



## Appeal Decision

Site visit made on 16 January 2024

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 28 February 2024

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Appeal Ref: APP/D2320/W/23/3324581

Land west of Gleadhill House Gardens and north of Dawber's Lane, Euxton, Chorley PR7 6EA

- 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 Metacre Ltd against the decision of Chorley Borough Council.
  - The application Ref 22/00983/OUTMAJ, dated 9 September 2022, was refused by notice dated 9 February 2023.
  - The development proposed is the erection of 11 self-build / custom-build houses and associated development.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The application was submitted in outline, with access to be considered at this stage. The remaining matters of appearance, scale, layout and landscaping are therefore reserved for later consideration. I have dealt with the appeal on this basis and treated the submitted plans where pertinent as an indication of the proposed development.
3. A revised version of the National Planning Policy Framework (the Framework) was published on 19 December 2023. The main parties have been provided with an opportunity to comment on the revised Framework and its relevance to the determination of this appeal. References to the Framework in this decision therefore reflect the revised Framework.

### Main Issues

4. The appeal site lies in the Green Belt. The main parties agree that the proposal would be inappropriate development in the Green Belt and I have no reason to disagree. On this basis the main issues are:
  - The effect of the proposed development on the openness of the Green Belt and its purposes,
  - Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to very special circumstances necessary to justify the proposed development.

## Reasons

### *Openness*

5. The appeal relates to an undeveloped agricultural field. Whilst it is located directly to the east of a recently constructed housing development on Gleadhill House Gardens, and there are a few other buildings in the locality, the surrounding area is predominantly characterised by parkland, open fields and agricultural land.
6. I have not been referred to any policies within the development plan pertaining to development in the Green Belt. However, I have been directed to the Framework, which advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. This openness is an essential characteristic of the Green Belt and has a spatial and visual aspect.
7. It is inevitable that a scheme comprising 11 dwellings would give rise to a spatial loss of openness on the site as it results in development where there was previously none. I appreciate that there are already some urban influences in this area such as telegraph poles, pavements and a highway that bound the southern side of the site. In addition, the appeal site has development to one side of it and would be accessed via the existing road on Gleadhill House Gardens. There is also woodland and deciduous mature trees along its boundaries.
8. However, this vegetation does not constitute permanent screening, particularly in the winter months when the trees would not be in leaf. My site observations confirmed that although long distance views of the proposal would be filtered by mature trees and shrubbery even without their leaves, its form, bulk and massing would still be readily apparent from the nearby Dawber's Lane highway. The development of this green field would also be clearly visible from along Gleadhill House Gardens and from some of the existing residential properties on this road. It would thereby clearly appear more urbanised than is presently the case.
9. As a result of all of these factors, I find that the proposal would lead to a significant loss of Green Belt openness in both visual and spatial terms contrary to Paragraph 142 and Section 13 of the Framework. In reaching this finding I have had regard to the submitted Appeal Statement on Landscape and Green Belt Matters. It is also **noted that the site is located in an area of 'ordinary' countryside** as defined in the Open Land Designation Study- Green Belt Assessment October 2022 (GBA). This forms a part of the evidence base of the Emerging Central Lancashire Local Plan (CLLP). However, these factors do not overcome the harm that I have identified in this respect.

### *Purposes*

10. Paragraph 143 of the Framework sets out the 5 purposes of the Green Belt. It is common ground between the main parties that the proposal would not prejudice 3 of the 5 purposes of the Green Belt. These are b) to prevent neighbouring towns merging into one another, 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. I have no substantive reason to question this.

