

## **APPLICATION REPORT – 22/00765/PIP**

**Validation Date: 18 July 2022**

**Ward: Clayton West And Cuerden**

**Type of Application: Permission In Principle**

**Proposal: Permission in principle application for a minimum of one dwelling and a maximum of four dwellings**

**Location: Land Opposite Hampton Grove Wigan Road Clayton-Le-Woods**

**Case Officer: Mr Iain Crossland**

**Applicant: Mr M Shah C/o Agent**

**Agent: Mrs Claire Wilkinson**

**Consultation expiry: 4 August 2022**

**Decision due by: 22 August 2022**

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### **RECOMMENDATION**

1. It is recommended that permission in principle is granted subject to conditions.

### **SITE DESCRIPTION**

2. The application site is an open field that is located on the western side of Wigan Road, Clayton-le-Woods and is in the Green Belt. The site sits between the residential properties known as 'Thorntree House' to the north and 'Congham House' (or The Woodlands) to the south. The application site has a frontage to Wigan Road and has been previously used to for the temporary siting of a mobile sales unit and associated car parking for the housing development to the east of Wigan Road.
3. Immediately beyond Thorntree House to the north is a cluster of commercial development comprising Bangla Spice Restaurant, Thorntrees Car Garage and Armelee Nurseries. Planning permission was recently granted for the change of use of the car garage to three retail units including a neighbourhood Co-Op store (20/01277/FUL). To the north-west, behind the garden area of Thorntree House, is a further commercial building.
4. Directly opposite the site on the eastern side of Wigan Road are the newly constructed residential developments forming part of an allocated development site HS1.31 (Burrows Premises) and HS1.32 (Land to the East of Wigan Road) within the local plan. Developments carried out have been extensive major developments.
5. Running parallel with the southern boundary of the site are the rear gardens of the residential properties located along Moss Lane, whose character is that of large detached dwellings of individual design set in large gardens with mature trees and landscaping.

6. The application site and open land beyond to the west are not associated with a farm and are currently unused. On the western side of the field is a further plot of open land between the field and the M6 motorway, beyond which is the urban area of Leyland.
7. The character of the area is one of urban residential development having evolved rapidly over recent years from a previous situation of urban rural fringe prior to the substantial delivery of the local plan allocations.
8. It is noted that a permission in principle application for the erection of up to two dwellings at this site was allowed on appeal (ref. APP/D2320/W/21/3282134) in April 2022 following the Council's decision to refuse permission.

## **DESCRIPTION OF PROPOSED DEVELOPMENT**

9. This application seeks permission in principle for a minimum of one dwelling and a maximum of four dwellings.

## **REPRESENTATIONS**

10. Objections have been received from 3no. addresses. These relate to the following issues:
  - Loss of wildlife habitat.
  - Loss of privacy.
  - Green Belt.
  - Highway safety impacts.

## **CONSULTATIONS**

11. Clayton le Woods Parish Council: No comments received.
12. United Utilities: Conditions recommended.

## **PLANNING CONSIDERATIONS**

13. The application site is located within the Green Belt. The Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt, except in a limited number of specific circumstances.
14. National guidance on Green Belt is contained in Chapter 13 of the National Planning Policy Framework which states:

*137. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.*

*138. Green Belt serves five purposes:*

*to check the unrestricted sprawl of large built-up areas;  
to prevent neighbouring towns merging into one another;  
to assist in safeguarding the countryside from encroachment;  
to preserve the setting and special character of historic towns; and  
to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

*147. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*

*148. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.*

149. A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

– not have a greater impact on the openness of the Green Belt than the existing development; or

– not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

15. The application site is located outside the settlement area of Clayton le Woods and falls to be considered as an 'other place' when considering the location of development in relation to Policy 1 of the Central Lancashire Core Strategy. Policy 1(f) of Core Strategy Policy 1 reads as follows:

*"In other places – smaller villages, substantially built up frontages and Major Developed Sites – development will typically be small scale and limited to appropriate infilling, conversion of buildings and proposals to meet local need, unless there are exceptional reasons for larger scale redevelopment schemes."* The proposed development is considered to be small in scale and therefore complies with this policy.

