



Appeal Decision

Site visit made on 21 July 2020

by **Sarah Manchester BSc MSc PhD MIEnvSc**

an Inspector appointed by the Secretary of State

Decision date: 1st September 2020

Appeal Ref: APP/U2370/W/20/3248771

**Torbant Lodge, Brick House Lane, Hambleton, Poulton-Le-Fylde,
Lancashire FY6 9BG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Bamber against the decision of Wyre Borough Council.
 - The application Ref 19/01228/FUL, dated 20 November 2019, was refused by notice dated 24 February 2020.
 - The development proposed is removal of existing residential caravan and erection of one dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. My attention has been drawn to a Lawful Development Certificate for the use of part of an agricultural building as a residential dwelling and siting of a caravan for residential use (ref 10/00028/LAWE). However, the caravan is not located in the appeal site and, on the basis of the evidence, the certificate of lawfulness does not relate to the appeal site. I have therefore determined the appeal on the basis that the appeal site does not have a lawful residential use.

Main Issues

3. The main issues are:
 - i) Whether the location is suitable for new residential development, having regard to local and national policies for new rural housing;
 - ii) The effect of the proposal on the character and appearance of the countryside; and
 - iii) Whether the proposal would be at an unacceptable risk, or increase the risk elsewhere, of flooding.

Reasons

Whether the location is suitable for new residential development

4. The appeal site is close to a loose cluster of built development that includes residential dwellings and agricultural and stable buildings. It is accessed via a private road from Brickhouse Lane, a rural road that is increasingly developed

as it approaches the A588 approximately half a mile from the appeal site. The appeal site is in the countryside for planning purposes.

5. Policy SP1 of the Wyre Council Local Plan 2011-2031 Adopted February 2019 (the LP) sets out the Council's locational strategy. This seeks to focus development in the settlements and to limit new development in the countryside with certain exceptions. This is broadly consistent with the rural housing aims of the National Planning Policy Framework (the Framework).
6. There is no existing building or dwelling in the appeal site. Therefore, while the proposal would replace the appellant's nearby living accommodation, it would not be a replacement building. The proposed market dwelling does not require a rural location and it would not address an identified rural housing need. The proposal would not meet the exceptions for development in the countryside set out in Policy SP4 of the LP.
7. Notwithstanding the presence of tea rooms, a bistro and a veterinary practice, the immediate area does not have the range of services or facilities necessary to meet the reasonable daily needs of future occupiers. Consequently, the need to travel in this location would not be minimised.
8. The closest rural settlement with a reasonable range of services and facilities is Hambleton, approximately 2km from the appeal site via Brickhouse Lane and the A588. The private access road that serves the appeal site is narrow and unlit and it has an uneven surface. Brickhouse Lane is a narrow rural road with no footway or street lighting and it is subject to the national speed limit. While the A588 does have a footway, it appears to be largely unlit. Consequently, future occupiers would not meet their daily needs by walking. Moreover, although the appeal site is within cycling distance of Hambleton such that some journeys could be made by bicycle, the closest bus stops are next to the A588. Therefore, the appeal site is not readily accessible by sustainable transport modes.
9. I accept that the appellant intends to live in the property, such that there would be no increase in vehicular movements. However, there would be no occupancy restriction and the market dwelling could therefore be occupied by a large family with an associated large number of vehicles. Nevertheless, irrespective of whether or not car journeys would increase in this location, future occupiers would be heavily reliant upon private car journeys.
10. By virtue of proximity to properties including Torbant Farm, Brook Farm and Cottage and Brick House, the proposal would not result in the creation of isolated homes in the countryside which the Framework seeks to avoid. However, it would be remote from services and facilities.
11. My attention has been drawn to planning permissions for residential development elsewhere in the countryside. However, those schemes appear to differ from the appeal scheme in a number of ways. Several appear to have been considered in an earlier policy context, including at a time when the Council was unable to demonstrate a 5 year housing supply. Some are in accessible locations with regard to services and facilities and sustainable transport modes. Others relate to larger housing developments or tourism accommodation. I cannot be certain that any of them is directly comparable to the appeal scheme or that they provide a justification for it.

12. Therefore, the location is not suitable for new residential development, with particular regard to the accessibility of services and facilities. It would conflict with Policies SP1, SP2, SP4 and CDMP6 of the LP. These require, among other things, that development is located in the settlements unless there is a rural justification for a countryside location, that it contributes to sustainable communities, minimises the need to travel and promotes sustainable forms of transport. It would conflict with policies in the Framework that relate to rural housing, sustainable forms of transport and climate change adaptation.

Character and appearance

13. The appeal site includes an area of hardstanding and part of a grass paddock. It is located to the front of a large complex of rural buildings, within which the existing caravan is sited. The scattered dwellings and farmsteads along this part of Brickhouse Lane are widely separated from the small settlement located around the junction of Brickhouse Lane and the A588. The surrounding countryside is a sporadically developed rural landscape that allows distant and panoramic views across open fields with hedgerows and scattered trees.

