

APPEALS LODGED AND DECIDED

Appeals Lodged between – 15 September – 15 November 2017

Application Number	Location	Proposal	Com/Del decision	Appeal Type	Date Lodged
17/00069/FUL	Rear Of Former Saracens Head Hotel 200 Park Lane Preesall Poulton-Le-Fylde Lancashire FY6 0NW	Part retrospective application for the erection of a detached dwelling (Resubmission of 16/00356/FUL)	Committee	Written Representations	20 September 2017
17/00156/NOCOMP	Land To The Rear Of The Former Saracens Head Hotel 200 Park Lane Preesall Poulton-Le-Fylde Lancashire FY6 0NW	Development not built in accordance with approved plan (16/00356/FUL)	N/A	Written Representations	22 September 2017
17/00653/FUL	6 Edenfield Avenue Poulton-Le-Fylde Lancashire FY6 8HS	Rear dormer	Delegated	Fast Track Appeal (Householder)	23 October 2017
17/00331/FUL	Waterhead Cottage Eidsforth Lane Barnacre- With-Bonds Preston Lancashire PR3 1GN	Variation of condition 11 to permit the substitution of plans on application 15/00507/FUL to extend the proposed extension of the tank building, change to external materials for the proposed extension, provision of solar panels to southern roof slope, and the formation of additional accommodation in an additional underground plant/water pipe space	Delegated	Written Representations	26 October 2017

17/00307/FUL	79 Springfield Drive Thornton Cleveleys Lancashire FY5 4LL	Single storey flat roofed rear extension	Delegated	Fast Track Appeal (Householder)	13 November 2017
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Appeals Decided between – 15 September – 15 November 2017

Application Number	Location	Proposal	Com/Del decision	Decision	Date Decided
16/00442/OUT	Nicky Nook View Lancaster New Road Cabus Preston Lancashire PR3 1NL	Outline application for a residential development of up to 3 dwellings, including revised Access off Preston Lancaster Road (All other matters reserved).	Delegated	Allowed	26 September 2017

arm/rg/pla/cr/17/0612nc1



Appeal Decision

Site visit made on 22 August 2017

by **Andrew McCormack BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26 September 2017

Appeal Ref: APP/U2370/W/17/3172417

Nicky Nook View, Lancaster New Road, Cabus, Lancashire PR3 1NL

- 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 Mr & Mrs R Briggs against the decision of Wyre Borough Council.
 - The application Ref 16/00442/OUT, dated 15 April 2016, was refused by notice dated 4 November 2016.
 - The development proposed is outline application for a residential development, including improved access following closing off of existing access opposite Gubberford Lane.
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Decision

1. The appeal is allowed and outline planning permission is granted for residential development, including improved access following closing off of existing access opposite Gubberford Lane at Nicky Nook View, Lancaster New Road, Cabus, Lancashire PR3 1NL, in accordance with the terms of application ref 16/00442/OUT dated 15 April 2016 and subject to the conditions set out in the schedule attached to this decision.

Procedural Matter

2. The original application sought outline planning permission with all matters reserved except access. Accordingly, I have dealt with the appeal on that basis and have taken submitted plans, other than the site location plan and those relating to access, to be indicative.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the surrounding area, and
 - if there is harm which arises in relation to the above, whether this is outweighed by the Council's housing land supply and other material considerations.

Reasons

Character and appearance

4. The appeal site is located at Cabus on the western side of the A6 (Lancaster New Road), a main route between Garstang and Lancaster. It comprises agricultural land which is adjacent to the highway and an associated footway and forms an open gap between the detached properties of Nicky Nook View to the north and Whitemont to the south. There is a significant hawthorn hedge on the eastern

boundary of the site which fronts onto the highway and mostly screens the site from passing views along the A6. To the west is open countryside which provides distant views from the site due to the relatively flat topography of the area. The pattern of development along this part of the A6 is of open fields and undeveloped areas interspersed with isolated or small groups of dwellings and is characterised as being semi-rural. However, the area around the junction between the A6 and Gubberford Lane, including the appeal site, has a concentration of properties.

