



## Appeal Decision

Site Visit made on 13 July 2021

**by Mark Caine BSc (Hons) MTPL MRTPI LSRA**

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

**Decision date: 14 September 2021**

**Appeal Ref: APP/U2370/W/21/3271899**

**Creg-Ny-Baa, Six Arches Lane, Scorton, Preston PR3 1AL**

- 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 Mr B Holden against the decision of Wyre Borough Council.
  - The application Ref 20/01075/FUL, dated 4 November 2020, was refused by notice dated 1 February 2021.
  - The development proposed is the erection of a dwelling and associated infrastructure.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published on 20 July 2021. The main parties have been provided with an opportunity to comment on the revised Framework and its relevance to the determination of this appeal. References to the Framework in this decision therefore reflect the revised Framework.
3. The Council has submitted additional representations, outside of the timeframe given. Nonetheless, as I am dismissing the appeal on other substantive grounds it is not necessary to explore this matter further.

### Main Issues

4. The main issues are:
  - Whether the proposal would provide a suitable site for housing with particular reference to its location and accessibility to local services and facilities
  - The effect of the proposed development on the character and appearance of the area.
  - The effect of the proposed development on the living conditions of the residents of neighbouring properties, with particular regard to privacy.

### Reasons

*Whether a suitable site for housing*

5. Policy SP1 of the Wyre Local Plan (2011 – 2031) (adopted February 2019) (Local Plan) sets out the settlement hierarchy for the borough. This indicates that new development should take place within the settlement boundaries, as defined on the Policies Map, with the majority of new development taking place in the settlements higher up the hierarchy. Outside of settlements with defined

boundaries new built development is strictly limited, with the forms of development that may be acceptable being set out in Policy SP4 of the Local Plan.

6. It is uncontested that the appeal site is located outside of a settlement boundary as defined in the proposals map of the Local Plan. For the purpose of the Local Plan the appeal site is therefore located within a designated 'Countryside Area'.
7. Local Plan Policy SP4 indicates that the only forms of housing considered acceptable in countryside areas are either affordable housing or that proposed for agricultural or rural workers. The proposal is for an open market dwelling and therefore conflicts with Local Plan Policies SP1 and SP4 in this regard.
8. I am mindful that the Framework suggests that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. However, the closest settlement is Scorton, with the majority of the services within it being located approximately 1 mile from the appeal site. These services are limited to a post office, primary school, convenience store, public house, café, restaurant, community facility and place of worship. There are also some limited facilities along the A6, including a convenience store, hot food takeaway, and a public house/restaurant.
9. There is a bus service to Scorton, Garstang, Lancaster and Preston available on the A6. However, on my site visit I noted that these bus stops are an approximate 10 minute walk away from the appeal site. Access to the bus stops and Scorton on foot would therefore have to involve utilising the narrow unlit Six Arches Lane and Station Lane which have no pavements. The distances involved and the nature of the roads would therefore be likely to deter pedestrians and cyclists, especially the elderly or pedestrians with young children, particularly after dark and in bad weather. As such there would be a strong likelihood that most future occupiers would be dependent on the private car to access the majority of the services in the area, and further afield.
10. I appreciate that the occupiers of the neighbouring caravan park may walk along these highways. Nonetheless, I consider that the needs of a permanent household would be materially different from the day-to-day needs of holiday makers who, it seems to me, would be unlikely to generate as many daily trips as would be likely to be associated with permanent domestic occupation. These trips would include the daily commute to work and back, and to visit supermarkets, doctors, secondary schools and other essential services.
11. Given the site's proximity to other residential properties on Six Arches Lane, and the adjacent caravan park site, the proposal would not result in the creation of an isolated home in the countryside which the Framework seeks to avoid. However, it would be remote from services and facilities and thereby not be located where it would enhance or maintain the vitality of rural communities.
12. As such I find that the proposal would not provide a suitable site for housing with particular reference to its location and accessibility to local services and facilities. It would therefore conflict with the requirements of Policies SP1, SP2, SP4 and CDMP6 of the Local Plan with regards to development strategy, ensuring accessible places and minimising the need to travel by car. It would

also fail to accord with policies in the Framework that relate to rural housing, and sustainable transport solutions.

