



Appeal Decisions

Site visit made on 25 June 2025

by **R Hitchcock BSc DipCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 03rd October 2025

Appeal A Ref: APP/N2345/C/24/3336702

Appeal B Ref: APP/N2345/C/24/3336703

Appeal C Ref: APP/N2345/C/24/3336704

Appeal D Ref: APP/N2345/C/24/3336705

Appeal E Ref: APP/N2345/C/24/3336706

Appeal F Ref: APP/N2345/C/24/3336707

Woodlands, Bleasdale Road, Whitechapel, PRESTON, PR3 2ER

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
- Appeal A is made by Mr. Robert Hayton; Appeals B-F are made by Mrs Sally Hayton, Mr Luke Hayton, Mr Joseph Hayton, Mr Thomas Hayton and Handelsbanken PLC respectively against an enforcement notice issued by Preston City Council.
- The notice was issued on 5 December 2023.
- The breach of planning control as alleged in the notice is 'Without planning permission, the erection of a dwelling house known as 'Woodlands'.
- The requirements of the notice are to: 1. Cease the use of the dwelling house. 2. Demolish the dwelling house. 3. Following the demolition of the dwelling house, remove all resultant rubble and material from the Land.
- The periods for compliance with the requirements are: 9 months for step 1, and 15 months for the subsequent steps.
- Appeal A is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 (as amended). Appeals B-F are proceeding on ground (g) only as it was only necessary for one appellant to pay the deemed planning application fee. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Decision

APPEAL A – the appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act (as amended) for the development already carried out, namely the erection of a dwelling house at 'Woodlands', Bleasdale Road, Whitechapel, Preston, PR3 2ER, as shown on the plan attached to the Notice and subject to the conditions set out in the schedule attached to this decision.

Background and Procedural Matters

1. The site was granted planning permission (Ref.06/2019/0023) for residential use by the creation of a dwelling through the conversion of a former storage building in March 2019. There is no dispute between the parties that the original building was demolished and a replacement building constructed on the same site. A retrospective planning application (ref. 06/2022/0792) for the dwelling was refused on 2 December 2022. However, as the enforcement notice was served before 25 April 2024, Appellant A is not barred from making the Ground (a) appeal.

APPEAL A Ground (a) and the Deemed Application for Planning Permission

Main Issues

2. The main issues are:

- whether or not the site provides a suitable location for new residential development
- the effect on the character and appearance of the locality and the protected Forest of Bowland National Landscape area.

Reasons

Locations for development

3. Policy 1 of the Central Lancashire Adopted Core Strategy Local Development Framework [2012] (the CLCS) seeks to direct development to the most sustainable locations for growth and investment. In other places, development will 'typically be small scale and limited to appropriate infilling, conversion of buildings and proposals to meet local need'. Policy EN1 of the Preston Local Plan 2012-2026 Site Allocations & Development Management Policies [2015], (the PLP) seeks to limit development in the Open Countryside to that needed for purposes of agriculture or forestry or other uses appropriate to a rural area including uses which help to diversify the rural economy; the re-use or re-habitation of existing buildings; or infilling within groups of buildings in smaller rural settlements.
4. The existing building has not been converted. Although the dwelling could facilitate the running of the appellant's existing and developing businesses – the Eccles Moss Iron Works and a development of holiday lodges, neither is shown to have an associated essential functional need to justify a rural worker's dwelling to operate it. Furthermore, the dwelling does not serve any rural land-based enterprise.
5. The appellant highlights that the dwelling can accommodate facilities that could assist in the effective running of the holiday chalets once constructed. Notwithstanding, the extent of dedicated floorspace would be limited. It would not meet the Council's 50/50 floorspace requirement¹ for replacement buildings as new live-work units supported by Policy 13 of the CLCS.
6. There is dispute between the main parties as to whether or not the building would fall within the exception of infill. In the absence of any locally or nationally adopted definition of 'infilling', the Council direct me to another Inspector's interpretation². That Inspector was referred to the Planning Portal's definition as 'a relatively small gap between existing buildings' and gave some weight to a common interpretation as 'the filling of a gap, a hole or a hollow'.
7. Policy 1 of the CLCS makes a clear distinction between 'smaller villages' and 'substantially built up frontages'. Policy EN1 also refers to infilling within 'groups of buildings in smaller rural settlements'. Although the site does not sit within a designated settlement boundary, there is no contention by the Council that the site lies outside of a 'settlement'.

