

## APPLICATION REPORT – 23/00280/PIP

**Validation Date: 30 March 2023**

**Ward: Clayton East, Brindle And Hoghton**

**Type of Application: Permission In Principle**

**Proposal: Permission in principle application for a minimum of 5no. dwellings and a maximum of 7no. dwellings**

**Location: Land Adjacent To Friths Court Gregson Lane Brindle**

**Case Officer: Mr Iain Crossland**

**Applicant: Dr S Mclynn**

**Agent: Mrs Claire Wilkinson**

**Consultation expiry: 8 May 2023**

**Decision due by: 26 May 2023 (Extension of time agreed)**

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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 located within the settlement area at Gregson Lane, at its eastern edge with open Green Belt land beyond to the east, and comprises an open area of grassland pasture surrounded by post and rail fencing. There is a residential development of new build and converted agricultural buildings to the west of the site, known as Friths Court, with open agricultural land to the north, south and east. The character of the area is that of a rural village surrounded by agricultural land.
3. The application site was once occupied by agricultural buildings and structures associated with a pig farm, however, these were demolished and removed from the site in the early 2000's following the grant of planning permission for a residential development of 12 cottage-style properties (4 by new-build) (Ref: 01/00617/FUL). Condition no.18 of the planning permission required the removal of the buildings that occupied the part of the site that is under consideration through this application and required that the site be kept open. The condition is set out as follows:

*Prior to the first occupation of any of the approved dwellings the buildings, silos and slurry tank on the land to the east of the application site within the area defined by a blue edge on the approved plans shall be demolished and all arisings removed from the site and this land and the land to the east of Plot 7 within the application site shall be graded and seeded in accordance with a scheme first agreed in writing by the Local Planning Authority. Thereafter this land shall be retained as open land at all times in the future.*

*Reason: To ensure buildings and apparatus are removed from this part of the site in order to provide an area of open land adjacent to the boundary of the Green Belt to ameliorate the impact of the conversion/building works hereby approved.*

## DESCRIPTION OF PROPOSED DEVELOPMENT

4. This application seeks permission in principle for a minimum of 5no. dwellings and a maximum of 7no. dwellings. Paragraph 012 of the National Planning Practice Guidance (NPPG) on Permission in Principle, states that “the scope of permission in principle is limited to location, land use and amount of development. Issues relevant to these ‘in principle’ matters should be considered at the permission in principle stage. Other matters should be considered at the technical details consent stage. In addition, local authorities cannot list the information they require for applications for permission in principle in the same way they can for applications for planning permission.”
5. The permission in principle process came into force on 15 April 2017 with the government intention of simplifying the planning process for developers, and to give developers more certainty over whether a site is suitable for development ahead of going to the expense of working up more detailed proposals necessary to obtain full planning permission. The government expected this to encourage new development and increase the amount of land available to build on, thereby helping to boost housing supply. While the council has been clear that it prefers a locally-led planning process, as the local planning authority, the current NPPG has to be followed.

## REPRESENTATIONS

6. Representations in objection have been received from 37 individuals. These raise the following concerns:
  - Condition no.18 attached to planning permission 01/00617/FUL required that the land be retained as open land at all times in the future.
  - The site has been discounted from the local plan.
  - Impact on highway safety and capacity.
  - No need for more housing.
  - The site is green land outside the building line and settlement.
  - The development would not be infilling and is contrary to local needs.
  - Adverse impact on local character.
  - The area is subject to unstable land.
  - Schools are oversubscribed.
  - Ecological impacts.
  - Surface water drainage issues already exist.
  - Lack of healthcare infrastructure.
  - Local residents purchased properties on the basis of the commitment made by Chorley Council that the land would be retained as open land.
  - Impact on the Green Belt.
  - Affordable housing would be OK but no need for market housing in this location.
  - The land is important for grazing of animals. The land has been used as agricultural pasture.
  - Empty and dilapidated properties should be renovated instead.
7. Cllr Alan Cullens Has objected on the following grounds:

Firstly, the previous condition placed on the land is that this should be left as green space and not be built on. Whilst this is a matter of conjecture for the Agent this is a legal matter and as such the condition should remain and any challenge be a matter for a legal decision. Therefore, the Condition Statement should form part of any Committee decision. Due to the complexity of this issue, I would request that the matter is referred to the Planning Committee.

