
Appeal Decision

Inquiry held on 19 and 20 November 2013

Site visit made on 19 November 2013

by Alison Lea MA (Cantab) Solicitor

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

Decision date: 10 January 2014

Appeal Ref: APP/N2345/A/13/2201821

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

- 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 06/2013/0245, dated 12 April 2013, was refused by notice issued on 3 July 2013.
 - The development proposed is residential (up to 100 dwellings) public open space and ancillary works.
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Procedural Matters

1. The application is in outline with all matters reserved for future determination.
2. At the request of the main parties I carried out an accompanied site visit prior to hearing the evidence of any witnesses.

Decision

3. The appeal is dismissed.

Main Issue

4. The main issue in this case 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 is located on the north eastern side of Preston immediately to the north of The Hills housing estate, which estate was constructed on the site of a former school. To the south of The Hills is the major employment location of Preston East, including the Red Scar and Rough Hey Industrial estates and Millennium City Business Park. The appeal site is to the west of the B6243 Longridge Road, which has single depth residential development along its eastern side, apart from a gap of about 120 metres.
6. The appeal site has a frontage of about 325m to Longridge Road, marked by a mature hedge, highway verge and footpath. The site consists of agricultural pasture land laid out in small to medium field parcels. A dismantled railway

bisects the site, located on an embankment at the southern end of the site and descending into cutting to the north of the site. Public footpath 9 (FP9) runs east to west across the northern boundary of the site, to the north of which is Church House Farm, a residential property set in spacious open surroundings. To the north of that property is St Michael's Church which has a large unsurfaced parking area located at the rural boundary of the village of Grimsargh.

7. An illustrative masterplan and design and access statement have been supplied which show the housing development located on the southern part of the site. This would consist of a range of 2 – 5 bedroom dwellings with 30% affordable housing. The northern part of the site would be left largely with the appearance of farmland and managed and landscaped in the interests of achieving biodiversity. Public open space would be provided within the developable area and improved public footpath and cycleway connections provided, including use of the route of the dismantled railway to contribute to the completion of a cycleway link, which is a proposal identified in Policy T8(2) of the Preston Local Plan. Vehicular access would be located at the southern end of the site frontage. The parties have agreed that in the event of permission being granted a condition should be imposed requiring any application for reserved matters to substantially accord with the principles of the illustrative masterplan and design and access statement. I have therefore determined the appeal on this basis.
8. The statutory development plan comprises the Central Lancashire Core Strategy (CS) which was adopted in July 2012 and the saved policies of the Preston Local Plan which was adopted in 2004, in conformity with the Lancashire Structure Plan, which has now been superseded. The appeal site lies outside the settlement boundaries for Grimsargh and for Preston as shown on the Proposal Map to the Preston Local Plan. Policies relating to open countryside outside the Green Belt and housing development outside allocated areas were not saved and therefore no longer apply.
9. CS Policy 1: Locating Growth seeks to focus growth and investment on well located brownfield sites and the Strategic Location of Central Preston and other key service centres and main urban areas, whilst protecting the character of suburban and rural areas. The policy acknowledges however that some Greenfield development will be required on the fringes of the main urban areas. The Council has not suggested that there is a conflict with this policy.

Area of Separation

10. CS Policy 19 seeks to protect the identity, local distinctiveness and green infrastructure of certain settlements and neighbourhoods by the designation of Areas of Separation and Major Open Space, to ensure those places at greatest risk of merging are protected and environmental/open space resources are safeguarded. Grimsargh is specified in the policy as one of 3 northern settlements around which an Area of Separation will be designated and the key diagram indicates that there will be an Area of Separation in the narrow gap between the fringes of Preston and Grimsargh. Other, considerably wider, areas are indicated between Grimsargh and Goosnargh and between Preston and Broughton. The explanatory text refers to the "relatively small amounts of open countryside between certain settlements" and states that the Areas of Separation are needed to "help maintain openness of these areas of

countryside and the identity and distinctiveness of settlements". It also states that the policy "will apply to all forms of development including that considered appropriate in the Green Belt".

