

## **APPLICATION REPORT – 22/01164/PIP**

**Validation Date: 7 November 2022**

**Ward: Clayton West And Cuerden**

**Type of Application: Permission In Principle**

**Proposal: Permission in principle application for a minimum of six dwellings and a maximum of nine dwellings**

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

**Case Officer: Mr Iain Crossland**

**Applicant: Mr M Shah**

**Agent: Mrs Claire Wilkinson Steven Abbott Associates LLP**

**Consultation expiry: 25 November 2022**

**Decision due by: 12 December 2022**

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### **RECOMMENDATION**

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

The proposed development would be located within the Green Belt as defined by the Chorley Local Plan 2012 – 2026. The proposed development is not considered to represent limited infilling and would be inappropriate development in the Green Belt and therefore harmful by definition. It is not considered that there are very special circumstances to overcome the definitional harm to the Green Belt and additional harm caused through encroachment. The proposal is therefore contrary to the National Planning Policy Framework and policy HS7 of the Chorley Local Plan 2012 – 2026.

### **SITE DESCRIPTION**

2. The application site is located in the Green Belt and is an open field that is located on the western side of Wigan Road, Clayton-le-Woods. There is a pond in the north west corner of the site. The site lies between the residential properties to the south at Oakdene, Bryony and Cairnsmore and a vehicle storage depot to the north. To the west is open scrub land, which separates the site from the M6 motorway. There is open land between the site and Wigan Road to the east, which has been previously used for the temporary siting of a mobile sales unit and associated car parking for the housing development to the east of Wigan Road. It is noted that this land benefits from permission in principle for a minimum of one dwelling and a maximum of four dwellings.
3. Immediately beyond the vehicle storage depot to the north is Armelee Nurseries, whilst there is a restaurant, dwelling and neighbourhood convenience store to the east of the depot. On the eastern side of Wigan Road lies 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 that have been carried out have been extensive major developments.

4. 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.
5. The application site and open land beyond to the west are not associated with a farm and are
6. 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 suburban 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.

#### **DESCRIPTION OF PROPOSED DEVELOPMENT**

8. This application seeks permission in principle for the erection of a minimum of six dwellings and a maximum of nine dwellings.

#### **REPRESENTATIONS**

9. Four representations in objection have been received. These raise the following issues:
  - Highway safety and capacity.
  - Green Belt impact.
  - Ecological impacts.
  - Loss of views.

#### **CONSULTATIONS**

10. Clayton-le-Woods Parish Council: No comments have been received.
11. United Utilities: Have no objection. Standing advice provided.

#### **PLANNING CONSIDERATIONS**

12. The application site is located within the Green Belt. 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:*

- 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.*

*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.*

13. 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.

14. The application site is open land with no buildings or development in situ. 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, which is an exception to inappropriate development. This raises the question of whether the site can be considered to be within a smaller village.

15. This part of Clayton le Woods has evolved rapidly over recent years with the delivery of major residential developments, and has developed the character of a suburb. There are a range of amenities within walking distance of the site including shops, pubs, churches and schools. For the purposes of the development plan the settlement boundary that defines the extent of the urban area matches the eastern boundary of the application site, with the settlement area lying to the east. In consideration of whether or not the site is within a village it is recognised that the definition of a village is not limited to that of the defined settlement area and that the wider functional area must be considered. It is also recognised that Clayton le Woods is larger than a village and has a level of sustainability that is at least commensurate with a village. The application site would occupy a position where it would be within the functional area of both Clayton le Woods and Leyland. Given the extent of surrounding development and the presence of nearby amenities commonly associated with urban areas, and not least villages, it is considered that the application site does form part of the functional area of an urban area that is at least commensurate with a village.