14. The caravan is a modest feature that is screened by sheds and stable buildings. In contrast, the dwelling would be substantially large and it would be well separated from, and poorly screened by, the nearby buildings. There would be a conspicuous increase the mass of built development in this location. There would be cumulative visual impacts as a result of the residential garden and associated domestic paraphernalia. Consequently, the proposal would be a prominent feature that would encroach into the open countryside.

15. On the approach from the A588, the proposal would be seen in the context of the existing buildings. However, from locations elsewhere along Brickhouse lane the proposal would be seen separately from the buildings and it would increase the visual extent of built development and erode the openness of the rural landscape. Although the design of the dwelling would be acceptable, nevertheless the proposal would be poorly related to nearby built development.

16. Therefore, the proposal would harm the open character and appearance of the area. It would conflict with Policies SP4 and CDMP3 of the LP which require, among other things, that development respects the open rural character and makes a positive contribution to the area. It would conflict with policies in the Framework that require development to recognise the intrinsic character and beauty of the countryside and to be sympathetic to its landscape setting.

Flood risk

17. The appeal site is in Flood Zone 3 where there is a high probability of flooding and the proposed residential dwelling is classed as a more vulnerable development.

18. I acknowledge the appellant's desire to live locally and her concerns regarding the cost of housing elsewhere. Nevertheless, it has not been demonstrated that there are no suitable alternative sites at lower risk of flooding. Moreover, while the existing caravan may be vulnerable to flooding, and the proposal would be of more substantial construction than the caravan, this is not a justification for a permanent residential development in a flood risk area.

19. The submitted information, including the Flood Risk Assessment, does not demonstrate that future occupiers would not be at an unacceptable risk of

flooding or that the proposal would not increase the risk of flooding. The proposal does not demonstrate that any necessary mitigation or adaptation measures could be accommodated within the appeal scheme. Therefore, this is not a matter that could be addressed by planning condition.

20. Therefore, the proposal fails to demonstrate that it would not be at unacceptable risk of flooding or that it would not increase the risk of flooding. It would conflict with the aims of Policy CDMP2 of the LP, the Framework and the Planning Practice Guidance in relation to directing development away from areas at risk of flooding.

Other Considerations

21. Paragraph 74 of the Framework sets out that a five year supply of deliverable housing site can be demonstrated where it has been established in a recently adopted plan or in a subsequent annual position statement. In this case, the Council has a current annual position statement, which is valid until 31 October 2020. Moreover, there is no substantive evidence before me to demonstrate that the Council is failing to deliver a sufficient number of houses. Consequently, paragraph 11 d) of the Framework is not engaged. In any case, the proposal would make a negligible contribution to the supply of housing.
22. I accept that the dwelling would provide a higher standard of living accommodation for the appellant and her family, including her son, than the caravan. In this regard, the proposal would be a private benefit to the appellant and her family. Nevertheless, on the basis of the limited information before me, I cannot be certain that the existing accommodation does not provide a reasonable standard of living accommodation.
23. The caravan is sited close to buildings that were damaged by fire. The appellant's desire to provide her family with a more substantial dwelling further from those buildings is therefore understandable. In this regard, the Council has suggested that the caravan could be relocated. However, while this option appears to have been discounted on the grounds that the caravan itself is a fire risk, no substantive evidence has been provided in this regard nor has not been demonstrated that the caravan is not habitable. Moreover, it has not been demonstrated that alternative proposals which could deliver similar benefits have either been investigated or discounted. For this reason, I cannot be certain that their requirements could not be met by alternative means that would avoid the conflict with the development plan.
24. The appellant tends land and keeps animals, including horses. However, the proposed market dwelling would not be for a rural worker and no functional need relating to livestock and animal welfare has been demonstrated. While I acknowledge the particular personal circumstances of the appellant's mother, there is little evidence to indicate that the appellant could not continue to live close to her mother in the event that the appeal should fail. Therefore, these matters carry limited weight in favour of the proposal.
25. While the appellant intends to build the property herself, I am not aware that she is entered onto the relevant register for the purposes of The Self-build and Custom Housebuilding Act 2015 (as amended). Therefore, while self-build would be likely to be a more cost effective option than purchasing a house elsewhere, this is a matter that carries neutral weight.

26. The appellant has raised the issue of the Human Rights Act 1998, the provisions of which include the right for respect for private and family life. However, taking the above factors into account and based on the evidence before me, I find that refusal of the planning permission does not constitute interference with the appellant's rights in this regard. This is because there is no compelling evidence that the appellant and her family could not continue to live in their current accommodation. Therefore, while I am sympathetic, the evidence does not demonstrate that the appellant's personal circumstances are of sufficient weight to outweigh the harm that I have identified.
27. While I note third party concerns in respect of the use of the private access, this is a private legal matter and it is not a matter for this appeal to address.

Conclusion

28. For the above reasons, the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict. Therefore, the appeal should be dismissed.

Sarah Manchester

INSPECTOR