

## APPEALS LODGED AND DECIDED

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

<b>Application Number</b>	<b>Location</b>	<b>Proposal</b>	<b>Com/Del decision</b>	<b>Appeal Type</b>	<b>Date Lodged</b>
16/00650/OUTMAJ	Land East Of Copp Lane Great Ecclestone	Outline application for the erection of up to 93 dwellings and up to 850sq m of D1 use (non-residential institution) with associated car parking, open space and landscaping (all matters reserved)	Committee	Public Inquiry	31 July 2017
16/00904/FUL	Greygates 11 Back Lane Stalmine Poulton-Le-Fylde Lancashire FY6 0JN	Erection of one detached bungalow	Delegated	Written Representations	18 July 2017

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

<b>Application Number</b>	<b>Location</b>	<b>Proposal</b>	<b>Com/Del decision</b>	<b>Decision</b>	<b>Date Decided</b>
16/00502/OUT	Little Stubbins, Stubbins Lane Claughton-On-Brock Preston Lancashire PR3 0PL	Outline application for a proposed residential development of up to 4 dwellings	Delegated	Dismissed	21 July 2017

arm/rg/pla/cr/17/0609nc1



## Appeal Decision

Site visit made on 6 June 2017

**by Graeme Robbie BA(Hons) BPI MRTPI**

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

**Decision date: 21 July 2017**

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**Appeal Ref: APP/U2370/W/17/3169078**

**Little Stubbins, Stubbins Lane, Claughton-on-Brock PR3 0PL**

- 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 R Leach against the decision of Wyre Borough Council.
  - The application Ref 16/00502/OUT, dated 29 April 2016, was refused by notice dated 28 November 2016.
  - The development proposed is proposed outline application for a proposed residential development for up to 4 dwellings.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The application was submitted in outline with all detailed matters reserved. I have dealt with the appeal on that basis, treating the proposed site plan and proposed drainage plan as illustrative.
3. The Council refer to policies contained within the emerging Wyre Core Strategy (CS). The Preferred Options version of the emerging CS was subject to public consultation in 2012 but was not formally adopted by the Council. A further round of public consultation on Issues and Options for a new Local Plan was undertaken between 17 June 2015 and 7 August 2015 but I have not been advised that the new Local Plan has been subject to examination or has been formally adopted by the Council. In line with the provisions of paragraph 216 of the National Planning Policy Framework (the Framework) I note that the Council and the appellant give these policies limited weight, and I have not been presented with any compelling reason to do otherwise.

### Main Issues

4. The main issues are:
  - Whether the location of the proposed development would be consistent with the principles of sustainable development, having regard to national and local planning policies; and
  - The effect of the proposed development on the character and appearance of the surrounding area.

## Reasons

### *Sustainable Development*

5. The appeal site comprises of a modern commercial building with an enclosed compound set back from Stubbins Lane as it heads eastwards away from Claughton-on-Brock and Catterall. The site is located within a small group comprised of larger buildings of an agricultural nature and appearance and a handful of dwellings on Stubbins Lane. The settlements of Claughton-on-Brock and Catterall lie to the west of the site, along Stubbins Lane, with the larger settlement of Garstang to the north of Claughton / Catterall, further to the north along the B6430.
6. Access to Claughton / Catterall is taken along Stubbins lane, a rural country lane. Although there are a cluster of commercial premises at the junction of Stubbins Lane and Garstang Road and an on-going residential development opposite, the appeal site feels clearly and distinctly part of the open countryside, beyond the built up extent of Claughton / Catterall. Stubbins Lane is unlit, with narrow verges and no footpath between the site and Garstang Road. These factors are such that I consider it unlikely that residents of the proposed dwellings would walk to access the limited services and facilities in Claughton / Catterall, or to avail themselves of public transport links to the wider range of services in Garstang.
7. It is not disputed that services and facilities within Claughton / Catterall are limited. I am advised that local primary schools are located in Churchtown and Claughton, but both are some distance away and would not be conducive to being accessed by means other than private vehicle. I note that there is dispute over the accuracy of the appellant's 'Accessibility Questionnaire' over the calculation of exact distances to services and facilities. However, I share the Council's view that accessibility is a matter of more than just distance, and must also consider the nature of the journey from A to B. In this instance, for the reasons I have set out, I consider it to be likely that residents of the proposed development would, by virtue of its location isolated from services and facilities, be heavily reliant on the private car to access those services and facilities.
8. The proposed dwellings would be located close to Little Stubbins and within the wider group of buildings at this part of Stubbins Lane, and so it could not be said to be isolated in absolute terms. However, for the reasons set out above, I do consider that the site's location would render it isolated from services and facilities. The site's location might prove to be slightly more attractive to access those services by bicycle than on foot, but the same factors would, in my judgement, act against that as a regular means of transport. Nor do I consider that the availability of home delivery services would be sufficient to overcome the site's isolation in respect to services and facilities.
9. Paragraph 55 of the Framework states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. It goes on to identify that where there are groups of settlements, development in one may support services in a village nearby. However, I do not consider that the appeal site lies within a village, nor that it is well related to other villages, particularly Claughton / Catterall.

