



Planning Committee Agenda

Wyre Borough Council
Date of Publication: 28 November 2023
Please ask for: George Ratcliffe
Assistant Democratic Services Officer
Tel: 01253 887608

Planning Committee meeting on Wednesday, 6 December 2023 at 2.00 pm in the Council Chamber - Civic Centre, Poulton-le-Fylde

1. Apologies for absence

2. Declarations of interest

Members will disclose any pecuniary and any other significant interests they may have in relation to the matters under consideration.

3. Confirmation of minutes (Pages 3 - 12)

To approve as a correct record the Minutes of the meeting of the Planning Committee held on Wednesday 1 November 2023.

4. Appeals (Pages 13 - 34)

The Schedule of Appeals lodged and decided between 15 October 2023 – 15 November 2023, is attached.

5. Planning applications

Background Papers:

In preparing the reports on this agenda the following documents have been used:

1. The Wyre Borough Local Plan (2011-2031) (incorporating partial update of 2022)
2. Draft Revised Joint Lancashire Minerals and Waste Local Plan
3. Joint Lancashire Minerals and Waste Local Plan
4. Statements of Government Policy/guidance (NPPF, NPPG, Ministerial Statements etc.)
5. Supplementary Planning Guidance and evidence base documents specifically referred to in the reports
6. The application file (as per the number at the head of each report)

7. The forms, plans, committee reports and decisions as appropriate for the historic applications specifically referred to in the reports
8. Any additional information specifically referred to in each report.

These background documents are available on line, or for inspection by a written request to Planning Services, Civic Centre, Breck Road, Poulton-le-Fylde, FY6 7PU.

Reports of the Head of Planning Services on planning applications to be determined at this meeting:

- | | | |
|-----|--|-----------------|
| (a) | Application 1 - Low Mill Farm Calder Vale Road
Barnacre with Bonds 23/00381/FUL
Change of use of land for siting of 6 chalets for holiday use and one managers accommodation cabin, hard surfacing for vehicle turning area and associated hard landscaping. | (Pages 35 - 52) |
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Planning Committee Minutes

The minutes of the Planning Committee meeting of Wyre Borough Council held on Wednesday, 1 November 2023 at the Council Chamber - Civic Centre, Poulton-le-Fylde.

Planning Committee members present:

Councillors Lady D Atkins, Amos, Belshaw, Catterall, Fielding, Higginson, Higgs, Preston, Raynor, Rendell and Rimmer

Absent- apologies received:

Councillor Livesey

Other councillors present:

Councillor Robinson

Officers present:

George Ratcliffe, Assistant Democratic Services Officer

Karl Glover, Development Manager

Carmel White, Solicitor

Steve Smith, Head of Planning and Regeneration

Jane Collier, Human Resources Manager and Deputy Monitoring Officer

One member of the public attended the meeting.

PA.36 Declarations of interest

Councillor Higgs declared a Non-Registrable Interest on Item 1 (23/00520/FUL) in that a neighbouring objector to the application was a personal friend and accordingly he considered that his participation in Item 1 may give rise to the perception that he had conflict of interest and/or that his view of the application was affected and raise issues of bias and/or predetermination. Therefore he left the room before the item was being discussed and had no involvement in the decision making on that item.

PA.37 Confirmation of minutes

The minutes of the meeting of the Planning Committee held on Wednesday 4 October 2023 were **confirmed** as a correct record by those who were in attendance.

PA.38 Appeals

The committee noted the Schedule of Appeals lodged and decided between 15 September 2023 and 15 October 2023. The Chair invited any Member requiring any further details or clarification on the appeal to contact the relevant case officer.

PA.39 Planning applications

PA.40 Application 1 - White House Residential Park Lancaster New Road Cabus 23/00520/FUL

Councillor Higgs left the room.

The application was brought before members for consideration at the request of Councillor Lady Atkins due to the applications potential impacts upon neighbouring residential amenity in particular from noise and disruption.

A site visit occurred to enable members to understand the site context beyond the plans submitted and site photographs taken by the case officer.

The Planning Development Manager introduced the report. The application was for the change of use of the existing land to accommodate the siting of 5 holiday caravans. He highlighted that the application site was an existing residential park which provided residential accommodation but did include one dwelling house. He clarified that the site was located within a defined area of countryside with a few commercial businesses and a caravan park located to the west.

Members raised concerns over the disruption to existing residents and steepness of the access road.

The Planning Development Manager confirmed that due to the nature and scale of the proposal it was considered that granting permission as recommended would be acceptable in terms of amenity impacts on the existing development. He highlighted that condition 11 required that no development should take place until full details of both hard and soft landscaping works had been submitted to and approved in writing by the Local Planning Authority.

Councillor Catterall proposed the recommendation to approve the application to the committee, and Councillor Amos seconded the proposal. It was resolved to approve the application as per the Officers recommendation subject to the conditions set out below.

Conditions: -

1. The development must be begun before the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section

51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 24.05.2023 including the following plans/documents:

- Access Plan. Drawing Number Ga3521-ap-01. (Received 13.07.2023)
- Proposed Site Plan. Drawing Number Ga3521-pp-001a. (Received 03.07.2023).
- Site location plan.
- Proposed plans and elevations. Drawing Number Ga351-pp-002 (Received 14.06.2023).
- Kelso proposed floor plan. (Received 16.06.2023).
- Proposed elevations and floor plan - 40ft x 12ft. Drawing Number Gga3521-pp-001 (Received 16.06.2023).

Reason: For the avoidance of doubt and so that the Local Planning Authority shall be satisfied as to the details.

3. No caravan shall be installed until details of the external surfaces of that caravan (including the external walls, roof, and windows) have first been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved materials.

Reason: To safeguard the visual amenities of the locality and in accordance with Policy CDMP3 of the Wyre Local Plan (2011-31).

4. The caravans shall be used for the purposes of holiday accommodation only and not as a person's sole or permanent residence.

Reason: The development is approved for holiday use only and occupation on a permanent basis would be contrary to the provisions of Policy SP4 of the adopted Wyre Local Plan (2011- 2031) and would also require further consideration against Policy CDMP2 of the adopted Wyre Local Plan (2011-2031).

5. Each caravan hereby approved shall not be used as a unit of permanent accommodation and shall be solely used for holiday accommodation and not be used at any time as sole or principal residence by any occupant.

The owner shall maintain a register of all guests of each unit of accommodation hereby approved at all times and shall be made available for inspection by the Local Planning Authority on request. For the avoidance of doubt the register shall contain:

- the name and address of the owner's permanent residence (where

- they pay Council tax and/or are registered to vote and keep the majority of their possessions);
- the name and address (permanent residence) of main guest who made the booking together with dates of occupation.

For the avoidance of doubt permanent residence is where the owner/guest pay Council tax and/or are registered to vote and keep the majority of their possessions.

Reason: The permission relates to the provision of holiday accommodation. The condition is necessary to define the scope of the permission hereby approved and to ensure that the development promotes sustainable tourism and contributes to the area's economy in accordance with Policy SP4 of the Wyre Local Plan (2011-31).

6. Prior to the commencement of development, a drainage scheme, which shall detail measures for the attenuation and the disposal of foul and surface waters, together with details of existing and proposed ground and finished floor levels to achieve the drainage scheme and any flood risk mitigation deemed necessary, shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall be in accordance with the hierarchy of drainage options outlined in Policy CDMP2 of the Adopted Local Plan 2011-31 or any equivalent policy in an adopted Local Plan that replicates the existing Local Plan, with evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates to be submitted. For the avoidance of doubt, surface water must drain separate from the foul and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

No part of the development shall be occupied or brought into first use until the drainage works and levels have been completed in accordance with the approved scheme. Thereafter the agreed scheme shall be retained, managed and maintained in accordance with the approved details.

Reason: To promote sustainable development using appropriate drainage systems, ensure a safe form of development that poses no unacceptable risk of pollution to water resources or human health, to prevent an undue increase in surface water run-off to reduce the risk of flooding and in the interests of visual and residential amenity in accordance with policies CDMP2 and CDMP3 of the Wyre Local Plan (2011-31) and the National Planning Policy Framework. The condition is required to be approved prior to commencement of development to ensure that full details are provided, that have not been forthcoming with the application, to ensure a suitable form of drainage is provided in that specific area taking into consideration land conditions and proximity to existing services and to ensure that any proposed raising of levels can be assessed and that a coherent approach is taken with regard to the design of drainage and layout.

7. Prior to the commencement of development, a desk study to investigate and produce an assessment of the risk of the potential for on-site contamination shall be undertaken and submitted to and approved in writing by the Local Planning Authority. If the desk study identifies potential contamination, a detailed site investigation shall be carried out in accordance with a written methodology, which shall first have been submitted to and approved in writing by the Local Planning Authority. If remediation measures are then considered necessary, a scheme for decontamination of the site shall be submitted to, and approved by, the Local Planning Authority in writing and the approved scheme implemented prior to the development of the site, and validation of the approved measures shall be submitted to, and approved by, the Local Planning Authority in writing on completion of the works. Any changes to the approved scheme must be approved in writing by the Local Planning Authority prior to any works being undertaken.

Reason: The development is for a sensitive end use and insufficient information has been submitted with the application as to the potential contamination risks of the site. The potential for contamination must therefore be addressed in order to safeguard the development in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

8. The proposed access from the site to shall be constructed to a (minimum) width of 4.8m and this width shall be maintained for a minimum distance of 10m measured back from the rear of the adopted highway.

Reason: To enable vehicles to enter and leave the premises in a safe manner without causing a hazard to other road users in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31).

9. The development hereby approved shall be first occupied until the parking / turning area(s) shown on the approved Proposed Site Plan [As submitted on the 03.07.2023] has been laid out, surfaced and drained. The parking / turning areas shall thereafter be retained and maintained and not used for any purpose other than for the parking and manoeuvring of vehicles without express planning consent from the local planning authority first being obtained.

Reason: To ensure that adequate off-road parking is provided and retained to serve the development in the interests of highway safety and in accordance with the provisions of Policy CDMP6 of the Wyre Local Plan (2011-31).

10. An electric vehicle recharging (EVCP) scheme shall be submitted for the development unless it is demonstrated that such provision of EVCP is not practical in communal parking areas or due to other identified site constraints. No unit shall be occupied until the electric vehicle recharging point has been provided for the unit to which it relates, and

such electric vehicle recharging point shall be maintained and retained for that purpose thereafter.

Reason: To ensure the provision of appropriate on-site mitigation to compensate for the impact on air quality caused by the development in the surrounding area in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31).

11. No development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include, areas of soft landscaping (including any retained trees, hedgerows and other planting and any replanted or transplanted hedgerows), hard surfaced areas and materials, planting plans specifications and schedules (including plant size, species and number/ densities), existing landscaping to be retained, and shall show how account has been taken of any underground services.

Any trees or shrubs planted in accordance with this condition which are removed, uprooted, destroyed, die, or become severely damaged or seriously diseased within 7 years of planting, or any trees or shrubs planted as replacements shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the site is satisfactorily landscaped in the interests of visual amenity and ecology in accordance with Policies CDMP3 and CDMP4 of the Wyre Local Plan (2011-31) and to ensure compliance with the Wildlife and Countryside Act 1981 and section 15 of the National Planning Policy Framework. The details are required to be approved prior to commencement of development to ensure landscaping is implemented at an appropriate time during the development.