Secondly the piece of land in question has been used to graze horses and rare breed sheep. The loss of this land would be of great detriment to the area and especially the opportunity for young people to experience nature. If any In Principle agreement is given a full environmental assessment should be made as a condition.

Thirdly there has been for some time traffic issues on Gregson Lane due to parked vehicles. Any additional build would only add to this problem although I appreciate this is only an in principle decision and no full assessment has taken place. Any development would be at one of the narrowest parts of the road and exacerbate an already difficult issue. Again a full highways impact assessment should be considered.

## CONSULTATIONS

8. **Brindle Parish Council:** Objects in the strongest possible terms to this proposed development, and would like to raise the following concerns:
- The area of land is designated in the Chorley Local Plan for agricultural use and we see no reason why this should change and is in keeping with surrounding fields and agricultural land.
  - The location of the proposed development is on a narrow country lane, close to a bend and raises serious road safety and traffic concerns, which cannot be mitigated in any way.
  - Any development would have a detrimental impact on the amenity and visual appearance of this rural area.
  - Between 5 and 7 houses on a site that size would be an over-development of the relatively modestly sized site.
  - The additional impact of cars, with at least two if not three per household not only impacts on the poor highways and traffic infrastructure but goes against the Council's Climate Change Strategy with increased emissions and poor public transport links.
  - Local infrastructure is not in place for the land to be developed from a drainage and water perspective with a history of water pressure in the area being a particular problem evidenced by the Fire Service not being able to tackle local fires.
  - It is unclear whether the popular local schools would be able to cope and there are limited health services available.
  - The area is known for flooding risks that would be exasperated by the land being developed.
  - We feel it is important that the fields are available for agricultural and food production, contribute to biodiversity, ecology and the wider environment.
  - Any development would have a negative impact on the green belt adjoining and opposite the site, as well as impact on this rural settlement area.
  - We feel that the restrictive covenant that was put in place to protect this land as open space should be respected and support the Council's Planning Department's approach in safeguarding the land as originally intended.
  - The recent review of the Chorley Local Plan has not put forward any proposal to change the designation of this site from agricultural with other areas allowing the Council to achieve its housing supply and other obligations. In fact, the site was discounted.

A number of local residents have also been in touch with us to raise their genuine concerns which we wholeheartedly support.

The proposal is clearly not a sustainable development, not appropriate for this site and would have a major detrimental impact to the area and quality of life of local people. We therefore urge the Council to refuse this planning application.

9. **United Utilities:** General advice provided and a condition recommended.

## PLANNING CONSIDERATIONS

10. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan for any determination then that determination must be made in accordance with the plan unless material considerations indicate otherwise.
11. One of the core principles of the National Planning Policy Framework (the Framework) is that development should be focussed in locations that are sustainable. It is considered that the site is located in a relatively sustainable location with two primary schools, community

centre, convenience store, pharmacy, public house, vehicle repair garage, recreational facilities and some access to public transport. The Framework also states that development in sustainable locations should be approved without delay.