10. The Framework goes on to set out a number of special circumstances where isolated new homes in the countryside may be acceptable. Thus, the appellant has drawn my attention to the third bullet point of paragraph 55, noting the support given by the Framework to development that would re-use redundant or disused buildings and leading to an enhancement to the immediate setting. However, whether or not the proposal would lead to an enhancement of the immediate setting, and I consider matters of character and appearance in more detail below, the proposal before me is not for the re-use of the existing building. I acknowledge that the site could be considered to be a previously developed, or brownfield, site and one of the Framework's core planning principles is to seek to encourage the effective use of land by reusing land that has been previously developed, but paragraph 55 does not provide support in such circumstances.
11. I have been referred to two recent planning permissions<sup>1</sup> in Forton and an appeal decision<sup>2</sup> in respect of a barn conversion scheme in Catterall. However, the details that I have been provided amount only to the decision notices of each of those permissions, and so I cannot be certain that they provide direct comparisons. In any event, I have to determine the proposal before me on its own merits.
12. Taking these matters in to consideration, I conclude that the proposal would not be consistent with the principles of sustainable development, having regard to national and local planning policy, particularly paragraphs 14, 17 and 55 of the Framework.

#### *Character and Appearance*

13. Having viewed the site and its surroundings, and also the area surrounding Claughton / Catterall, I agree that the wider countryside beyond the larger settlements is comprised of scattered and sporadic small groups of buildings. In the case of the small group within which the appeal site lies, it is dominated by large, modern agricultural buildings located on both the north and south sides of Stubbins Lane. Even then, there are substantial gaps between the buildings within the group, reinforced either by dense roadside hedges or by open fields.
14. I do not agree with the appellant's view that the existing building is large. Rather, it is of an overall scale, form, design and appearance that is not dissimilar to agricultural buildings that are typically found within the countryside. That it was most recently used for commercial purposes was not, in my judgement, immediately evident, and nor have I been provided with any compelling evidence to suggest that its presence is harmful to the character or appearance of the surrounding area.
15. The proposal would introduce up to four dwellings into an open countryside location. It may not extend beyond the existing boundaries of Little Stubbins and the existing commercial building and compound. However, four additional dwellings, confined in a relatively dense manner within in the context of a small, sporadic group of buildings of the character and appearance noted above, and located in the open countryside, would have a suburbanising impact on the rural character and appearance of the immediate area. This would, I

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<sup>1</sup> 14/00821/OUTMAJ and 15/00968/OUTMAJ

<sup>2</sup> APP/U2370/W/15/3078128

conclude, cause unacceptable harm to the character and appearance of the countryside and result in a form of development at odds with the prevailing development pattern in surrounding area.

16. Taking the above factors into account, I conclude that the proposal would be contrary to saved policies SP 13 and SP14 of the adopted Wyre Borough Local Plan (LP). Together, these policies seek, amongst other things, to protect the inherent qualities and rural characteristics of the countryside and to ensure that development is acceptable in the local landscape in terms of its scale, style and siting. This, I find, is broadly consistent with the Framework which, as one of its core planning principles, aims to recognise the intrinsic character and beauty of the countryside. Although I attach limited weight to its provisions, it is noted that emerging CS policy CS1 seeks, amongst other matters to ensure that the rural character of the countryside is maintained.

#### *The Planning Balance*

17. The Council have not disputed the appellant's case that they are currently unable to demonstrate a deliverable five year supply of housing sites. Paragraph 49 of the Framework states that relevant policies for the supply of housing should not be considered up to date in such circumstances. I note however that the Council have not relied upon development plan policies in this respect, instead referring to the Framework and so I conclude in this respect that the Council consider the development plan to be silent on the matter.
18. Paragraph 14 of the Framework states that where the development plan is absent, silent or relevant policies are out of date, 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.
19. The proposal would have some modest economic benefits by providing employment during the construction period and by supporting the local economy. The proposal would also provide up to an additional four dwellings to contribute to the range of housing available in the area, thereby contributing to, and helping to boost, housing supply. However, these benefits would only be modest given the limited scale of the proposed development.
20. The appellant is concerned that the Council did not balance the benefits of removing the B2 commercial use from what is described as a small residential hamlet. However, I have not been presented with any compelling evidence to demonstrate that the use of the existing building is a source of concern or complaint to nearby residents. Nor, from my observations of the site, am I inclined to conclude that the existing building is intrinsically harmful to the character or appearance of its surroundings. Whilst it may have a B2 commercial use, I consider its appearance to be not dissimilar to many a modern agricultural building, including those nearby within this sporadic group of buildings.
21. The adverse impacts, in terms of dwellings located in the open countryside in a location isolated from services and facilities, and the harm to the character and appearance of the area would significantly and demonstrably outweigh what would amount collectively to only limited benefits, when assessed against the policies in the Framework taken as a whole. The fact that there were no

objections raised to the proposal by interested parties or consultees is only a neutral impact, and not in itself reason to grant planning permission. I therefore conclude that the proposal would not amount to sustainable development in the terms set out in the Framework, and does not therefore benefit from the Framework's presumption in favour of sustainable development.

**Conclusion**

22. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be dismissed.

*Graeme Robbie*

INSPECTOR