12. Prior to the commencement of development, a Landscape and Habitat Creation and Management Scheme, including a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall identify the opportunities for biodiversity enhancement on site including (but not limited to):

- * Native tree and shrub planting
- * Hedgerow planting
- * Bird Boxes
- * Bat Boxes

The Landscape and Habitat Creation and Management Scheme shall be carried out in accordance with the approved details.

Reason: Such a scheme was not submitted with the application but is necessary to secure opportunities for the enhancement of the nature

conservation value of the site in the interests of ecology and biodiversity in accordance with the Wildlife and Countryside Act 1981, Policy CDMP4 of Wyre Local Plan (2011-31).

13. Prior to occupation, a "lighting design strategy for biodiversity" for areas to be lit shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- a) identify those areas/features on site that are particularly sensitive for bats that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: Such a scheme was not submitted with the application but is necessary to in order to minimise impacts on protected species and in the interests of ecology and biodiversity in accordance with the Wildlife and Countryside Act 1981, Policy CDMP4 of Wyre Local Plan (2011-31).

15. No more than five static caravans shall be sited on the land at any time and each static caravan shall be compliant in all respects with the definition of caravan in s29(1) of the Caravan and Control of Sites Act 1960 and section 13 (1) and (2) of the Caravan Sites Act 1968 as those sections provide at the date of this planning permission.

Reason: An increase in the number of units other than approved would require further consideration by the Local Planning Authority in line with Policies EP9, SP2, SP4 and CDMP6 of the adopted Wyre Local Plan (2011-2031).

PA.41 Application 2 - The Willows Highgate Lane Stalmine-with-staynall Poulton-Le-Fylde 23/00598/FUL

Councillor Higgs returned to the room.

The application was brought before members for consideration at the request of Councillor Robinson who was in support of the proposal citing that the rural

location would be more sustainable and have less impacts upon neighbouring amenity and the proposal would have no greater impacts upon the open countryside.

A site visit occurred to enable members to understand the site context beyond the plans submitted and site photographs taken by the case officer.

The Planning Development Manager introduced the report. The application sought planning permission for a change of use from existing outbuilding (Building B) from ancillary residential accommodation (storage and a gym) to ancillary residential accommodation and commercial dog kennels to house up to 8 dogs. He highlighted that there were no changes to external elevations and all of the works would be internal. He clarified that the site was located outside of the rural settlement of Stalmine in a Countryside Area as designated in the adopted Wyre Local Plan (WLP 31).

Wyre Borough Councillor for Hambleton & Stalmine ward, Julie Robinson, spoke against the officer recommendation.

Darren Curtis, acting as the applicant, spoke in favour of the application.

Councillors Lady Atkins, Catterall, Rimmer and Belshaw asked questions of the speaker.

The Chair ended the public speaking portion of the meeting and opened up the members' debate.

Some members indicated that they considered that the application site was situated in an ideal location for the proposed use, proposed suitable car parking arrangements and that, if approved, would provide some employment which was an economic and social benefit.

The Head of Planning and Regeneration confirmed that if members were minded to disagree with the officer recommendation, they should identify their reasons and they are to be subsequently recorded in the minutes.

Councillor Higginson proposed the recommendation, and Councillor Fielding seconded the proposal. A vote was carried out and the motion was lost.

Councillor Higginson raised a point of order about the Chair being able to vote. The Chair responded that as a member of the Committee and Chair he was entitled to a first vote on any matter, not only to the exercise of a casting vote.

Following discussion, it was proposed by Councillor Raynor, to grant full planning permission in principle for the change of use, subject to appropriate conditions addressing time (standard condition), plans, use, parking and linking the use to the dwelling and that the Head of Planning & Regeneration be authorised (i) in consultation with the Chair, to agree the details of those conditions, and (ii) to issue the planning permission subject to those detailed conditions. The reasons for the proposal were that, contrary to the officer

recommendation, it was considered that:

- The applicant had made a reasonable effort in the particular circumstances of the case to meet the requirements of Policy SP6 & SP4; and
- The proposal complied with Local Plan Policies SP2, SP4 and SP6 and Section 2 of the NPPF.

The proposal was seconded by Councillor Amos and the motion was carried.

The meeting started at 2.00 pm and finished at 2.40 pm.

Date of Publication: 6 November 2023

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APPEALS LODGED AND DECIDED
Appeals Lodged between – 15th October – 15th November 23

Application Number	Location	Proposal	Com/Del decision	Appeal Type	Date Lodged
23/00788/FUL	106 Hardhorn Road Poulton-Le-Fylde Lancashire FY6 8AX	Replacement of 1m high boundary wall and hedging above with 1.4m high gabion fence infilled with white pebbles along with rendered entrance piers and sliding gate (part retrospective) (resub of 23/00389/FUL)	Delegated	Written Reps	07/11/23

Appeals Decided between – 15th October – 15th November 23

Application Number	Location	Proposal	Com/Del decision	Decision	Date Decided
22/00654/OUT	The Estuary Riverside Chalets Wardleys Lane Hambleton Poulton-Le-Fylde Lancashire	Outline application for the erection of 3 holiday chalets (buildings), 1 storage building and parking to the front of chalets 3 and 4	Delegated	Appeal dismissed	20/10/23
22/01284/OUT	The Estuary Riverside Chalets 1 - 2 Wardleys Lane Hambleton Poulton-Le-Fylde Lancashire FY6 9DX	Outline application for the erection of 2 holiday chalets (buildings), 1 storage building and parking to the front of chalets 3 and 4 (Re-sub 22/00654/OUT)	Delegated	Appeal dismissed	20/10/23
22/00796/COUQ	White House Farm Preston Road Inskip-with-sowerby Preston Lancashire PR4 0TT	Prior approval for proposed change of use of agricultural building to 3 dwelling houses (C3) with building operations under Class Q of the GDPO	Delegated	Appeal dismissed	15/11/23

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Appeal Decisions

Site visit made on 3 October 2023

By M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 October 2023

Appeal A Ref: APP/U2370/W/23/3316085

The Estuary Riverside Chalets, Wardleys Lane, Hambleton, Poulton-le-Fylde, Lancashire FY6 9DX

- 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 Ms Elaine Shore against the decision of Wyre Borough Council.
- The application Ref 22/00654/OUT, dated 24 June 2022, was refused by notice dated 9 December 2022.
- The development proposed is described as, 'the erection of 3 holiday chalets (buildings), 1 storage building and parking to the front of chalets 3 and 4.'

Appeal B Ref: APP/U2370/W/23/3322285

The Estuary Riverside Chalets, Wardleys Lane, Hambleton, Poulton-le-Fylde, Lancashire FY6 9DX

- 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 Ms Elaine Shore against the decision of Wyre Borough Council.
- The application Ref 22/001284/OUT, dated 19 December 2022, was refused by notice dated 16 May 2023.
- The development proposed is described as, 'the erection of 2 holiday chalets (buildings), 1 storage building and parking to the front of chalets 3 and 4.'

Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. In September 2023 the Government published a revised National Planning Policy Framework (the Framework). The revisions relate to national planning policy for onshore wind development, rather than anything relevant to the main issues in these appeals. Consequently, the views of the parties have not been sought.
4. The planning applications were submitted in outline with matters of access, layout and scale to be considered. In determining the applications, the Council considered that all matters were reserved¹. I have seen no evidence of any

¹ As set out in the Council's officer reports in respect of planning applications 22/00654/OUT and 22/001284/OUT.

formal agreement between the parties to alter the scope of the proposals. Consequently, I have determined the appeals on the basis that matters of appearance and landscaping are reserved for future consideration. I have considered the appeals concurrently, but on their own merits, because there are common matters between them.

5. The descriptions of development in the banner headings above are taken from the Council's decision notices, as they more succinctly define the proposals.

Main Issues

6. The main issues in relation to both Appeal A and Appeal B are;
 - i) the effect of the proposed development upon the character and appearance of the area; and
 - ii) whether the proposal would be in a suitable location having regard to its accessibility to services and facilities.

Reasons

Character and Appearance

7. Policies SP4 and EP9 of the Wyre Local Plan 2019 (WLP) support the principle of new holiday accommodation development. However, both policies recognise the intrinsic beauty and character of the countryside and thus, seek to resist development that would adversely affect its open and rural character.
8. The appeal site is located within an area of gently undulating countryside, on the banks of the Wyre Estuary. Built form is dispersed amongst the open, green and pastoral landscape. Roads including that of Wardleys Lane are narrow and rural in character with few passing places, enclosed by mature hedgerows.
9. Immediately adjacent to the appeal site are 2 units of holiday accommodation operated by the appellant². Despite being single storey and referred to as 'chalets,' the existing units have the appearance of large, permanent bungalows with multi-faceted mono-pitched roofs. Due to their form, scale and materials including render, they appear incongruous and at odds with the rural context in which they are sited.
10. The proposals seek the erection of either 3 or 2 units of accommodation (Appeal A and Appeal B respectively) arranged in a linear manner along an extended access track. Simpler in appearance and lower in height than the existing units³, they would nonetheless be of a conspicuously different architectural form, in contrast to the rural dwellings, farm and simple equestrian buildings that characterise the local built form. Sited on undeveloped land, due to their large footprint, scale and associated hardstanding for access and car parking, the amount of built development encroaching into the undeveloped countryside would be significant, resulting in urbanising residential ribbon development. This impact would be exacerbated by the Appeal A proposal, where the amount of built development would be more than doubled. Although the specific appearance of the units could be

² Planning application reference 19/00950FUL.

³ As shown in the indicative elevation drawing.

resolved at the reserved matters stage, it would not overcome the concerns regarding layout and scale.

11. Despite the storage building being attached to the front (Appeal B) or side (Appeal A) of the proposed accommodation units, visual intrusion from the extent of the built form would be considerable in localised views from within Wardleys Lane and New Road, where they would be highly conspicuous above the existing hedgerows. The proposed units would also be strident in far-reaching views across the river from the Wyre Estuary Country Park, especially in respect of Appeal A. In such views, the holiday parks to the north-west and south-east are visually and physically separated from the appeal site by agricultural and equestrian fields. Cumulative harm would thus be exerted by the siting, layout and scale of the proposed units, rather than the existing chalets assimilating their presence. In this regard I find that the schemes have not been designed to avoid negative landscape impacts, nor overcome the concerns of the previous Inspector⁴.
12. The appellant is said to have planted circa 1300 trees on their land, some of which appears to have occurred between the existing chalets and Wardleys Lane. In time, this planting may serve to soften the proposed units from open views to the north and east from Wardleys Lane and New Road. However, they will take a considerable number of years to reach sufficient maturity to provide meaningful screening, such that landscape harm would occur in the interim. Even then, if the trees are deciduous species, they are unlikely to be effective during periods of the year when they are not in leaf. Neither would they address the visual impact of the developments from across the estuary. Whilst landscaping is a reserved matter, tree planting should not be used to hide development that would be harmful to the character of the countryside.
13. The proposals would encroach into the undeveloped countryside resulting in a significant adverse effect on the character and appearance of the area. They would therefore conflict with Policies SP4 and EP9 of the WLP as set out above. The proposals would also conflict with Policies CDMP3 and CDMP4 which seek amongst other things, that proposals are designed to respect or enhance the character of the area and have no unacceptable cumulative impact on landscape character, within or outside settlement boundaries. Conflict is also found with paragraph 130 of the Framework which seeks to ensure that new development adds to the overall quality of the area, is visually attractive and sympathetic to local character.

