

Appeal Decision

Site visit made on 31 January 2017

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

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

Decision date: 21 February 2017

Appeal Ref: APP/N2345/W/16/3163689

Land at Pudding Pie Nook Lane, Goosnargh, Preston PR3 2JL

- 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 Philip Rhodes against the decision of Preston City Council.
 - The application Ref 06/2016/0581, dated 24 June 2016, was refused by notice dated 18 August 2016.
 - The development proposed is an outline application for the erection of a single dwelling with all matters reserved.
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Decision

1. The appeal is allowed and outline planning permission is granted with all matters reserved for the erection of 1no. dwelling on land at Pudding Pie Nook Lane, Goosnargh, Preston PR3 2JL in accordance with the terms of the application Ref 06/2016/0581, dated 24 June 2016, subject to the attached schedule of conditions.

Procedural Matters

2. The proposal seeks outline planning permission, with all matters of detail reserved for future consideration. I have treated the drawings submitted showing an indicative site layout and the position of the proposed access position on Pudding Pie Nook Lane as illustrative.

Main Issues

3. The main issues are:
 - Whether the location of the proposed development would be consistent with the principles of sustainable development having regard to national and local planning policies;
 - The effect of the proposed development on the character and appearance of the surrounding area.

Reasons

Sustainable development

4. The appeal site comprises a rectangular parcel of land, partly occupied by a large aluminium framed greenhouse and hardstanding, bounded by a residential dwelling (Fell View) to the west with a small parcel of agricultural land separating the site from Almonds Farm to the east. The site is located
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- within the open countryside, approximately 0.5km from the defined settlement boundary of Broughton. It was formally used as a commercial plant and garden nursery.
5. Pudding Pie Nook Lane is a narrow rural land that provides access to a number of residential and commercial properties predominantly located in a ribbon development form fronting the road. The appellant suggests that there are currently 12 dwellings (with a further extant permission for one dwelling) within the group of properties along the road and has drawn my attention to a recently granted outline planning permission (Ref: 06/2016/0124) for up to 24 dwellings at Dean Farm Warehouse on a part greenfield site off Pudding Pie Nook Lane located approximately 250m from the appeal site.
 6. The Council's approach to the acceptability of new development in the countryside is set out in Policy 1 of the Central Lancashire Core Strategy (CLCS) and Policy EN1 of the Preston Local Plan (PLP). Policy 1 of the CLCS seeks to direct development to sustainable urban locations, whilst protecting the character of suburban and rural areas. However, this policy does allow development in other areas such as sustainably built up frontages, noting that development will typically be small scale and limited to appropriate infilling.
 7. Policy EN1 of the PLP contains 3 criteria for development in the open countryside. Criterion (c) limits development within the countryside to infilling within groups of buildings in smaller rural settlements. In the appellants view this criterion applies to the appeal case on the basis that the proposed development comprises infilling within a group of buildings along the road frontage.
 8. In my view the site is not isolated. It forms part of the established cluster of developed sites along the road frontage. The proposed development would infill part of the small gap between the established group of buildings at Fell View and Almonds Farm and form part of a small group of buildings which front Pudding Pie Nook Lane. The proposal would be a small scale re-use of a previously developed site. Despite its countryside location, I share the appellants view regarding criterion (c) of Policy EN1 (PLP) and that the proposal would accord with Policy 1 of the CLCS.
 9. The Council have argued that the site is not suitable for housing due to its unsustainable location. However, paragraphs 7 and 8 of National Planning Policy Framework (the Framework) advise that there are three dimensions to sustainable development: economic, social and environmental that should be sought jointly and simultaneously through the planning system. I will now consider each of these in turn.
 10. The appellant indicates that the site is within 1.5km to Broughton centre that has a number of key services and a range of facilities to meet local needs. It is within 850m of bus stops on Whittingham Lane and within 2km of the Guild Wheel Cycle Route. Although Pudding Pie Nook Road has no segregated pavement, I concur with the views of the appellant that due to the low volume of traffic and its cul-de-sac nature it can be considered as a shared surface.
 11. Taking these factors into account I consider that site is within adequate walking and public transport links to local facilities. Whilst it is inevitable that some services would be accessed by car, given the opportunity for walking, cycling

and public transport use, I do not consider that the location of the appeal site would cause significant environmental harm.

12. Given the relationship of the site to existing and proposed ribbon development along Pudding Pie Nook Lane, I do not consider that the proposed development would constitute an isolated home in the countryside. In my view, the proximity of the site to nearby properties would allow for social interaction and help support the facilities within Broughton. Consequently, the proposed development would provide some positive social benefit.
13. Whilst the Council has not identified any economic harm, there would be some economic benefits associated with the construction of the proposed dwelling in terms of local employment and the supply of materials. On occupation there would be a small continued support towards local facilities and services as well as providing a modest contribution to housing supply. Overall, the proposed development would have some economic benefits and although the scale of contribution would not be substantial, nonetheless it is a matter that attracts weight in the proposal's favour.
14. I consider that the site would not be in a less sustainable location than the surrounding dwellings, including the more recent permission for up to 24 dwellings at Dean Farm Warehouse. Taking the above factors into account, and considering the relevant policies in the Framework as a whole, I find that the proposal would amount to a sustainable form of development. Consequently, there would be no conflict with paragraphs 6, 49 and 55 of the Framework or with Policy 1 of the CLCS and Policy EN1 of the PLP.

