

## APPEALS LODGED AND DECIDED

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

Application Number	Location	Proposal	Com/Del decision	Appeal Type	Date Lodged
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	Written Representations	26 June 2017
16/00407/OUTMAJ	Fleetwood Pier The Esplanade Fleetwood Lancashire	Outline application for the erection of 15 apartments for persons aged 55 and over together with retail unit and car parking	Committee	Written Representations	4 July 2017

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

Application Number	Location	Proposal	Com/Del decision	Decision	Date Decided
16/00626/OUT	North Side Of Willowdene Carr Lane Hambleton Poulton-Le-Fylde Lancashire FY6 9DW	Outline application for the erection of one dwelling with associated access (all other matters reserved)	Delegated	Dismissed	22 June 2017
16/00756/FUL	New Dwelling At Bailtons Farm Turners Lane Barnacre Lancashire PR3 1GJ	Erection of a detached garage/storage building (part retrospective) re-submission 16/00375/FUL	Delegated	Dismissed	14 July 2017
16/01114/FUL	Winacre Farm Turkey Street Out Rawcliffe Preston Lancashire PR3 6TA	Erection of a detached double garage	Delegated	Allowed	12 July 2017
16/00407/OUTMAJ	Fleetwood Pier The Esplanade Fleetwood Lancashire	Outline application for the erection of 15 apartments for persons aged 55 and over together with retail unit and car parking	Committee	Withdrawn	7 July 2017

## Appeal Decision

Site visit made on 6 June 2017

**by Darren Hendley BA(Hons) MA MRTPI**

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

**Decision date: 22<sup>nd</sup> June 2017**

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**Appeal Ref: APP/U2370/W/17/3170654**

**Willowdene, Carr Lane, Hambleton FY6 9DW**

- 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 Dorothy Harrison against the decision of Wyre Borough Council.
  - The application Ref 16/00626/OUT, dated 12 July 2016, was refused by notice dated 14 November 2016.
  - The development proposed is an outline application for the erection of one dwelling, use of existing access to be determined.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The application is in outline form with all matters reserved for future consideration except for the means of access. Drawings showing an indicative site layout plan and site location plan were submitted with the application and I have had regard to these in determining this appeal.

### Main Issues

3. The main issues are (a) the effect on the character and appearance of the area, and (b) if there is harm which arises under (a), whether this outweighed by the Council's housing land supply and other material considerations.

### Reasons

#### *Character and Appearance*

4. The appeal site comprises an area of grassland that is bordered by the A588 and an associated footway. The boundary along the front of the site contains a hedge and an access. A hedge is also found on the side (north) boundary, beyond which is an open field, and then a dwelling. Willowdene, a two storey house, is to the south to the site, beyond which are a further two dwellings. A paddock is found the rear of the site.
  5. The site is located between the villages of Stalmine and Hambleton, where the pattern of development along the A588 comprises of open fields and undeveloped land, interspersed with isolated or small groups of dwellings. Land set further back on either side of the A588 also principally comprises of open fields, and the area in the vicinity of the site is pleasingly rural in
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- character. The site lies in countryside under the Wyre Borough Local Plan 1991 – 2006 (1999) (Local Plan).
6. The site is located well outside of the settlement limits of either Stalmine or Hambleton under the Local Plan. It contributes, with the field to the north, to the character of the countryside as undeveloped land and as part of a 'gap' in development between Willowdene and the next dwelling. The proposal would reduce this gap, and would thus serve to erode its role in maintaining the character of the countryside.
  7. The proposal would also extend the encroachment of development into the countryside along this stretch of the A588, with its proximity to Willowdene and the two further dwellings to the south. This would increase the amount of linear development, regardless of the eventual size and scale of the proposal. The contribution of the undeveloped character of the site to the countryside would be lost.
  8. More broadly, the sporadic pattern of built development would be increased between Stalmine and Hambleton, and this would further serve to erode the rural character of the area. Although the proposal may only be for one dwelling, there is already evidence along the A588 of how incremental development over a prolonged period has detracted from the rural character. This proposal would serve to increase this detrimental effect.
  9. The site is relatively unkempt, although this is a matter which could be addressed through maintenance and this does not alter my views on the harm that would be caused. I also consider the proposal would not complement its surroundings with the loss of the undeveloped nature of the site within this rural context.
  10. I conclude the proposal would cause significant harm to the character and appearance of the area. It would not comply with Policy SP13 of the Local Plan, which seeks to protect the inherent qualities and rural characteristics of areas designated as open countryside, because it does not conform to the types of development which may be permitted under the policy. It would also not comply with Policy SP14, which requires a high standard of design, with its effect on the local rural landscape that would arise from the loss of this land to a dwelling. I attach significant weight to Policies SP13 and SP14 because, whilst they pre-date the National Planning Policy Framework (Framework), they are broadly consistent with it.
  11. Furthermore, the proposal would not comply with paragraph 60 of the Framework in respect of requiring good design, as it would not promote or reinforce local distinctiveness. Whilst I attach very limited weight to the Wyre Council Local Development Framework Core Strategy Preferred Options (2012), due to this early stage of plan preparation, Policies CS2, CS7 and CS24 provide a similar approach to the Local Plan to the protection of character and appearance in countryside areas. As such, the proposal would also not comply with these draft policies.