Suitable Location

14. Policy SP1 seeks to strictly limit development outside settlements. Proposals that diversify the rural economy are only supported where they are appropriate in scale and accord with other policies of the WLP. Policy SP2 requires all development within Wyre to be sustainable and contribute to the continuation or creation of sustainable communities in terms of its location and accessibility. Specifically, part 4 of the policy sets out ways in which the Local Plan seeks to deliver sustainable communities, including facilitating economic growth in rural areas and ensuring accessible places and minimising the need to travel by car. In addition, Policy CDMP6 requires amongst other things, that proposals demonstrate that measures are included to encourage access on foot, by bicycle and public transport, and reduce car reliance.

⁴ Appeal reference number APP/U2370/W/21/3273598.

15. Countryside locations do not always benefit from ready access to services, facilities or a range of transport choices. Therefore, in supporting the provision of holiday accommodation in countryside locations, there is an acceptance that there will be additional car journeys. However, such support is not unqualified and does not override the need to ensure that pedestrians, cyclists and public transport are placed at the top of the transport hierarchy, as advocated by the Framework and Policy CDMP6 of the WLP.
16. The appeal site is 0.9 miles from the shop and public house within Hambleton village⁵. Nonetheless, the connecting road network consists largely of single vehicle, national speed limit lanes, with occasional passing places and no pavement or lighting. Whilst Wardleys Lane carries the Wyre Way, a long-distance walking route, pedestrians are nonetheless at risk of conflict with vehicular traffic.
17. I observed that the existing holiday units are now in full operation and that this differs from the situation at the time of the previous appeal⁶. The proposed holiday units would be within a reasonable walking distance of Hambleton. Some visitors to the existing and proposed holiday units would make use of the local footpath network, including to access the village, as suggested by the appellant. However, the nature of the roads is likely to deter some visitors from walking, particularly parents with young children/prams and wheelchair users or people with restricted mobility, which the appellant suggests are a high proportion of their guests.
18. Disabled people may be more likely to travel by car to a holiday destination due to the need for medical or other specialist equipment to be transported. It is suggested that guests of the proposed holiday units would also be able to use the hydrotherapy, sensory and bistro facilities at Brickhouse Cottages which is 0.8 miles from the appeal site and accessible via a public footpath. There is no evidence before me that the footpath which is unlit, would be suitable for wheelchair users or those with mobility issues who are likely to use such facilities. It is highly likely therefore, that occupants of the holiday units would use the car to access the Brickhouse Cottages facilities.
19. Whilst a welcome pack of essentials is provided and supplies may be picked up en route, self-catering accommodation inevitably requires travel to obtain consumables, as well as for eating out, a popular holiday activity. Hambleton even if it was accessible on foot, has limited facilities and visitors would be forced to go further afield by car for greater choice. Furthermore, the appeal site is not well-connected by public transport, nor walkable to tourist attractions. Neither is it based around an on-site activity as was judged to be the case in appeal decision APP/U2370/W/21/3277792, due to its linkage with an existing equestrian business.
20. Whether or not most adults would prefer to drive to the shops rather than walk⁷, the crux of the issue here is that holiday makers would not have the choice of making journeys by alternative means to the private car, particularly those that have mobility impairments or disabilities. In reality, visitors would arrive and travel further afield by the private car to destinations such as

⁵ As referred to in the Appellant's statement of case.

⁶ Appeal decision APP/U2370/W/21/3273598.

⁷ Appellant's reference in their Final Comments to a study by WeWard in the Daily Mirror in August 2022.

Blackpool, Fleetwood, Liverpool and the Lake District, as is evidenced in the trust pilot reviews from guests of the existing holiday units⁸.

21. Furthermore, whilst acknowledging the outline nature of the proposals, no measures have been advanced to exploit opportunities to make the location more sustainable, for example improving access to the appeal site by public transport or cycling⁹ for those that are able. In this regard, the location of the appeal site and the proposals, do not minimise the need to travel by car, such findings being consistent with appeal decision APP/U2370/W/22/3307137. Accreditation with the Green Rose Programme an environmental management scheme, whilst commendable, would not mitigate the location of the development and the number of journeys by car, that would be exacerbated in the case of Appeal A due to the increased number of proposed units.
22. There is no substantive evidence before me that additional passing places are to be added to the local road network. Even if they were, they are unlikely to address the issue of a lack of a dedicated and continuous safe footway for pedestrians, or lighting. Similarly, the occupation of the chalets during the lighter months of April–September, said to be the main holiday season, would not compensate for the hostile road conditions for pedestrians accessing the neighbouring village, specifically for those with additional mobility needs. Moreover, there is no evidence before me that the chalets would not be occupied during the winter months, when visitors are even more likely to use their vehicles for journeys.
23. I therefore find that the proposed developments would not be in a suitable location with regard to local services and facilities. Nor would they reduce the need to travel by car. Conflict is therefore found with Policies SP1, SP2 and CDMP6 of the WLP as set out above. The proposal would also conflict with the Framework in regard to sustainable rural tourism.

Other Matters

24. Whether the proposal is less intrusive than other developments permitted within the countryside is a matter of planning judgement. Reference is made to approvals for several types of holiday accommodation within Wyre, including glamping pods, caravans and lodges¹⁰. The full details of these decisions have not been presented, such that I can be sure that they are comparable. Nonetheless based on the evidence before me, I note that the examples are for different forms of holiday accommodation, some of which involved the expansion of much larger sites where the proposed development could be assimilated within the existing context, where they were located closer to existing facilities or had better pedestrian access¹¹.
25. The Council candidly advises that it did not apply its policies robustly or consistently in relation to some of these schemes and that it has since revised its approach. Inconsistency in previous decision-making does not bind me in relation to the proposals before me. The examples referenced do not provide support for the proposed developments and do not justify further harmful development.

⁸ Appellant's final comments.

⁹ As required by paragraph 85 of the Framework.

¹⁰ Planning application references 19/00950/FUL, 21/01236/FUL and 22/00724/LCC.

¹¹ Planning application references 20/01231/FUL, 22/0596/FUL and 22/00904/FUL.

26. The appellants' existing award-winning holiday accommodation business provides facilities suitable for disabled persons, which the proposals would enable the expansion of. Good quality, truly accessible holiday accommodation for disabled persons including specialist equipment such as profile beds, hoists etc are said to be in limited provision. Reference is made to 144 of 230,000 Airbnb properties in the UK being adapted, and 4 including features such as step free bathrooms, shower chairs and hoists. From my observations, I do not doubt that the appellant provides high-quality internal accommodation that is of benefit to the health and well-being of disabled people, their carers and families, as evidenced by the positive reviews and testimonials from previous guests. The proposed holiday units would therefore be of public benefit, those of Appeal A more so, due to their greater number.
27. However, I am mindful that whilst designed to meet disabled persons needs, the occupancy of the proposed holiday accommodation units would not be restricted, such that anyone of any physical capacity could stay. Additionally, despite the viability of the business, there is no substantive evidence before me that disabled people's needs for holiday accommodation is required in this specific location.
28. Whilst recognising the importance of equal access to adaptive holiday accommodation for disabled people, the location of the proposed units would not be conducive to inclusivity for guests with additional needs, to access shops and services in Hambleton safely by wheelchair, on foot or by public transport. Nor is the appeal site located in proximity to a particular tourist attraction that would reduce the need to travel by car. Airbnb is just one provider of holiday accommodation and therefore the evidence before me is not sufficiently robust to demonstrate a lack of provision. It is likely that similar health and well-being benefits could be obtained from holiday accommodation that is more closely located or connected to existing services or attractions. These matters therefore lessen the degree to which the proposed accommodation units would provide a public benefit, such that I can attach no more than moderate weight.
29. The appellant has evidenced that there would be an economic benefit to the local economy arising from increased overnight visitor stays and spending within the area, particularly as a result of the purple pound¹². Job creation during and post-construction as well as utilising local services for window cleaning, laundry etc would also be positive benefits. Tempered by the small number of units proposed, job creation during construction being temporary, and some of the visitor spending being regional, the benefits to the local economy would thus be of moderate weight, particularly in the case of Appeal B due to fewer units proposed.
30. Support from interested parties including the MP and tourism arms of the Council do not equate to a lack of harm and the lack of objection from the Highway Authority is neutral in the planning balance, weighing neither for nor against the proposals. Concerns regarding the objections from an interested party are a private matter between the parties concerned.
31. The appeal site lies close to the Morecambe Bay and Duddon Estuary Special Protection Area (SPA) and Wyre Estuary Site of Special Scientific Interest (SSSI). The proposals are not directly connected with or necessary for the management of the protected sites, but they have the potential to increase

¹² Spending related to disabled households.

their recreational use. Had I been allowing the appeals, it would have been necessary for me to complete Habitats Regulation Assessments and Appropriate Assessments. However, as the schemes are unacceptable for the reasons given, there is no need for me to consider the implications of the proposals on the SPA and SSSI.

Planning Balance and Conclusion

32. I have found that the scale and layout of the proposed developments would not be appropriate within the local landscape, and neither would they be sited to ensure the developments are sustainable or minimise the need to travel, particularly for the intended occupants. Having carefully considered the benefits of the proposals, namely the provision of holiday accommodation for disabled users and the associated economic benefits to the economy, dismissal of the schemes is a proportionate response, to the well-established planning objectives of protecting the countryside from developments that would adversely affect its open and rural character.
33. It is clear that the moderate benefits would not outweigh the significant and permanent harm to the character and appearance of the area, arising from developments that would not be sited in a suitable location with regard to services and facilities. Such harm would be increased in respect of Appeal A given the greater number of proposed units.
34. The proposals conflict with the development plan when considered as a whole, and there are no material considerations, either individually or in combination that outweigh the identified harm. Accordingly, both Appeal A and Appeal B are dismissed.

M Clowes

INSPECTOR

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Appeal Decisions

Site visit made on 3 October 2023

By M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 October 2023

Appeal A Ref: APP/U2370/W/23/3316085

The Estuary Riverside Chalets, Wardleys Lane, Hambleton, Poulton-le-Fylde, Lancashire FY6 9DX

- 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 Ms Elaine Shore against the decision of Wyre Borough Council.
 - The application Ref 22/00654/OUT, dated 24 June 2022, was refused by notice dated 9 December 2022.
 - The development proposed is described as, 'the erection of 3 holiday chalets (buildings), 1 storage building and parking to the front of chalets 3 and 4.'
-

Appeal B Ref: APP/U2370/W/23/3322285

The Estuary Riverside Chalets, Wardleys Lane, Hambleton, Poulton-le-Fylde, Lancashire FY6 9DX

- 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 Ms Elaine Shore against the decision of Wyre Borough Council.
 - The application Ref 22/001284/OUT, dated 19 December 2022, was refused by notice dated 16 May 2023.
 - The development proposed is described as, 'the erection of 2 holiday chalets (buildings), 1 storage building and parking to the front of chalets 3 and 4.'
-

Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. In September 2023 the Government published a revised National Planning Policy Framework (the Framework). The revisions relate to national planning policy for onshore wind development, rather than anything relevant to the main issues in these appeals. Consequently, the views of the parties have not been sought.
4. The planning applications were submitted in outline with matters of access, layout and scale to be considered. In determining the applications, the Council considered that all matters were reserved¹. I have seen no evidence of any

¹ As set out in the Council's officer reports in respect of planning applications 22/00654/OUT and 22/001284/OUT.

formal agreement between the parties to alter the scope of the proposals. Consequently, I have determined the appeals on the basis that matters of appearance and landscaping are reserved for future consideration. I have considered the appeals concurrently, but on their own merits, because there are common matters between them.

