



Appeal Decision

Site visit made on 20 February 2024

by M J Francis BA (Hons) MA MSc MCIfA

an Inspector appointed by the Secretary of State

Decision date: 2nd July 2024

Appeal Ref: APP/F2360/W/23/3329504

Land at Newgate Lane, Whitestake, Lancashire PR4 4JU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
- The appeal is made by Mr M Bridge of ADB Preston against the decision of South Ribble Borough Council.
- The application Ref is 07/2023/00460/PIP.
- The development proposed is the erection of two dwellings and associated development.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published in December 2023. The Framework has not, however, raised any new matters which are determinative to this appeal.
3. 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') stage is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.
4. 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.
5. Plans submitted with the application include an illustrative layout with two dwellings and an access off Newgate Lane.

Main Issues

6. The site lies in the Green Belt; accordingly, the main issues are whether the site is suitable for residential development, having regard to its location, the proposed land use, and the amount of development with respect to:
 - Whether or not the proposal is inappropriate development in the Green Belt;
 - The effect of the development on the openness of the Green Belt; and

- If the proposed development is inappropriate, whether the harm by reason of inappropriateness or any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development

7. Paragraph 152 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
8. Policy G1 of the South Ribble Local Plan, 2015, (LP) is consistent with paragraph 154 of the Framework in that it says that the construction of new buildings is inappropriate in the Green Belt, unless it is for one of a number of exceptions which includes limited infilling in villages.
9. The parties have referred to two previous appeal decisions¹ for this site that considered that it is within a village which is washed over by the Green Belt. Whilst third parties have questioned whether Whitestake can be classified as a village, the evidence leads me to concur with the previous Inspectors decisions that the site is within a village.
10. The appellant's evidence is that the site represents limited infill in a village. It is common ground that neither the Framework nor Policy G1 of the LP define 'limited infilling'. Instead, it becomes a matter of judgement that is left to the decision maker. Both Inspectors in the previous appeals considered that limited infilling represented the development of a small plot in an otherwise built-up frontage. This is my understanding of limited infilling, although differing interpretations have been presented in the submitted evidence.
11. The site consists of a rectangular plot of land, which at the time of my visit was overgrown and had a thick, bushy hedge to the front and a large tree growing next to the wide verge. The boundaries of the site also consist of wooden fences, and at the rear, a row of evergreen trees.
12. Newgate Lane, up until it reaches Newgate Nurseries, is a narrow country road surrounded by fields. From the nursery to the appeal site the lane is fringed by sporadically placed, generally detached housing. Opposite the site are two rows of terraced cottages. Located on one side of the site is the detached house at Orchard End, with large garden and outbuildings. On the other side is a short lane and three detached houses. To the rear, is a field.
13. Whilst the first appeal on this site was for six houses, and the second one was for three houses, both Inspectors considered that the proposed development did not represent a narrow gap in an otherwise built-up frontage.
14. From what I saw on the ground and the evidence before me, I find that the characteristics of the site with its long frontage and the spacing around it, would not represent a narrow gap. Furthermore, the siting of housing along Newgate Lane, with its informal positioning with spaces between buildings which have developed over time, does not provide an otherwise built-up frontage.

¹ APP/F2360/W/21/3282566 and APP/F2360/W/22/3307650

15. Whilst the number of dwellings in this proposal, compared to previous applications, has been reduced to two, the indicative plan of the proposed layout suggests two large houses with attached garages with access and turning area. Although the proposed houses would not be out of scale with other large houses that I saw along Newgate Lane, the site is not enclosed by development and has significant spacing around it. Therefore, for these reasons, it would not represent limited infill.
16. To conclude, the proposed development would not satisfy any of the exceptions within paragraph 154 of the Framework and it would therefore be inappropriate development in the Green Belt. It would also not accord with LP Policy G1 as set out above.

