
Appeal Decision

Site visit made on 2 September 2014

by Richard Clegg BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18 November 2014

Appeal Ref: APP/D2320/A/14/2218539

Land east of Hilfred, Crosse Hall Lane, Chorley, Lancashire, PR6 9AN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr G and Mr N Dugdale against the decision of Chorley Council.
 - The application Ref 13/00991/OUT, dated 22 October 2013¹, was refused by notice dated 11 December 2013.
 - The development proposed is four detached dwellings with garages and a new means of access from Crosse Hall Lane.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr G and Mr N Dugdale against Chorley Council. This application is the subject of a separate decision.

Procedural matters

3. On the application form, the location of the site is given as land south of Crosse Hall Lane, Chorley. It is more precisely referred to as land east of Hilfred, Crosse Hall Lane², and I have identified it accordingly in the appeal details above.
4. The application was submitted in outline form, with approval sought for access and layout at this stage. A planning obligation in the form of a unilateral undertaking has been submitted by the Appellant. The obligation provides for the payment of contributions towards affordable housing, amenity greenspace, children's and young person's facilities, allotments, playing pitches and the upgrading of a bus stop, subject to this decision not finding that these provisions fail to meet the statutory tests in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations.

Main Issues

5. I consider that the main issues in this appeal are:

¹ The application form is dated 15 November 2013, but it is clear from consultation responses that the application had already been submitted by then. The date of 22 October 2013 is given on the decision notice and the appeal form.

² The decision notice and appeal form identify the site as land 75m east of Hilfred. However the site is only a short distance to the east of the property identified as Hifred on the submitted plans.

- (i) Whether the proposal would generate a requirement for affordable housing.
- (ii) The effect of the proposed development on highway safety.
- (iii) Whether the proposal would represent a sustainable form of development.

Reasons

Affordable housing

6. The Central Lancashire Core Strategy and the Central Lancashire Affordable Housing Supplementary Planning Document (SPD) refer to a need for the provision of affordable housing. In response to this need, Policy 7 of the Core Strategy seeks a target of 30% affordable homes from residential developments which reach minimum size thresholds in the urban parts of Chorley, Preston and South Ribble. The relevant size thresholds are 15 dwellings and 0.5ha. In this case the proposal is for four dwellings and the appeal site is 0.39ha in size. Whilst the scheme in its current form is below both the thresholds in Policy 7, a larger site area of 0.54ha was included in the application when it was submitted. After the question of affordable housing was brought to the Appellant's attention, the application was amended by a reduction in the site area. In maintaining that provision should be made for affordable housing, the Council draws attention to the SPD, paragraph 34 of which specifies that the size of development should not be artificially reduced to lessen or eliminate the affordable housing requirement. The Council prefers off-site provision in this case, and a commuted sum of £38,056 has been calculated. The planning obligation includes provision for this level of contribution, but the Appellants argue that the payment is not necessary and does not meet the statutory tests of the Community Infrastructure Levy (CIL) Regulations.
7. The SPD refers to the sub-division of sites and reducing density as examples of artificially reducing the size of development. In this case the site has not been sub-divided in the sense of excluding some dwellings from the current proposal and the reduced size of the appeal site will have increased the density of the development. The amended scheme excludes an irregular shaped sloping piece of land lying between the intended position of plot No 4 and Crosse Hall Lane. The original site plan, ref 11/019/P01A, indicates that this land was previously included as part of plot No 4, but it is not needed for this purpose. The proposed site plan ref 11/019/GA, which gives the size of the garden areas for each dwelling within the reduced site, demonstrates that plot No 4 would have the largest area of amenity space in any event. Whatever the circumstances which prompted the reduction in size of the appeal site, I do not consider that the layout is constrained by the exclusion of the adjacent land to the north-east.
8. The appeal site is part of a larger area of land within the Appellants' ownership. Whilst this land was put forward for inclusion as a possible housing site in the emerging Local Plan, it was rejected due to its steep gradient and poor access. The current proposal indicates that the topography is not an impediment to development coming forward, but the access along Crosse Hall Lane is restricted. Moreover the layout would only leave space for a narrow field access to serve the land to the south, and it would not accommodate an extension of the proposed residential access road between plot No 1 and the

site boundary. Consequently, I do not consider that it is appropriate to view the appeal proposal as the first phase of a potentially larger development.

9. The thresholds in Policy 7 are not reached and I do not consider that the size of the appeal proposal has been artificially reduced: consequently I conclude that the proposal does not generate a requirement for affordable housing. It follows that the obligation for payment of a commuted sum towards off-site provision of affordable housing is not necessary and it does not meet the statutory tests of the CIL Regulations.

