

## APPEALS LODGED AND DECIDED

### Appeals Lodged between –15 May – 15 June 2017

<b>Application Number</b>	<b>Location</b>	<b>Proposal</b>	<b>Com/Del decision</b>	<b>Appeal Type</b>	<b>Date Lodged</b>
16/01114/FUL	Winacre Farm Turkey Street Out Rawcliffe Preston Lancashire PR3 6TA	Erection of a detached double garage	Delegated	Fast Track Appeal	25 May 2017

### Appeals Decided between – 15 May – 15 June 2017

<b>Application Number</b>	<b>Location</b>	<b>Proposal</b>	<b>Com/Del decision</b>	<b>Decision</b>	<b>Date Decided</b>
15/00805/OUT	Old Quarry Potters Brook Bay Horse Lancaster Lancashire LA2 0HQ	Outline application for the erection of one dwelling (all matters reserved)	Committee	Dismissed	12 June 2017
16/00764/FUL	8 North Court Thornton Cleveleys Lancashire FY5 1JA	Retrospective planning application for a single storey rear extension	Committee	Allowed	24 May 2017

## Appeal Decision

Site visit made on 9 May 2017

**by Thomas Hatfield BA (Hons) MA MRTPI**

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

**Decision date: 12<sup>th</sup> June 2017**

---

**Appeal Ref: APP/U2370/W/16/3161847**

**Old Quarry, Potters Brook, Bay Horse, Lancashire, LA2 0HQ**

- 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 N Plummer against the decision of Wyre Borough Council.
  - The application Ref 15/00805/OUT, dated 22 September 2015, was refused by notice dated 12 May 2016.
  - The development proposed is described as "outline planning permission for a new dwelling".
- 

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The application is in outline with all matters reserved for future consideration.

### Main Issues

3. The Council is currently unable to demonstrate a 5 year supply of housing sites, as required by the National Planning Policy Framework ('the Framework'). In these circumstances, paragraph 49 of the Framework states that relevant policies for the supply of housing should not be considered up-to-date.
4. Where paragraph 49 of the Framework applies, paragraph 14 states (unless material considerations indicate otherwise) that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted. In this context, the main issues in considering this appeal are:
  - (a) Whether future occupiers of the development would be unduly reliant on private transport; and
  - (b) The effect of the development on the character and appearance of the surrounding area.

### Reasons

#### *Reliance on private transport*

5. The appeal site is located in the open countryside and is surrounded mostly by agricultural fields and woodland. The surrounding area contains a number of
-

- properties including several short rows of dwellings, individual houses, and farms and agricultural buildings. However, it has a predominantly rural character and is some distance from the nearest settlement of any size.
6. The surrounding area does not contain any of the services or facilities that future occupiers would ordinarily be expected to rely upon. In this regard, the dwelling would be located some distance from the nearest schools and local shops. Whilst a bus stop is located nearby on the A6 with frequent services to Preston and Lancaster, there is no footway connecting this to the appeal site. Future occupiers of the dwelling would therefore have to walk along narrow unlit roads to reach this stop, which would be unsafe for pedestrians. This would deter the use of this bus stop. Similarly, there is no footway connecting the site to the village of Forton which is located to the south.
  7. Whilst there are a small number of existing houses in the surrounding area, the proposed dwelling would be remote from services, facilities and public transport. It is also some distance from the nearest settlement of any size. In my view, it would therefore constitute an isolated new home in the countryside for the purposes of paragraph 55 of the Framework. This states that new isolated homes in the countryside should be avoided unless there are 'special circumstances'. However, there do not appear to be any special circumstances that would justify the development in this case. Whilst paragraph 55 also states that development in one village may support services in another, in this case the appeal site is not within or adjacent to an existing village boundary.
  8. Whilst there is an existing caravan on the site, the appellant states that this did not require planning permission. In this regard, I note that the Council has not listed it in the planning history of the site. In any case, I do not consider that this would justify the construction of a new permanent dwelling on the site.
  9. My attention has also been drawn to a recent planning permission that was granted for a dwelling on land to the north (ref 14/00550/OUT). However, the full details of that case are not before me. In addition, the Council states that it has subsequently gained a clearer understanding of the Framework's intentions regarding sustainable development in rural areas. In any case, I have come to my own view on the appeal proposal, rather than relying on the approach the Council may have adopted previously.
  10. For the above reasons, I conclude that future occupiers of the development would be unduly reliant on private transport. The development would therefore be at odds with paragraph 55 of the Framework which seeks to avoid new isolated homes in the countryside.

