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## Appeal Decision

Site visit made on 27 October 2020

**by Sarah Manchester BSc MSc PhD MEnvSc**

**an Inspector appointed by the Secretary of State**

**Decision date: 23<sup>rd</sup> November 2020**

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**Appeal Ref: APP/U2370/W/20/3256466**

**Fair View, Knitting Row Lane, Out Rawcliffe, Lancashire PR3 6TH**

- 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 Mrs Jemma White against the decision of Wyre Borough Council.
  - The application Ref 19/01074/FUL, dated 05 November 2019, was refused by notice dated 06 February 2020.
  - The development proposed is construction of a new boarding kennel with new access created on Knitting Row Lane adjacent to the existing access way.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The appellant named in the appeal form is Mr Sean White. However, the appellant has confirmed that the appeal should proceed in the name of Mrs Jemma White, who is the applicant in the application form.
3. The site is close to The Wyre Estuary Site of Special Scientific Interest (SSSI), part of Morecambe Bay European designated site. I have a duty to carry out a Habitats Regulations Assessment for the purposes of the Conservation of Habitats and Species Regulations 2017. I will return to this matter later in my decision.

### Main Issues

4. The main issues are:
  - i) The effect of the proposal on the character and appearance of the countryside; and
  - ii) Whether the appeal site is a suitable location for the proposal, having regard to local and national planning policy.

### Reasons

#### *Character and appearance*

5. The appeal site comprises a small and currently unused grassed field. It is enclosed by boundary hedgerows, with trees and a small area of woodland to the rear. It is adjacent to the garden boundary of the appeal property, which is one of a small number of dwellings scattered along this part of Knitting Row Lane. The surrounding rural landscape is characterised by open fields with

- generally low hedgerows, scattered trees and small woodlands. It is a sparsely developed landscape, with sporadic and mixed rural development including dwellings and farmsteads visible in long views across the open countryside.
6. The building would be T-shaped. The 3 wings would be finished in painted blockwork and timber and with monopitch roofs, and they would be joined to a central lobby building, which would be a taller structure with a hipped roof. While it would be a relatively low building, with each run roughly 3.5 metres tall and the central lobby a little over 5 metres tall, it would have a sprawling footprint of over 36 metres by 26 metres.
  7. The building would be a high quality design in terms of the provision of dog boarding accommodation. Nevertheless, the unusual design would be markedly dissimilar to more typical forms of rural development in the surrounding area. By virtue of its large footprint and degree of separation, it would be out of scale and it would not relate well to the appeal property. Moreover, its deep set back would not be in keeping with the pattern of development along the road. It would extend the envelop of built development and it would encroach into the undeveloped countryside. Consequently, it would be an incongruous and visually obtrusive feature.
  8. The proposal would be in a slightly elevated position relative to the road and the nearby properties. As a result, while it would be screened by trees from views to the rear, it would be visible from other locations in the surrounding area. The loss of the roadside hedgerow, the long internal access and the large area of hardstanding, with associated vehicular movements and parking to the front of the building, would contribute to cumulative adverse visual impacts. The proposal would be a discordant feature that would not make a positive contribution to the rural character and appearance of the countryside.
  9. I note that the appellant would be willing to amend the design of the proposal to overcome concerns relating to its visual impact. While I acknowledge that different form of development might have a lesser visual impact in this location, there is no such alternative scheme before me.
  10. Therefore, the proposal would harm the character and appearance of the area and it would encroach into the countryside. It would conflict with Policies SP4 and CDM4 of the Wyre Local Plan (2011-2031) Adopted February 2019 (the LP). These require, among other things, that development should avoid harm to the open rural character of the countryside, respecting the surrounding context and making a positive contribution to the area.

#### *The suitability of the location*

11. The appeal site is in the open countryside approximately 2 km from the settlement of Hambleton. It would have a new vehicular access from Knitting Row Lane, which is a narrow rural road with no footway or street lighting and subject to the national speed limit.
12. Policy SP4 of the LP seeks to protect the open and rural character of the countryside by restricting new development unless it is for specific purposes. These include agriculture, forestry and equine related activities and the expansion of businesses in rural areas in accordance with Policy EP8, which aims to contribute to a healthy rural economy. This is consistent with the aims of the National Planning Policy Framework in relation to sustainable rural

growth and expansion of businesses and the development and diversification of agricultural and land-based rural businesses.

13. In this case, the proposal would not be of a type specifically permitted in the countryside by Policies SP4 or EP8 of the LP. Nevertheless, by virtue of the noise and disturbance arising from the barking of large numbers of kennelled dogs, it is not a type of development that could readily be assimilated into a built up residential area. Therefore, while it may not be a traditional rural business, the boarding kennels would be more suited to a rural or semi-rural location than to a settlement.
14. By virtue of its wide separation from the nearest settlement, the location is not accessible by sustainable travel modes. Based on the likely average duration of stay and the number of kennels, the proposal would not result in a significant increase in the frequency or intensity of vehicle movements. Nevertheless, the location would not minimise the need to travel and there would be an increase in car journeys.
15. Therefore, while boarding kennels could be more readily integrated into a rural area, the proposal would conflict with Policies SP4, EP8 and SP2 of the LP. These require, among other things, that development should not harm the open and rural character of the area unless there would be substantial public benefits that outweigh the harm. The proposal would fail to minimise the need to travel by car and it would not contribute towards climate change mitigation promoted by the development plan and national planning policy.

### **Other considerations**

16. The noise from the barking of dogs would be significantly detrimental to the living conditions of neighbouring residential occupiers. The submitted scheme of noise mitigation would minimise adverse impacts on the occupiers of Ivy Cottage and Home View. This could be secured by planning condition.
17. Fair View, which is the closest dwelling to the appeal site, was excluded from the noise assessment on the grounds that the appellant and her husband intend to operate the business from their dwelling. However, she has indicated that she may wish to sell the dwelling separately from the business in the future. I cannot therefore be certain that the boarding kennels would not result in unacceptable noise and disturbance to future occupiers of Fair View, inside the property and in their garden. This could be addressed by a planning condition restricting the operation of the business to persons occupying the appeal property, notwithstanding that the appellant might seek to subsequently sever the connection between the appeal property and the business.
18. There is a low likelihood of protected species, including great crested newt and breeding birds, being present in the appeal site. Precautionary mitigation during construction could be secured by planning condition. Matters relating to foul and surface water drainage could be dealt with by condition. The Highway Authority has raised no concerns in relation to the additional traffic or to the means of highway access and the proposal would not harm the safe operation of the highway.
19. I have no reason to doubt that a high quality facility operated by experienced and qualified persons, such as the appellant and her husband, would be likely to attract customers, albeit from outside of the immediate area. The proposal

would provide employment for the appellant and her husband and 2 part-time workers. There would be limited economic benefits during construction. While the proposal would clearly be a private benefit, there would be very limited benefits to the local economy or the local community.

### **Habitats site**

20. The appeal site is within the Impact Risk Zone for the Wyre Estuary SSSI and Morecambe Bay European designated site. The site does not provide feeding habitat for pink-footed geese or Whooper swans and the proximity of the nearby dwellings and woodland would in any case displace the birds away from the area. Consequently, the proposal would not result in likely significant effects on the Habitats site. I note that precautionary mitigation during construction is proposed. Notwithstanding that I have a statutory duty in this regard, as I am dismissing the appeal for other reasons, it is not necessary for me to further consider the impacts of the scheme on the designated site.

### **Conclusion**

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

*Sarah Manchester*

INSPECTOR