

RE: LAND WEST OF MILL LANE

OPENING NOTE

1. This is an appeal against a refusal of permission to construct 92 dwellings on a parcel of white land west of Mill Lane, Newton-le-Willows. There is no objection in principle to the development of the land itself.
2. There were originally six Reasons for Refusal but, as noted, in the Planning Statement of Grounds four of those have been resolved and one (Reason for Refusal 2) has been partially resolved. That means that only main issues 1 and 2 of the CMC are at large, namely:
 - The effect of the proposed development with regard to safeguarded land; and
 - The effect of the proposed development on the character and appearance of the area. In regard to this issue, the concern can be broadly summarised as a concern on the part of the LPA that the development will be perceived as isolated and therefore poorly related to the settlement.
3. There is an issue between the parties in respect of the 5 years housing land supply position. The Appellants believe the supply to be 4.83 years; the LPA believe it to be 6.27 years. It is the LPA's position, therefore, that the "tilted balance" is not engaged in this case and that the case falls to be determined in accordance with the Development Plan unless material considerations indicate otherwise. In that regard,

the Appellant has prayed in aid the provision of market and affordable housing in accordance with the settlement hierarchy in an accessible location. The LPA do not dispute that the provision of housing is a clear benefit and that there are locational advantages in the site. We do, however, take issue with any claim that the design of the scheme will optimise accessibility. The access road is circa 270 m long with a railway on one side and open grassland on the other. It is not overlooked and we do not believe it can be characterised as either safe or welcoming.

4. In respect of the safeguarded land issue, the land to the immediate north of the appeal site is safeguarded land under Local Plan Policy LPA05. In terms of that policy, that land is to be safeguarded to meet needs “well beyond” 2037 and its release must be Plan-led. It is agreed between the parties that the proposal is in breach of LPA05, Paragraph 3. We also believe that Paragraph 4 is offended insofar as the proposal will “limit” development of the safeguarded land insofar as the appeal development access road along its eastern boundary will tend to heavily influence and limit layout options for any future development of it.
5. In respect of the “isolation” issue, Mr Folland has sought to demonstrate on behalf of the Applicant that the appeal proposal will have limited impact upon landscape character and visual amenity and that it will integrate well with its surroundings. We disagree and that will be explained in evidence. Ultimately, the issue is one of planning judgment based upon a site visit.

D E MANLEY KC

28 November 2024

RE:

LAND WEST OF MILL LANE

OPENING NOTE