#### *Character and appearance*

11. The appeal site comprises largely open land that is bordered by existing hedgerows. It is located a short distance to the south of a small row of existing properties, but is otherwise surrounded by open countryside and woodland.
12. The appeal site is prominent in views from along Potters Brook and from Cockerham Road. It is an attractive area of open land that contributes to a pleasant visual gap. The appeal dwelling would occupy a large plot that would result in the domestication of a significant area of countryside. In this regard, the cultivation of a large garden and the introduction of domestic paraphernalia

would have a significant visual impact in addition to the creation of a new property. Whilst it may be possible to position the dwelling in order to limit its visibility from Cockerham Road and from the other side of the A6, it would still represent an encroachment into the countryside that would be visible from other points. The dwelling would also relate poorly to the nearby properties along Potters Brook. It would be separated from these properties by a gap that would include an existing access track, and would also have a noticeably larger plot size. In this regard, the recently consented dwelling to the north has a better relationship to the existing cottages in my view.

13. The appeal site is located within the defined 'Countryside Area' and is therefore subject to Policy SP13, which seeks to control development outside of the defined settlements. The appellant states that the appeal proposal would comply with criteria E of this Policy, which allows for the '*development of a single infill plot within an established built up frontage*'. However, the appeal site is poorly contained by existing development, and does not constitute an infill plot within an existing built frontage. Accordingly, criteria E of Policy SP13 does not apply in this case.
14. I note that the appeal site has planning permission to construct a stable block (ref 09/00152/FUL), which has been implemented in part. Whilst the full details of that permission are not before me, the Council state that the approved building would be constructed in timber which would have a more temporary appearance. A stable block would also be rural in character and would not involve the domestication of the wider site. Accordingly, I do not consider that this permission lends support to the appeal proposal.
15. For the above reasons, I conclude that the development would significantly harm the character and appearance of the surrounding area. It would therefore be contrary to Policies SP13 and SP14 of the Wyre Borough Local Plan (1999). These policies seek to ensure, amongst other things, that new development is appropriate to a countryside setting, and is acceptable within the local landscape.

### **Other Matters**

16. It is agreed between the parties that the development would have no unacceptable ecological effects, and that the proposed vehicular access would be adequate. However, this represents an absence of harm in relation to these matters rather than a positive benefit.
17. Any concerns regarding due process during the processing of the planning application fall outside of the remit of this decision.

### **Conclusion**

18. Whilst the Council is unable to demonstrate a 5 year supply of housing sites, in this case, specific policies in the Framework (at paragraph 55) indicate that development should be restricted. In this regard, the limited social and economic benefits associated with the provision of a single dwelling would not constitute 'special circumstances' to justify the development in my view. The development would also harm the character of the open countryside contrary to Policies SP13 and SP14 of the Wyre Borough Local Plan (1999).
19. As a result, the application of paragraph 14 of the Framework does not indicate that permission should be granted and the proposal would not represent

sustainable development. In the circumstances of this appeal, the material considerations considered above do not justify making a decision other than in accordance with the development plan.