Character and appearance

15. The removal of the existing glass house and hardstanding and their replacement with a dwelling would introduce a form of development that is more in keeping with the residential nature of development along the lane. In addition the character of ribbon development along this part of the lane would be maintained and there would be no further encroachment of development into the countryside beyond that which already exists as a consequence of the current development within the curtilage of the site.
16. I agree with the views of the appellant that the urbanised nature of the site makes more contribution to the character of ribbon development along Pudding Pie Nook Lane than it does to the open countryside to the south. The proposed dwelling would be consistent with the form of development that has already occurred along the lane and would not adversely change views of the site either from the road or the countryside to the south.
17. Although there would be a small localised change in the appearance of the site, given the character of development along this part of the lane is maintained; the fact that there would be no further encroachment of built development into the countryside; and that there would be opportunities to improve landscaping on the southern boundary with countryside beyond, I consider that the proposed development would not cause any demonstrable harm to the character and appearance of the area.
18. Furthermore, due to the existing character of development along Pudding Pie Nook Lane, a sensitively planned and designed scheme with carefully implemented landscaping would, over time, be likely to be viewed as an

organic extension of the cluster of linear development along the lane which would partially mitigate the harm in relation to the localised change in the appearance of the site.

19. Taking the above factors into account, I do not consider that the proposed development would significantly harm the character and appearance of the surrounding area. As such there would be no conflict with Policy 1 of the CLCS. This policy amongst other things, require that development should protect the character of rural areas.
20. Although the Council has also referred to a conflict with Policy EN1 of the PLP this policy does not specifically refer to the effect of development on the character and appearance of an area. As such I have attached little weight to the provisions of this policy in relation to the issue regarding the effect of the proposed development on the character and appearance of the surrounding area.

Other matters

21. There is some dispute between the main parties as to whether the Council can demonstrate a five year supply of land for housing. I agree with the appellant that the Council's contention that a five year supply can now be met is not substantiated by any detailed evidence nor has this been tested through any examination. Notwithstanding the actual position on five year housing supply, given my findings that the proposed development does not conflict with the provisions of the development plan, this is not a matter that would be significant in the determination of this appeal. In any event, the proposal would be sustainable development that would make a useful contribution, albeit small, to local housing supply.
22. I have had regard to the appeal decisions submitted by the appellant. While parallels can be drawn with this current appeal in some respects in each case, I have determined this appeal on its own merits.

Conditions

23. The Council has suggested a number of planning conditions which I have considered against the advice given in paragraph 206 of the Framework and the guidance contained in the section on 'Use of Planning Conditions' in the government's Planning Practice Guidance. As a result, I have amended some of them for clarity for the reasons set out below.
24. I have attached conditions limiting the life of the planning permission and setting out the requirements for the submission of reserved matters. However, I do not consider it necessary to specify the time period for the implementation of the proposed landscaping scheme within the condition relating to the submission of reserved matters as such implementation period is provided in a separate condition that specifically relates to the implementation of landscaping.
25. Although it is an outline scheme, I have imposed a condition regarding the approved plans in the interests of certainty. I have imposed a simplified version of a condition securing energy efficiencies and I also agree that a condition requiring the provision of electric vehicle charging points is necessary in the interests of meeting the needs of present and future generations, with particular regard to the use of natural resources.

26. In the interests of protecting the character and appearance of the area I agree that conditions relating to landscaping are necessary. Whilst, I recognise the Council's views regarding nesting birds, given that the site comprises predominantly of hardstanding and a glass house I do not consider that such condition is necessary or reasonable.
27. In the interests of ensuring adequate drainage of foul and surface water, I agree that a condition is necessary requiring the submission of details of drainage. In order to ensure that adequate provision is made for waste management and recycling I also agree that a condition is required regarding the submission of details of facilities for waste and recycling storage.

Conclusion

28. For the above reasons, and taking into account all other matters raised, I conclude that the appeal should be allowed.

Stephen Normington

INSPECTOR

CONDITIONS SCHEDULE

- 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall only be implemented in accordance with the following approved plan: 8735-P01 (Proposed Location Plan and Proposed Site Plan)
- 5) Details of compliance with the relevant requirements of the level of energy performance equivalent to ENE1 level 4 of the Code for Sustainable Homes shall be demonstrated in a report submitted with the reserved matters application. The development shall be carried out in accordance with the approved details.
- 6) Any application for reserved matters shall include a scheme for the provision of protected outdoor sockets for the dwelling that are suitable for electric vehicle charging points. The facilities shall be provided for the new dwelling prior to first occupation of the relevant dwelling, in accordance with the approved details and be permanently retained for that purpose thereafter.
- 7) Any application for reserved matters shall include full details of both hard and soft landscape proposals to be submitted to and approved in writing by the Local Planning Authority. These details shall include,
 - a) a scheme of landscaping, which shall include indications of all existing trees/hedgerows on the land;
 - b) details of any trees/hedgerows to be retained, together with measures for their protection in the course of development (such as tree protection fencing and positions);
 - c) a schedule of proposed plant species, size and density and planting locations; and
 - d) an implementation programme.
- 8) All planting, seeding or turfing comprised in the approved landscaping details shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless, the Local Planning Authority gives written consent to any variation.

- 9) Any application for reserved matters shall include full details of the means of disposal of surface water and foul drainage (namely the methods of drainage, position and size of any soakaway, location and size of any septic tank) which shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.
- 10) Any application for the approval of reserved matters shall include details of space and facilities for waste and recycling storage for the proposed dwelling which shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.