11. The boundaries of the Area of Separation will be fixed through the Site Allocations and Development Management Policies Development Plan Document (SADMDPD). The Publication Version was issued in July 2013 and the appeal site falls within the boundary of the Area of Separation shown between Grimsargh and the Preston Urban Area. Draft Policy EN4 states that "development will be assessed in terms of its impact upon the Area of Separation. Development that leads to a risk of settlements merging will be resisted". The appellant has made representations to the effect that the appeal site should be allocated for the development of 100 houses and that the boundary of the Area of Separation should be drawn around the development. It has not objected to the wording of draft Policy EN4 and submits that even if the boundary of the Area of Separation includes the appeal site the proposal would not be contrary to draft Policy EN4.
12. The appellant submits that draft Policy EN4 represents a "key change in policy" from draft Policy EN2 in the Preferred Options Paper, which stated that "development in these Areas of Separation will be restricted, including all forms of development considered appropriate in the Green Belt". The Council states that the change was made in response to objections that draft Policy EN2 was too restrictive and disproportionate to the intended purpose of Areas of Separation, some of which are proposed to be considerably wider than that between Grimsargh and Preston. I note however that the wording of draft Policy EN2 reflected the explanatory text to CS Policy 19 and that the examining Inspector who found the Core Strategy to be sound stated that Policy 19 had a "worthy purpose" and recognised that Policy 19 "may in practice be more restrictive than Green Belt policy" as "the construction of new buildings for, for example, agriculture and essential facilities for outdoor sport and outdoor recreation, which may be acceptable in a Green Belt, may not be acceptable in an Area of Separation".
13. Although the Council accepts that the wording of draft Policy EN4 is less restrictive in some respects than draft Policy EN2, and could in theory include open market housing, the appellant accepted that draft policy EN4 cannot be read independently from adopted Policy CS 19 and I also note that the phrase "risk of merging" appears in CS Policy 19. It seems to me that the extent to which the change in wording from draft Policy EN2 in the Preferred Options Paper to the wording in draft Policy EN4 of the Publication Version represents a "key change in policy" is unclear. Furthermore, the SADMDPD has not yet been the subject of examination by an independent Inspector who will need to determine whether the plan is sound. This therefore limits the weight which I can attribute to it. In any event the principle and the broad location of the Area of Separation have been established by CS Policy 19 and the impact of this proposal on the effectiveness of the Area of Separation in functioning as a gap which protects the identity and distinctiveness of Grimsargh can be assessed by reference to that policy.
14. The appeal site is located within the narrowest part of the gap between Preston and Grimsargh. The Publication Version of the SADMDPD shows the Rural Settlement Boundary of Grimsargh to the north of the appeal site as the church car park and the distance from this to The Hills has been measured as 440m.

The proposed built development would narrow this gap to 290m. However, Church House Farm lies to the south of the settlement boundary and I agree with the appellant that its boundary treatment has an urbanising character and represents the perceptual edge of built development as one leaves or enters Grimsargh on Longridge Road. Users of FP9 would also experience Church House Farm as the perceptual edge of Grimsargh. I am informed that the distance between Church House Farm and The Hills is 300m, which would be reduced to 156m by the proposed built development. The Rural Settlement boundary extends south to include the ribbon development along Longridge Road and the vertical distance between that development and the northern boundary of the proposed built development would be 60m, albeit that the development would be set back from Longridge Road.

