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# Appeal Decision

Inquiry held on 9-10 January 2013

Site visit made on 11 January 2013

**by Isobel McCretton BA(Hons) MRTPI**

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

**Decision date: 1 March 2013**

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**Appeal Ref: APP/N2345/A/12/2182325**

**Land north of The Hills, Longridge Road, Grimsargh, Preston PR2 5BF**

- 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 Hallam Land Management Ltd against the decision of Preston City Council.
  - The application Ref. 06/2011/0882, dated 21 October 2011, was refused by notice dated 11 May 2012.
  - The development proposed is residential development with public open space and ancillary works.
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## Procedural Matters

1. The application was in outline with all matters reserved, though an indicative layout was supplied and a number of details given in the Design and Access Statement. During the Council's consideration of the scheme it was amended from 200 dwellings to 143 as shown on the revised illustrative master plan (4299-P-06revD). I have determined the appeal on this basis.
2. A S106 Unilateral Undertaking has been submitted by the appellants. This covers the transfer of land designated in the scheme as public open space, a travel plan, improvements to the 4 bus stops nearest to the development, a cycle path along part of the disused railway alongside the site, and a contribution towards a footpath linking The Hills and the appeal site. I return to these matters below.

## Decision

3. The appeal is dismissed.

## Main Issue

4. The main issue is whether this is an appropriate location for housing having regard to national and development plan policies in respect of the delivery of new housing and spatial planning policy in the development plan.

## Reasons

5. The appeal site, currently farmland, lies to the west of the B6243 Longridge/Preston Road and to the north of The Hills, an enclave of modern houses on the outskirts of Preston constructed on the site of a former school. On the eastern side of Longridge Road there is a ribbon of houses. To the north of the appeal site the area is open in character including the curtilage of

- Church House Farm, beyond which is St Michael's Church and car park and then Grimsargh village. To the west is a disused railway line running through open farmland.
6. Indicative drawings show the dwellings located within the southern and eastern part of the site. Public open space would be provided within the developed area and the remainder of the site would be landscaped and managed in the interests of achieving an enhancement of biodiversity. Improved public footpath and cycleway connections would be provided to the north and south, with land made available along the route of the former Preston-Longridge railway to contribute towards the completion of the footpath/cycleway from Grimsargh - Skeffington Road (a proposal identified in policy T8(2) of the Preston Local Plan (2004)). A range of dwellings with 2-5 bedrooms would be provided, with 30% of the units as affordable housing.
  7. Policy 1 of the Central Lancashire Core Strategy (adopted July 2012) aims to focus growth and investment on well located brownfield sites, the Strategic Location of Central Preston, the Key Service Centres of Chorley and Leyland and the other main areas in South Ribble, whilst protecting the character of suburban and rural areas.
  8. To this end, Policy 19 seeks to protect the identity, local distinctiveness and green infrastructure of certain settlements and neighbourhoods by the designation of Areas of Separation (AOS) and Major Open Space, to ensure that those places at greatest risk of merging are protected and that environmental/open space resources are safeguarded. Paragraph 10.14 of the supporting text explains that, in some parts of Central Lancashire, there are relatively small amounts of open countryside between certain settlements. The AOS will help maintain the openness of these areas of countryside and the identity and distinctiveness of these settlements. Detailed boundaries for the AOS are to be set out in Site Allocations Development Plan Documents. Grimsargh is one of the three northern settlements where such an AOS will be designated. While this policy is, in effect, more stringent than Green Belt policy, precluding development which would be considered not inappropriate in the Green Belt, it was recognised as having a 'worthy purpose' by the examining Inspector who found the Core Strategy to be sound.
  9. The appeal site lies outside the settlement boundaries for Grimsargh and Preston as shown on the Proposal Map of the Preston Local Plan (2004). It is also outside the rural settlement boundary for Grimsargh and within the area identified as an AOS on the Draft Proposals Map of the emerging Sites For Preston Preferred Options - Site Allocations and Development Management Policies Development Plan Document (May 2012) (SADMDPD).
  10. Government policy as set out in the National Planning Policy Framework (2012) (the Framework) is 'to boost significantly the supply of housing'. It is common ground that the Council cannot demonstrate a five year supply of housing land as required in the Framework<sup>1</sup>. In such cases, the Framework states that relevant policies for the supply of housing should not be considered up-to-date

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<sup>1</sup> The Council estimates the Housing Land Supply to be 3.52 years including a 5% allowance for choice and competition, but the appellant considers it to be lower at 2.03 years on this basis. The main parties did not feel it was necessary to give oral evidence on this. It was agreed in the addendum to the Statement of Common Ground that, even at 3.52 years, there is a substantial shortfall against the 5 year supply for the purposes of paragraph 47 of the Framework to which significant weight should be attached.

and housing applications should be considered in the context of the presumption in favour of sustainable development.