5. The descriptions of development in the banner headings above are taken from the Council's decision notices, as they more succinctly define the proposals.

Main Issues

6. The main issues in relation to both Appeal A and Appeal B are;
 - i) the effect of the proposed development upon the character and appearance of the area; and
 - ii) whether the proposal would be in a suitable location having regard to its accessibility to services and facilities.

Reasons

Character and Appearance

7. Policies SP4 and EP9 of the Wyre Local Plan 2019 (WLP) support the principle of new holiday accommodation development. However, both policies recognise the intrinsic beauty and character of the countryside and thus, seek to resist development that would adversely affect its open and rural character.
8. The appeal site is located within an area of gently undulating countryside, on the banks of the Wyre Estuary. Built form is dispersed amongst the open, green and pastoral landscape. Roads including that of Wardleys Lane are narrow and rural in character with few passing places, enclosed by mature hedgerows.
9. Immediately adjacent to the appeal site are 2 units of holiday accommodation operated by the appellant². Despite being single storey and referred to as 'chalets,' the existing units have the appearance of large, permanent bungalows with multi-faceted mono-pitched roofs. Due to their form, scale and materials including render, they appear incongruous and at odds with the rural context in which they are sited.
10. The proposals seek the erection of either 3 or 2 units of accommodation (Appeal A and Appeal B respectively) arranged in a linear manner along an extended access track. Simpler in appearance and lower in height than the existing units³, they would nonetheless be of a conspicuously different architectural form, in contrast to the rural dwellings, farm and simple equestrian buildings that characterise the local built form. Sited on undeveloped land, due to their large footprint, scale and associated hardstanding for access and car parking, the amount of built development encroaching into the undeveloped countryside would be significant, resulting in urbanising residential ribbon development. This impact would be exacerbated by the Appeal A proposal, where the amount of built development would be more than doubled. Although the specific appearance of the units could be

² Planning application reference 19/00950FUL.

³ As shown in the indicative elevation drawing.

resolved at the reserved matters stage, it would not overcome the concerns regarding layout and scale.

11. Despite the storage building being attached to the front (Appeal B) or side (Appeal A) of the proposed accommodation units, visual intrusion from the extent of the built form would be considerable in localised views from within Wardleys Lane and New Road, where they would be highly conspicuous above the existing hedgerows. The proposed units would also be strident in far-reaching views across the river from the Wyre Estuary Country Park, especially in respect of Appeal A. In such views, the holiday parks to the north-west and south-east are visually and physically separated from the appeal site by agricultural and equestrian fields. Cumulative harm would thus be exerted by the siting, layout and scale of the proposed units, rather than the existing chalets assimilating their presence. In this regard I find that the schemes have not been designed to avoid negative landscape impacts, nor overcome the concerns of the previous Inspector⁴.
12. The appellant is said to have planted circa 1300 trees on their land, some of which appears to have occurred between the existing chalets and Wardleys Lane. In time, this planting may serve to soften the proposed units from open views to the north and east from Wardleys Lane and New Road. However, they will take a considerable number of years to reach sufficient maturity to provide meaningful screening, such that landscape harm would occur in the interim. Even then, if the trees are deciduous species, they are unlikely to be effective during periods of the year when they are not in leaf. Neither would they address the visual impact of the developments from across the estuary. Whilst landscaping is a reserved matter, tree planting should not be used to hide development that would be harmful to the character of the countryside.
13. The proposals would encroach into the undeveloped countryside resulting in a significant adverse effect on the character and appearance of the area. They would therefore conflict with Policies SP4 and EP9 of the WLP as set out above. The proposals would also conflict with Policies CDMP3 and CDMP4 which seek amongst other things, that proposals are designed to respect or enhance the character of the area and have no unacceptable cumulative impact on landscape character, within or outside settlement boundaries. Conflict is also found with paragraph 130 of the Framework which seeks to ensure that new development adds to the overall quality of the area, is visually attractive and sympathetic to local character.

Suitable Location

14. Policy SP1 seeks to strictly limit development outside settlements. Proposals that diversify the rural economy are only supported where they are appropriate in scale and accord with other policies of the WLP. Policy SP2 requires all development within Wyre to be sustainable and contribute to the continuation or creation of sustainable communities in terms of its location and accessibility. Specifically, part 4 of the policy sets out ways in which the Local Plan seeks to deliver sustainable communities, including facilitating economic growth in rural areas and ensuring accessible places and minimising the need to travel by car. In addition, Policy CDMP6 requires amongst other things, that proposals demonstrate that measures are included to encourage access on foot, by bicycle and public transport, and reduce car reliance.

⁴ Appeal reference number APP/U2370/W/21/3273598.

15. Countryside locations do not always benefit from ready access to services, facilities or a range of transport choices. Therefore, in supporting the provision of holiday accommodation in countryside locations, there is an acceptance that there will be additional car journeys. However, such support is not unqualified and does not override the need to ensure that pedestrians, cyclists and public transport are placed at the top of the transport hierarchy, as advocated by the Framework and Policy CDMP6 of the WLP.
16. The appeal site is 0.9 miles from the shop and public house within Hambleton village⁵. Nonetheless, the connecting road network consists largely of single vehicle, national speed limit lanes, with occasional passing places and no pavement or lighting. Whilst Wardleys Lane carries the Wyre Way, a long-distance walking route, pedestrians are nonetheless at risk of conflict with vehicular traffic.
17. I observed that the existing holiday units are now in full operation and that this differs from the situation at the time of the previous appeal⁶. The proposed holiday units would be within a reasonable walking distance of Hambleton. Some visitors to the existing and proposed holiday units would make use of the local footpath network, including to access the village, as suggested by the appellant. However, the nature of the roads is likely to deter some visitors from walking, particularly parents with young children/prams and wheelchair users or people with restricted mobility, which the appellant suggests are a high proportion of their guests.
18. Disabled people may be more likely to travel by car to a holiday destination due to the need for medical or other specialist equipment to be transported. It is suggested that guests of the proposed holiday units would also be able to use the hydrotherapy, sensory and bistro facilities at Brickhouse Cottages which is 0.8 miles from the appeal site and accessible via a public footpath. There is no evidence before me that the footpath which is unlit, would be suitable for wheelchair users or those with mobility issues who are likely to use such facilities. It is highly likely therefore, that occupants of the holiday units would use the car to access the Brickhouse Cottages facilities.
19. Whilst a welcome pack of essentials is provided and supplies may be picked up en route, self-catering accommodation inevitably requires travel to obtain consumables, as well as for eating out, a popular holiday activity. Hambleton even if it was accessible on foot, has limited facilities and visitors would be forced to go further afield by car for greater choice. Furthermore, the appeal site is not well-connected by public transport, nor walkable to tourist attractions. Neither is it based around an on-site activity as was judged to be the case in appeal decision APP/U2370/W/21/3277792, due to its linkage with an existing equestrian business.
20. Whether or not most adults would prefer to drive to the shops rather than walk⁷, the crux of the issue here is that holiday makers would not have the choice of making journeys by alternative means to the private car, particularly those that have mobility impairments or disabilities. In reality, visitors would arrive and travel further afield by the private car to destinations such as

⁵ As referred to in the Appellant's statement of case.

⁶ Appeal decision APP/U2370/W/21/3273598.

⁷ Appellant's reference in their Final Comments to a study by WeWard in the Daily Mirror in August 2022.

Blackpool, Fleetwood, Liverpool and the Lake District, as is evidenced in the trust pilot reviews from guests of the existing holiday units⁸.

21. Furthermore, whilst acknowledging the outline nature of the proposals, no measures have been advanced to exploit opportunities to make the location more sustainable, for example improving access to the appeal site by public transport or cycling⁹ for those that are able. In this regard, the location of the appeal site and the proposals, do not minimise the need to travel by car, such findings being consistent with appeal decision APP/U2370/W/22/3307137. Accreditation with the Green Rose Programme an environmental management scheme, whilst commendable, would not mitigate the location of the development and the number of journeys by car, that would be exacerbated in the case of Appeal A due to the increased number of proposed units.
22. There is no substantive evidence before me that additional passing places are to be added to the local road network. Even if they were, they are unlikely to address the issue of a lack of a dedicated and continuous safe footway for pedestrians, or lighting. Similarly, the occupation of the chalets during the lighter months of April–September, said to be the main holiday season, would not compensate for the hostile road conditions for pedestrians accessing the neighbouring village, specifically for those with additional mobility needs. Moreover, there is no evidence before me that the chalets would not be occupied during the winter months, when visitors are even more likely to use their vehicles for journeys.
23. I therefore find that the proposed developments would not be in a suitable location with regard to local services and facilities. Nor would they reduce the need to travel by car. Conflict is therefore found with Policies SP1, SP2 and CDMP6 of the WLP as set out above. The proposal would also conflict with the Framework in regard to sustainable rural tourism.

Other Matters

24. Whether the proposal is less intrusive than other developments permitted within the countryside is a matter of planning judgement. Reference is made to approvals for several types of holiday accommodation within Wyre, including glamping pods, caravans and lodges¹⁰. The full details of these decisions have not been presented, such that I can be sure that they are comparable. Nonetheless based on the evidence before me, I note that the examples are for different forms of holiday accommodation, some of which involved the expansion of much larger sites where the proposed development could be assimilated within the existing context, where they were located closer to existing facilities or had better pedestrian access¹¹.
25. The Council candidly advises that it did not apply its policies robustly or consistently in relation to some of these schemes and that it has since revised its approach. Inconsistency in previous decision-making does not bind me in relation to the proposals before me. The examples referenced do not provide support for the proposed developments and do not justify further harmful development.

⁸ Appellant's final comments.

⁹ As required by paragraph 85 of the Framework.

¹⁰ Planning application references 19/00950/FUL, 21/01236/FUL and 22/00724/LCC.

¹¹ Planning application references 20/01231/FUL, 22/0596/FUL and 22/00904/FUL.