16. Turning to the matter of infill, policy HS7 of the Chorley Local Plan 2012 - 2026 deals specifically with rural infilling and provides a definition of infill development, which states as follows:

*Within smaller villages limited infilling for housing will be permitted providing the applicant can demonstrate that the following criteria are met:*

- a) *The existing buildings form a clearly identifiable built-up frontage;*

- b) *The site lies within the frontage, with buildings on either side, and its development does not extend the frontage;*
- c) *The proposal would complement the character and setting of the existing buildings.*

*Infill is the filling of a small gap in an otherwise built-up street frontage, e.g. 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.*

*When assessing applications for rural infill sites, the Council will also have regard to site sustainability, including access to public transport, schools, businesses and local services and facilities.*

17. There is development to the north and south of the application site, however, the land to the east and west is undeveloped and the site would have no shared frontage with the highway at Wigan Road. Development to the south of the site comprises large detached dwellings set in spacious grounds and these share a boundary with Wigan Road to the east. Although there is no frontage in the literal sense on this part of Wigan Road, it has already been concluded at a previous appeal (ref. APP/D2320/W/21/3282134) that the presence of development in this position adjacent to the highway comprises a clearly identifiable built-up frontage. Similarly the fragmented development to the north of the site was also considered to represent a clearly identifiable built-up frontage through the appeal.
18. The difference between the application site and the site that gained permission in principle on appeal is that the application site is set back by approximately 50m from the highway frontage along Wigan Road with open land between the site and that frontage. As a result the application site does not fill a gap within that identifiable frontage along the west side of Wigan Road but is set back from it to the extent that it would be at odds with the setting of existing buildings and would be out of character with the built form and pattern of development, which does not display such significant separation with the highway. This is contrary to the terms of policy HS7 of the Chorley Local Plan 2012-2026.
19. Notwithstanding this the application site is approximately 80m wide between the developed land to the north and south, whilst it would have a depth of approximately 80m. Policy HS7 defines infilling as “...*the filling of a small gap in an otherwise built-up street frontage, e.g. 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.*” As has been established above the site would not lie within the frontage but would be set back considerably from it, whilst the site is clearly capable of being filled by several dwellings and could not, therefore, be considered a small gap in this context. As such the proposed development would not meet with the definition of infill development as set out in policy HW7.
20. It is acknowledged that there are permissions in principle for the development of the land between the application site and Wigan Road, however, the land is currently undeveloped and neither of these consents have been implemented or progressed by way of applications for technical details consent. As such there are no guarantees that the land to the east will progress or be developed and any assessment of this current proposal can only be made on the basis of the current physical circumstances surrounding the site. The potential for the land to the east to be developed cannot, therefore, be factored into any assessment of the surrounding land in considering whether the application site comprises infill development.
21. 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 exists to prevent the merger of the two.
22. It is not considered that the proposed development constitutes limited infilling. The proposal is, therefore, considered to be inappropriate development within the Green Belt and

therefore not in accordance with the Framework and Policy HS7 of the Chorley Local Plan 2012 - 2026.

#### Other matters

23. Ecological impact: No assessment of the ecological impact can be carried out as part of an application for permission in principle.
24. Highway safety and capacity: No assessment of the highway safety or capacity impacts can be carried out as part of an application for permission in principle.
25. Loss of views: This is not a material planning consideration.

#### **CONCLUSION**

26. The proposed development is not considered limited infilling in the Green Belt and, therefore, constitutes inappropriate development, which in the absence of very special circumstances is contrary to the National Planning Policy Framework and Policy HS7 of the Chorley Local Plan 2012 – 2026.

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

**Ref:** 84/00786/OUT      **Decision:** REFOPP      **Decision Date:** 02 January 1985  
**Description:** Outline application for the erection of 15 dwellings on 2.6 acres of land

**Ref:** 02/00146/FUL      **Decision:** REFFPP      **Decision Date:** 09 April 2002  
**Description:** Erection of three detached houses

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

**Ref:** 22/00765/PIP      **Decision:** PERPIP      **Decision Date:** 23 September 2022  
**Description:** Permission in principle application for a minimum of one dwelling and a maximum of four 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.