11. The scheme is promoted by the appellants as a sustainable urban extension to Preston. The main parties agree that the site is in a relatively sustainable location: it adjoins the residential enclave of The Hills, is close to bus routes giving access to some facilities in Grimsargh and other services, facilities and employment areas in Preston. Moreover, the proposal has a number of additional benefits as outlined above which are acknowledged by the Council and, in the absence of ownership and on-site constraints, the site is considered to be deliverable.
12. The appellants maintain that the proposal would preserve an adequate gap between Preston and Grimsargh so that the purpose of the designation of the AOS would not be compromised. There is a gap of around 120 metres in the ribbon development on the eastern side of Longridge Road, opposite the appeal site. The amended indicative layout shows that a similar gap would be maintained at the appeal site, with development also set back from the road as at The Hills. However the development would then extend further northwards on the western side of the site. Although a gap of around 120 metres would still exist along the Longridge Road frontage, and there would be around 190m between the northernmost extremity of the appeal site and housing at the southern edge of Grimsargh, because of the northern extension of the proposed residential development, the gap would not run straight through east to west from Longridge Road.
13. The purpose of this AOS is to maintain the identity and distinctiveness of Grimsargh as a village settlement within the open countryside, separate from Preston. This separation is of great importance to the residents of Grimsargh who are supported by their MP, Ben Wallace. Although the boundary of the AOS has not been formally adopted, it is indicated on the draft SADMDPD proposals map. The site is within the very narrowest section of the possible AOS and is, therefore, in the most sensitive part of the AOS in terms of separation of the settlements. There are not many locations from which this particular gap is readily seen but, to my mind, the most critical views, if the distinction between Preston and Grimsargh is to be maintained, are those from Longridge Road and along the public footpath to the south of Church House Farm.
14. Apart from the point of access, shown toward the southern end of the site on the indicative layout, the hedge and trees along the eastern boundary of the site would be retained and reinforced. As noted above, there is a similar buffer along the eastern side of The Hills. However, although it softens the impact of the residential development to some extent, it does not disguise the fact that there are houses rather than open fields beyond.
15. Towards the northern part of the appeal site the houses would be set much further back from the road with a managed landscaped area between. Nonetheless, it seems to me that there would still be a clear impression of development along that side of Longridge Road rather than open countryside which the AOS seeks to achieve. There would be little sense for people travelling from Preston of having left the built-up area of the city. The scheme is heavily reliant on the maintenance of the boundary hedge to create an illusion of openness and absence of development to the east. However that openness would, for the most part be limited to one 'field'. From the footpath

the views southwards would be entirely enclosed by built development, albeit that its appearance may be softened by planting which would take some considerable time to mature to be effective.

16. At the Inquiry the main parties agreed that there would be some negative impact on the character of the landscape at this point but disagreed as to whether this would be low or substantial/severe in magnitude. This is something of a 'red herring' as the purpose of the AOS is not to maintain the character of the landscape, but to maintain the openness of the area. In this context, I consider that the further narrowing of the gap between Grimsargh and Preston, at what is already its narrowest point, would materially compromise the function of the AOS in protecting the identity and distinctiveness of Grimsargh as a village, separate from the built up area of Preston, contrary to the objectives of policy CS19.
17. Policy CS19 is not a specific housing policy but, as the aim is to maintain openness and separation, applies to all built development. The housing delivery objectives and the presumption in favour of sustainable development in the Framework are important material considerations. However the presumption in favour of sustainable development in the Framework has three strands – social, economic and environmental. In this case I consider that the environmental and social aims of maintaining an AOS between Preston and Grimsargh to protect the identity and distinctiveness of Grimsargh, as set out in the recently adopted Core Strategy, would not be achieved and that, in this case, this is the overriding consideration. Thus I conclude that the proposal would not accord with policy CS19.