Highway safety

10. Crosse Hall Lane leads out of Chorley into open countryside to the east of the town. The western end of the road continues past a priority junction into Haworth Road which serves a new residential development. From the priority junction, the other part of Crosse Hall Lane provides access to a number of dwellings and an area of allotments on this side of the M61 motorway and to farmland beyond. The appeal site is situated towards the eastern end of the stretch of the road between the junction with Haworth Road and the motorway, and I walked and drove in both directions along this part of Crosse Hall Lane. It is a narrow road with no footways and occasional street lighting. Figure 7.1 in Manual for Streets (MfS) illustrates the type of vehicle movement which various carriageway widths can accommodate. At 4.8m, the carriageway will be sufficiently wide to allow a car to pass a large service vehicle, but below 4.1m two cars will be unable to pass. The plan entitled *Access route review* in the Appellants' transport statement identifies two short sections of road where two cars could pass (west of the bridge over Black Brook and close to Crosse Hall Fold). Vehicles could also pass in the bellmouth of the junction with Haworth Road and there is a wider section of road to the west of the canal bridge. However for most of its length from Haworth Road to the point where access would be taken into the appeal site, the restricted width of the carriageway makes it difficult or impractical for vehicles travelling in opposite directions to pass. At 2.75m, the road is particularly narrow where it crosses the Leeds-Liverpool Canal, and this hump-back canal bridge limits forward visibility. There is reference in the Appellants' transport statement to existing passing bays and three are identified on the *Access route review*. There is a modest widening of the carriageway at the western end of the road, but the other two appear to be shallow stretches of eroded verge, one of which in any event is on a wider section of the lane. Reversing manoeuvres to reach places where vehicles travelling in opposite directions could pass would be difficult due to the length of the narrow sections and the gradients involved. Narrow and uneven verges, which in places are above the level of adjacent land, do not offer convenient refuges for pedestrians.
11. The Appellants' transport consultant and the Highway Authority agree that traffic levels on this part of Crosse Hall Lane are low. The transport statement records survey results of 14 two-way vehicle movements during the morning peak period and 20 during the afternoon peak, and it is calculated that the development would generate 3 and 4 two-way trips per peak hour³. Speeds are also low: survey results give an 85%ile westbound figure of 11.4mph and an 85%ile eastbound figure of 9.2mph. No personal injury accidents have been recorded in the previous ten years.

³ The Highway Authority refers to an additional 23 trips being estimated by the Appellants, but there is no reference to this figure in the Appellants' representations.

12. Although Crosse Hall Lane is lightly trafficked and traffic speeds are low, I do not consider that the road is a shared surface of the kind envisaged in MfS. Whilst MfS states that many of its key principles may be applicable to other types of street, including lightly-trafficked lanes in rural areas, the specific guidance on shared surface streets explains that they work well in short lengths or where they form cul-de-sacs (paragraph 7.2.14). Additionally, MfS points out that attention to detail is required to avoid vulnerable road users feeling threatened by having no space protected from vehicles (paragraph 7.2.13). The narrow verges do not provide a satisfactory refuge for pedestrians, and my concern in this regard is reinforced by the role of Crosse Hall Lane as a bridleway from Eaves Lane to the junction with Crosse Hall Street and as a public footpath from that point and past the appeal site. I do not consider that the length or physical form of this stretch of Crosse Hall Lane enable it to function effectively as a shared surface street.
13. The transport statement refers to guidance in Traffic Advisory Leaflet 2/04 (TAL2/04) on single track road schemes with passing places. Passing places should have a minimum length equivalent to three cars and the space between them should be no greater than 60m. Whilst traffic flows on Crosse Hall Lane would be lower than the level referred to by the Appellants in TAL2/04, vehicle and pedestrian movements along the road are unlikely to be evenly spaced, and, notwithstanding the low number of trips, the constraints of Crosse Hall Lane increase the prospect of conflict between road users. Moreover, with the possible exception of the carriageway widening close to the junction with Haworth Road, there are no formal passing places and the Appellants acknowledge that the longest stretch of single track road exceeds 60m.
14. The Appellants do not have control over any land which could be used to provide passing places, and they acknowledge that such works could not be implemented as part of the appeal proposal. Neither is there any apparent opportunity to improve the bridleway, such as the provision of additional lighting and sections of separate surface. Without such improvements I consider that Crosse Hall Lane is wholly unsuitable for the additional development proposed, and that it would pose a severe localised threat to highway safety. I am mindful that planning permission was granted on appeal in 1991 for four dwellings at Crosse Hall Fold, just to the west of the appeal site. That appeal decision acknowledged the deficiencies of Crosse Hall Lane, and described the then proposal as a borderline case. The lane now serves 21 dwellings, an increase of five since the date of the 1991 permission, and the Council points out that development has occurred incrementally through a series of small proposals. Although this proposal of four dwellings is the same size as in that previous appeal, continued small-scale development cannot be satisfactorily accommodated by the existing highway. I am firmly of the view that, given the nature of Crosse Hall Lane, safe and suitable access to the site could not be achieved for all people, and that, despite the provision of a site access with adequate visibility, the residual cumulative impacts of the development would be severe, contrary to paragraph 32 of the National Planning Policy Framework (NPPF). Due to the inadequacies of the access route to the site, the proposal would also conflict with Policy TR4 of the Chorley Borough Local Plan Review, and I conclude that the development would have a severe localised effect on highway safety.

