



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/25/3367252

Land off Langley Lane, Broughton, Lancashire PR3 5DD

- 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 06/2025/0223.
 - The development proposed is permission in principle for up to 8no. dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for permission in principle, which the Planning Practice Guidance explains 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 stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development. 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. Consequently, I am satisfied that the interests of the parties will not be prejudiced by my taking it into account in my determination of the appeal.

Main Issue

5. The main issue is whether the site is suitable in principle for residential development, having regard to its location, the proposed land use and the amount of development.

Reasons

6. The appeal site comprises around 0.44ha of rough grassland with hedgerows and boundary trees. It is separated from the junction of Langley Lane and Whittingham Lane by a small quantum of residential development, and it is bounded on 2 sides by these roads. The land immediately to the south east, on the opposite side of Whittingham Lane, is sparsely developed to either side of Pudding Pie Nook Lane. The neighbouring land to the east and north is undeveloped. For planning

purposes, the appeal site is in the open countryside outside of the settlement boundary of Broughton.

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 identified as 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. The proposal would be small scale residential development. The appeal site is contained by roads to 2 sides and there is a neighbouring dwelling to one side, but the surrounding context is nevertheless rural. The proposal would not infill a gap in a small settlement, existing building group or substantially built up frontage. The dwellings would not be for the purposes of agriculture or forestry nor would they demonstrably meet another identified local need. Therefore, the proposal would not be a type of development permitted under CS Policy 1 or LP Policy EN1.
9. The appeal site is around 1.5-1.7km from the closest services and facilities in the rural settlement of Broughton, which include convenience store, food and drink establishments, schools and church. There is a continuous lit footway along Whittingham Lane, but the stretch of Langley Lane from the junction to the proposed access is only served by a short length of footway close to the junction and it appears to be unlit. Moreover, in passing the appeal site entrance, the road is subject to the national speed limit. Particularly taking into account the distance, it seems reasonably unlikely that future occupiers would walk to the centre of Broughton on a frequent or regular basis.
10. The distance is readily cyclable, and the Guild Wheel is a similar distance, albeit cyclists would need to cross and navigate the busy Whittingham Road. However, there are bus stops within an easy walking distance offering regular services to Preston and other nearby settlements. Consequently, there would be some choice of transport modes in this location. Even so, while the general location might therefore be considered reasonably sustainable, the particular relationship of the site to Whittingham Lane, Broughton and then Preston beyond leads me to conclude that in reality future occupiers would be heavily reliant on private car journeys. The accessibility of the appeal site does not overcome the conflict with the Council's spatial development strategy.
11. As was the case in the previous dismissed appeal for 10 dwellings¹, the appeal site is in a prominent and elevated location close to the junction of Whittingham Lane and Langley Lane, the latter being a rural lane with a verdant character and appearance. The site is largely enclosed by mature hedges and trees, and visually and physically well related to the wooded Dean Brook corridor, which is a strong

¹ Ref APP/N2345/W/21/3280197

rural landscape feature. Irrespective of development in the wider area, the appeal site is part of the open countryside and it is not within a built envelope.

12. Detailed design and layout would be addressed at the technical details consent stage. Nevertheless, with its single highway access, the proposal would be a small estate with an internal road. It would not be a continuation of, and it would be poorly related to, the ribbon of development to the north of Whittingham Lane from the Langley Lane junction towards the centre of Broughton. The suburban form of development would be out of keeping with the more rural pattern of development that characterises the open countryside beyond the settlement, including individual properties with their own access, generous plots and landscaped frontages. While the number of dwellings would be reduced from the 10 considered previously, it remains the case that the proposal would not integrate into the rural surrounding context. It would have a conspicuous urbanising effect that would fail to respect the intrinsic character and beauty of the countryside.
13. Therefore, I conclude that the site is not suitable for residential development having regard to its location, the proposed land use and amount of development. It would conflict with the spatial development and rural housing aims of CS Policy 1 and LP Policy EN1.

Other considerations

14. My attention has been drawn to consented and proposed schemes in the area. Development to the rear of 126 Whittingham Lane and at Dean Farm Warehouse appears well related to the settlement and contained by the motorway and Pudding Pie Nook Lane. Oak Nurseries relates to commercial redevelopment. The redevelopment of the Civil Aviation Authority site, together with schemes further east, appears well related to the ribbon of roadside residential development at that point. Schemes at Short Lane appear well related to the cluster of dwellings in that location. None appears directly comparable to the proposal, including in terms of the surrounding context or benefits, and they do not provide a justification for it.
15. Planning permission² and permission in principle³ have been previously refused, including on appeal as noted above. These were apparently refused on similar grounds relating to conflict with the spatial development strategy and the open countryside location. Moreover, they were all refused at a time that the Council could demonstrate a 5YHLS. The proposal would be for a lesser number of dwellings, but there is little evidence that it has been significantly amended.
16. The evidence indicates that the site is not brownfield land. Consequently, national and local planning policies that support the re-use or redevelopment of previously developed land do not weigh in favour of the scheme. While I note the suggestion that its development for housing would be an efficient use of the land, there is little evidence before me in relation to its former use or any alternate suitable rural uses.