#### *Housing Land Supply and Other Considerations*

12. The Council accepts it cannot demonstrate a five year housing land supply in accordance with paragraph 47 of the Framework. Paragraph 49 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, granting planning permission 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.

13. The provision of one additional dwelling is unlikely to make a meaningful difference to housing land supply. It would also not be readily deliverable, as it is not a suitable location for the reasons I have set out. I attach only limited weight to this contribution to housing land supply as a benefit.
14. The site is an accessible location and adequate access can be provided off the A588. The site lies outside areas identified at risk of flooding, and would have no undue effects on the use of agricultural land in the area or the living conditions of occupiers of Willowdene. Ecological measures are limited to retaining hedgerows where possible and avoiding removal during the nesting period for birds. Although energy efficiency measures are proposed, no details have been provided beyond a description of general technologies that may be used. These factors are only neutral and therefore I consider they do not weigh in favour of the proposal.
15. In respect of the roles of sustainable development under paragraph 7 of the Framework, the economic benefits arising from the construction and maintenance of the single dwelling would be slight, and the limited contribution to housing land supply would only constitute a small social benefit. The proposal would conflict with the environmental role because it would not protect and enhance the natural environment.
16. I conclude that when assessed against paragraph 14 of the Framework, the adverse impacts caused by the harm to the character and appearance of the area would significantly and demonstrably outweigh the benefits. I have also identified the proposal is in conflict with the Framework in respect of design, and paragraph 56 is clear that good design is a key aspect of sustainable development. The proposal would not constitute a sustainable form of development, and the conflict with the Local Plan is not outweighed by the Framework or other material considerations.

## **Conclusion**

17. I conclude the appeal should be dismissed.

*Darren Hendley*

INSPECTOR



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# Appeal Decision

Site visit made on 26 June 2017

by **Helen Hockenhull BA(Hons) B.PI MRTPI**

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

Decision date: 14 July 2017

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**Appeal Ref: APP/U2370/W/17/3172443**

**New Dwelling, Bailtons Farm, Turners Lane, Barnacre PR3 1GJ**

- 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 Matthew Turnbull against the decision of Wyre Borough Council.
  - The application Ref 16/00756/FUL, dated 11 April 2016, was refused by notice dated 20 October 2016.
  - The development proposed is the erection of a detached garage /storage facility.
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## Decision

1. The appeal is dismissed.

## Procedural Matter

2. The Council have described the proposed development as being part retrospective as it is suggested that the footings have been put in place. However on my site visit there was no evidence of this on the ground. I therefore consider that the proposal has not commenced and I have dealt with the appeal accordingly.

## Main Issues

3. The main issues in this case are :
  - whether the proposal would be ancillary to the main use of the dwelling;
  - the effect of the development on the character and appearance of the area.