11. Nonetheless, the contribution that the appeal site makes to the purposes of the Green Belt also formed part of the GBA. In this assessment the appeal site was included within Land Parcel P15. The GBA understandably concluded that Parcel P15 makes significant contributions to purpose a) checking the unrestricted sprawl of large built-up areas and to purpose c) assisting in safeguarding the countryside from encroachment.
12. Whilst I appreciate that Parcel P15 covers an extensive area of land, the appeal site lies fairly central within it. Furthermore, despite the presence of the adjacent housing development, a hospital and a care home, the appeal site is located away from the core shape and form of the Euxton settlement.
13. I am mindful that the GBA states that the residential developments along roads within this parcel are low density and thus, do not have a significant impact on openness. The appeal scheme would also be low density. Nevertheless, despite the indicative nature of the layout plan, it proposes a number of additional houses which along with associated hard surfaces and domestic paraphernalia would be apparent in local views and would sprawl into an undeveloped site. Whilst the appellant considers it to represent a logical extension to the built form, there would be a clear perception that the extent of urban sprawl had increased beyond the existing residential development. Accordingly, the appeal scheme would have an adverse impact on purpose a) of checking unrestricted sprawl.
14. Given the degree of separation from the built-up envelope of Euxton and the undeveloped green spacious character of the site I also consider it to have more affinity with, and to read very much as a part of, the adjoining open agricultural landform and countryside. Accordingly, this would constitute an encroachment of built form into the countryside, thereby also conflicting with purpose c) of the Green Belt, when assessed against paragraph 143 of the Framework.

#### Other Considerations

15. At the time of determining the application, the Council could not demonstrate a 5-year deliverable supply of housing land (HLS). Both main parties identify a 3.3 year supply, which represents a substantial shortfall. I am also mindful that paragraph 70 of the Framework advises that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. Notwithstanding the modest amount of houses proposed, it is common ground between the main parties that significant weight should be apportioned to the contribution that the scheme would make to boosting the **Borough's overall housing land supply**.
16. A completed S106 planning obligation deed has been submitted by the appellant in respect of securing self-build housing and natural and semi-natural green space. This also ensures financial contributions towards the provision of off-site affordable housing, an equipped play area, and off-site playing pitches within the Borough. The Council has confirmed that this planning obligation fulfils its purpose, and I am satisfied that it is compliant with regulation 122 of the CIL Regulations and paragraph 57 of the Framework.
17. It is undisputed that the affordable housing contribution equates to the provision of 4 new off-site affordable homes. Again, it is a relatively modest number, but in light of the context of a significant shortfall of such homes

across the Borough it is common ground that this contribution weighs significantly in favour of the appeal. I have no reason to disagree.

18. The proposed development would also be a self-build scheme. Whilst this is not a requirement of the development plan, paragraph 70 of the Framework seeks opportunities to support small sites to come forward for self-build and custom-build housing. Local authorities also have a duty under the Self Build and Custom Housebuilding Act 2015 to keep a register of individuals who wish to acquire serviced plots of land to bring forward self-build and custom housebuilding projects to meet the identified need, and to have regard to such registers in carrying out planning and other functions. In addition, the Planning Practice Guidance advises that data on registers can be supported by additional data from secondary sources to understand and consider future need for this type of housing in the area.
19. The Council states that whilst its self-build register contains expressions of interest from 17 households, this should be balanced against the supply of at least 18 self-build plots which have previously been granted permission. **The Council's reference** to the number of plots identified as being available in a Housing Need and Demand Study, and developers and housebuilders comments in respect of demand for custom and self-build homes in the area, are noted.
20. Nonetheless, I am also mindful of the findings within The Central Lancashire Housing Study 2020 (CLHS), which has also been produced to inform the preparation of the CLLP. The CLHS acknowledges that secondary data sources suggest that there is a more sizeable level of demand for serviced plots for self-build and custom housebuilding across all three of the Central Lancashire Councils **which hasn't yet been reflected in their own self-build registers**. In reaching this view, the CLHS refers to The Buildstore Custom Build Register, which is the largest national database of demand for self and custom build properties. This identifies 185 people registered as looking to build their own home in Chorley, with 699 subscribers to its PlotSearch service.
21. Furthermore, **the appellant's** uncontested secondary source data, taken from Buildstore's **plot search website**, indicates that at parish level, there are 42 registrants and 203 plot-search subscribers looking for homes in the Euxton area. I have no substantive reason to question these figures. Whilst the scheme involves a modest number of self-build plots, I am therefore unable to conclude, on the basis of the evidence before me, that the proposal would not make a positive contribution to the need for this type of housing in the Borough. I have subsequently given the self-build nature of the proposal significant positive weight.
22. The proposal would also provide for employment and economic activity during construction. The spend of the future occupiers would benefit the local economy through the usage of local services. However, there is nothing to distinguish the potential job creation and economic benefits here compared with any other housing scheme. Even though the Borough is not maximising potential economic benefits due to poor housing delivery performance, in the context of the number of dwellings proposed, these economic benefits attract limited weight in favour of the proposal.
23. Furthermore, whilst it is common ground that biodiversity enhancement benefits could be secured via planning condition, matters of landscaping, layout