#### *Character and appearance*

13. The appeal relates to an area of garden land adjacent to a detached dwelling named 'Creg-ny-Baa'. It is located on the opposite side of the road to a ribbon of detached properties and there are also two dwellings situated on the same side of Six Arches Lane as the appeal site. The land to the rear of the site falls away to an area that is utilised as a large holiday caravan park.
14. The proposal would result in the introduction of further built development into the countryside. However, forming part of a residential garden, containing a detached garage and other structure, screened from view by tall boundary hedges, within the body of a built-up area, the appeal site contributes little to its open rural character and appearance.
15. The proposal would also respect the linear pattern of development on Six Arches Lane, be sited in a relatively generous plot, thereby maintaining a spacious relationship with Creg-ny-Baa and other properties in the vicinity. In this context the urbanising effect of the development would not have a materially adverse effect on the countryside or the character and appearance of the area.
16. For these reasons, the proposal would not conflict with Policies SP4 and CDMP3 of the Local Plan which require, among other things, that development respects the open rural character and makes a positive contribution to the area. It would also accord with policies in the Framework that require development to recognise the intrinsic character and beauty of the countryside.

#### *Living conditions*

17. I recognise that the intervening distances between the front elevations of the appeal building and the neighbouring properties on the opposite side of the road would fall short of those advised within the Council's Supplementary Planning Guidance entitled 'Spacing Guidance for New Housing Layouts' (SPG).
18. Nonetheless, the proposal is of a modest scale and the full height windows within the projecting pitched roof elements only serve the ground floor rooms. As such there would be no raised vantage points, and the height of these windows would be mainly to afford future residents additional light. I am also mindful that the proposed roof lights serve a non habitable landing area and that the retained hedgerows would also provide additional screening. These factors would ensure that no undue loss of privacy for the residents of neighbouring properties would occur.
19. I therefore find that the proposal would not cause harm to the living conditions of the residents of neighbouring properties, with particular regard to privacy. As such no conflict would arise with Policy CDMP3 of the Local Plan. Amongst other things, this seeks to ensure that development does not have an unacceptably adverse impact on the amenity of occupants and users of surrounding or nearby properties.

## Other Matters

20. The appeal proposal would provide some economic, environmental and social benefits. It would generate some economic activity during the construction of the house and provide a home to occupiers who would spend and contribute to the local economy. However, as the proposal is for a single dwelling any benefits in these respects are somewhat limited. The proposed development would also make a contextually very small contribution to housing supply which, according to the uncontested view of the Council, appears to be in excess of the five years required by the Framework.
21. The appellant considers the proposal to constitute an efficient use of previously developed land, in compliance with criterion e) of Local Plan Policy SP2. I have also been made aware that the site lies outside of any areas of landscape designation, is not within a conservation area or an area subject to an Article 4 Direction and that the proposal does not involve a listed building. Within its delegated officer report the Council also acknowledges that the development would have an acceptable impact with regards to parking, flood risk, ecology and trees, subject to the imposition of relevant planning conditions. Nonetheless, the absence of harm in these respects, would be neutral factors, that do not weigh in favour of the proposal.
22. In reaching my findings I have also had regard to a previous planning permission at the site for a residential chalet which was granted in 2013 (Ref: 13/00263/FUL). I have been made aware that the decision notice for this permission contains no restrictive planning conditions in respect of the use of the building for tourism and have also noted the Council's previous assessment in respect of whether the site is in an isolated location and the promotion of sustainable transport.
23. It is not within my remit to formally determine whether development has begun under planning permission Ref:13/00263/FUL as claimed by the appellant within the context of an appeal under section 78 of the Town and Country Planning Act 1990 (the Act). However, I shall consider the evidence so far as it is material to this appeal. If the appellant wishes to ascertain whether the development is lawful, they may make an application under section 191 of the Act, and any such application would be unaffected by my determination of this appeal.
24. To this end, the appellant argues that this permission has been implemented through the digging of foundation excavations and has submitted a site inspection report from Approved Inspectors Limited to support this view. However, the excavations were not apparent on my site visit, and no photographs or any other evidence has been provided to support this claim. In the absence of any conclusive evidence on this matter I am therefore unable to conclude that development has lawfully commenced and that this permission is extant. Even if I was to accept the appellant's argument on this matter, it is likely that the number of journeys and trips reliant on the use of the car for the occupiers of a smaller sized 2 bedroom chalet would be lower than those of a family that would occupy the proposed 3 bedroom dwelling. It would therefore not have a materially more harmful effect than the proposal. As such these factors significantly limit the weight that I can afford to the previous permission as a fallback position.

25. This planning permission also pre-dates the adoption of the current development plan. The circumstances of a lapsed planning permission granted under a different policy regime therefore carries little weight and does not outweigh the conflict with the adopted development plan.

### **Conclusion**

26. While I have found that there would be no adverse effect on the living conditions of the residents of neighbouring properties and the character and appearance of the area, and that the proposal would bring benefits of limited weight as identified above under Other Matters, these considerations would not outweigh the significant harm that I have identified in respect of the proposal's location and lack of accessibility to local services and facilities.

27. For the reasons given above, there are no material considerations that warrant taking a decision otherwise than in accordance with the development plan when taken as a whole. Therefore, I conclude that the appeal should be dismissed.

*Mark Caine*

INSPECTOR