26. The appellants' existing award-winning holiday accommodation business provides facilities suitable for disabled persons, which the proposals would enable the expansion of. Good quality, truly accessible holiday accommodation for disabled persons including specialist equipment such as profile beds, hoists etc are said to be in limited provision. Reference is made to 144 of 230,000 Airbnb properties in the UK being adapted, and 4 including features such as step free bathrooms, shower chairs and hoists. From my observations, I do not doubt that the appellant provides high-quality internal accommodation that is of benefit to the health and well-being of disabled people, their carers and families, as evidenced by the positive reviews and testimonials from previous guests. The proposed holiday units would therefore be of public benefit, those of Appeal A more so, due to their greater number.
27. However, I am mindful that whilst designed to meet disabled persons needs, the occupancy of the proposed holiday accommodation units would not be restricted, such that anyone of any physical capacity could stay. Additionally, despite the viability of the business, there is no substantive evidence before me that disabled people's needs for holiday accommodation is required in this specific location.
28. Whilst recognising the importance of equal access to adaptive holiday accommodation for disabled people, the location of the proposed units would not be conducive to inclusivity for guests with additional needs, to access shops and services in Hambleton safely by wheelchair, on foot or by public transport. Nor is the appeal site located in proximity to a particular tourist attraction that would reduce the need to travel by car. Airbnb is just one provider of holiday accommodation and therefore the evidence before me is not sufficiently robust to demonstrate a lack of provision. It is likely that similar health and well-being benefits could be obtained from holiday accommodation that is more closely located or connected to existing services or attractions. These matters therefore lessen the degree to which the proposed accommodation units would provide a public benefit, such that I can attach no more than moderate weight.
29. The appellant has evidenced that there would be an economic benefit to the local economy arising from increased overnight visitor stays and spending within the area, particularly as a result of the purple pound¹². Job creation during and post-construction as well as utilising local services for window cleaning, laundry etc would also be positive benefits. Tempered by the small number of units proposed, job creation during construction being temporary, and some of the visitor spending being regional, the benefits to the local economy would thus be of moderate weight, particularly in the case of Appeal B due to fewer units proposed.
30. Support from interested parties including the MP and tourism arms of the Council do not equate to a lack of harm and the lack of objection from the Highway Authority is neutral in the planning balance, weighing neither for nor against the proposals. Concerns regarding the objections from an interested party are a private matter between the parties concerned.
31. The appeal site lies close to the Morecambe Bay and Duddon Estuary Special Protection Area (SPA) and Wyre Estuary Site of Special Scientific Interest (SSSI). The proposals are not directly connected with or necessary for the management of the protected sites, but they have the potential to increase

¹² Spending related to disabled households.

their recreational use. Had I been allowing the appeals, it would have been necessary for me to complete Habitats Regulation Assessments and Appropriate Assessments. However, as the schemes are unacceptable for the reasons given, there is no need for me to consider the implications of the proposals on the SPA and SSSI.

Planning Balance and Conclusion

32. I have found that the scale and layout of the proposed developments would not be appropriate within the local landscape, and neither would they be sited to ensure the developments are sustainable or minimise the need to travel, particularly for the intended occupants. Having carefully considered the benefits of the proposals, namely the provision of holiday accommodation for disabled users and the associated economic benefits to the economy, dismissal of the schemes is a proportionate response, to the well-established planning objectives of protecting the countryside from developments that would adversely affect its open and rural character.
33. It is clear that the moderate benefits would not outweigh the significant and permanent harm to the character and appearance of the area, arising from developments that would not be sited in a suitable location with regard to services and facilities. Such harm would be increased in respect of Appeal A given the greater number of proposed units.
34. The proposals conflict with the development plan when considered as a whole, and there are no material considerations, either individually or in combination that outweigh the identified harm. Accordingly, both Appeal A and Appeal B are dismissed.

M Clowes

INSPECTOR

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Appeal Decision

Site visit made on 3 October 2023

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 November 2023

Appeal Ref: APP/U2370/W/23/3319409

White House Farm, Preston Road, Inskip-with-Sowerby, Preston PR4 0TT

- The appeal is made under section 78 of The Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by L&A Duckett against the decision of Wyre Borough Council.
 - The application Ref 22/00796/COUQ, dated 3 August 2022, was refused by notice dated 28 September 2022.
 - The development proposed is described as: 'Change of Use of Agricultural Building to three dwellings'.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. It is common ground between the main parties that the appeal scheme meets the requirements of paragraph Q.1 of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) and as such that it would constitute development permitted under Class Q, subject to the prior approval of certain matters. I see no reason to disagree.

Main Issue

3. The main issue is therefore whether the location or siting of the building would make it impractical or undesirable for it to change from agricultural use to a use falling within Class C3, with particular regard to noise and odour.

Reasons

4. The appeal site comprises an agricultural building forming part of a closely knit group of agricultural buildings. These buildings front the central yard and access route through the site. The appeal building backs onto the roadside verge and lies adjacent to the gated entrance to the site from Preston Road. The Grade II listed dwelling of Whitehouse Farmhouse is located to the opposite side of the entrance, set back from the road behind an enclosed front garden. The agricultural buildings are predominantly corrugated-sheeted, timber and steel framed structures and are typically open to the front.
5. It is proposed to convert the building to three dwellings. New openings would be inserted into the structure and the dwellings would be arranged with the main living spaces facing onto the proposed small areas of curtilage abutting the parking and access road, which is proposed to remain. Each of the dwellings would have large door openings onto these spaces facing towards the

- remaining agricultural buildings. These curtilages and the living spaces of the proposed dwellings would consequently have a very close relationship with the remaining open fronted agricultural buildings and the farm access.
6. From my site visit I saw that the buildings appeared to be in use primarily for storage of straw, fencing materials and fertiliser, alongside some agricultural machinery. The appellant states that there are no farming operations on the site nor any desire to restart any by the appellant. However, any future owner of the land and buildings may have different intentions.
 7. The current lawful use of the surrounding land and buildings adjacent to the appeal building is for agriculture. That would remain were I allow the appeal. I have not been directed to any planning restrictions that would prevent the future use of these buildings for a more intensive agricultural activity, such as for housing livestock, should an owner wish to do so. Indeed, whilst some of the buildings are in 'poor condition' as per the appellant's structural survey¹, some are considered to be in good or reasonable structural condition, making future re-use more feasible.
 8. Should a more intensive use of the buildings arise once the dwellings have been occupied, their residents would potentially be subjected to significant noise and smells arising from the activity, including agricultural vehicle movements passing very close to the dwellings and their small curtilages. As is the nature with such an enterprise, agricultural activities could take place during the day and night, seven days a week.
 9. I acknowledge that, as set out in an Inspector's decision² provided by the appellant, many residents are likely to accept or indeed value, working rural surroundings. I also recognise, as stated in another referenced appeal decision³, that, owing to the nature of proposals coming forward as part of Class Q, some disturbance to future residents, including through noise and smells, would be expected. In that appeal, the Inspector determined that the distance from the agricultural buildings to the appeal site would be sufficient to limit any disturbance to an acceptable level. In the case of the earlier referenced decision, it is clear from the description of the site that agricultural buildings were not located in close proximity to the barn granted prior approval. As such neither appeal is directly comparable to what is before me.
 10. In that regard, given the very close proximity of the proposed living spaces and curtilages to the large number of remaining agricultural buildings and the access, the appeal proposal has potential to lead to significant disturbance to the occupiers of those properties, adversely affecting living conditions. Although I recognise that the appellant has ceased agricultural activities, there is nothing before me to indicate that this would be the case in perpetuity. Intensive agricultural activities and the associated movement of agricultural vehicles could recommence at any time, even if some, or all, of the buildings were demolished as indicated by the appellant.
 11. In that regard, the appellant has suggested that the harm from future use of the agricultural buildings could be overcome by including a negatively-worded condition on any grant of prior approval requiring the demolition of all

¹ Structural Condition Survey for Assessing Conversion to Residential Properties by Paul Snape Consulting dated July 2021.

² Ref: APP/B2355/W/21/3284053.

³ Ref: APP/L3245/W/21/3269754.

- agricultural buildings at the site, prior to commencement. A site location plan has been provided showing the buildings intended to be removed outlined in blue.
12. The appellant has provided a copy of an appeal decision⁴ from 2015 in which the Inspector granted prior approval subject to a similar condition requiring the demolition of buildings marked on a plan. I have not been provided with a copy of this plan or any other details of the scheme. The precise nature of the buildings to be demolished, their proximity to the building subject of the appeal, including whether or not they were attached, is therefore unclear. As such, I cannot be certain that the precise circumstances of that case are comparable with the scheme before me. This limits the weight I can attribute to this decision. Furthermore, I note from the decision that at least some buildings at the site were proposed to be retained and that the buildings to be demolished are referred to as 'adjoining'. On the evidence available, the 2015 appeal is therefore not directly comparable with the scheme before me.
 13. Part 3 of Schedule 2 of the GPDO, through paragraph Q.1(i)(ii), allows partial demolition '*to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i)*'. The demolition of other unattached buildings that do not form part of the appeal building, would not constitute partial demolition. Moreover, the demolition of all of the remaining buildings at the site could not be considered to be reasonably necessary to carry out the permitted building operations. At Q (i) it is clear that the development is not permitted by Class Q if it would consist of building operations other than those at Q(i)(i) and Q(i)(ii).
 14. Paragraph W(13) sets out that the decision-maker '*may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.*' Given the extent of the buildings and the scale of the operation to remove them, requiring this to be carried out through a pre-commencement condition would go beyond what could be considered to be reasonably related to the subject matter of this prior approval appeal: the change of use of a single agricultural building.
 15. In conclusion, the location or siting of the building would make it undesirable for it to change from agricultural use to a use falling within Class C3. The proposal would not provide adequate living conditions for future occupiers of the proposed dwellings with particular regard to noise and odour. There would therefore be conflict with paragraph 130 of the National Planning Policy Framework (the Framework) which, amongst other things, requires planning decisions to ensure developments provide a high standard of amenity for existing and future users.

Other Matters

16. The appeal site lies within the setting of Whitehouse Farm, a Grade II listed building. Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires decision makers to have special regard to the desirability of preserving listed buildings or their settings when considering whether to grant planning permission. However, this is not directly relevant as a prior approval application is not an application for planning permission, with planning permission having already been granted by Article 3(1) of the GPDO.

⁴ Ref: APP/Q3305/W/14/3000602.

Nonetheless, where the prior approval matters include design and external appearance, it is appropriate to take into account the impact of a development on the setting of a listed building. Having regard to paragraph Q.2(1)(f) of the GPDO, the design and external appearance of the proposal are considered acceptable by the Council. Furthermore, the Council has no objections to the design in relation to impacts on the historic asset. Having regard to the extent and nature of the building operations to a modern agricultural building set away from the listed building, I see no reason to disagree.

Conclusion

17. For the reasons given above, I conclude that the appeal should be dismissed.

Paul Martinson

INSPECTOR

Committee Report**Date: 06.12.2023****Item Number 01****Application Number 23/00381/FUL****Proposal Change of use of land for siting of 6 chalets for holiday use and one managers accommodation cabin, hard surfacing for vehicle turning area and associated hard landscaping.****Location Low Mill Farm Calder Vale Road Barnacre With Bonds Preston Lancashire PR3 1SD****Applicant Mr Justin Hall****Correspondence Address c/o Mr Luke Godden Office A Bradley Hill Farm Claughton On Brock Preston PR3 0GA****Recommendation Refuse****REPORT OF THE HEAD OF PLANNING SERVICES****CASE OFFICER - Miss Hannah Dodgson**

Site Notice Date: 13/07/2023

Press Notice Date: 21/06/2023

1.0 INTRODUCTION

1.1 This planning application is presented before Planning Committee at the request of Cllr Ibison due to concerns over the sites sustainability and the scale and nature of the development being inappropriate in a sensitive location. Concerns also relate to the site access. A site visit is recommended to enable members to understand the site context beyond the plans submitted and site photographs taken by the case officer.