Sustainability

15. Having been suggested as a possible housing site (para 8, above), the appeal site was assessed as part of the sustainability appraisal for the emerging Local Plan. It is included in band B (the second of five bands), and is within Chorley Town, which is a key service centre under Policy 1 of the Core Strategy. In the report on the application, the Council acknowledged that the site is close to local services, except for a surgery, although the point is also made that the distance to the nearest bus stop exceeds the 400m guideline. Overall, however, local services would be accessible without undue difficulty from the site. The planning obligation provides for the upgrading of the bus stop opposite the junction of Crosse Hall Lane with Eaves Lane to quality standard. I consider the appropriateness of this obligation below (para 18), but I anticipate such work would be likely to encourage journeys by public transport.
16. The Council advises that its Five Year Housing Supply Statement records a 7.3 years supply of housing land, which is not disputed by the Appellants. Consequently, whilst the site would contribute to the Borough's supply of housing, the development is not needed to achieve the five years supply required by paragraph 47 of the NPPF, and this matter would only represent a limited benefit of the scheme. Moreover, the adverse effect on highway safety would detract from the social dimension of sustainability in respect of the appeal proposal.
17. This is a small-scheme scheme for a site which is close to existing housing and a motorway. I am satisfied that details of the appearance and scale of the development could be appropriately addressed as reserved matters and that the proposal for four dwellings would not detract from the setting of the listed building at Crosse Hall Farm to the north. Similarly, the proposed site plan indicates that the protected trees on the northern boundary can be safeguarded. For these reasons I consider that the proposal would be consistent with the environmental dimension of sustainability. Moreover I expect that the construction of the housing would make a contribution to growth, to which I accord limited weight given the size of the development, and in this way the proposal would accord with the economic dimension of sustainable development.
18. Paragraph 8 of the NPPF makes it clear that the economic, social and environmental roles of sustainability should not be undertaken in isolation as they are mutually dependent. Given my finding on highway safety, I conclude that the proposal would not represent a fully sustainable form of development.

The planning obligation

19. I have already considered the provision of a commuted sum towards affordable housing (above, paras 6-9). The Appellants also dispute whether the contribution towards upgrading the nearest bus stop would be compliant with the CIL Regulations. Paragraphs 30 and 35 of the NPPF promote the use of sustainable transport modes, and upgrading the bus stop on Eaves Lane to quality standard would be likely to encourage use of public transport in journeys from the appeal site. This bus stop is within the built-up area where it will serve a significant level of existing development. Trips associated with the appeal site are likely to represent only a small proportion of the total made using the stop and I do not consider that meeting the full cost of an upgrade to

quality standard would be fairly and reasonably related in scale and kind to the development.

20. Provision is made for contributions to amenity greenspace and children's and young persons' facilities. However the open space notes from the Council's Planning Policy and Urban Design Team explain that there is a surplus of provision in the Chorley East Ward in both these areas, and the contributions are sought as some provision is of low quality and low value. In the absence of more specific information it appears that these contributions would be used to address existing deficiencies rather than to meet additional demand, and I do not consider that they are necessary to make the proposed development acceptable in planning terms. In respect of the allotments contribution, the open space notes explain that the site is within the catchment of allotments which are of low quality and/ or value and the catchment of a proposed new allotment site. This limited information does not explain the need for a contribution, and I do not consider that it would be necessary to make the proposed developments acceptable in planning terms.
21. I have reached a different view in respect of the playing pitches contribution. There is a shortfall in pitch provision in Chorley, which is intended to be met by improvements to existing pitches. I am satisfied that this contribution meets the statutory tests in Regulation 122 of the CIL Regulations, subject to this infrastructure not being funded under the provisions of the Chorley CIL Charging Schedule.

Conclusions

22. I have found that the appeal proposal would have a severe localised effect on highway safety, for which reason it would not represent a wholly sustainable form of development. Because of the effect on highway safety, the proposal would not accord with Policy TR4 which remains part of the Development Plan. Whilst it would not generate a requirement for affordable housing, the absence of harm in this regard does not represent a benefit of the scheme. There are limited benefits arising from contributions to housing land supply and growth, but these would be significantly and demonstrably outweighed by the adverse effect on highway safety. My overall conclusion, having regard to all matters raised, is that the appeal should be dismissed.

Richard Clegg

INSPECTOR