



## Appeal Decision

Site visit made on 19 January 2022

**by R Morgan BSc (Hons) MCD MRTPI**

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

**Decision date: 9 March 2022**

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**Appeal Ref: APP/U2370/W/21/3277792**

**Bay Stables, Hambleton, Lancashire FY6 9DT**

- 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 Katie Nuttall against the decision of Wyre Borough Council.
  - The application Ref 20/01241/FUL, dated 7 December 2020, was refused by notice dated 2 February 2021.
  - The development proposed is change of use of land to allow the siting of 2 holiday chalets.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The description of the development in the banner heading above is taken from the application form. However, the Council considers that the proposed chalets would be permanent buildings, and I agree. I have therefore determined the appeal on the basis that permission is sought for the change of use of land and erection of 2 buildings to be used as holiday accommodation.

### Main Issues

3. The main issues are:
  - i) The effect of the proposal on the character and appearance of the area; and
  - ii) Whether the site is suitable for the proposed development, having regard to its accessibility to services and facilities.

### Reasons

#### *Character and appearance*

4. The principle of new built development for holiday accommodation in countryside areas is accepted in Policies SP4 and EP9 of the Wyre Local Plan 2019 (Local Plan). However, Policy SP4 also recognises the intrinsic character and beauty of the countryside, and resists development which adversely impacts on its open and rural character. This objective is also reflected in part a) of Policy EP9, which requires that proposals for holiday accommodation are of an appropriate scale and appearance to the local landscape.
5. The appeal site is located within an area of gently undulating countryside near to the Wyre Estuary. The area is distinctly rural in character, despite the presence of scattered buildings and other man-made features including pylons.

- Hedges, fences and small groups of trees subdivide this equestrian and agricultural landscape, which otherwise feels reasonably open, with views towards the distant Bowland Fells to the north and east. The area is criss-crossed by a network of narrow lanes which are generally lined by hedges.
6. The existing equestrian development at Bay Stables includes two paddocks and a riding arena, with various buildings including stables and a static caravan. The existing buildings are low key, with much of the built form being tucked in behind the hedge which forms the boundary with New Road. As a result, the stables do not appear particularly noticeable or prominent within the wider landscape.
  7. The proposed holiday accommodation would be erected on part of a field which is used for grazing horses and is currently free of buildings. The proposed development would extend into the field by a similar distance to the existing long building in the adjacent field, which is perpendicular to the road. However, the position of the proposed buildings, with one sited parallel to New Road, would result in the full width of the paddock being occupied by built form and hardstanding.
  8. Although single storey, the proposed buildings would each have a substantial footprint, and with a maximum height of some 3.6 metres, would be clearly visible above the surrounding roadside hedges. The buildings would be visible from a variety of vantage points in the surrounding area, including from the nearby buildings at Tordant Farm, Brook Farm Cottage and Brick House Farm Cottages. Glimpsed views would also be afforded from surrounding lanes, particularly from the north and east where gaps in the hedges provide clear views towards the site.
  9. I note the conclusions of the Landscape and Visual Issues Statement that any negative effects of the proposal on surrounding visual receptors, including residents of nearby houses and users of local roads and the Wyre Way footpath, would be, at worst, slight-moderate. However, despite the existing presence of man-made features, the surrounding landscape is fairly open. Further built development has the potential to harmfully erode its rural character, both individually and cumulatively.
  10. Whilst the proposals would not cause significant visual harm to any one specific receptor, and would be smaller and lower than the recently constructed accommodation at Wardleys Lane nearby, the development would nonetheless harmfully encroach into the undeveloped countryside. From surrounding vantage points, the proposed holiday accommodation would be seen in the context of existing buildings at the site, but the siting of the units would extend the impression of built development, and their scale and appearance would appear overly prominent compared with the surrounding buildings. Furthermore, the proposed development would reduce the existing open gap between the stables development and the complex of buildings at Torbant Farm and Brickhouse Farm Cottages, contributing to the urbanisation of the appeal site and the area which surrounds it.
  11. Additional tree and hedge planting is proposed around the edge of the site and the wider field boundaries, which are currently delineated by post and rail fences. This would help to reduce the visual impact of the proposal, but the new hedges would take time to reach sufficient height and density to provide meaningful screening.

12. Owing to its scale, siting and appearance, the proposed holiday accommodation would contribute to a reduction in openness and an increase in urbanisation within this rural landscape. For these reasons, the proposal would fail to comply with Policy SP4 and part a) of Policy EP9.
13. Policy EP9b) requires that any new buildings and supporting infrastructure are necessary. In this case, the development would involve two units of accommodation and an access road, with no other infrastructure or buildings proposed. I note the contents of the guidance note on Policy EP9 which the Council has provided, but there is nothing in the policy that requires applicants to demonstrate that the number of units proposed is the minimum necessary to make the business viable. I have found that the siting, scale and appearance of the buildings would be harmful to the rural landscape, so the proposal would not meet the requirements of EP9a). However, the quantum of development is not excessive, and I have found no conflict with part b) of the policy.
14. The proposal is supported by a business plan as required by EP9c), and the future viability of the business is not disputed by the Council. I have no reason to disagree with this conclusion.
15. I conclude that the proposal would cause harm to the character and appearance of the area. The proposal would adversely impact on the open and rural character of the countryside but would not achieve substantial public benefits, so would conflict with Local Plan Policy SP4. It would also conflict with Policy EP9a) which is concerned with visual impact, and the requirement contained in paragraph 130 of the National Planning Policy Framework (the Framework) that developments are sympathetic to the surrounding built environment and landscape setting.