15. It is clear that the proposal would not result in the physical merger of the 2 settlements as there is no point where there would be no gap. However I agree with the Council that if whether or not physical merger would take place was the only test to be applied, the logical conclusion would have to be that any thin strip of land, even 10m in width, would constitute an effective Area of Separation. Indeed Mr Hough accepted that physical separation was not the only test and, although unclear as to what might be meant by a "risk of merger", stated that such a risk would be less in a wide Area of Separation but would increase where there is only a narrow gap. Clearly the development would result in a reduction in the width of the existing narrow gap between settlements and the openness of part of the land which currently forms the gap would be lost.
16. Mr Hough suggested that a perception of merger may be relevant, albeit that the perception should be that of a reasonable person "on the Clapham omnibus". He pointed out that some people may already perceive the settlements to be merged and that residents of The Hills consider themselves to be residents of Grimsargh. In contrast he referred to the amount of "green" apparent on the aerial photograph of the area. However, I agree with the appellant that an aerial photograph is of little assistance in determining how people perceive matters on the ground and in any event I consider that the photograph shows that the gap between Grimsargh and Preston in the location of the appeal site is small. Much of the overall impression of "green" is from the wider area.
17. Mr Hough invited me to consider the locations from where the effect of the proposal on the gap would be experienced, namely from Longridge Road, from FP 9 and from the cycle link which it is intended would be formed if the development is constructed. I shall consider each of these in turn.
18. Currently, although the gap in ribbon development on the east side of Longridge Road is only 120m, after passing The Hills there is open countryside to the west and there is a bend in the road which prevents views of Grimsargh and therefore leads to a perception of having left one settlement, albeit briefly, before entering another. The proposed houses would be set back from Longridge Road and other than at the access point, the boundary hedge would remain. Although it is suggested that this hedge prevents views across the site, it was apparent at my site visit that some views are possible through gaps in the hedge and that when walking along Longridge Road one has a perception of open countryside beyond the hedge. Although set back by the distance of one field I consider that the proposed houses would be apparent behind the

hedge and the perception of openness would be lost. Clearly the hedge could be managed to make it thicker, but I accept that at least in the short term, such management would be likely to result in a reduction in height. Moreover I accept that even at its current height passengers upstairs on the double decker bus, which service runs every 10 minutes, and possibly drivers of other high sided vehicles, would have views over the hedge of built development. In my opinion, given the narrow width of the existing gap, the proposed development would significantly diminish the perception of having left one settlement before entering another.

19. From FP9, albeit that some development is apparent along Longridge Road and there are views across the countryside to The Hills, the houses are far enough away to give a clear sense of separation from development to the south. The proposal would bring built development considerably closer to walkers on FP9 and although there would still be a physical gap, in my opinion the houses would be sufficiently close as to appear as part of the same settlement, albeit separated by some open space.
20. When proceeding along the new cycleway from Grimsargh towards Preston the route would be in cutting with built development above until emerging near the church. As the route rises the new houses would be immediately apparent to the south and some built development on Longridge Road would also be visible. In my opinion the area of open countryside remaining would be insufficient to suggest to a cyclist or pedestrian using the route that one distinct settlement had been left behind and a different one was being entered.
21. It seems to me that this is precisely a situation where there is a small amount of countryside between settlements, the openness of which Policy 19 aims to maintain and that given the narrow width of the gap that currently exists this is a location where there is a considerable risk of settlements merging. I agree with the Council that the proposal would result in the undermining of a sense of leaving or entering a place and that it would become difficult to distinguish the urban edge of Preston from the actual or perceived edge of Grimsargh. I conclude therefore that if the proposed development was constructed there would no longer be an effective Area of Separation between Grimsargh and Preston, as the gap would be insufficient to protect the identity and local distinctiveness of Grimsargh. The proposal is therefore contrary to CS Policy 19. It is also contrary to draft Policy EN4 as its impact on the Area of Separation would be significant and it would lead to a risk of settlements merging.
22. Reference has been made to Appeal Decision Ref APP/N2345/A/12/2182325 in which permission for 143 houses on the appeal site (the Previous Scheme) was refused. I acknowledge that the current scheme would not extend as far to the north as that proposal and that the houses would be set back further from Longridge Road. These changes have been made in an attempt to address the concerns of the Inspector in relation to the Previous Scheme and I accept that the impact of the proposal before me would be less than the impact of the scheme for 143 houses. Nevertheless I consider that the conclusion of the Inspector in that case 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” applies equally in relation to this scheme.

