

GROWTH & DEVELOPMENT DEPARTMENT

ORIGINATING SECTION: PLANNING (DEVELOPMENT
MANAGEMENT)

REPORT TO PLANNING & HIGHWAYS COMMITTEE - 15th July 2020

TITLE: APPEAL DECISION – LAND ADJOINING
MOORTHORPE COTTAGE, PARK ROAD, DARWEN

WARDS: WEST PENNINE

1.0 PURPOSE OF THE REPORT

1.1 To inform Members of the recent appeal decision relating to the outline planning application for the erection of 9 dwellings and detached garages on land adjoining Moorthorpe Cottage, Park Road, Darwen.

1.2 Members will recall that at the meeting on the 20th June 2019, outline planning permission was refused for the following reason:

“The proposal consisting of 9no. dwellings and associated highway infrastructure in addition to the previously approved dwelling under planning application 10/16/1349, is considered to represent a scale of development that is disproportionately large, taking into account the local context, and transition with the countryside area. This is considered contrary to the requirements of Policy 28 of the Local Plan Part 2, which sets out that residential development in the “Long Clough” allocation (28/10), shall be “very small scale, in the immediate vicinity of the existing dwelling (Moorthorpe Cottage), ensuring “no loss of trees”. (ref: 10/18/1153).

1.3. The applicants submitted an appeal to the Planning Inspectorate on the 17th January 2020 (ref: APP/M2372/W/19/324341). The appeal was determined via written representations. The appeal was determined on the 5th June 2020, and the Inspectorate ALLOWED the appeal. A copy of the decision letter is attached to this report. In summary, the Planning Inspector considered that the proposed development was acceptable for the following reasons:

- a) *The site is allocated in the development plan for residential development and the Government’s objective is to significantly boost the supply of homes. Here, whilst the proposal is in outline, the detail supplied indicates that the house typology presented is consistent with the aims and objectives of Policy CS7 and LP Policy 18 to widen the choice of house types in the Borough.*
- b) *Neither the development plan nor national planning policy and guidance defines “very small-scale”. The Council recently granted*

planning permission for 22 houses on the “Ellerslie” site, which is a similar sized site to the appeal site, and is “small scale” as defined in the local plan. As such, the the development of 9 dwellings on the appeal site would be consistent with the policy reference to very small-scale.

c) The proposed loss of trees would not materially affect the contribution of the wider woodland to the character and appearance of the area and would be outweighed by the benefits in terms of replacement planting and the management of what is otherwise a deteriorating environmental asset.

1.3 At the same time, the appellants submitted an application for an award of costs in relation to the appeal, as they considered the local planning authority acted unreasonably in making the decision.

1.4 The Planning Inspectorate considered the award of costs, and on the 30th June 2020, GRANTED FULL COSTS to the appellants (a copy of the decision letter is attached to this report). In summary, the Planning Inspector considered

- The Council acted unreasonably in not providing a formal pre-application response to the applicants;
- The local planning authority did not address the issues relating to a similar development being granted on another site where they are subject to the same local plan policy designation, and why the appeal was assessed differently;
- As such, with the lack of evidence, the Inspector considered that the Council has acted unreasonably resulting in the appellant incurring unnecessary expense or wasted expense and that a full award of costs is justified.

2.0 RECOMMENDATION

2.1 That the report be noted.

3.0 BACKGROUND PAPERS

3.1 Planning application 10/18/1153.

4.0 CONTACT OFFICER: Gavin Prescott, Planning Manager
(Development Management)

5.0 DATE PREPARED 2nd July 2020