Planning balance

17. 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 11d)i. or ii. provide a reason for refusing it. Footnote 8 sets out that this

² Refs: 06/2018/0638 and 06/2020/1215, both outline applications for up to 10 self-build and custom-build dwellings.

³ Refs: 06/2019/1336, 06/2021/0406 and 06/2020/0994, each permission in principle for up to 9 dwellings.

applies to situations where the Council cannot demonstrate a five year supply of deliverable housing sites (5YHLS) or where the Housing Delivery Test (HDT) indicates that the delivery of housing was substantially below the housing requirement over the previous 3 years.

18. At the time the Council considered the planning application, it was unable to demonstrate a 5YHLS and therefore the paragraph 11d) presumption in favour of sustainable development applied. However, the Council's recently published Housing Land Position Paper demonstrates a 6.7 year supply as of April 2025.
19. The appellant acknowledges the updated housing supply position, but considers the situation at the time the application was determined should be paramount. He suggests that greater weight should in any case be attached to housing delivery in the context of the significant increase in the local housing requirement such that irrespective of the 5YHLS position, the appeal should be allowed. Nevertheless, on the basis that the updated position is not disputed, Framework paragraph 11d) is not engaged on grounds relating to housing supply.
20. Turning to the question of whether the most important policies for determination are otherwise out-of-date, this relates not to the age of the policies but rather to their degree of consistency with the Framework.
21. The settlement boundary in the LP does not contain the recent development in and around this part of Broughton, at least some of which immediately abuts the boundary and extends the village envelope into the open countryside. However, the bulk of new development is contained to the south of Whittingham Lane, between the motorway and Pudding Pie Nook Lane. To the west of Pudding Pie Nook Lane, except for a modest amount of development, including 1 or 2 dwellings adjacent to Dean Villa and at Short Lane, the surrounding context for the appeal site appears to remain little changed from the previous appeal.
22. The settlement boundary would need to be reviewed during the preparation of a replacement local plan. However, there is little evidence at this stage that the boundary would extend further east than Pudding Pie Nook Lane, given that this forms a strong boundary between the urban edge of Broughton and its rural setting. Moreover, the fact that the settlement boundary does not reflect the situation on the ground does not mean that the relevant policies must automatically be out of date.
23. In this regard, CS Policy 1 seeks to focus growth and investment in the more 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 does this by limiting development in the open countryside to appropriate rural uses, including those that help diversify the rural economy, the re-use of buildings and infilling in smaller rural settlements.
24. As noted by the previous Inspector, LP policy EN1 does not place a blanket restriction on development in the countryside. In setting out appropriate types of rural development, it aims to protect the open and rural character of the countryside from unacceptable forms of development. The Framework has been revised since the previous appeal. Nevertheless, irrespective that there may be greater emphasis on the delivery of housing, the Framework expects the planning system to actively manage patterns of growth, directing significant development to sustainable locations, limiting the need to travel, promoting sustainable transport and prioritising the use of land within settlements for homes. In rural areas, housing should reflect

local needs and support the local community and economy. It also supports appropriate rural uses. More generally, it requires development to be appropriate to the character of the area, including landscape setting, and to contribute to and enhance the local and natural environment including by recognising the intrinsic character and beauty of the countryside.

25. Consequently, LP Policy EN1 is consistent with CS Policy 1 and both remain consistent with the Framework. Full weight can be attached to them accordingly. The policies which are most important for determination are not out-of-date and paragraph 11d) of the Framework is not therefore engaged.
26. I have found that the proposal would be a small scale housing development, but it would not demonstrably meet an identified rural local housing need. It would be poorly related to the nearby settlement and the urbanising development would harm the rural character and appearance of its rural landscaping setting and the open countryside. The harm and conflict with CS policy 1 and EN policy EN1 is a matter to which I attach significant weight.
27. While Broughton may be broadly considered a relatively sustainable location, this is a requirement of policy and not an additional benefit of the scheme. Matters that fall to consideration at the technical details consent stage, including Biodiversity Net Gain, do not weigh in favour of the principle of development in this location.
28. The proposal would make a modest yet valuable contribution to the Government's objective of significantly boosting the supply of homes. There would be modest economic benefits in the short term during construction and similarly modest economic and social benefits arising from the occupation of the dwellings.
29. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The contribution to the supply of housing and the associated economic benefits weigh in favour of the proposal to a modest degree. However, they do not outweigh the harm to the open countryside and the conflict with the aims of the Council's spatial strategy and rural development policies, which weigh significantly against the proposal. While the Framework has been revised since the earlier appeal was dismissed, the changes do not warrant reaching a different conclusion to the earlier Inspector.

Conclusion

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

Sarah Manchester

INSPECTOR