
Appeal Decision

Site visit made on 1 December 2014

by Alison Partington BA (Hons) MA MRTPI

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

Decision date: 5th December 2014

Appeal Ref: APP/D2320/A/14/2226834

Land adjacent to 227 Moor Road, Croston, Leyland PR26 9HP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr David Haughton against the decision of Chorley Borough Council.
 - The application Ref 14/00490/FUL, dated 30 April 2014, was refused by notice dated 7 July 2014.
 - The development proposed is a dormer bungalow.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Chorley Local Plan 2012 – 2026 (CLP) is at an advanced stage in its preparation. The Inspector's Partial Report found that the plan was sound with the exception of matters relating to Gypsies and Travellers and indicated that subject to the modifications set out in the report, significant weight could be given to policies that are amended accordingly. In the light of this, I consider it appropriate to give significant weight to Policies BNE1 and HS7 of the CLP referred to by the Council in its reason for refusal because they are likely to be adopted in their current form.

Main Issues

3. The main issues in the appeal are:
 - Whether or not the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework;
 - The effect of the proposed development on the openness of the Green Belt; and
 - If the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether inappropriate development

4. Paragraphs 89 and 90 of the National Planning Policy Framework (the Framework) set out the categories of development which may be regarded as not inappropriate within the Green Belt, subject to certain conditions. The proposed development is a new dwelling. The Framework establishes in paragraph 89 that new buildings within the Green Belt are inappropriate unless, amongst other things, they represent limited infilling in villages.
5. Policy DC1 of the *Chorley Local Plan Review (adopted August 2003)* (CLPR) seeks to control new development within the Green Belt and sets out the forms of development that are not inappropriate within it. This allows for limited infilling in accordance with Policy DC4 which permits the development of a single plot for a single dwelling subject to certain criteria. In that these policies allow for limited infilling whether the site is within a village or not, the Council have indicated that they are not in accordance with the Framework.
6. Policy HS7 of the CLP sets out Council's approach to residential infilling in villages. In accordance with the Framework, subject to certain criteria, this only allows for limited infilling within villages within the Green Belt.
7. In the light of paragraph 215 of the Framework, as the policies within the development plan are not in broad conformity with the Framework, I have determined the appeal in accordance with the Framework and the policies in the CLP.
8. The appellant has identified that the site is located within the hamlet of Barber's Moor. I have not been made aware that the settlement boundary for Croston is defined in either the CLPR or the CLP and, it is disputed whether this hamlet forms part of the village or not. Whilst it is not argued that the hamlet itself constitutes a village, the appellant considers that as the hamlet consists of a significant number of houses and businesses, is within a kilometre of the services of Croston, and is only separated from the village by a short stretch of open farmland it forms part of this village.
9. However, I do not agree. Close to the central part of Croston, Moor Road is characterised by houses on both sides of the road, many of which are terraced houses with little or no front garden. The area therefore is clearly a built up area which has quite an urban feel. Some distance from the junction of Moor Road with Station Road, there is a distinct change in character: houses are replaced by fields on both sides of the road; the pavement stops on one side of the road; and the speed limit increases first to 30 and then 40 mph. This area has a rural, open and spacious feel which contrasts greatly with that before it. In my view, this change in character marks the edge of the village and the appeal site is located well beyond this.
10. Consequently, as the site does not form part of the village of Croston, the proposal cannot represent limited infilling within a village. It would therefore not fall within any of the categories listed within paragraph 89 of the Framework. As a result, I conclude that the appeal scheme would be inappropriate development, which according to paragraph 87 of the Framework is, by definition, harmful to the Green Belt.

Openness

11. Openness is an essential characteristic of the Green Belt. The appeal site is currently open land that is agricultural in nature. In that a house would be built on land that is currently not occupied by buildings, the openness of the Green Belt would be reduced. Consequently, there would be a degree of harm arising from this, in addition to that arising from the inappropriate nature of the development.

Other Considerations

12. The appellant has argued that the site lies within a built up frontage and so would have limited effect on the openness of the Green Belt and the character of the area. Whilst the appeal site does lie between 2 other houses, I do not agree that it forms part of a built up frontage. I accept that Nos 189 – 209 form such a frontage but beyond No 209, towards the appeal site, the dwellings are much more sporadic and interspersed by areas of open land used for other purposes. This, together with the fact that some of the houses are set back a considerable way from the road, means that houses on this side of Ridley Lane do not form a consistent built up frontage. Moreover, I have already concluded that the scheme would harm the openness of the Green Belt. Given that the openness of the area is one of its key characteristics, it would also harm the character of the area.
13. The proposed development would retain the trees and hedges that currently exist on the site which it is suggested would minimise its impact on the streetscene. Furthermore, I note that the proposed dwelling could be accommodated on the site without causing any harm to the living conditions of neighbouring occupiers. Nevertheless, an absence of harm in these matters is at best a neutral factor which does not weigh positively in favour of the scheme.
14. It is suggested that the appeal site provides the opportunity to provide a different kind of dwelling than has been provided in many of the recent residential developments in Croston and so it would therefore contribute to the policy objective of building a variety of housing types to meet all needs. Be that as it may, I have not been provided with any firm evidence to indicate that within the locality, or the borough as a whole, there is a lack of any specific types of housing or a lack of sites to meet a variety of housing needs, nor that it is necessary to build on Green Belt land to meet any such need.
15. I note the presumption in favour of sustainable development set out in paragraph 14 of the Framework. However, this paragraph indicates that there are times when development should be restricted and the footnote to this paragraph is clear that this includes land designated as Green Belt.
16. Reference is made to a recent permission granted for a dwelling on land adjacent to 195 Moor Road, to the other side of Ridley Lane, and the lack of consistency in decision making. The Council have highlighted that outline permission for this site was granted in November 2012. At this time the CLP was at a much earlier stage in its preparation and so little weight could be given to the policies it contained. As such there have been changes to the policy framework since that application was determined. Moreover, as outlined above, I agree with the Council's conclusion that, unlike the appeal site, that

site represented an infill plot in an otherwise built up frontage and so its development was in accordance with policies in the CLPR.

17. I have seen a copy of a signed and dated Section 106 agreement which would provide contributions towards Amenity Green Space, Playing Pitches, Allotments and provision for Children and Young People. Whilst this would mitigate the effect the scheme would have in regard of these matters, it is at best a neutral factor that does not weigh positively in its favour.

Conclusion

18. Overall, the proposal would be inappropriate development in the Green Belt which is harmful by definition. According to the Framework (paragraph 88) substantial weight has to be given to any harm to the Green Belt. In addition, the proposal would result in a reduction in openness. I conclude that, taken together, the factors cited in its favour do not clearly outweigh the harm the scheme would cause. Consequently, very special circumstances do not exist.
19. As a result, I consider that the proposal would be contrary to the Framework and to Policy HS7 of the CLP. Therefore I conclude the appeal should be dismissed.

Alison Partington

INSPECTOR