#### *Location and access to services*

16. Local Plan Policy SP2 requires that all development in Wyre should be sustainable and contribute to the continuation or creation of sustainable communities in terms of its location and accessibility. Part 4 of the policy sets out ways in which the Local Plan seeks to deliver sustainable communities. Amongst others, these considerations include a) facilitating economic growth, including in the rural areas, and f) ensuring accessible places and minimising the need to travel by car.
17. In recognition of the significant contribution that tourism makes to the local economy, policies in the Local Plan allow for new holiday accommodation in countryside areas. By allowing for such development in areas which may not have easy access to services and facilities, or to a range of transport modes, there is implicit acceptance that there will be additional car journeys. In considering individual proposals, it is necessary to balance the objectives of Policy SP2, which may not always fully align.
18. The appeal site is reached via narrow lanes which have no footways or lighting. The nearest settlement with a range of local services and facilities is Hambleton, just over a mile away. I note the Inspector's comments in a recently dismissed appeal for holiday accommodation at Wardleys Lane nearby (ref APP/U2370/W/21/3273598), that the poor locational accessibility of the site weighed against the scheme. In the case before me, as for the Wardleys Lane scheme, the appeal site is not particularly well related to local services and facilities, and visitors may well use their car rather than walk to

- Hambleton. However, the current scheme differs in that it is linked to an existing equestrian development, and the submitted Viability Assessment explains that the business would focus on providing holidays related to horse riding.
19. The extent to which potential holiday makers are likely to access local facilities is very difficult to predict, but by linking the accommodation to an existing activity based at the site, visitors may be less likely to travel by car to destinations further afield, particularly if only staying for short periods.
  20. I acknowledge that there may be other equestrian facilities closer to local services which could provide holiday accommodation, and that it would be difficult to restrict occupancy to equestrian-related visits. However, the appeal site is not particularly remote from local facilities, and there is already a variety of holiday accommodation in the local area, which suggests that this locality is seen as an attractive place to visit in itself. Furthermore, by supporting the diversification of the existing equestrian business, the proposal would benefit the local economy, albeit by a small amount, and would contribute to the Framework objective of supporting a prosperous rural economy (paragraph 84).
  21. The Council has made reference to other appeal decisions in the borough in which locational sustainability was considered, but the scheme at Higham Side Road, Inskip involved industrial development and so was very different to the appeal before me. The appeal at Pool Foot Lane Singleton was for a house, so was also subject to different policies from the appeal before me.
  22. I agree that residential development would not be appropriate in this location, but the proposed development is for holiday accommodation, the viability of which is not disputed. If the proposal was otherwise acceptable, additional control could be provided through a condition to restrict long term stays, as the Council has suggested.
  23. In light of the above considerations, I conclude that in this particular case, the site is suitable for the proposed development, having regard to its accessibility to services and facilities. In terms of its location, the proposal is consistent with the approach to holiday accommodation contained within the Local Plan, and I have found no significant conflict with policies SP1, SP2 or CDMP6.

### **Other Matters**

24. The site is close to the Morecambe Bay and Duddon Estuary Special Protection Area (SPA), Morecambe Bay Ramsar site and Wyre Estuary Site of Special Scientific Interest (SSSI), and has the potential to result in adverse impacts on the qualifying features of the designated sites. I have a statutory duty under the Conservation of Habitats and Species Regulations 2017 (as amended) to consider the potential impacts on the European site in the determination of the appeal.
25. Had I been allowing the appeal, it would have been necessary for me to complete a Habitats Regulation Assessment and Appropriate Assessment for the scheme, to address concerns expressed by Natural England over potential significant impacts which might arise from discharge into watercourses and recreational disturbance. From the evidence provided as part of this appeal, including comments from Natural England, it appears that these matters are

capable of being satisfactorily addressed. However, as I am dismissing the appeal for other reasons, it is not necessary for me to consider these matters any further.

26. An ecological assessment was submitted as part of the application. This concluded that the site comprises of species poor grassland which has relatively limited ecological value. No potential impacts on protected species were identified. The report recommends compensation for any loss of grassland through the introduction of native trees on the site. If the proposal was otherwise acceptable, a scheme of biodiversity mitigation and enhancement could be secured through an appropriate condition.
27. The effect of the scheme on the local highway network would be acceptable, and the proposed internal access and parking arrangements would be satisfactory. Charging points for electric vehicles could be provided on the site.
28. The proposed development would provide opportunities for tourism in a niche sector, and the scheme would have a modest benefit for the local economy. However, even when combined with my findings regarding the accessibility of the site to local services, this would not be sufficient to outweigh the harm I have identified to the character and appearance of the area.

### **Conclusion**

29. For the reasons set out above, the proposal would conflict with the development plan and there are no other considerations which outweigh this finding. The appeal is therefore dismissed.

*R. Morgan*

INSPECTOR