## Reasons

### *Ancillary Use*

4. The appeal proposes the erection of a detached garage and storage building for domestic purposes. The building would be located on land to the south east of the main dwelling in an area which comprises rough hardstanding and car parking. The building proposed would be 8.3 metres by 13.7 metres with a pitched roof of 4.5 metre ridge height. It is proposed to use the building for garaging for vehicles, the storage of a caravan, a larger van and also for hay and feed for livestock on the property. There is a newly constructed domestic storage building, smaller in size than the appeal proposal, close to the existing house.

5. The building proposed would be much larger than a domestic garage due to the number and nature of the vehicles proposed to be accommodated. There is already a domestic storage building on the site and I have no substantive evidence to explain why further storage is required. However, I accept that there may be a requirement for secure garaging which the appeal building would provide. The submitted plans suggest that the building would also store hay and feed for 5 sheep and 5 pigs kept on the smallholding. However I note from the Design and Access Statement that no livestock are currently on the property. At the time of my visit I observed this to be the case. Additionally I saw no evidence of any agricultural related equipment.
6. Whilst I accept that the appeal building would not be domestic in scale, I consider that the proposed uses would be ancillary to the residential use. The Council has raised concern about the siting of the building as it is some distance from the dwelling and cannot therefore be described as being ancillary. The physical separation distance in this case does not mean that there is a poor relationship in functional terms between the buildings on the site. It does however raise issues with regard to the character and appearance of the countryside which I will turn to below.
7. In conclusion I am not persuaded based on the evidence before me that the proposed building, whilst being large, would not be ancillary to the residential use of the dwelling. The appeal scheme would in this regard form an appropriate development in the countryside in compliance with the broad principles of Saved Policy SP13 of the Wyre Borough Local Plan.

#### *Character and appearance*

8. The appeal site is located at the southern corner of the plot lying next to hedgerows that bound the site. The land is generally flat and the appeal building would be able to be viewed from nearby public footpaths. The boundary hedgerow would be of insufficient height to screen the building.
9. The proposed garage and store would be sited some 26 metres away from the existing house and the newly built storage building. Visually it would appear set apart from the existing cluster of buildings on the site. Having regard to the scale and height of the proposed building, it would therefore appear dominant in the landscape and encroach into the open countryside.
10. I acknowledge that the proposed building would be of an acceptable design and materials having regard to its rural location. However due to its siting, scale and height, I consider it would cause harm to the character and appearance of the countryside. The proposal would therefore fail to comply with Saved Policy SP14 of the Wyre Borough Local Plan which seeks to ensure that development is acceptable in the local landscape in terms of a range of factors including its scale and siting. The proposal would also conflict with the Framework which in paragraph 17 recognises the intrinsic character and beauty of the countryside.

#### **Other matters**

11. The appellant has brought my attention to discussions that have taken place with Council officers to reduce the size of the building and re site it closer to the main dwelling. I note the appellant's view that the repositioning of the building would compromise the car parking area. Having regard to the distances involved and the size of the hardstanding area it would appear likely

that parking could still be accommodated with the proposed garage/store closer to the existing group of buildings on the site.

12. Furthermore the appellant has made reference to permitted development rights and that a building could be erected with a larger footprint but with a lower height without planning permission. Whilst this may be the case, the building proposed requires planning permission and would be around 500 mm greater in height than that allowed under permitted development rights. It must therefore be considered with regard to the policies of the development plan controlling development in the countryside.

### **Conclusion**

13. Whilst I have found that the appeal proposal would be ancillary to the residential use, I have concluded that the development would cause harm to the character and appearance of the area.
14. For the above reasons and having regard to all other matters raised I dismiss this appeal.

*Helen Hockenfull*

INSPECTOR



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## Appeal Decision

Site visit made on 27 June 2017

by **Debbie Moore BSc (HONS) MCD MRTPI PGDip**

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

Decision date: 12 July 2017

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**Appeal Ref: APP/U2370/D/17/3173953**

**Winacre Farm, Turkey Street, Out Rawcliffe, Preston PR3 6TA**

- 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 Dr Mark Dale against the decision of Wyre Borough Council.
  - The application Ref 16/01114/FUL, dated 21 December 2016, was refused by notice dated 23 February 2017.
  - The development proposed is a detached double garage.
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### Decision

1. The appeal is allowed and planning permission is granted for a detached double garage at Winacre Farm, Turkey Street, Out Rawcliffe, Preston PR3 6TA in accordance with the terms of the application, Ref 16/01114/FUL, dated 21 December 2016, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan Ref 2679.001; Existing Site Plan Ref 2679.101; Proposed Site Plan Ref 2679.507; Proposed Garage Plan Ref 2679.504; Proposed Garage Elevations Ref 2679.505 .
  - 3) No development shall commence until details / samples of the materials to be used in the construction of the external surfaces of the garage hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.