2.0 SITE DESCRIPTION AND LOCATION

2.1 The site which forms the subject of this application is a parcel of land located south of the rural settlement of Calder Vale. The land is bound on all sides by established trees and woodland (Sullom Wood and Curwen Wood Biological Heritage Site), which is designated as Green Infrastructure in the Adopted Wyre Local Plan (2011-2031). The site is in an area of countryside, as well as the Forest of Bowland Area of Outstanding Natural Beauty (AONB). The River Calder runs directly through the site and a large part of the subject land falls within Flood Zone 2 and 3. There is an existing path into the site which crosses over the river. The access to the land is taken down a single lane road with some passing places, off Calder Vale Road, which then runs past a row of terraced properties known as Primrose Cottages, before turning into a narrow track. This track is also a Public Right of Way (PROW).

3.0 THE PROPOSAL

- 3.1 The application proposes the change of use of the land for the siting of 6 chalets for holiday use and one managers accommodation cabin, hard surfacing for vehicle turning and associated hard landscaping. The chalets are proposed to be timber framed and partially faced in grey plasticoated box profile tin. The submitted business plan notes that the applicant owns approximately 15 acres of the land to the south of the village, and that the chalets are proposed to be sited on the 3 acre meadow at the bottom of the holding. It notes that there will be an additional cabin for an onsite manager to assist guests and a store selling fresh produce, essentials and firewood. The lodges would measure approximately 13m x 6m and would have a dual pitched roof with an eaves height of 3m and ridge height of 4.2m when measured from the ground. The business plan explains that it is intended for each lodge to have wrap-around decking with hot tub, outdoor kitchen/bbq and a seating area. The proposed access track would form a loop around the field with the cabins placed in a circular layout around the edges. The manager's cabin would be sited on its own to the north, near to the existing access, with a turning head adjacent.

4.0 RELEVANT PLANNING HISTORY

- 4.1 The site has the following relevant planning history:
- 4.2 16/00797/AGR - Prior notification for forestry development - the erection of a building for processing and storing timber and a building for a small office and facilities building. Prior Approval Refused.
- 4.3 17/00390/AGR - Agricultural prior notification for the erection of a building for forestry development comprising a timber-clad forestry building for the storage and seasoning of timber and machinery with staff facilities. Prior Approval Approved.

5.0 PLANNING POLICY

- 5.1 ADOPTED WYRE BOROUGH LOCAL PLAN (2011-2031)(INCORPORATING PARTIAL UPDATE OF 2022)
- 5.1.1 The Wyre Local Plan (2011-2031) (incorporating partial update of 2022) (WLPPU31) was adopted on 26 January 2023 and forms the development plan for Wyre. To the extent that development plan policies are material to the application, and in accordance with the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise.
- 5.1.2 The following policies contained within the WLPPU 2031 are of most relevance:
- SP1 Development Strategy
 - SP2 Sustainable Development
 - SP4 Countryside Areas
 - SP5 Forest of Bowland AONB

- CDMP1 Environmental Protection
- CDMP2 Flood Risk and Surface Water Management
- CDMP3 Design
- CDMP4 Environmental Assets
- CDMP5 Historic Environment
- CDMP6 Accessibility and Transport
- EP9 Holiday Accommodation

5.2 NATIONAL PLANNING POLICY FRAMEWORK 2023

5.2.1 The revised National Planning Policy Framework (NPPF) was published by the Government on the 5th September 2023. It sets out the planning policies for England and how these should be applied in the determination of planning applications and the preparation of development plans. At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). The policies in the 2023 NPPF are material considerations which should also be taken into account for the purposes of decision taking.

5.2.2 The following sections / policies set out within the NPPF are of most relevance:

- Section 2 - Achieving sustainable development
- Section 4 - Decision-making
- Section 6 - Building a strong competitive economy
- Section 12 - Achieving well designed places
- Section 14 - Meeting the challenge of climate change, flooding and coastal change
- Section 15 - Conserving and enhancing the natural environment
- Section 16 - Conserving and enhancing the historic environment

5.3 OTHER GUIDANCE AND LEGISLATION

5.3.1 Wyre Council Flood Risk Sequential Test Guidance for Applicants

5.3.2 The Conservation of Habitats and Species Regulations (amendment) (eu exit) 2019

5.3.3 The Wildlife and Countryside Act 1981 (as amended)

6.0 CONSULTATION RESPONSES

6.1 BARNACRE PARISH COUNCIL

6.1.1 Objections raised due to the access/dangerous junction, the access track being an unmade single carriageway without passing places which is also a public footpath, increased traffic movements past Primrose Cottages, the scale being out of proportion with the ancient woodland and inappropriate location for tourism as the site was formerly a sewage works with decaying mill ponds etc which have been partially hidden by woodland and may be dangerous to visitors.

6.2 CLAUGHTON ON BROCK PARISH COUNCIL

6.2.1 Objections raised, it is in the AONB and adjacent to ancient woodlands, passage to the woods is restricted to the public footpath. The number of

buildings to be erected is unclear, the scale of development is not consistent with Local Plan Policies EP9 and SP4, access is unsafe, increase in traffic which is unfair to residents, the proposed track will cover a large area and significant tonnage of crushed stone will displace plants and wildlife, unclear if the applicant is proposing site sewerage, potential dangers due to the previous use of the site, no evidence to support there being long-term viability.

6.3 LANCASHIRE COUNTY COUNCIL (HIGHWAYS)

6.3.1 No objections. The development will have direct access along definitive footpath FP80 and FP81, details of this application have been forwarded to LCC Public Rights of Way Section. The granting of planning permission does not authorise any stopping up, closure, obstruction or diversion of the Public Right of Way.

6.4 LANCASHIRE COUNTY COUNCIL (PUBLIC RIGHTS OF WAY)

6.4.1 No comments received at the time of compiling this report.

6.5 WYRE BC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (ENVIRONMENTAL PROTECTION - LAND CONTAMINATION)

6.5.1 Request a condition for a desk study as the site is within 250m historical/industrial land use.

6.6 WYRE BC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (ENVIRONMENTAL PROTECTION - AMENITY)

6.6.1 No comments received at the time of compiling this report.

6.7 WYRE BC HEAD OF ENGINEERING SERVICES (DRAINAGE)

6.7.1 Recommend refusal as full foul and surface water drainage plans are required.

6.8 WBC HEAD OF PUBLIC REALM AND ENVIRONMENTAL SUSTAINABILITY (TREES)

6.8.1 The design seeks to utilise existing gaps where grassland is treeless however it is appropriate to request a tree protection plan to ensure there is negligible impact on the woods. The Ecological Report indicates the need for a buffer zone - a Tree Protection Plan in accordance with BS5837 2012 can show this.

6.9 THE RAMBLERS ASSOCIATION

6.9.1 No comments received at the time of compiling this report.

6.10 THE RAMBLERS ASSOCIATION (FYDLE)

6.10.1 No comments received at the time of compiling this report.

6.11 GREATER MANCHESTER ECOLOGY UNIT (GMEU)

6.11.1 Recommend refusal. Development is proposed within the Biological Heritage Site which will result in the loss of semi-natural herb habitat within glade habitats. There is potential for direct loss of habitat in the BHS as well as indirect impacts such as lighting and noise. Adequate survey work has not been undertaken, nor adequate mitigation/compensation measures provided. Details of the buffer zone and other mitigation have not been provided and there is no information on drainage or lighting so it is not possible to fully assess the impact. The exact extent of assessment of the trees for roosting bats is not clear and more detail should be provided. No bat activity survey work has been submitted and no details to demonstrate that no impact on bats is likely, and so there is insufficient information. Otter have been but it is not possible to ascertain from the ecology report the length of the water courses that were surveyed. An increased survey buffer is required and depending on these results, further work to confirm the frequency of use of the corridor by otters may be required. The development free zone alongside the river corridor may need to be expanded should further survey work reveal otter resting places.

6.12 NATURAL ENGLAND

6.12.1 No objection. The development will not have significant adverse impacts on the statutorily protected nature conservation sites. Natural England will only provide bespoke advice on ancient woodland where they form part of a SSSI.

6.13 FOREST OF BOWLAND AONB BOARD

6.13.1 No comments received at the time of compiling this report.

6.14 ENVIRONMENT AGENCY

6.14.1 No comments received at the time of compiling this report.

6.15 UNITED UTILITIES

6.15.1 There are significant existing assets that lie within the site boundary that have not been taken into consideration. United Utilities will not allow building over or in close proximity to existing water mains. A large diameter aqueduct crosses the site and must not be built over. Concerns regarding the proximity of the development to the aqueduct. To demonstrate the layout can be achieved, a site plan which overlays the proven location of the water mains in relation to any proposed development should be submitted. Strongly recommend that this is resolved prior to determination. Full foul and surface water drainage scheme required.

7.0 REPRESENTATIONS

7.1 At the time of compiling this report, 4 letters of objection have been received. Comments are summarised as follows:

1. Access

The development may invite acts of trespass and consequent damage to the woodlands.

The road adjacent to Albert Terrace is dangerous and has a very acute hairpin bend on a steep gradient. The road is single track with passing places with unprotected verges and a steep drop.

The direct access to the site is an unmade single track unpaved road which is also a public footpath.

Increased traffic movements would create an unfair burden on residents of Primrose Cottages.

There is no off-road parking for Albert Terrace so cars are parked along the road effectively make it single track in front of the cottages.

The section of highway suffers from continual subsidence. There are visible fissures in the tarmac that will continue to widen and landslip may occur.

There are numerous enormous potholes and no street lighting.

Unsuitability of access for emergency vehicles and there is no mobile reception.

2. Landscape/Amenity Impact

The scale and nature are inappropriate for the site and is inconsistent with Policies SP4 and EP9.

It will not conserve the landscape or scenic beauty.

The site is in the AONB and visible from the adjacent footpath, the cabins on raised platforms plus the parking/access will create a significant visual impact, plastic coated box profile tin in grey will not blend into the surrounding landscape.

External lighting needs to be addressed to be in keeping with the site. Harm to the woodland.

Detrimental impact on properties and on the normal activities of the rest of the village.

3. Business

The nature and purpose of the development cannot be ascertained without sight of the applicant's business plan. There has also been no viability assessment of what was proposed in 17/00390/AGR, there appears to have been no material forestry development.

It is not an agricultural diversification, the site, despite its name, is not a farm. It is a completely new business.

The application states that it is currently used for camping, it has been used for Bark and Brook camping but under the 28 day rule, there is no planning in place for a campsite.

Previous applications were allowed as they were small scale with little impact on the landscape. If permissions are granted piecemeal instead of holistically, it will establish a precedent for permanent residential occupancy.

4. Inaccuracies

The application is factually inaccurate, the site is within 20m of a water course and it denies any existence of the important habitats and plans do not contain details of how the chalets will connect to the mains sewer.

The building to the north of the river is noted as a small office/reception and store building on one drawing, and office with accommodation in others, the actual use is unclear. Opposite this building in an un-named stoned area, the purpose is unclear, it overlies the former Low Mill which has several hazardous deep holes.

5. Flood Risk and Contamination

The land may be contaminated due to former uses.

The additional hard surfacing will increase the flood risks.

Erosion to the river bank on the track to the side of the footbridge is likely to cause a collapse in the future.

The unmade track floods in periods of high rainfall.

The Flood Warning and Evacuation Plan is generic. There is no layout plan showing the flood evacuation routes.

