There are lit footways along Whittingham Lane into the centre of Broughton. However, notwithstanding junction and surface improvements to Pudding Pie Nook Lane, this remains a relatively narrow rural lane enclosed by fencing and hedgerows, with no footway and no street lighting. As it stands, and taking into account existing domestic, agricultural and commercial uses, I find that Pudding Pie Nook Lane is not overly conducive to walking. Even if Pudding Pie Nook Lane could accommodate a safe footway, the distance to the centre of Broughton is in any case beyond a short or convenient walk for future occupiers.
11. That being said, Broughton centre is within an easy cycling distance and future occupiers would be able to join the Guild Wheel to cycle to locations in Preston, albeit they would have to navigate the busy Whittingham Lane to do so. There are also bus stops within a few hundred metres offering regular services to larger settlements including Preston. Nevertheless, while there would be some choice of sustainable transport modes, the location would not limit the need to travel and in future occupiers would be heavily reliant on private car journeys to meet their daily

² Ref 06/2018/0700 Oak Nurseries distribution centre

- needs. The accessibility credentials of the location do not weigh in favour of the proposal nor negate the conflict with the Council's spatial development strategy.
12. Detailed design and layout would be dealt with at the technical details consent application. However, based on the location, single access and relationship to surrounding undeveloped land and nearby development, the proposal would be a discrete and isolated estate-type development. By virtue of its separation, it would be poorly visually, physically and functionally related to the recent residential development at this edge of Broughton and it would not be a continuation of the urban ribbon development pattern that extends along Whittingham Lane.
 13. The proposal would also be poorly related to the established pattern of rural development in the open countryside to the east of Pudding Pie Nook Lane, into which it would encroach. The estate development of 9 (or cumulatively 18, with Parcel 1) dwellings served by a single highway access and internal road would be a suburban form of development. It would be out of keeping with the more sporadic rural development that typically characterises the countryside, including farmsteads and rural dwellings in large mature plots, with roadside frontages and separate residential accesses.
 14. I accept that the appeal site is set back behind Dean Farm and relatively well screened, including by the well vegetated Dean Brook. However, while landscape planting can help soften built development and integrate it into its surroundings, vegetation is temporary and it should not be relied upon to hide development from view. The landscape screening would not alter the fact that the proposal would be a discordant form of development and it would erode the open countryside. It would not contribute positively to local rural character and distinctiveness, and it would fail to respect the intrinsic character and beauty of the countryside.
 15. Therefore, I conclude that the site is not suitable for new residential development, having regard to its location, the proposed land use and amount of development. Accordingly, it would conflict with the spatial development and open countryside aims of CS Policy 1 and LP Policy EN1.

Other Considerations

16. An earlier outline planning application (ref 06/2020/0977) for 32 dwellings was refused in January 2021 and a subsequent appeal (ref APP/N2345/W/21/3278556) was withdrawn. I understand that the reasons for refusal similarly included grounds relating to the location in the open countryside outside of the settlement boundary. While that scheme may have been amended to relate to 9 dwellings in 2 separate parcels (Parcels 1 and 2), this is not a matter that weighs in favour of the appeal.
17. My attention has been drawn to numerous recent developments in the wider area. Irrespective of the similar policy context, the proposal would not be directly comparable or well related to the significant urban expansion to the south of Whittingham Lane between the motorway and Pudding Pie Nook Lane. The nearby Oak Nurseries scheme appears to relate to the redevelopment of a commercial site for a commercial use. The proposal would not be directly comparable to nearby developments of 1 or 2 dwellings with roadside frontages, or to the redevelopment of the former radar station³ and the residential development further east such as are in keeping with their immediately surrounding context of the built up frontage

³ Ref 06/2020/0051

along Whittingham Lane at that point. Development elsewhere does not provide a justification for the proposal.