### Preliminary Matter

2. The site has a planning history which is relevant to the appeal. Planning permission has been granted for a two storey side extension, a single storey rear extension, demolition of existing outbuildings and construction of a single storey swimming pool building (Ref 16/00637/FUL). This was a revised scheme following the refusal of a previous proposal for extensions, which included a detached garage. I saw from my site visit that the outbuildings have been demolished. I have taken the planning history into account in my consideration of this appeal.



## **Main Issue**

3. The main issue is the effect of the development on the character and appearance of the area, with regard to its countryside location.

## **Reasons**

4. The appeal property is a detached dwelling located within extensive grounds. The surrounding area is rural in character and is within the countryside for development plan purposes.
5. The proposed development is a detached double garage that would be sited to the rear of the house and the existing garage, adjacent to the northern boundary of the garden. As set out above, the garage would be in addition to relatively large scale extensions to the house that already have planning permission. The Council is concerned that the garage would represent sprawl and would detract from the open and rural character of the locality.
6. Policy H4 of the Local Plan<sup>1</sup> states that proposals relating to dwellings located in either the open countryside, green belt or the area of outstanding natural beauty (AONB) will only be approved provided that the extension or alteration is: appropriate in character and style to the dwelling and the area; is proportionate in scale to the size of the original building; is developed using materials appropriate to the locality and involves a high standard of design. The policy does not differentiate between the countryside, the green belt or the AONB and, in that respect, it is not entirely consistent with the National Planning Policy Framework (the Framework). Although the development would be considered disproportionate in scale to the size of the original building, I give limited weight to this element of the policy as it does not reflect the Framework when assessed against its policies as a whole.
7. Nonetheless, the Framework requires planning to take account of the roles and character of different areas, recognising the intrinsic character and beauty of the countryside. Policies H4 and SP14 are broadly consistent with this aim. I appreciate that the garage would extend the built form of the development, but it would be located to the rear of the house and would not be prominent in views from Turkey Street or the surrounding countryside. I appreciate that the garage would be visible from a public right of way, which runs to the north of the site, but it would be seen in the context of the residential development within the plot and would not appear out of character or incongruous in this location. The design of the garage is of a high quality and the materials proposed would be compatible with its context.
8. I also note that the garage would be located on the site of outbuildings that have been demolished. The effect of the garage on the character and appearance of countryside, in combination with the approved extensions, is unlikely to be materially greater than the structures that previously existed.
9. The Council refers to an appeal in relation to extensions at the property which was dismissed. The full balance of considerations that informed that decision is not before me, and I am unable to assess whether the site specific circumstances of that case were comparable to the current appeal. Consequently, I give that decision limited weight.

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<sup>1</sup> Wyre Borough Local Plan 1991-2006, adopted July 1999

10. The Council also states that no justification for a garage has been advanced by the appellant. However, the relevant policies do not require justification and I give little weight to this consideration.
11. To conclude, although the cumulative extensions would be disproportionate in scale to the size of the original building, the garage would not erode the openness and rural character of the area. It would not be prominently located and would be seen in the context of the existing residential development. Consequently, the development would meet the objectives of Policies H4 and SP14 of the Local Plan, which seek to ensure that development in the countryside is carefully controlled to protect and enhance scenic quality or to maintain the openness of the area.
12. In addition to the standard time limit condition, I have imposed a condition to specify the approved plans as this provides certainty. I have also imposed a condition to ensure the materials are complementary to the location.
13. For the reasons given above, the appeal is allowed.

*Debbie Moore*

Inspector