5. Policy SP14 of the Adopted Wyre Borough Local Plan 1999 (WLP) states that development should be compatible with and respect its surroundings. It should have satisfactory access and have no adverse impacts on its surrounding area or neighbouring uses and occupiers. In these respects, Policy SP14 is consistent with the National Planning Policy Framework (the Framework). Therefore, I have given it due weight in determining this appeal.
6. The appeal site is not within any specific designated landscape area and is not of any designated landscape value. Nonetheless, I acknowledge that this does not necessarily mean that the value of the surrounding landscape is limited or that there would be no visual harm as a result of the proposed development. However, I have had regard to the character and appearance of the wider area. Whilst the appeal site currently provides a visual break in the built form along the A6 route, I find that it is not unique in doing so. I note that there are several such visual gaps along the route of the A6 in the area around the appeal site. Furthermore, these visual gaps are mostly secluded from the public highway by substantial boundary hedgerows and trees.
7. The appellant states that the appeal site lies within the settlement of Cabus. However, I note that there is no such defined settlement in the Local Plan and the area around the site is identified as countryside. Notwithstanding this, I note that whilst only through the emerging Local Plan to which I afford limited weight, local residents have indicated a strong identification with Cabus as a separate and defined settlement. Furthermore, at the site visit, I saw that the local area consists of a cluster of residential properties primarily between Snapewood Lane and Gubberford Lane. However, the immediate area around and including the appeal site also has a concentration of properties centred around the junction of the A6 with Gubberford Lane.
8. The Council argues that the proposed development would have an adverse impact in terms of maintaining the separate identities of Garstang and Cabus. However, I find that the location of the proposed development in relation to its surrounding properties would be within the concentration of properties around the junction with Gubberford Lane. Therefore, it would not have a significant detrimental impact on the visual separation between Garstang and Cabus or their identities which is defined by a larger visual gap between the settlements along the A6 to the south.
9. From what I have seen, the character and appearance of the area would not be significantly diminished by the loss of the visual gap currently provided by the appeal site. The site is currently mostly hidden from view from the A6 by a substantial hawthorn hedge along its frontage. As a result, the views across to the open countryside are somewhat limited. I acknowledge the outline nature of the proposal and that inevitably the proposed development would change the appearance of the area and result in the loss of a visual gap along the A6 corridor. However, the proposed dwellings would be set back from the highway and would have some respect for the existing pattern of development. Therefore, I find that the proposal would likely have regard to its surroundings and, subject to the detail of the reserved matters, would have no significant detrimental impact on the area.

10. Consequently, I conclude that the proposal would have no significant adverse impact on the character or appearance of the surrounding area. Therefore, it would comply with Policy SP14 of the WLP and the relevant sections of the Framework. Amongst other matters, this policy and guidance seeks to ensure that development has no significant adverse effect on the character and appearance of its surroundings.

Housing Land Supply and Other Considerations

11. The appeal site is located in the countryside area as defined by the Wyre Local Plan (WLP) Proposals Map. Furthermore, I note that the proposed development would fail to meet any of the exception criteria outlined in saved Policy SP13 of the WLP. However, the Council acknowledges that it cannot demonstrate a five year housing land supply in accordance with Paragraph 47 of the Framework.
12. Paragraph 49 of the Framework states that relevant policies for the supply of housing cannot be considered up to date if a five year deliverable supply of sites cannot be demonstrated. In these circumstances Paragraph 14 is to be applied which means that where relevant policies are out of date, planning permission should be granted unless an adverse impact of doing so would significantly and demonstrably outweigh the benefits assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate that development should be restricted. Accordingly, I have taken this approach in assessing this appeal proposal. As a result, I have afforded the housing supply elements of Policy SP13 of the WLP only limited weight in this case.
13. I note the concerns which have been raised relating to highway safety, flood risk and drainage, ecology, archaeology, the impact on trees and on residential amenity. From the evidence before me, and having considered these carefully, I note that all such matters have been found to be acceptable, subject to appropriate conditions where required. Moreover, I find no reason to disagree with this assessment.

Planning Balance

14. The overall assessment of the proposal in terms of its visual impact on its surroundings and its accessibility and connectivity to local services and facilities is finely balanced. The site is located on a busy route which has a regular bus service. As a result, I do not consider it to be an isolated site. However, the distance and barriers involved for pedestrian and cycle movement in crossing the A6 to reach the closest settlement of Garstang means that the site cannot be considered to be an inherently sustainable location with regard to all transport modes. Notwithstanding this, I find the site to be in a suitable and accessible location on the A6 route which has regular access to public transport in each direction with bus stops situated close by. Furthermore, from the evidence before me, I note that adequate and suitable access can be provided directly into the site from the A6 to serve the proposed development.
15. The proposed development would deliver up to three new dwellings which would make a modest contribution to the acknowledged shortfall in the local housing land supply. Furthermore, I note that the appellant states the site is readily available and deliverable. Therefore, in the absence of a 5 year housing land supply at present, the proposed addition of three dwellings would be a significant benefit of the scheme, albeit a small contribution in numbers. The economic and social benefits of the proposal have been carefully considered in assessing the appeal. As a result, I have afforded the provision of new homes significant weight in the overall balance in this case.