12. Gregson Lane is not specified as an area for growth within Central Lancashire Core Strategy policy 1, which seeks to guide development at a strategic level, and falls to be considered as an 'other place'. Criterion (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."*
13. The preamble to the policy provides some limited context to the policy wording stating that growth and investment should be confined here (in other places) to small scale infill, in the interests of sustainable development. The proposed development is small scale, being classified as minor development as it would not fall to be defined as major development by the Town and Country Planning (Development Management Procedure) (England) Order 2010. The development of 5 to 7 dwellings would be commensurate with the scale of the village, whilst the site itself represents one of only a very limited number of opportunities for development within the settlement area of the village. The proposed development would infill an area of the defined settlement area boundary at the periphery of the settlement, adjacent to the Green Belt.
14. The positioning of the site is such that any development would be visually prominent from public vantage points along Gregson Lane to the east, however, as set out above the location does have some sustainability credentials being located within a village that comprises a number of amenities within walking distance. On this basis the site is considered to represent an infill opportunity within the village, in a strategic sense, and the development would be small scale and commensurate with the size of the settlement with access to a number of amenities within walking distance. The proposal is, therefore, considered to be in line with policy 1 of the Core Strategy, as the development would not be contrary to the overarching aim of achieving sustainable development.
15. The application site forms part of land designated by policy V2 of the Chorley Local Plan 2012-2026 as it is within the Settlement Area of Gregson Lane. Within these areas there is a presumption in favour of appropriate sustainable development, subject to material planning considerations and compliance with other Development Plan policies. Policy V2 sets out that;  
  
*Within the settlement areas excluded from the Green Belt, and identified on the Policies Map, there is a presumption in favour of appropriate sustainable development, subject to material planning considerations and the other Policies and Proposals within this Plan.*
16. The preamble to the settlement area policy seeks to encourage development within settlement areas so as to ease pressure on the Green Belt. Further, it advocates the concentration of development in towns and villages to help provide accessibility to services. There is also reference to protecting character and local distinctiveness, however, no such details are required as part of a stage 1 permission in principle process and therefore any impact on character cannot be assessed at this time.
17. The proposed development of 5 to 7 dwellings in the settlement area of the Gregson Lane village, would be small scale development in a sustainable location for a development of this size. It is, therefore, considered that the 'principle' of the proposed development is acceptable in compliance with development plan when taken as a whole and with the Framework.

## Other material considerations

### *Matters relating to previous planning permissions*

18. It is noted that planning permission ref:01/00617/FUL for the development of 12 cottage-style properties (4 by new-build) was granted in 2001 and included a condition specifically relating to the application site. This condition was also carried through to planning permission ref:02/00698/FUL, which was an amendment to planning permission ref:01/00617/FUL and was for the erection of 4 new dwellings.
19. This application must be assessed and determined on the basis of current adopted local planning policies and national policy and guidance, however, the previous planning permission covering the site is a material consideration in the determination of any application for development of the land. It is noted that planning permission ref:01/00617/FUL required the buildings, silos and slurry tank that occupied the application site subject to this application to be demolished and removed from the site, and the land be retained as open land at all times in the future thereafter. The reason given for this at the time was in order to provide an area of open land adjacent to the boundary of the Green Belt to ameliorate the impact of the approved development.
20. There are no planning policies within the local plan that specifically relate to this site, as it is not allocated or designated for any particular use or development type, and is not in a use that is specifically protected by any local plan policies. The site is simply identified as settlement area in the Chorley Local Plan.
21. The condition attached to planning permission ref:01/00617/FUL appears to have been required in order to help overcome a policy conflict at the time the application was under assessment, as the retention of open land adjacent to the Green Belt was treated as a material benefit of the proposed development. There is, however, no fundamental policy basis as to why the site should remain open and free from development in perpetuity. The essential characteristics of Green Belts are their openness and their permanence according to the Framework, however, the site is not within the Green Belt and there is no requirement in local or national policy that requires land adjacent to the Green Belt to be kept open and free from development. This is the role of Green Belt policy. As a result there is no principle reason why the site should remain as open land.
22. The buildings at Friths Court are not listed and are not within a conservation area. Although the residential development of Friths Court is characterful well designed, it is somewhat disconnected with the application site. It is considered possible that a development of between 5 and 7 dwellings could be designed in a way that is sympathetic to the character and local distinctiveness of the area, aspects that would need to be considered as part of any application for technical details consent, which is stage 2 of the process.

### *National Planning Policy Framework*

23. The National Planning Policy Framework (the Framework) is a key material consideration. The purpose of the planning system is to contribute to the achievement of sustainable development. There are three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). There are three objectives to sustainable development set out at paragraph 8 and it is fundamental that development strikes the correct balance between:
  1. Environmental - the protection of our natural, built and historic environment
  2. Economic - the contribution to building a strong and competitive economy
  3. Social - supporting strong, vibrant and healthy communities
24. Paragraph 10 of the Framework states that; so that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).