8.0 CONTACTS WITH APPLICANT/AGENT

8.1 Contact with agent throughout the application regarding concerns and additional information:

Email sent 12.07.2023 to request that the application demonstrates that the chalets meet the test for a caravan. Further email sent 17.08.2023 to advise of United Utilities and GMEU objections. Further email sent 18.09.2023 to request an update.

Email received from agent 25.09.2023 responding to Caravan Act query. Further email received 27.09.2023 advising that the applicant is happy for an unredacted version of the business plan to go online.

Email correspondence 27.10.2023 to request an update on the additional information requested and to advise that the application would be forwarded for determination.

9.0 ISSUES

9.1 The main issues to be considered in the determination of this application are:

- Principle of the Development
- Visual Impact, Design and Impact on the Landscape
- Impacts upon Residential Amenity
- Impacts upon Highway Safety and Parking
- Impacts upon Flooding and Drainage
- Impacts upon Trees
- Impacts upon Ecology
- Land Contamination

Principle of the Development

- 9.2 The application proposes the change of use of land for the siting of 6 holiday chalets plus 1 managers accommodation cabin and associated access road/hard landscaping. As the proposal is for a change of use of land, and not for the erection of new buildings, the 'chalets' must meet the criteria of a caravan as defined in the Caravan Sites and Control of Development Act 1960 (as amended) and Section 13 (1) of the Caravan Sites Act 1968. The original definition of a caravan in the 1960 Act states "any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether being towed or being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted". The Caravan Sites Act 1968 updated the size limits and case law cited in Secretary of State Brentall v Erewash 2002 establishes that to be deemed a caravan a habitable structure must conform to a size and mobility test, with a further construction test applying to twin unit mobile home type caravans. An email was sent to the agent requesting evidence that the chalets conform to the tests laid out in the 1968 Act. The agent responded advising that the internal height of the chalets would be no more than 3.05m in compliance with the Act, however, the plans show that the eaves height would be 3m and the ridge height 4.2m (when measured from the ground). As such, it is very possible that the internal height, floor to ceiling, could exceed 3.05m if the head space extends up to the ridge and depending on where the internal floor is. No evidence has been provided to prove that would this would not be the case, and that the chalets are made to comply with the definition of a caravan. Therefore, there is insufficient information submitted with the application to demonstrate that the chalets are 'caravans' and not buildings, in which case the applicant would need to apply for permanent structures, not a change of use of the land for the siting of the chalets. Should consent be permitted then a condition requiring the the structures to comply with the criteria of a caravan as defined in the Caravan Sites and Control of Development Act 1960 (as amended) and Section 13 (1) of the Caravan Sites Act 1968 could be added.
- 9.3 Notwithstanding the above, regardless of whether the chalets are buildings or caravans, the site is located within the countryside area outside of any defined settlement identified in the Wyre Local Plan (WLP) and therefore Policy SP1 is relevant. Policy SP1 directs new development to within settlement boundaries unless development in countryside areas is specifically supported by another policy in the Local Plan. Part 5 of Policy SP1 states that individual opportunities which will help diversify the rural economy or support tourism will be supported where they are appropriate in scale and in accordance with other relevant policies. In this case, Policy SP4 relates to countryside areas and seeks to control development in countryside areas. There are a range of uses which are considered appropriate with holiday accommodation being one, where proposals are in line with the provisions of Policy EP9 (Holiday Accommodation). Policy EP9 states that holiday accommodation sites will be permitted where they satisfy the following criteria:
- A) The totality of development, including on site services, is of appropriate scale and appearance to the local landscape;
 - B) Any new building and supporting infrastructure is necessary;
 - C) New tourism accommodation sites incorporating new build accommodation will need to be supported by a sound business plan demonstrating long term viability; and

D) Proposals for extensions to sites which include new built accommodation outside settlement boundaries will need to be supported by a viability assessment of the existing and proposed business.

9.4 In terms of A, the site is in a sensitive location, being in the countryside and the Forest of Bowland AONB. The overall scale and amount of development is not considered inappropriate, however this will be further assessed in the section on visual impact below. In terms of B, the purpose of this part is to stop overdevelopment of the built form. This could be in the form of economic necessity (i.e. the amount of development is proven to be viable and the minimum amount needed to breakeven and/or market evidence of need specific to that development) or operational necessity. Whilst the land has been used for camping previously, there does not appear to be any planning permission relating to this, and so for the purposes of this application the proposal is considered to be a new business venture. A business plan has been provided but it does not include any information as to why 6 holiday chalets are necessary to make the development viable, nor has any evidence of operational necessity been provided. There are also some inconsistencies relating to the supporting infrastructure (namely, the managers cabin) as the floor plans show it purely as accommodation, it is described as an 'office/reception', and in the business plan there is reference made to an onsite store selling 'fresh produce, everyday essentials and our own harvested firewood'. As the use of the manager's cabin is not clear, it cannot be ascertained whether it is necessary infrastructure. As such it is considered that the proposal does not satisfy Part B.

9.5 Part C of Policy EP9 is relevant as the proposal would be classed as a new tourism business. The Policy EP9 guidance produced by the Council states this should include a business overview including applicant's background, market research of the local area including comparison of appropriate competitor sites, the capital costs of establishing the business (including financing sources), costs of daily operational requirements (cleaning, change-over/check-in management, bookings), occupancy projections, nature of occupancy (short-term rental or privately owned), sales and marketing plan, annual income and expenditure projections (gross and net factoring in the capital costs) over a relevant period (minimum of 5 years), break-even projections and risk or sensitivity testing (best case/worst case scenario analysis) to establish the likelihood of meeting those projections. Explanations and/or breakdowns should be provided as necessary to justify the figures stated. The submitted business plan does give a detailed overview and background of the applicant, including the existing camping venture, and an overview of some competitor sites. An overview of operational processes has been provided i.e. housekeeping, toilet maintenance and accounting, but no breakdown of costs i.e. the employee costs in section 5 notes that in year 1 there will be 6 employees including 4 directors costing £62,000 but there are no specific details. Furthermore, annual income and expenditure projections have only been given in detail for pre start up and years 1-3, not for the minimum 5 years suggested in the guidance, only 'growth goals' have been given for years 4-6. No detailed explanations have been provided to justify the figures given. In addition, no accounts have been provided to show that the applicant has the necessary start-up money as it states that it would be 20% self-funded and 80% loan funded. For these reasons, it is considered that the business plan is insufficient in relation to the Policy EP9 guidance and does not provide enough specific evidence to satisfy the Council that the business would be viable. Therefore, the application fails to satisfy Part C of the Policy.

As the proposal is not for the extension to an existing site, Part D is not relevant.

- 9.6 Finally, Policy SP2 requires all development to be sustainable and contribute to the continuation or creation of suitable communities in terms of location and accessibility. Policy CDMP6 of the WLP requires development to include measures to encourage access on foot, by bicycle and public transport and reduce car reliance. Sustainable development is also a key requirement of the NPPF. It has been established that holiday accommodation can be suitable in countryside locations, and the Council accept that a greater dependency on car use is inevitable in rural locations. The site is located within the Forest of Bowland AONB (which is considered a regional/national tourist destination) with recreational opportunities and there are opportunities for scenic walks from the site. However, for all other aspects, there would be very heavy car reliance to access amenities. The location is extremely remote and inaccessible. There are very limited bus services in this area of the borough and the village of Calder Vale (the nearest settlement) has virtually no amenities, other than a village hall/social club. No statement outlining why the proposal should be considered to be sustainably located and how it would reduce the need to travel by car has been submitted. As noted above, there is mention in the business plan of an onsite store selling fresh produce and essentials, but no further details of this within the application i.e. whether it would be within the manager's cabin. Walking from the site would require using the narrow, single track road that runs past Primrose Cottages up to Albert Terrace. This road is in poor condition with no footpaths and no street lighting. It is considered therefore that the distance and undesirable route option to access limited services and facilities, particularly in the absence of any details of onsite facilities, will not encourage access by sustainable means of travel. As such, the Council consider that the location is unsustainable and inaccessible, resulting in almost complete car reliance for users of the site, therefore conflicting with the provisions of Policies SP2 and CDMP6 of the WLP along with the NPPF.
- 9.7 Policy SP2 also requires proposals to demonstrate how they respond to the challenge of climate change. No specific climate change statement has been submitted, however, conditions could be added for soft landscaping to be provided (to off-set the introduction of new hardstanding) and Electric Vehicle Charging Points to serve the new parking spaces should the application be supported by Members. As such, it is not deemed that there would be significant environmental harm.
- 9.8 Overall, whilst tourism accommodation can be considered to be appropriate development within the countryside, for the reasons laid out above, it is considered that the application has failed to demonstrate compliance with the provisions of Policy EP9, and it would be in an unacceptably isolated location that would fail to comply with Policies SP2 and CDMP6. As such, the proposal is not supported in principle by Local Plan Policy or the NPPF.

Visual Impact, Design and Impact on the Landscape

- 9.9 Policy SP4 of the WLP stipulates that the open and rural character of the countryside will be recognised for its intrinsic character and beauty. The impact of the proposed development on the local landscape is also a consideration of Policy EP9 criterion A. The application is also within a highly sensitive location, being in the Forest of Bowland AONB, and Policy SP5

notes that this landscape and scenic beauty will be protected from any development that will affect the appearance and setting.

- 9.10 Whilst the proposal would result in the introduction of 7 large lodges and associated decking/hardstanding, the site is largely screened away from wider views, surrounded by heavy woodland and it is not considered that it would have any significant impact on the wider landscape. Holiday lodges are common features in such locations and given the enclosed nature of the site, it would not result in unacceptable visual harm to the rural nature of the countryside or the AONB. That being said, there are some concerns over the materials detailed on the plans, where the cabins are partially faced in 'plastic coated box profile tin in grey'. No further details and specifications of this material have been provided and due to the sensitive nature of the area the materials are an important consideration. In the event of an approval of the application, a condition could be added for full details of materials to be provided prior to commencement of the development. For these reasons, it is considered that the development would not conflict with Policies SP4, SP5 and EP9 in terms of visual impact and harm to the natural landscape, along with Policy CDMP3 which requires development to respect its surroundings.
- 9.11 It is also acknowledged that there is a Public Right of Way (PRoW) to the north west of the lodges, however it is considered that they would be sited a sufficient distance away to not result in any impact to public enjoyment of the area or detract from the character of it, in accordance with Policy CDMP6 of the WLP. Further to this, the site is located at the southern boundary of the Calder Vale Conservation Area, but the Council's Conservation Officer has advised that the development is restricted to land just outside of the boundary and it would have no material impact on the Conservation Area. As such, there would be no conflict with Policy CDMP5 of the WLP which relates to the Historic Environment.

Impacts upon Residential Amenity

- 9.12 There are a row of terraced properties known as Primrose Cottages to the north of the site, however it is considered that the lodges would be sited sufficiently away from these dwellings to not result in any significant harm in terms of noise, disruption, overshadowing or loss of privacy. As such, no further issues are raised on these terms and the proposal would comply with Policies CDMP1 and CDMP3 of the WLP in respect of amenity.