and appearance are reserved for future consideration and are only qualified by indicative plans. On the basis of the evidence before me I am therefore unable to attribute this factor any more than very limited positive weight in the overall Green Belt balance.

#### Other Matters

24. It has been put forward that the appeal site is in a suitable location in accessibility terms. I have also been made aware that the Local Highway Authority, Local Lead Flood Authority, Education Authority, United Utilities and the Greater Manchester Ecology Unit did not object the proposal. However, these matters did not appear to be contentious in the appeal and the absence of harm in these respects are not factors that weigh in the **scheme's favour**.
25. My attention has been drawn to the planning permission for the adjacent site<sup>1</sup> and a number of appeal decisions<sup>2</sup> in respect of self-build housing schemes. Various reasons why certain factors should or should not be afforded different levels of weight in my decision have been cited. Nonetheless, these cases involved a mixture of different policy considerations, main issues and site characteristics which were subsequently considered in the respective planning balances and attributed weight dependant on the circumstances of each case. All of these cases also involved larger amounts of housing than are proposed in this appeal. I am not bound to attribute the same weight to benefits of a proposal or reach similar overall conclusions concerning a smaller number of dwellings. As such, these decisions are not relevant to my assessment of the current proposal, as I have determined it based on its own merits.
26. The appellant also argues that existing settlements in the Chorley Borough are tightly constrained by the countryside and that 49% of the proposed housing allocations in the CLLP fall outside current settlement boundaries. However, this does not mean that all proposals for housing in the Green Belt should be accepted.

#### Green Belt Balance and Conclusion

27. The proposal would be inappropriate development in the terms set out by the Framework, and it would result in significant harm to the openness of the Green Belt. I have also found there to be conflict with 2 of the Green Belt purposes in relation to checking the unrestricted sprawl of large built-up areas and safeguarding the countryside from encroachment. The Framework requires me to give these collective harms substantial weight.
28. **A modest number of dwellings are proposed. Having regard to the Council's** deficient overall HLS position, the benefits of housing provision attract significant weight. Affordable housing provision also attracts significant weight in favour, as does the provision of 11 self-build plots. The economic and social related benefits and biodiversity benefits in this case attract limited and very limited positive weight respectively.
29. The Framework makes it clear that very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, are clearly outweighed by other

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<sup>1</sup> 16/00633/OUTMAJ

<sup>2</sup> APP/D2320/W/20/3247136, APP/D2320/W/21/3275691, APP/D2320/W/21/3272310 & APP/D2320/W/21/3272314, APP/D2320/W/21/3284702, APP/D2320/W/21/3284692, APP/D2320/W/22/3312908, APP/G2435/W/18/3214451 & APP/G2435/Q/18/3214498, APP/Y3940/W/21/3275477, APP/B1930/W/20/3265925 & APP/C1950/W/20/3265926.

considerations. It is not sufficient for harm to merely be outweighed, but benefits must clearly outweigh the harm. In this case, when taken together, I find that the overall benefits associated with the proposed 11 dwellings would not be of sufficient magnitude to clearly outweigh the totality of harm. Consequently, very special circumstances necessary to justify the development do not exist.

30. Given **the Council's 5-year HLS position** I have had regard to Paragraph 11d of the Framework. However, footnote 7 therewith specifies that land designated as Green Belt is among the examples of specific policies which indicate that development should be restricted. The identified harm to the Green Belt provides a clear reason for refusing planning permission and the proposal would therefore not benefit from the presumption in favour of sustainable development.

31. The appeal should therefore be dismissed.

*Mark Caine*

INSPECTOR

Richborough