25. Paragraph 11 of the Framework states for decision-taking this means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or
  - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
    - 1. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
    - 2. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
26. The Footnote (6) to paragraph 11 sets out examples of the type of policies that may indicate development should be refused. Footnote 7 makes clear that the tilted presumption in favour of sustainable development will apply where a Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites.
27. Paragraph 59 of the Framework confirms the Government's objective of significantly boosting the supply of homes.
28. Paragraph 60 of the Framework reinforces that requirements represent the minimum number of homes needed.
29. Paragraph 73 of the Framework requires Local Planning Authorities to maintain a supply of deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategies or against their local housing need where the strategic policies are more than five years old. Footnote 37 states in circumstances where strategic policies are more than five years old, five year housing land supply should be calculated against Local Housing Need calculated using the Government standard methodology, unless those strategic policies have been reviewed and found not to need updating.

#### *Housing land supply*

30. It is, therefore, necessary to establish whether Chorley has a five year housing land supply (5YHLS) or not in order to determine whether Paragraph 11(d) of the Framework is engaged or not (commonly referred to as the 'tilted balance'). When engaged, the tilted balance changes the 'balancing exercise' which the Council must undertake in deciding whether or not to grant planning permission; from a neutral balance where if the harms outweigh the benefits planning permission is usually withheld, to a tilted balance where the harm should significantly and demonstrably outweigh the benefits for permission to be withheld. The tilted balance, therefore, increases the prospect of planning permission being granted because it 'tilts' the balance in favour of approving an application.
31. At 1st April 2022 there was a total supply of 1,890 (net) deliverable dwellings which is a 3.3 year deliverable housing supply over the period 2022 – 2027 based on the annual housing requirement of 569 dwellings which includes a 5% buffer.
32. Recent appeal decisions concluded that it is appropriate to calculate the housing requirement against local housing need using the standard method, as such the Council can no longer demonstrate a 5-year supply of housing land meaning that the tilted balance, and presumption in favour of sustainable development is, therefore, engaged under paragraph 11(d) of the Framework.

#### *Emerging Central Lancashire Local Plan*

33. Chorley Council is working with Preston and South Ribble Councils to produce a Central Lancashire Local Plan (CLLP). Once adopted, this will replace the existing joint Core Strategy and Chorley Local Plan. The CLLP is at an early stage of preparation and consultation on Issues and Options closed in February 2020. The Central Lancashire Local Plan (CLLP) is at the Preferred Options Stage and public consultation on Preferred Options Part 1 closed in February 2023.

34. The application site was submitted for consideration as part of the Local Plan process. The site was not, however, included in the Preferred Options Part 1 consultation, as it was not considered to be deliverable due to the presence of a restrictive covenant. It has been identified, however, that the land is not subject to any restrictive covenants. There are no third party interests affecting the title which might impede development. Only limited weight can be attached to the emerging local plan at this stage.

#### *Summary - the tilted balance*

35. Paragraph 11 d (ii) of The Framework essentially comes into play whereby the most important policies for determining an application are out of date, then planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Although there are no specific policy designations covering the site, and the development is in general accordance with the development plan, it is clear that the absence of a 5 year housing land supply is in issue and is a material planning consideration in the planning balance.

36. At 1st April 2022 there was a total supply of 1,890 (net) deliverable dwellings which is a 3.3 year deliverable housing supply over the period 2022 – 2027 based on the annual housing requirement of 569 dwellings which includes a 5% buffer. Chorley does not have a five-year deliverable supply of housing plus 5% buffer and the shortfall is significant. Significant weight should therefore be attached to the delivery of housing provided by this proposal.

37. In accordance with the Framework, planning permission should be granted for the proposal, unless:

1. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
2. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

#### Applying the tilted balance

38. Paragraph 11. d) ii. of the Framework indicates that, where the most important development plan policies for determining the application are out-of-date, planning permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; the tilted balance.