¹ Central Lancashire Rural Development SPD

² APP/N2345/W/20/3265110

8. The siting of the single building overlies the footprint of a former storage shed. This formed part of the local group. The position lies within the visual envelope and existing cluster of development alongside Bleasdale Road consisting of the frontage buildings, and the various outbuildings and sheds extending to their rear (south-east). Enclaved by development on two sides, the dwelling sits within and reads as part of the group in a similar way to the previous building. The development has merely filled the gap between buildings left by the demolished store. Accordingly, I consider it a supported form of infill and within the scope of development permitted by policy 1 of the CLCS and policy EN1 of the PLP.

Character and appearance

9. The site lies within the Forest of Bowland National Landscape. Pursuant to s245 of the Levelling-Up and Regeneration Act 2023, in assessing the effects on the character and appearance of the locality I must also seek to further the purposes of conserving and enhancing the natural beauty of the designated landscape.
10. The locality is characterised by an undulating rural landscape of predominantly hedged pasture, woodland blocks and wooded watercourses. Aside from isolated farmsteads, development generally lies in sporadic road-fronting groups with occasional stand-alone rural buildings.
11. The local cluster of buildings are in various uses including residential properties, the appellant's commercial workshops, a gin distillery and holiday accommodation. The buildings are of mixed age and individually designed with a wide palette of external materials. Nearby, a number of completed and under-construction holiday lodges are present.
12. The basic form and scale of the building reflects that of an extended agricultural shed with a lower mono-pitched roof element sitting alongside the main, higher, dual-pitched roof. That characteristic form is somewhat diluted by the introduction of a full width 'dormer' element set down from the main ridge on the southern roof slope. The resultant glazed upstand above the lower roof allows for increased outlook and light to the first-floor rooms.
13. Whilst an unusual element to the form of a utilitarian rural building, it reflects a similar feature that the Council approved on the 2019 conversion scheme. Although that feature was smaller in height and projection, the design solution, like other interventions in the earlier scheme, simply reflect the intended use of the building. In the main views from the south, the 'dormer' is seen in the context of the wider residential building features where it appears part of a consolidated design.
14. The Council consider the scale of the building to be materially larger than the one it replaced. In the interests of protecting the Open Countryside and the landscape and scenic beauty of the Forest of Bowland National Landscape area, the Rural Development SPD [2012] suggests a maximum increase of 30% by volume. The Council estimates that the volume increase is about 61% greater than the original structure. Against the approved scheme, that figure would be reduced.
15. Although the differences in the building's length and depth are limited to about a cavity wall width, the overall height increase when compared to the original gives rise to much of the greater volume figure. The building is estimated by the Council

to be 0.7m taller than the 2019 scheme. However, it sits on lower ground than the frontage buildings and those to the north-east. Against the elongated form of the workshop, or the higher ridges of the frontage dwellings, the building does not appear unduly prominent in its setting because of its height.

16. Furthermore, the building has limited visibility in the wider landscape context. Due to the local topography, the frontage buildings and roadside and other vegetation, only glimpsed views are possible from the surrounding landscape and the road network. The main views are from the footpaths extending to the south and a diverted footpath route from Crumbleholme Road. Here the building is predominantly viewed against the backdrop of the road-fronting development such that its scale and massing appear moderated and have negligible effects either on the group or the wider landscape.
17. The use of metal sheet roofing reflects the predominant agricultural form of the building. The stone and vertical timber cladding to the main elevations replicates the external finishes of buildings typical of the locality. The dark boarding finish, in combination with large dark framed openings create a modern appearance, however, in the context of the variety of age and finishes to buildings in the vicinity, it does not appear out of place. Those aspects of the development reflect design elements such as floor to ceiling glazing features and the materials incorporated into the design of the holiday homes approved nearby. Accordingly, I find the landscape and scenic beauty of the National Landscape would be conserved.
18. Notwithstanding, Policy EN6 of the PLP requires development to make a positive contribution to the natural beauty of the area. As no detail of such enhancement proposals are before me, a scheme for natural enhancement by native landscaping, including tree planting, should be secured by condition to meet the policy requirements and make the development acceptable in planning terms. This would also enhance wildlife opportunity.
19. I note the Council's reference to the effect of domesticated land to the west of the dwelling in increasing visual clutter and eroding the open and rural character of the locality. However, my considerations in the ground (a) appeal relate only to the development described in the alleged breach of planning control as set out in the Notice. As the building does not appear to have materially encroached on to previously undeveloped land, direct effects on the natural assets contributing to the beauty and open nature of the locality would have been negligible.
20. Taking all of the above together, subject to assimilation landscaping, I consider the overall design and scale of the building sits comfortably in its setting. It references elements of the mixed character of existing and approved development in the locality and, as part of an existing group, does not impose on the character of the countryside or the protected landscape. It thereby meets with the requirements in policies 17 and 21 of the CLCS, policies EN6 and EN9 of the PLP and the National Planning Policy Framework (the Framework) as they seek high quality design that accounts for the pattern, character and appearance of development in the local area, and conserves the natural beauty of the countryside and the designated landscape.