Openness

17. The fundamental aim of Green Belt policy as set out in paragraph 142 of the Framework is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.
18. As the proposal would require a later technical details consent, I am confined to looking at location, land use and the amount of development. However, openness is a fundamental characteristic of Green Belt. The site, whilst overgrown at the time of my site visit, is an open area of undeveloped land, surrounded by trees, fencing and a large hedgerow along the front. Whilst the form of development is not being considered at this first stage, the site is currently free from development, as can be seen from views into the site from the adjacent road and lane. The positive contribution that the openness of the site makes to the Green Belt has been highlighted in the previous appeals.
19. The proposal would introduce housing onto the site. Whilst the plan is only indicative, two houses on this site would, in visual terms, be taller than the existing hedge, and therefore more visually prominent. Moreover, the indicative plan suggests a central access point which could result in the loss of some of the hedgerow. The proposal would, therefore, affect the openness of the site in both spatial and visual terms. As this would result from the siting of two houses, this would have a moderate effect. Notwithstanding this, as set out in the Framework, substantial weight must be given to any harm to the Green Belt.

Appeal decisions and other permissions

20. The appellant has submitted several appeal decisions, as well as details of other planning permissions for housing in the area. The site at Chainhouse Lane² is fronted by a road and was infill development. However, it differs from the appeal site in that it is surrounded by buildings on all sides, as opposed to the three sides at the appeal site. Similarly, the site at The Cottage, Whitestake³, was enclosed by existing buildings, and the appeal decision highlighted that a planning judgement must be made with regard to the nature and size of proposed development and its relationship to the existing built form.

² APP/F2360/W/20/3244797

³ APP/F2360/W/20/3244797

21. The site at 25 Midge Hall⁴ was infill development, but it was previously developed land and had a narrow gap on the frontage between a house and car park. Therefore, this is not directly comparable to the appeal case. Notley Croft, Bedmond⁵ was an infill site considered to be a gap in an otherwise built-up area, although I have only limited evidence of this case. The site at 8 Park Avenue, New Longton⁶ also refers to having a relatively modest gap and being limited infilling, however, the individual circumstance of each case differs, and I consider that the appeal case does not form a narrow gap.
22. The Oaks, Salmesbury⁷, considers that there is no requirement for infill to be a gap along an otherwise developed frontage. It states, however, that this does not prevent others making a different judgement in another case in a different location, and that each case must be determined on its own merits and with regard to the situation on the ground. Woodhouse Lane, Bidulph⁸ and Royalty Avenue, New Longton⁹ were infill development, although the frontage at Royalty Lane is reputed to have been 13 metres less than the appeal site and so is not directly comparable. Whilst the case at Birchcroft¹⁰ discusses limited infill in villages, the site is not in the Green Belt and so is not comparable to the case before me. Other appeal cases that were not in villages have limited weight in the determination of this appeal.
23. The appellant has submitted evidence of several planning permissions for housing granted by the Council. However, these applications have already been determined and the approach that the Council has taken regarding infill development is not for me to consider.
24. Plans of appeal sites showing previously developed land and buildings have been included by the appellant. Whilst these give a spatial context to these examples, this is one of several considerations when assessing these sites for proposed development, and so provides limited weight.
25. Reference has been made by the appellant to the need for consistency in decision making and quoted caselaw, as well as noting that the Council approved up to six houses on a site, whilst refusing the application at the appeal site. The site has, however, been subject to two previous appeals which were dismissed. Furthermore, as I am required, I have determined the appeal based on the evidence before me.

Other considerations

26. The proposal would provide two new houses which would assist the housing supply in the area. There would also be some short-term economic benefits during the construction of the housing, with longer term, economic and social benefits from the occupiers contributing to the area. These are, however, modest benefits as to be expected from this form of development and have limited weight.

⁴ APP/F2360/W/19/3238776

⁵ APP/P1940/W/17/3187494

⁶ APP/F2360/W/21/3284681

⁷ APP/F2360/W/21/3274471

⁸ APP/b3438/W/18/3214689

⁹ APP/F2360/W/22/3306867

¹⁰ APP/R0660/W/17/3190115

Planning Balance

27. The proposed development would be inappropriate development in the Green Belt, and it would harm openness. The Framework states that substantial weight should be given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal, is clearly outweighed by other considerations.
28. The proposal would only result in modest benefits. As such these other considerations would not clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the development in the Green Belt do not exist. Accordingly, the proposal would not accord with LP Policy G1 and the Framework.

Conclusion

29. For the reasons given above the appeal should be dismissed.

M J Francis

INSPECTOR