

APPLICATION REPORT – 23/00616/PIP

Validation Date: 4 August 2023

Ward: Croston, Mawdesley And Euxton South

Type of Application: Permission In Principle

Proposal: Permission in principle application for up to 9 new build older persons accessible bungalow dwellings.

Location: Whitegates 75 Gorsey Lane Mawdesley Ormskirk L40 3TE

Case Officer: Daniel Power

Applicant: Mr Paul Bennet

Agent: Mr Martin Boardman MWB Architecture

Consultation expiry: 28 August 2023

Decision due by: 8 September 2023

RECOMMENDATION

1. It is recommended that permission in principle is refused for the following reason:

The proposed development would be inappropriate development in the Green Belt and, therefore, harmful by definition. There would also be other harm as a result of sprawl and encroachment. It is not considered that there are very special circumstances to overcome the definitional harm to the Green Belt and additional harm caused through sprawl and encroachment. The proposal is, therefore, contrary to the National Planning Policy Framework.

SITE DESCRIPTION

2. The application site is located near Mawdesley, to the north of Gorsey Lane and to the rear of no. 75 Gorsey Lane. The site is located within the Green Belt with a small section of the southern boundary of the site, adjoining the Settlement Area of Mawdesley. To the south and west of the site there have been several planning permissions granted for a replacement dwelling and three new dwellings. Some of these permissions are currently under construction but have not yet been completed. The southern side of Gorsey Lane is characterised by detached bungalows within similarly sized plots. Further to the west within the village there are two storey dwellings, within larger plots.

DESCRIPTION OF PROPOSED DEVELOPMENT

3. This application seeks permission in principle for a minimum of 8 no. dwellings and a maximum of 9 no. dwellings for older persons. 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.”

4. 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. Whilst the Council has been clear that it prefers a locally-led planning process, as the local planning authority, the current NPPG must be followed.

REPRESENTATIONS

5. Two letters of objection have been received and can be summarised as follows:
 - The development on Green Belt will further reduce the supply of this within the village.
 - Impact adversely upon the traffic volume and highway safety within Gorsey Lane
 - Could add to existing surface water issues.
 - There is already insufficient sewage capacity within the area.
6. Two letters of support have been received supporting the principle of adaptable houses for older people, as this would allow for down sizing and for older people to stay in the area. There is a perceived shortage of such properties in Mawdesley.

CONSULTATIONS

7. Lancashire County Council Highway Services: Are of the opinion that the proposed permission in principle application for up to 9 new build older persons accessible bungalow dwellings would have a detrimental impact on highway safety in the immediate vicinity of the site and should be refused on highway safety issues.
8. Greater Manchester Ecology Unit: No comments have been received.
9. United Utilities: General advice provided and conditions recommended.
10. Mawdesley Parish Council: No comments have been received.

PLANNING CONSIDERATIONS

Principle of the development in the Green Belt

11. The application site is located wholly within the Green Belt, and is a greenfield site falling outside of the settlement boundary of Mawdesley. National guidance on Green Belt is contained in Chapter 13 of the National Planning Policy Framework (the Framework), which states:

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.
12. The Framework states that the Green Belt serves five purposes: a) to check the unrestricted sprawl of large built-up areas; b) to prevent neighbouring towns merging into one another; c) to assist in safeguarding the countryside from encroachment; d) to preserve the setting and special character of historic towns; and e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
13. Paragraph 147 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. Paragraph 149 states that *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.*

14. The application is not proposed for agricultural purposes and does not propose the provision for outdoor sports or cemeteries. The application site is currently devoid of any built form or buildings, therefore does not seek to extend or replace an existing building. With regards to 'limited infilling', the north east and south east of the application site are vacant of any built form, with two dwellings to the south west and a large outbuilding to the north west. There is no definition of 'village' or 'limited infilling' within the NPPF or other local or relevant planning policy. The site is adjacent to the settlement boundary of Mawdesley with recent applications permitted to the south considered as being within the 'village. There have been several planning appeals that have generally accepted the definition of infilling is the infilling of a small gap in an otherwise built up frontage. The site would not be within an otherwise built up frontage, and would further extend the settlement, rather than 'infilling' an existing frontage. For these reasons outlined above, it is not considered the proposal would engage with any of the exceptions to inappropriate development set out within paragraph 149 of the Framework.
15. Substantial weight should be attached to the harm to the Green Belt by reason of inappropriateness as set out at paragraph 148 of the Framework. As the proposal is considered to be inappropriate development the tests of paragraph 148 of the Framework are engaged. This sets out that 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. The proposal must be considered in its entirety in order to properly consider the harms, benefits and other considerations in the Green Belt balance.
16. As already established there is harm to the Green Belt by reason of inappropriateness, to which substantial weight is attached. The harm to the purposes of the Green Belt are set out below in relation to paragraph 138 of the Framework, which identifies five purposes of the Green Belt.
17. Purpose 1: Check the unrestricted sprawl of large built up areas. The proposed development would depart from the linear form of development in this location spreading north. Any resultant development of the application site would therefore contribute to an element of sprawl from the built up area of Mawdesley into open countryside. As such there would be some conflict with this purpose and therefore an element of harm.