16. Therefore, having had due regard to these and all other matters before me, I find that the benefits of the outline proposal would clearly and demonstrably outweigh the limited harm I have identified.
17. Consequently, I conclude that the proposed development would have no significant harmful impact on its surroundings or neighbouring occupiers and therefore would comply with the relevant sections of Policies SP13 and 14 of the WLP and the Framework, taken as a whole.

Other Matters

18. Both parties have referred to other application and appeal decisions in support of their respective cases. I have given due consideration to these. Notwithstanding this, whilst I note similarities in some cases with the appeal proposal before me, there are also significant differences. Furthermore, I do not have the specific details of these other cases. In any event, I must consider the proposal before me on its own merits and circumstances. Therefore, I have given such references to other cases only limited weight in determining this appeal.

Conditions

19. I have had regard to the planning conditions that have been suggested by the Council. Where necessary, and in the interests of conciseness and enforceability, I have altered the suggested conditions to better reflect the relevant parts of the Planning Practice Guidance (PPG).
20. In addition to the standard implementation conditions relating to time, the approval of reserved matters and the commencement of development (1, 2 and 3), there is a condition relating to the approved plans (4) which provides clarity. In addition, a condition relating to land contamination (5) is necessary to ensure that risks to future users of the land and neighbouring land are minimised. Condition 6 is necessary and reasonable to ensure that the inspection and recording of historical and archaeological matters is safeguarded. Furthermore, Condition 7 is required in the interests of the living conditions of future occupiers. Conditions 8, 9, 10, 11 and 12 relate to access and are necessary for reasons of character and appearance and highway safety. Finally, a condition relating to the submitted Ecological Appraisal and the natural environment (13) is imposed to safeguard local ecology and habitats.
21. It is necessary that the requirements of Conditions 5 and 6 are agreed prior to development commencing to ensure an acceptable form of development in respect of risks from land contamination to future users of the land and neighbouring land being minimised and safeguarding any matters of historical and archaeological importance.

Conclusion

22. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

Andrew McCormack

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 2) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 3) Details of the appearance, landscaping, layout, and scale, hereinafter called "the reserved matters", shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 4) 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 13 May 2016, including the following plans/documents: Location Plan; Drawing No. GA3010-PSP-01 – 'Proposed Site Plan'; and Drawing No. GA3010-PDP-01 – 'Proposed Drainage Plan'.
The development shall be retained hereafter in accordance with this detail.
- 5) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 30 days of the report being completed and approved in writing by the local planning authority.
- 6) Prior to commencement of development a scheme of investigation which shall include a programme of archaeological work, building recording and analysis shall be submitted to and approved in writing by the local planning authority. The scheme of archaeological work and investigation shall be carried out as approved.
- 7) No part of the development shall be occupied or brought into first use until the drainage works have been completed in accordance with the approved scheme shown on Drawing No. GA3010-PDP-01. Thereafter, the agreed scheme shall be retained, managed and maintained in accordance with the approved details.
- 8) Before the access is first used for vehicular purposes, that part of the access extending from the highway boundary for a minimum distance of 5 metres into the site shall be surfaced in tarmacadam, concrete, block pavements, or other permanent hard surfaced material.
- 9) Any gateposts and associated mechanisms erected at the point of access shall be positioned a minimum distance of 5 metres from the back edge of the carriageway within the site and shall open away from the highway.

- 10) The visibility splays shown on Drawing No. GA3010-PSP-01 shall be provided prior to the first occupation of the development and shall not at any time thereafter be obstructed by any building, wall, fence, hedge, tree, shrub or other device exceeding a height not greater than 1 metre above the crown level of the adjacent highway.
- 11) The existing vehicular access onto the A6 (Preston - Lancaster Road) shall be physically and permanently closed and the existing verge/footway and kerbing of the vehicular crossing shall be reinstated in accordance with the Lancashire County Specification for Construction of Estate Roads prior to the first occupation of any part of the development hereby approved.
- 12) As part of the submission of any application for Reserved Matters relating to layout, the development shall provide a site access of a minimum width of 4.5 metres for a distance of 10 metres into the site from the highway boundary.
- 13) (A) The development hereby approved shall be implemented in accordance with the Ecological Appraisal submitted with the planning application [envirotech ecological appraisal dated 26 May 2016] including all the mitigation measures set out in section 7 of that report.

(B) No tree felling, tree works or works to hedgerows shall take place during the optimum period for bird nesting (March to July inclusive) unless a report, undertaken by a suitably qualified person immediately prior to any clearance, has been submitted to and approved in writing by the local planning authority, demonstrating that nesting / breeding birds have been shown to be absent.

END OF SCHEDULE