Other Matters

21. I note the support for the appellant by third parties. However, those are not benefits in favour of the development.

Conclusion on Appeal A – Ground (a)

22. For the reasons above, I find that the development accords with the development plan. I conclude that the appeal succeeds on ground (a). I shall grant planning permission for the erection of a dwelling house as described in the Notice.

Conditions

23. I have considered the suggested conditions from the main parties and had regard to Paragraphs 55 and 56 of the Framework and the National Planning Practice Guidance in terms of the use of planning conditions.
24. Paragraph 55 states that planning conditions should not be used to restrict national permitted development rights unless there is a clear justification to do so. The Council sought a restriction to those rights in relation to extensions to the building, including to its roof, in the interests of protecting the designated landscape.
25. However, land within a National Landscape (formerly Areas of Outstanding Natural Beauty) are identified as Article 2(3) land in Part 1 of Schedule 1 of the Town and Country Planning (General Permitted Development) Order (England) 2015 (as amended) (the GPDO). This imposes limitations to domestic extensions that do not apply elsewhere. As the GPDO already accounts for the landscape designation, that reasoning alone is insufficient to justify removal of those rights. In the absence of other justification, I find that restriction should not be imposed.
26. As I have found that the principle of development is consistent with the provisions of the development plan, a condition limiting the occupation of the dwelling to those associated with the management of holiday accommodation in the locality is unjustified. This is consistent with the Council's approach in 2019.
27. As identified above, a condition requiring landscaping to the south of the building is necessary to secure a positive contribution to the natural beauty of the landscape. The condition requiring those details is imposed to ensure that they are submitted, approved and implemented so as to make the development acceptable in planning terms. There is a strict timetable for compliance because permission is being granted retrospectively, and it is not possible to use a negatively worded condition to secure the approval and implementation of those matters before the development takes place. The condition will ensure that the development can be enforced against if the requirements are not met. The timescales for compliance reflect those specified by the Council in the enforcement notice.
28. A condition to retain the landscaping once installed is necessary to ensure a lasting benefit in the National Landscape area over the building's lifetime. Any variation to that scheme over that period can be sought by application.
29. In support of the development, the appellant provided a unilateral undertaking as an obligation under s106 of the Act. This would secure the surrender of an implementation of a facilities building approved in conjunction with the erection of

holiday homes on nearby land owned by him (pp ref. 06/2020/0089). However, as I have found that the development complies with the development plan when read as a whole, such an undertaking is unnecessary. It would conflict with the approach set out in Paragraph 58 of the Framework.

Conclusion

30. For the reasons given above, I conclude that Appeal A succeeds on ground (a). I shall grant planning permission for the development as described in the notice. The enforcement notice will be quashed.
31. In these circumstances the appeals on ground (g) do not fall to be considered.

R Hitchcock

INSPECTOR

Condition Schedule to Planning Permission Granted on Appeal

Ref. APP/N2345/C/24/3336702

- 1) The building hereby permitted shall be demolished to ground level and all materials resulting from the demolition shall be removed within 13 months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:-
 - (i) Within 2 months of the date of this decision, a scheme for enhancement landscaping shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation
 - (ii) if within 6 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to and accepted as valid by the Secretary of State
 - (iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State
 - (iv) the approved scheme shall have been carried out and completed in accordance with the approved timetable.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 2) Upon implementation of the approved enhancement scheme specified in condition 1), that scheme shall thereafter be retained and maintained for the duration of the development. Any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

END.