18. Purpose 2: Prevent neighbouring towns merging into one another. Development of the site would not lead to the coalescence of neighbouring villages. The site is located close to the settlement area boundary of Mawdesley, which lies to the west, though any further settlements to the east are located some distance away and the proposed development would not therefore connect or merge settlements. It is, therefore, considered that the proposed development would not have a significant impact on the merging of neighbouring towns.
19. Purpose 3: Assist in safeguarding the countryside from encroachment. The site comprises undeveloped grassland. This would be encroached upon by buildings, roads and hard surfacing with garden curtilages established, within which development may take place. As a result there would be clear encroachment into the countryside and therefore conflict with this purpose of the Green Belt, resulting in some harm.
20. Purpose 4: Preserve the setting and special character of historic towns. This does not apply as the site is not located near a historical town.
21. Purpose 5: Assist in urban regeneration, by encouraging the recycling of derelict and other urban land. There is a need for housing within the borough and currently it has been established that there is an undersupply. The local plan review is at an early stage, however, it is clear that there is limited scope to supply new housing through the recycling of derelict and other urban land due to the limited availability of sites on such land. It is, therefore, considered that the proposed development would not undermine this policy purpose.
22. On the basis of the above it is considered that there would be other harm to the Green Belt caused by the harm to purposes 1 and 3 of including land in the Green Belt, as the proposed development would make some contribution to the unrestricted sprawl of large built up areas and would result in encroachment into the countryside.
23. As the proposed development would result in definitional harm to the Green Belt and other harm through the contribution to the unrestricted sprawl and encroachment there would have to be very special circumstances to justify the grant of planning permission that would outweigh this harm.

Very special circumstances

24. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 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' (VSC) 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.
25. The application seeks planning in principle for between 8 no and 9 no. elderly persons bungalows for people of age 55 and above, with associated access way, gardens, single garages, and enhanced biodiversity land with accessibility to the ponds, meadowland and the public footpath to the north. The application was submitted with a Planning Statement, which acknowledges that the proposal amounts to inappropriate development in the Green Belt as it falls outside of the exceptions to inappropriate development within the Framework. The Planning Statement makes the point that there is an identified need for older persons' housing, and will be greater in an area (Mawdesley) where the population already has a high proportion of aged households; and that currently the need is not being met. Furthermore, the Planning Statement outlines the opportunity, at technical details stage, to enhance open space and local biodiversity and access to both. The Statement concludes that these matters together amount to very special circumstances which in their view, outweighs the limited harm to the openness of the Green Belt.

26. In considering the benefits put forward in the supporting Planning Statement, enhancements of local biodiversity would be of some benefit, however, these are not quantified and no mechanism have been proposed by which they could be secured. As such no weight can be attached. The statement makes reference to enhanced open space, with the implication that this would be public open space. This is identified on the location plan and is considered to carry moderate weight as a social benefit.
27. The Planning Statement make reference to the Chorley Housing Needs Strategy 2022, which identifies a number of 'general trends which underpin the need for this type of accessible housing'. The applicants agent relies on this document, which in their view identified need for older persons' housing, which will be greater in an area (Mawdesley) where the population already has a high proportion of aged households; and that currently the need is not being met. In addition, the application makes reference to the judgement of Hunston Properties Ltd [2013] EWCA Civ 1610; [2014] JPL 599, Kay and Ryder LJJ. In that judgement, Sir David Keane determined that a housing shortfall could in itself amount to VSC.
28. Within the text of the above High Court decision, the judge comments that the crucial question was have VSCs been demonstrated to outweigh the Green Belt harm, by reason of the inappropriate development. Such circumstances are not automatically demonstrated simply because there is a less than a five year supply of housing land. The judgment also comments that there may be other factors as well, one of those is the planning context in which that shortfall is to be seen. The context may be that the district in question is subject on a considerable scale to policies protecting much or most of the undeveloped land from development except in exceptional or very special circumstances.
29. In consider the 5 year housing land supply, the latest Five Year Housing Supply Statement for Chorley (June 2022) states that as of 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. The proposal would make a small contribution to this shortage and contribute towards old persons hosing supply, and can be afforded significant weight. In additional there would be economic benefits for proposal although they would be modest and so can be afforded moderate weight.
30. With regard to the new Local Plan and meeting the five year housing supply. 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. The emerging CLLP will look at the distribution of new homes and the CLLP will be informed by an evidence base including a Housing Need and Demand Study, the results of which will also help to inform the future distribution of housing across the Plan area.
31. As detailed within this report, the application represents inappropriate development, which by definition is harmful to the Green Belt. The application proposes 8/9 dwellings and would therefore make a small contribution towards older persons' dwellings within the immediate area which would be a significant benefit. However, in the absence of an identified need for the release of a greenfield Green Belt site, the substantial harm to the Green Belt is not clearly outweighed by the other material considerations either individually or as a whole. Therefore, the very special circumstances necessary to justify the inappropriate residential development in the Green Belt do not exist.