Housing Supply and other benefits

23. Government policy as set out in the National Planning Policy Framework (NPPF) is “to boost significantly the supply of housing”. The Council accepts that the appeal site is in a sustainable location to which the presumption in favour of sustainable development set out in the NPPF applies. It is also common ground that the Council cannot demonstrate a five year supply of housing land for the purposes of paragraph 47 of the NPPF, the Council’s most recent calculation as at 31 March 2013 being 2.92 years including a 20% allowance for choice and competition. The Appellant submits that there is only a 1.5 year supply of deliverable housing land. Regardless of which figure is correct, or whether the correct figure is somewhere between the two, it is clear that there is a serious under provision of housing in the Council’s area and that this is a shortfall to which significant weight attaches in the planning balance. Similarly I attach significant weight to the fact that 30% of the housing to be provided would be affordable units.
24. The proposal would also provide a number of other benefits such as off-site cycle and footpath improvements, bus stop provision, off-site highway crossings and biodiversity enhancements all of which are secured by virtue of an undertaking made under Section 106 of the Act and dated 20 November 2013 or could be secured by means of appropriately worded conditions.

Conclusions

25. Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The only development plan policy advanced in the Council’s reason for refusal is CS Policy 19. The SADMDPD which will define the precise boundaries of Areas of Separation, and govern what development should be permitted within such areas, has not yet been adopted. Nevertheless I am satisfied that this proposal would conflict with CS Policy 19, and indeed with draft Policy EN4 of the emerging SADMDPD should it be adopted in its current form.
26. Paragraph 14 of the Framework states that the presumption in favour of sustainable development should be seen as a golden thread running through both plan-making and decision-taking. For decision taking this means approving proposals that accord with the development plan without delay and where the development plan is absent, silent or relevant policies are out of date, granting permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The appellant accepts that CS Policy 19 is not a policy for the supply of housing and therefore should not be said to be out of date and I agree.
27. The presumption in favour of sustainable development in the Framework has 3 strands – social, economic and environmental. The appeal proposal, albeit delivering a number of significant benefits, would not meet the environmental and social aims of maintaining an Area of Separation between Preston and Grimsargh in order to protect the identity and distinctiveness of Grimsargh, as required by a recently adopted policy. This separation is clearly of great importance to the residents of Grimsargh, who are supported by their MP, Ben Wallace and by the Parish Council. I accept that the harm would be less than

that which would have been caused by the Previous Scheme and that, on the evidence before me, the housing shortfall appears to be greater than when that appeal was determined. Nevertheless, in my opinion the harm which would be caused to the objective of maintaining an effective Area of Separation between Grimsargh and Preston outweighs the significant benefit of providing both market and affordable housing and the other benefits identified.

28. Accordingly I conclude that the appeal should be dismissed.

Alison Lea

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Jonathan Easton	Counsel, instructed by Preston City Council
He called	
Mr S Ryder	Ryder Landscape Consultants
Mr M Putsey	Principal Planning Officer, Preston City Council (Policy)
Mr P Cousins	Principal Planning Officer, Preston City Council (Development Management)

FOR THE APPELLANT:

David Hardy	Partner, Eversheds LLP
He called	
Mr C Hough	Principal, Sigma Planning Services

INTERESTED PERSONS:

Mr A Clempson	On behalf of Ben Wallace MP
Mrs E Murray	Chair, Grimsargh Parish Council
Mr D Hindle	Grimsargh Parish Council, local historian and naturalist
Mr A Ingham	Local resident and retired member of RTPI

DOCUMENTS HANDED IN AT INQUIRY

- 1 Statement of Common Ground
- 2 Unilateral Undertaking made under S106 of the Act and dated 20 November 2013
- 3 Letter dated 23 October 2013 from Sigma Planning Services to Preston City Council enclosing representations in respect of the Publication Version of the Preston Local Plan 2012-2026
- 4 Statement from Mr A Clempson on behalf of Ben Wallace MP
- 5 Statement and Addendum from Mrs E Murray, Grimsargh parish Council
- 6 Statement from Mr D Hindle
- 7 Statement from Mr A Ingham

PLANS

- A Appeal Plans (4299-P-07, 4299-P-15)
- B Illustrative Plans (4299-P-06 Rev G, 4299-P-09 Rev C)