Impacts upon Highway Safety and Parking

- 9.13 The site is accessed down a single track lane off Calder Vale Road which is shared with Primrose Cottages. The lane has some passing places that are adjacent to and drop onto the road below with no barriers. The proposal would result in increased vehicle movements down this lane. The access into the site itself is very narrow and largely covered by mud. It is also a PRoW. Relating back to the unsustainable location and heavy car reliance, there are some concerns over the increased intensity of the use of this road that is in poor condition. A concern also shared in the public and Parish Council objections. It is noted that the land has been used as a campsite previously, but this has been carried out taking advantage of the limited allowance in the General Permitted Development Order (GPDO) and not with planning permission, therefore the Council have no control over the vehicle movements for the existing use. This site would be permanent and potentially operate

year round, with multiple comings and goings every day. However, LCC Highways have raised no objections to the proposal, given that it is an existing road and access. In the absence of an objection from the Highways Authority, it is not considered that the matters of access would be a sufficient refusal reason for the application. Parking is proposed within the site which would be acceptable to serve the development. It is also noted that the narrow access into the site is shared with a PRoW. There may be some conflict between vehicles and pedestrians, however as the access is existing and already used for vehicular purposes, this is not considered detrimental to the application. No comments have been received from LCC PRoW department or the Ramblers Association at the time of compiling this report. For the reasons laid out in this section of the report, it is deemed that the application does not conflict with Policy CDMP6 in terms of highway and parking matters, or in relation to the PRoW. However, as noted in the principle section, the application does conflict with Policy CDMP6 in terms of the unsustainable location due to the lack of access on foot and by public transport, thereby increasing car reliance.

Impacts upon Flooding / Drainage

- 9.14 The River Calder runs directly through the site and a large portion of the central area of the land which runs from north to south is in Flood Zone 2 and 3, as identified on the Environment Agency Flood Maps. No comments have been received from the Environment Agency at the time of compiling this report. Some parts of the site are within Flood Zone 1, however it would appear that some of the lodges and new hardstanding overlap Flood Zones 2 and 3. A Flood Risk Assessment has been provided which the Council's Drainage Engineer has advised is acceptable. However, the NPPF in paragraph 159 says that 'inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk'. The sequential test is required to be applied in 'areas known to be at risk now or in the future from any form of flooding'. Policy CDMP2 of the Adopted Local Plan similarly requires the application of the sequential test for development in areas at risk of flooding. The NPPG guides that 'the applicant will need to identify whether there are any other 'reasonably available' sites within the area of search.' 'The Local Planning Authority need to consider whether the test is passed, with reference to the information it holds on land availability'. In this case, the area of search is determined to be the entire Borough of Wyre, as there are no local circumstances, nor is there an existing premises or use, that justifies a smaller area of search, and the applicant has not demonstrated that the entirety of the development could fit within the parts of the site that are within Flood Zone 1. This is in line with the council's guidance for applicants on the sequential test. No sequential test has been provided with the application, therefore the applicant has failed to demonstrate that there are no other sites within the borough that could reasonably be used for the proposed development that are at lower risk of flooding.
- 9.15 Further to this, Annexe 3 of the NPPF (Flood Risk Vulnerability Classification) designates sites used for holiday/short-let caravans/camping as 'more vulnerable'. Figure 4-4 in the Council's Strategic Flood Risk Assessment (SFRA) notes that an exception test is required for more vulnerable development. As no sequential test has been submitted and passed, the exceptions test can not be applied. Therefore, in line with the SFRA, the development must be concluded to be inappropriate and should not be

permitted in this location. The Council's Drainage Engineer has also commented that full foul and surface water drainage plans are needed. This could be added as a pre-commencement condition on any permission granted.

- 9.16 It should also be noted that United Utilities have objected to the proposal due to concerns regarding the proximity of the proposed development to their aqueduct and that the applicant must submit a detailed site layout plan which overlays the proven location of the water mains in relation to any development. The applicant was given the opportunity to submit this but no details were forthcoming. That being said, United Utilities have noted in their response that should the Council approve the application, a condition can be attached to the decision notice for no construction to commence until these details have been submitted and approved.
- 9.17 Overall this section has concluded that matters relating to drainage and United Utilities assets could be dealt with by way of pre-commencement conditions, however insufficient information has been submitted to allow the Council to assess that there are no other available sites within the borough that could reasonably be used for the development with lower risk of flooding than the application site. As such, the sequential and exceptions tests have not been passed and the application is not in line with the NPPF and Policy CDMP2 of the Wyre Local Plan.

Impacts upon Trees

- 9.18 The site is bound on all sides by heavy ancient woodland recognised as a Biological Heritage Site (BHS). The Council's Tree Officer has been consulted on the application and has not objected to the proposal but has stated that a tree protection plan would be appropriate to ensure that there is negligible impact on the woodland. This could be added as a pre-commencement condition to any permission granted. There are no further issues raised at this stage in terms of impact upon trees in accordance with Policy CDMP4 of the WLP.

Impacts on Ecology

- 9.19 The application site is within and adjacent to Sullom Woods and Curwen Woods which is a Biological Heritage Site (BHS) and identified as Ancient Woodland by Natural England. The woodland is designated as Green Infrastructure (GI) in the WLP although the development does not appear to directly overlap the area identified as GI on the Policies Maps. The River Calder also runs through the site. A Preliminary Ecological Appraisal has been provided and Greater Manchester Ecology Unit (GMEU) have been consulted and recommend refusal of the application. They state that development is proposed within the BHS which will result in the loss of semi-natural herb habitat within glade habitats. The ecology report includes a plan which shows car parking in the location of the proposed turning circle on the plans and is therefore inconsistent. Buffer zones have been recommended in the ecology report but have not been reflected within the proposed layout. There is potential for direct loss of habitat in the BHS as well as indirect impacts such as lighting and noise. Adequate survey work has not been undertaken, nor adequate mitigation/compensation measures provided.

9.20 Ancient Woodland is considered to be irreplaceable habitat and Natural England's Standing Advice states that planning permission should be refused that results in the deterioration of ancient woodland unless there are exceptional reasons or there is a suitable compensation strategy in place. Details of the buffer zone and other mitigation have not been provided and there is no information on drainage or lighting so it is not possible to fully assess the impact. The exact extent of assessment of the trees for roosting bats is not clear. The edge habitat between the woodland and grassland will have higher suitability for bats, and as the proposed chalets are arranged along this edge habitat, further information and consideration of the impact on bats is required. No bat activity survey work has been submitted and no details to demonstrate that no impact on bats is likely, and so there is insufficient information. Further to this, otter have been confirmed present as footprints were identified close to the bridge over the river that dissects the site. It is not possible to ascertain from the ecology report the length of the water courses that were surveyed. No further otter survey work has been undertaken. An increased survey buffer is required and depending on these results, further work to confirm the frequency of use of the corridor by otters may be required. The development free zone alongside the river corridor may need to be expanded should further survey work reveal otter resting places. The applicant was given the opportunity to provide the additional ecology information as suggested but no details were forthcoming. As such, the Council is unable to conclude that the proposal would not have a harmful impact on the BHS and protected species including bats and otters. Therefore the proposal fails to comply with Policy CDMP4 of the WLP in terms of ecology which seeks to protect habitats and species and specifically it states that development in a BHS will not be permitted unless harm is demonstrably outweighed by other planning considerations and appropriate mitigation can be secured. The application has failed to demonstrate this and insufficient information has been provided.

Land Contamination

9.21 The Council's Environmental Health Officer responsible for Land Contamination has requested a condition for a desk study as the site is within 250m of historical/industrial land use. This can be added as a pre-commencement condition to any permission granted. At this stage there are no further issues identified and the proposal would not conflict with Policy CDMP1 in respect of contaminated land.

10.0 CONCLUSION

10.1 The proposed development for the siting of 6 holiday lodges and 1 facilities building is one of the listed exceptions within Policy SP4 of the WLP, however in order to be acceptable in principle, the proposal must also accord with Policy EP9. Using the Policy EP9 guidance note, officers are of the opinion that the applicant has failed to demonstrate that the new buildings are necessary and that the business would be viable in the long-term as a sound business plan has not been provided. Further to this, the proposal would conflict with Policy SP2 of the WLP in terms of its location, which is highly inaccessible and isolated, resulting in heavy car reliance which would not be sustainable. In turn this would conflict with Policy CDMP6 which requires that measures are included to encourage access on foot and by public transport. In addition to the matter of principle, insufficient information has been provided in respect of flood risk and ecology which are material planning

considerations. As such, the Council are unable to conclude that there are no other reasonably available sites for the development that are at lower risk of flooding in line with the SFRA and Policy CDMP2, or that there would be no detrimental harm to the Biological Heritage Site in line with Policy CDMP4. For these reasons, the proposal is not supported by Local Plan Policy or the provisions of the NPPF and refusal of the application is recommended.

11.0 HUMAN RIGHTS ACT IMPLICATIONS

- 11.1 ARTICLE 8 - Right to respect the private and family life has been considered in coming to this recommendation.
- 11.2 ARTICLE 1 - of the First Protocol Protection of Property has been considered in coming to this recommendation.

12.0 RECOMMENDATION

- 12.1 Refuse Full Planning Permission

Recommendation: Refuse

1. Insufficient evidence has been provided with the application to demonstrate that the new buildings and supporting infrastructure are necessary, and that the proposed new holiday accommodation would be viable in the long term. There are flaws and inconsistencies between the business plan and the other documents submitted with the application. Therefore the application fails to satisfy parts B and C of Policy EP9. In turn, the proposal does not amount to an appropriate form of development in the countryside and is considered unacceptable in principle, contrary to the NPPF and Policies SP4 and EP9 of the Wyre Local Plan (2011-31).
2. The application site is located in an isolated position within the countryside area. The development would involve the creation of new holiday accommodation in a poorly accessible location detached from any nearby settlement. There are no public amenities and very limited bus services in this location. As a consequence users of the proposed development would be heavily reliant on the use of a private motor vehicle to access services and attractions of nearby settlements, with very limited opportunity to access the site via alternative sustainable travel modes. No statement outlining why the proposal should be considered to be sustainably located and how it would reduce the need to travel by car has been submitted. Therefore, the development is considered to be sited in an unsustainable and inaccessible location which would increase vehicular movements. The proposal is therefore contrary to the provisions of the NPPF and Policies SP2 and CDMP6 of the Wyre Local Plan 2011-31.
3. The proposed development would be sited in part within flood zones 2 and 3. A sequential test has not been submitted in support of the application, and therefore inadequate evidence has been provided to show that there are no reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. This would not steer development to areas with the lowest probability of flooding, thereby increasing the number of people and property at risk from flooding and fail the Sequential Test. Additionally, this would not form sustainable development or demonstrate adequate response to climate change. This would be contrary to Section 14

of the NPPF and the National Planning Policy Guidance 'Flood Risk and Coastal Change, and Policies SP2 and CDMP2 of the Adopted Wyre Local Plan and Wyre Council Flood Risk Sequential Test Guidance for Applicants v1.2 April 2021.

4. Insufficient information has been provided with the planning application to address the potential impact of the development on the Sullom Woods and Curwen Woods Biological Heritage Site and associated direct and indirect loss of habitats. Adequate survey work has not been undertaken and adequate compensation measures have not been provided, particularly in respect of harm to bats and otters. As such, it cannot be concluded that the proposal would not have a harmful impact in terms of ecology, contrary to the NPPF, Policy CDMP4 of the Wyre Local Plan (2011-31), and The Wildlife and Countryside Act 1981 (as amended).



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Organisation	Wyre Council
Department	Planning Department
Comments	Item 1
Date	23 November 2023
SLA Number	100018720

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