18. The Framework acknowledges that small and medium sites can make an important contribution to meeting housing requirements, are essential for small and medium enterprise housebuilders, and are often built out relatively quickly. However, it advises that great weight should be given to the benefits of using suitable windfall sites within existing settlements for homes, which the appeal site is not. Nine new dwellings would make a modest yet valuable contribution to the Government's objective of significantly boosting the supply of housing. There would be similarly modest economic benefits in the short-term during construction and future occupiers would make a modest local economic and social contribution.
19. Based on the former equestrian use, Parcel 2 is partly previously developed land. However, the Framework only gives substantial weight to the value of using suitable brownfield land within settlements for homes. There is also little substantive evidence the proposal would be the development of underutilised land that would help meet identified housing needs where land supply is constrained.
20. I accept that Broughton may be broadly considered a reasonably accessible location. However, focussing growth in sustainable locations is a well established principle in both national and local planning policy. Compliance with policy in this regard is not therefore a benefit of the scheme.
21. I note the suggestion that a technical details consent application would demonstrate at least 10% Biodiversity Net Gain, and likely additional planting. However, there is little substantive evidence that the appeal site supports habitats of any particular biodiversity value. A 10% gain in the context of low baseline value would likely equate to a minimal biodiversity benefit. Irrespective, as this and landscape planting would be matters for a subsequent application, it does not weigh in favour of the proposal.

Planning Balance

22. Paragraph 11d) of the Framework sets out that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless clauses i. or ii. provide a reason for refusing it. This includes situations where the Council cannot demonstrate a five year supply of deliverable housing sites (5YHLS) or where the Housing Delivery Test indicates that the delivery of housing was substantially below the housing requirement over the previous 3 years.
23. When the planning application was refused, the Council was unable to demonstrate a 5YHLS and therefore the paragraph 11d) presumption in favour of sustainable development applied. However, the recently published Housing Land Position Paper demonstrates a 6.7 year supply of deliverable housing land as of April 2025.
24. The appellant acknowledges the updated housing supply position but argues the situation at the time the application was determined should be paramount. However, the latest position is a material consideration in the appeal and, in this regard, there is little substantive evidence to dispute that the Council can currently demonstrate a 5YHLS. Irrespective, the appellant considers the appeal should still be allowed on grounds that the Council's housing policies are not fully consistent with the Framework and should therefore be afforded less than full weight.

25. The substantial recent development at the settlement edge has resulted in a significant change to the character and appearance of those areas. Nevertheless, there remains a distinct interface and change in character where the urban built envelope meets the open countryside and rural setting of the settlement. While the defined settlement boundary no longer reflects the situation on the ground, there is little evidence it would be extended to include the appeal site as part of the preparation of a replacement local plan. Moreover, while the boundary may be out of date, it does not automatically render the relevant policies out of date.
26. In this regard, CS Policy 1 seeks to focus growth and investment in the most accessible and larger settlements while protecting the character of suburban and rural areas. LP policy EN1 seeks to protect the open and rural character of the countryside from unacceptable development. It is not a blanket ban or prohibition on development in the open countryside, rather it seeks to secure appropriate rural uses, including those that help diversify the rural economy, the re-use of buildings and infilling in smaller rural settlements.
27. The Framework emphasizes the economic importance of sufficient land of the right type and in the right place, the social importance of accessible services, and the environmental importance of protecting and enhancing the natural environment. It expects the planning system to actively manage patterns of growth, with significant development focused on sustainable locations that limit the need to travel and offer a genuine choice of transport mode. It prioritises the use of suitable brownfield and windfall land in existing settlements for homes. This appears consistent with the Council's strategic locational hierarchy approach in CS policy 1.
28. In rural areas, the Framework advises that housing should reflect local needs, including affordable housing, and promote sustainable rural development. It supports essential rural workers dwellings, the re-use of redundant or disused buildings that enhances its immediate setting, the subdivision of existing residential buildings, and where the design is of exceptional quality including that it would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area. It also supports appropriate rural uses including agriculture and other land-based rural businesses, and sustainable rural tourism and leisure developments which respect the character of the countryside.
29. More generally, the Framework requires development to add to the overall quality of the area, being sympathetic to the surrounding landscape setting, and establishing or maintaining a strong sense of place. It also requires decisions to contribute to and enhance the local and natural environment, including by recognising the intrinsic character and beauty of the countryside. Therefore, the approach to protecting the rural character of the countryside in LP policy EN1 appears consistent with the rural, design, and countryside aims of the Framework.
30. Notwithstanding the government's aims in relation to boosting the supply of housing, I find that CS policy 1 and LP policy EN1 are consistent with the Framework and full weight can be attached to them. The policies which are most important for determination are not out-of-date. Framework paragraph 11d) is not engaged and the presumption in favour of sustainable development does not apply.
31. I acknowledge that there would be benefits, principally in terms of contributing to the wider supply of homes. However, these are not sufficient to outweigh the harm and policy conflict, to which I attach significant weight.

Conclusion

32. For the reasons set out above, I conclude that the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict.
33. Therefore, I conclude that the appeal should be dismissed.

Sarah Manchester

INSPECTOR