20. For the reasons given above I conclude that the appeal should be dismissed.

*Thomas Hatfield*

INSPECTOR



## Appeal Decision

Site visit made on 18 April 2017

by **J C Clarke BSc(Hons) BTP MRTPI**

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

Decision date: 24 May 2017

---

**Appeal Ref: APP/U2370/D/17/3169816**

**8 North Court, Thornton Cleveleys FY5 1JA**

- \* 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 Valentino Staffa against the decision of Wyre Borough Council.
  - \* The application Ref 16/00764/FUL, dated 30 August 2016, was refused by notice dated 12 December 2016.
  - \* The development proposed is a rear kitchen extension.
- 

### Decision

1. The appeal is allowed and planning permission is granted for a rear kitchen extension at 8 North Court, Thornton Cleveleys FY5 1JA in accordance with the terms of the application, Ref 16/00764/FUL, dated 30 August 2016, the submitted location plan and drawing numbers A016/041/S/01 and A016/041/BR/01A.

### Procedural Matter

2. I understand that the development had already been carried out before the application was submitted. As a result, I have determined the appeal on the basis that the application was submitted under Section 73A of the Town and Country Planning Act 1990 (as amended). This has not affected my consideration of the appeal which I have determined on its planning merits.

### Main Issue

3. The main issue is the effect of the kitchen extension subject to appeal on the living conditions of occupiers of 7 North Court.

### Reasons

4. The appeal property occupies an irregularly shaped plot with a small and tightly confined rear garden. The neighbouring bungalow at number 7 North Court extends further back within its plot than that at number 8. Number 7 has a dining room window in its side elevation, through the top of which there are views towards number 8 over a fence which separates the two properties.
  5. The extension subject to appeal has replaced an earlier small conservatory and extended the rest of the rear elevation of the dwelling outwards by just over 1 metre. It has also replaced an area of flat roof with a higher dual pitched roof and includes a new gabled rear elevation with glazed bi-folding doors.
-

6. I have carefully noted the concerns which have been expressed regarding the effect of the extension on the outlook from and lighting provided by the dining room window within number 7. However, whilst the extension has a fairly substantial height of about 4.2 metres this applies only to the apex of its roof, which is set away from the boundary with number 7. It has also not affected the principal front or rear facing elevations of number 7 both of which provide an extensive source of outlook and daylighting for that property as a whole. It is also not clear that the development materially contravenes any technical guidance concerning lighting such as that set out in the Building Research Establishment (BRE) document referred to by the appellant<sup>1</sup>. Being to the north of number 7, the extension does not cause any substantive loss of sunlight within that property.
7. Due to the inclusion of the glazed doors across its rear elevation, persons using the extension are likely to be able to see towards the dining room window in number 7. However, this view is at an oblique angle and is available from only part of the extension. Furthermore, due to the siting and sideways facing orientation of the dining room window in number 7 it is likely to have been subject in any event to overlooking from persons using the appeal property before the extension was built. It is not clear that the extension has materially exacerbated this problem.
8. Having regard to all these points I conclude that the extension subject to appeal has not caused material harm to living conditions within number 7. As a result, allowing the appeal would not conflict with the relevant provisions of policy SP14 of the Wyre Borough Local Plan 1999, the National Planning Policy Framework (the 'Framework') or the Council's 'Extending Your Home' Supplementary Planning Document relating to this issue.

### **Other Considerations**

9. The roof of the extension, due to its gabled design, does not reflect the hipped roof form of the original dwelling. However due to its location to the rear of the property it does not substantially affect the street scene or cause material harm to the character or appearance of the area.
10. There is no firm evidence before me to substantiate fears that the extension could give rise to drainage or fire risk problems. Whilst I have carefully considered all other matters raised by interested parties none of these weigh substantially against allowing the appeal.

### **Conditions**

11. The Council's questionnaire identifies that conditions could be imposed concerning the time limit for the start of development, approval of facing materials, and requiring the development to be carried out in accordance with approved plans. However, as the development has been completed none of these conditions are necessary.

---

<sup>1</sup> 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice', Building Research Establishment 2011

**Conclusions**

12. I have found that the kitchen extension subject to appeal has not caused material harm to living conditions within number 7 or in relation to any other matter.
13. For the reasons given above I conclude that the appeal should be allowed.

*Jonathan Clarke*

INSPECTOR