Other matters

32. Objections have been received relating to the impact to the local highway due to the volume of traffic and highway safety. In addition, objections have been received relating to surface water management and insufficient sewage capacity. These are technical matters that could only be assessed as part of any future application for technical details consent. They fall outside the scope of what the Council can assess as part of this current application, as set out in the above paragraph from the NPPG.

CONCLUSION

33. The proposed development would be inappropriate development in the Green Belt and, therefore, harmful by definition. There would also be other harm as a result of sprawl and encroachment. It is not considered that there are very special circumstances to overcome the definitional harm to the Green Belt and additional harm caused through sprawl and encroachment. The proposal is, therefore, contrary to the National Planning Policy Framework.

RELEVANT HISTORY OF THE SITE

Ref: 08/00613/FUL **Decision:** PERFPP **Decision Date:** 21 July 2008

Description: Demolition of existing dwelling and erection of a replacement dwelling

Ref: 08/00952/FUL **Decision:** REFFPP **Decision Date:** 24 October 2008

Description: Erection of a detached dwelling together with the formation of new access to Gorse Lane

Ref: 08/01132/FUL **Decision:** PERFPP **Decision Date:** 2 January 2009

Description: Erection of a detached dwelling together with the formation of new access to Gorse Lane

Ref: 11/00504/FUL **Decision:** PERFPP **Decision Date:** 28 July 2011

Description: Application to extend the time limit for implementation of planning permission 08/00613/FUL (Demolition of existing dwelling and erection of a replacement dwelling)

Ref: 11/00980/FUL **Decision:** PERFPP **Decision Date:** 30 April 2012

Description: Erection of a detached dwelling together with the formation of new access to Gorse Lane (renewal of application 08/01132/FUL)

Ref: 14/00769/FUL **Decision:** WDN **Decision Date:** 10 November 2014

Description: Demolition of existing dwelling and erection of a replacement dwelling

Ref: 18/01212/OUT **Decision:** PEROPP **Decision Date:** 27 February 2019

Description: Outline application (specifying access, layout and scale) for erection of a two storey dwelling

Ref: 19/00726/FUL **Decision:** PERFPP **Decision Date:** 15 November 2019

Description: Erection of a single dwelling following demolition of existing single dwelling

Ref: 20/00936/FUL **Decision:** REFFPP **Decision Date:** 9 December 2020

Description: Erection of 3no. detached dwellinghouses, including 2no. access points to Gorse Lane, following the demolition of the existing dwellinghouse

Ref: 21/00668/FUL **Decision:** PERFPP **Decision Date:** 11 October 2021

Description: Demolition of existing house and erection of one replacement dwelling

Ref: 21/01434/REM **Decision:** PERRES **Decision Date:** 12 October 2022

Description: Reserved matters application pursuant to outline planning permission 18/01212/OUT (Outline application (specifying access, layout and scale) for erection of a two

storey dwelling) seeking approval of details of appearance, landscaping and surface water drainage (condition no.3)

Ref: 22/00051/DIS

Decision: PEDISZ

Decision Date: 14 March 2022

Description: Application to discharge conditions nos. 5 (external facing and roofing materials), 6 (landscaping scheme), 7 (levels), 9 (dwelling emission rate) of planning permission ref: 21/00668/FUL (Demolition of existing house and erection of one replacement dwelling)

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.