39. As previously noted in this report, the scope of a permission in principle application is limited to location, land use and amount of development. Other matters such as impacts on local character and appearance of development, residential amenity, highway safety, and biodiversity can only be considered at the technical details consent stage.

40. With regards to the amount of development, whilst the visual impact of the development on the character of the area and neighbouring amenity impacts are clearly important factors in the design of any scheme for the site, it is considered that it is possible that between 5 and 7 dwellings could be adequately located on the application site with space for vehicle manoeuvring / parking, gardens and landscaping. This is, however, without the benefit of being able to consider detailed ground investigations and other physical constraints to development.

41. Any adverse impacts of the development are unknown at this stage as they would relate to detailed matters not under consideration as part of a permission in principle application. The visual impacts of development cannot be assessed where there are no policies requiring the preservation of openness. As such it is not considered that there are any harms deriving from the principle of development.

42. In terms of benefits, there would be some moderate economic benefits through the creation of work in the construction industry and demand for services and products within the local

supply chain, whilst there would be some increase in the expenditure available to local businesses and tax income for the local authority from Council Tax through the end use.

43. There would be a clear and significant social benefit of the development in contributing towards the shortfall in housing land supply in the Borough. The proposal would boost the supply of housing, albeit on a small scale, in a situation where there is no five-year supply and, as a result, significant weight can be given to the social benefits of the proposal. It is considered that the economic benefits for proposal would be modest and so can be afforded moderate weight.
44. It is not considered that there are any adverse impacts of the proposed development that would significantly and demonstrably outweigh the economic and social benefits of the proposal, particularly when applying the tilted balance. The scheme, therefore, benefits from the presumption in favour of sustainable development, and as such, the proposal is recommended for approval.

#### Other matters

45. *Condition 18 attached to planning permission ref:01/00617/FUL requiring that the land be retained as open land at all times in the future:* The presence of a planning condition attached to the grant of a previous planning permission does not in itself preclude the submission and assessment of a planning application for development of land affected or covered by such a condition. The application must be considered on its own merits on the basis of policies and material considerations at the point of determination.
46. *Affordable housing would be OK but no need for market housing in this location:* The proposal does not specify between market and affordable housing at this stage, however, the number of dwellings proposed does not meet the threshold at which a contribution to affordable housing would be required.
47. Issues such as local character, land stability, ecological impacts, surface water flood risk, infrastructure requirements and highway safety and traffic congestion raised within the representations and by the Parish Council are technical matters that could only be assessed as part of any future application for technical details consent. They fall outside of what the Council can assess as part of this current application, as set out in the above paragraph from the NPPG.

#### **CONCLUSION**

48. The principle of erecting a minimum of 5no. dwellings and a maximum of 7no. dwellings at the application site is considered acceptable in terms of location, land use and the amount of development, as there are no identified adverse impacts of the proposal at this stage that significantly and demonstrably outweigh the economic and social benefits it would deliver. It is, therefore, recommended that permission in principle is granted, subject to conditions.

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

**Ref:** 74/00623/OUT      **Decision:** REFOPP      **Decision Date:** 18 December 1974  
**Description:** Outline application for demolition of agricultural buildings and erection of 4 dwellings

**Ref:** 74/00624/OUT      **Decision:** PEROPP      **Decision Date:** 18 December 1974  
**Description:** Outline application for bungalow

**Ref:** 76/00422/OUT      **Decision:** REFOPP      **Decision Date:** 3 August 1976  
**Description:** Outline application for dwelling

**Ref:** 91/00956/FUL      **Decision:** PERFPP      **Decision Date:** 20 January 1991  
**Description:** Above ground slurry and farmyard manure store



**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 permission in principle hereby approved relates to the erection of a minimum of 5no. dwellings and a maximum of 7no. dwellings. Any application for technical details consent shall not exceed seven residential units.

*Reason: In the interests of the appropriate development of the site, to prevent intensification in the development of the site and in the interests of the visual amenities of the area.*

3. 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>
Site Location Plan	SAA.3858.1	28 March 2023

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