

CD6.30

Appeal Decision – 92 Darkinson Lane

Preface:

This appeal decision is relevant due to the definitions included relating to infill.

Relevant paragraphs 7-8 which are highlighted green



Appeal Decision

Site Visit made on 16 March 2021

by **Sarah Manchester BSc MSc PhD MIEnvSc**

an Inspector appointed by the Secretary of State

Decision date: 12th April 2021

Appeal Ref: APP/N2345/W/20/3265110

92 Darkinson Lane, Lea Town, Preston PR4 0RH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mr & Mrs J & J Kerr against the decision of Preston City Council.
 - The application Ref 06/2020/1065, dated 2 October 2020, was refused by notice dated 24 November 2020.
 - The development proposed is Erection of one Detached Dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposal is for permission in principle. Planning Practice Guidance advises this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes if a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. I have determined the appeal accordingly.

Main Issue

4. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development.

Reasons

5. The appeal site is formed by the subdivision of the rear garden of 92 Darkinson Lane. It comprises a long narrow access from the road along the side boundary of No 90 and an irregularly shaped parcel of land to the rear of the appeal property and the rear garden boundary of No 90. The appeal property is part of a ribbon of residential development in the countryside beyond the settlement boundary of Lea Town, which is a small rural settlement extending from Lea Lane to 76 Darkinson Lane. At the end closest to Lea Lane, the settlement comprises development to both sides of the road before petering out into a long linear ribbon to the south side

of the road only and that extends beyond the settlement boundary on the opposite side of the road to the appeal property.

6. The Council's spatial development strategy seeks to focus new housing primarily in the larger settlements, brownfield and allocated sites, which are better served by services and facilities and sustainable transport modes. Elsewhere, development in the countryside is restricted except in certain circumstances including where proposals require a countryside location, the conversion and re-use of buildings, and appropriate infilling in built up frontages and within groups of buildings. In this case, the proposed market housing does not require a countryside location and the proposal would not be the conversion or re-use of a building.
7. Neither the development plan nor the National Planning Policy Framework (the Framework) includes a definition of what constitutes infill development. However, evidence submitted with the appeal sets out that infilling normally refers to a plot in an otherwise built frontage, whereas backland development relates to the rear of existing dwellings. My attention has also been drawn to the Planning Portal definition of infill development which is the development of a relatively small gap between existing buildings. While this is not national policy or guidance, it is an accepted definition that reflects common usage of 'infill' as relating to the filling of a gap, a hole or a hollow.
8. In this case, the gap in the frontage is not wide enough to accommodate a dwelling and only the access would be between Nos 90 and 92. The proposal would not have a road frontage, which is a characteristic feature of the surrounding built environment. The dwelling would be entirely to the rear of the ribbon, and the building line, of the neighbouring dwellings on Darkinson Lane. The appeal site is garden land and the road frontage would be maintained. However, the proposal would not infill a gap in a built up frontage nor would it fill a gap in a group or a cluster of buildings.
9. My attention has been drawn to numerous permissions for dwellings in the countryside, including in close proximity to the appeal site. On the basis of the evidence before me, the majority appear to relate to sites with a road frontage and gaps of varying widths between buildings. Some relate to the development of brownfield land or were determined at a time when the Council could not demonstrate a 5 year supply of deliverable housing land. None of these are directly comparable to the appeal scheme.
10. The scheme at Brookside Cottage is similar insofar as it relates to a dwelling set back behind the rear building line of the neighbouring property. There are several permissions¹ at that site, the earliest of which relates to a dwelling between properties and with a road frontage. The Council acknowledges that the amended scheme is no longer technically an infill but, taking account of surrounding development and permissions for single dwellings on land to the north and east of it, considers it is part of a cluster of dwellings. On the basis of the evidence before me, that scheme differs in terms of the characteristics of the site and surrounding context, its relationship to nearby development and its planning history. Consequently, I am not persuaded that it is directly comparable or that it provides a justification for the appeal scheme which I have considered on its own merits.

¹ Including Refs 06/2017/0416, 06/2018/1360 and 06/2019/1305

11. The Framework advises that to promote sustainable development in rural areas, housing should be located where it would enhance or maintain the vitality of rural communities. The appeal site would be outside of the boundary of Lea Town, but it would be relatively close to it. While the footway ends close to 76 Darkinson Lane, the road is lit and subject to a 30mph speed limit. Therefore, future occupiers could walk or cycle into the settlement to access the school, church and public house. However, the limited facilities would not meet even the most basic daily needs of future occupiers. The location would not minimise the need to travel.
12. There is a bus stop near to the public house but given its distance from the appeal site it would not offer a realistic alternative to private car travel. Future occupiers would be heavily reliant on private car journeys. The appeal site is close to the distributor road network and future occupiers could shop online, but neither demonstrates that vehicle movements would be minimised. Opportunities to maximise sustainable transport solutions will vary between urban and rural areas, but the Framework identifies sustainable locations as those that limit the need to travel and that offer a genuine choice of transport modes. In this case, taking account of the distance to a reasonable range of services and facilities and the limited choice of transport modes, there is little evidence that the proposal would contribute to sustainable rural development.
13. Therefore, irrespective that the proposal would be small scale and therefore an appropriate amount of development, the location is not suitable for new residential development, having regard to relevant local and national planning policies. It would conflict with the locational development strategy and rural housing aims of Policy 1 of the Central Lancashire Core Strategy Adopted July 2012 and Policy EN1 of the Preston Local Plan 2012-2026 (Site Allocations and Development Management Policies) Adopted July 2015.

Other Matters

14. The Framework advises that the size, type and tenure of housing needs for different groups in the community, including older people, should be reflected in planning policies. There is little before me in relation to the appellants' personal circumstances or how the proposal would meet either their particular needs or the needs of older persons generally. The proposal would be a market dwelling. It would not be ancillary to No 92 nor would occupancy be restricted to older persons. I acknowledge that the appellants want to reduce the size of the garden and thereby its maintenance burden. Nevertheless, the appellants' personal preferences carry little weight in favour of the proposal.
15. There would be limited benefits to the economy in the short-term during construction. One dwelling in this location would make a limited contribution to supporting local services and facilities or to the vitality of the rural community. The evidence indicates that a subsequent technical details consent application would include details of energy efficiency and electric vehicle charging points. These matters carry limited weight in favour of the proposal.

Conclusion

16. For the reasons set out above, I conclude that the appeal should be dismissed.

Sarah Manchester INSPECTOR