16. The application site is open land with no buildings or development in situ, other than some hard surfacing left over from the temporary use as a sales unit and car park. The supporting statement submitted with the application seeks to engage with paragraph 145.e) of the Framework, the contention being that the site would represent limited infilling in a village.
17. This matter has been considered by the Secretary of State in the assessment and determination of appeal reference APP/D2320/W/21/3282134 following the refusal of permission in principle for the erection of up to two dwellings on the site. The Inspectors decision letter concluded that the proposal would represent limited infilling in the Green Belt. It would therefore meet the exception at paragraph 149 (e) of the Framework thus would not therefore be inappropriate development in the Green Belt. As such, there was no need for a subsequent assessment on the effect of the development on the openness of the Green Belt or its purposes.
18. It has therefore been established that the site is an infill site in the Green Belt. This application seeks permission in principle for up to four dwellings rather than two. The gap in the frontage with Wigan Lane is a sizeable one and could easily support the provision of four dwellings. Indeed four dwellings on this site would continue to represent a relatively low density of development and would be more in character with the prevailing pattern of development in the area than two dwellings. Policy HS7 of the Chorley Local Plan 2012 - 2026 deals specifically with rural infilling and states:

*Infill is the filling of a small gap in an otherwise built-up street frontage, typically a gap, which could be filled by one or possibly two houses of a type in keeping with the character of the street frontage.*

19. In this instance the gap is much greater than a small gap and can easily be filled by up to four dwellings in a manner that would reflect the character of the street frontage. It should be noted that there is nothing within national or local policy that restricts the number of dwellings that can be considered acceptable in relation to limited infilling. This is moreover a matter of planning judgement in relation to the character of the area and whilst two dwellings are referred to in the policy wording of policy HS7 this is as a general guideline in determining whether or not a site is a small gap in an otherwise built up street frontage. In this instance the Secretary of State has determined that the site is suitable for infill development, and given the substantial gap in the street frontage it is capable of being filled by four houses without detriment to the character of the street frontage.
20. The sustainability credentials of the location are not in question, given the range of amenities available within walking distance. There are also good public transport links available with access to Leyland rail station (via Moss Lane) and bus services operating in the area. Although the character of the area is now somewhat urban the site forms part of a narrow tranche of Green Belt functioning to separate Clayton le Woods from Leyland and prevent the merger of the two.
21. Overall and on the basis of the recent appeal decision it is considered that the 'principle' of the proposed development of up to four dwellings is acceptable and in accordance with the Framework and Policy HS7 of the Chorley Local Plan 2012 - 2026.

#### Other matters

22. Loss of wildlife habitat: this is not a matter that falls within the scope of consideration of the permission in principle consent stage. This would be addressed as part of the technical details consent, which is the second stage of the process.
23. Loss of privacy: this is not a matter that falls within the scope of consideration of the permission in principle consent stage. This would be addressed as part of the technical details consent, which is the second stage of the process.
24. Highway safety impacts: this is not a matter that falls within the scope of consideration of the permission in principle consent stage. This would be addressed as part of the technical details consent, which is the second stage of the process.

#### **CONCLUSION**

25. The principle of erecting four dwellings at the application site is considered acceptable in terms of location, land use and the amount of development. It is, therefore, recommended that permission in principle is granted, subject to conditions.

#### **RELEVANT HISTORY OF THE SITE**

**Ref:** 18/00398/FUL **Decision:** PERFPP **Decision Date:** 31 August 2018  
**Description:** Siting of temporary mobile sales unit, new site access road and associated car parking.

**Ref:** 18/00399/ADV **Decision:** PERADV **Decision Date:** 5 July 2018  
**Description:** Application for advertisement consent for externally illuminated 'V' stack sign and flag poles.

**Ref:** 21/00557/PIP **Decision:** REFPIP **Decision Date:** 9 July 2021  
**Description:** Permission in principle application for the erection of up to two dwellings

**RELEVANT POLICIES:** In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise.

Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/guidance considerations are contained within the body of the report.

Suggested Conditions

1. The proposed development must be begun not later than three years from the date of this permission.

*Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.*

2. The development hereby permitted shall be carried out in accordance with the approved plans below:

| <b>Title</b>  | <b>Plan Ref</b> | <b>Received On</b> |
|---------------|-----------------|--------------------|
| Location Plan | N/A             | 13 July 2022       |

*Reason: For the avoidance of doubt and in the interests of proper planning.*