### **Other Matters**

18. The Council also contends that allowing this appeal would redefine this part of the northern boundary of Preston and so compromise the outcome of the SADMDPD by preventing an effective AOS from being established. It was argued that defining the boundary is a matter for the SADMDPD and not a s78 appeal such as this. However I have found that, regardless of the fact that the exact boundaries of the AOS have not been defined, the proposal would unacceptably erode the separation between Preston and Grimsargh to the detriment of the identity and distinctiveness of Grimsargh.
19. Nearby residents, particularly in The Hills, are concerned about the loss of privacy and outlook as a result of the development, but the application is in outline with all matters reserved. While the views from the properties near to the site would undoubtedly change, that does not necessarily equate to harm and, in any event, there is no 'right to a view'. I have no reason to suppose that a scheme could not be designed which would respect the privacy of existing residents. These, therefore, are not reasons to dismiss the appeal.
20. There is also concern about the increase in traffic which would result from the scheme. A transport assessment was submitted with the application. This shows that the level of traffic that would be generated could be accommodated on the local network, and the agreed highways contributions, secured through the S106 undertaking, would enable the impact to be mitigated satisfactorily. After further information was submitted and the indicative access moved to the southern part of the site the Highway Authority has raised no objection subject to conditions and the measures to be secured through the S106 undertaking and I have no reason to disagree.

21. An ecological appraisal was submitted with the application. It presents compensation and mitigation measures that aim to maintain the local great crested newt population at favourable conservation status. The loss of existing habitat would be adequately compensated for, by the creation of optimal newt habitats around existing ponds on the site, which would be retained. Natural England considered that planning permission could be granted, but that a detailed monitoring and mitigation strategy should be submitted before the commencement of development. It was also suggested that enhancements for bats could be requested. These measures could be secured by condition if permission were to be granted.
22. As the appeal is to be dismissed for reasons based on the substantive merits of the proposal, it is not necessary for me to consider whether the proffered S106 undertaking accords with the provisions of Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the tests for planning obligations set out in the Framework.

### **Conclusion**

23. Although the proposal would secure the provision of housing, together with a range of other benefits, I consider that the harm to the Core Strategy policy objective of maintaining an AOS between Grimsargh and Preston would be harmed and that this is the overriding consideration in this case.
24. For the reasons given above I conclude that the appeal should be dismissed.

*Isobel McCretton*

INSPECTOR

## **APPEARANCES**

### FOR THE LOCAL PLANNING AUTHORITY:

Jonathan Easton of Counsel, instructed by Preston City Council

He called:

James Overall  
BA(Hons), CMLI  
Ryder Landscape Consultants

Martin Putsey BSc,  
DipTP, DMS, MRTPI  
Principal Planning Officer (Policy), Preston CC

Phillip Cousins  
BSc(Hons), MCD, MRTPI  
Principal Planning Officer (Development  
Management), Preston CC

### FOR THE APPELLANTS:

David Hardy LLB(Hons)  
BCL(Hons)(Oxon)  
Barrister and solicitor, instructed by Sigma  
Planning Services

He called:

Phil Rech BAPhil, CMLI  
Director, FPCR Environment and Design Ltd

Chris Hough BSc FRICS  
Principal, Sigma Planning Services

### INTERESTED PERSONS:

Eileen Murray  
Chairman, Grimsargh Parish Council

David Hindle  
Grimsargh Parish Council, local historian and  
naturalist

Alf Clempson  
On behalf of Ben Wallace MP

Anthony Ingham  
Local resident

### DOCUMENTS SUBMITTED AT THE INQUIRY:

Document 1 Signed Statement of Common Ground

Document 2 Addendum to Statement of Common Ground

Document 3 Copy of signed S106 Unilateral Undertaking

Document 4 Opening submissions for the appellants

Document 5 Closing submissions for the appellants

Document 6 Opening submissions for the Council

Document 7 Closing submissions for the Council

- Document 8 Suggested condition re sustainable homes
- Document 9 Statement from Eileen Murray, Grimsagh PC
- Document 10 Statement from David Hindle
- Document 11 Statement from Alf Clempson on behalf of Ben Wallace MP
- Document 12 Statement from Anthony Ingham

**DRAWINGS:**

- A1 Enlarged version of landscape appraisal plan (James Overall evidence)
- B1 Suggested site visit itinerary