



Appeal Decisions

Site visit made on 3 October 2023

By M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 October 2023

Appeal A Ref: APP/U2370/W/23/3316085

The Estuary Riverside Chalets, Wardleys Lane, Hambleton, Poulton-le-Fylde, Lancashire FY6 9DX

- 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 Ms Elaine Shore against the decision of Wyre Borough Council.
 - The application Ref 22/00654/OUT, dated 24 June 2022, was refused by notice dated 9 December 2022.
 - The development proposed is described as, 'the erection of 3 holiday chalets (buildings), 1 storage building and parking to the front of chalets 3 and 4.'
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Appeal B Ref: APP/U2370/W/23/3322285

The Estuary Riverside Chalets, Wardleys Lane, Hambleton, Poulton-le-Fylde, Lancashire FY6 9DX

- 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 Ms Elaine Shore against the decision of Wyre Borough Council.
 - The application Ref 22/001284/OUT, dated 19 December 2022, was refused by notice dated 16 May 2023.
 - The development proposed is described as, 'the erection of 2 holiday chalets (buildings), 1 storage building and parking to the front of chalets 3 and 4.'
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Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. In September 2023 the Government published a revised National Planning Policy Framework (the Framework). The revisions relate to national planning policy for onshore wind development, rather than anything relevant to the main issues in these appeals. Consequently, the views of the parties have not been sought.
4. The planning applications were submitted in outline with matters of access, layout and scale to be considered. In determining the applications, the Council considered that all matters were reserved¹. I have seen no evidence of any

¹ As set out in the Council's officer reports in respect of planning applications 22/00654/OUT and 22/001284/OUT.

formal agreement between the parties to alter the scope of the proposals. Consequently, I have determined the appeals on the basis that matters of appearance and landscaping are reserved for future consideration. I have considered the appeals concurrently, but on their own merits, because there are common matters between them.

5. The descriptions of development in the banner headings above are taken from the Council's decision notices, as they more succinctly define the proposals.

Main Issues

6. The main issues in relation to both Appeal A and Appeal B are;
 - i) the effect of the proposed development upon the character and appearance of the area; and
 - ii) whether the proposal would be in a suitable location having regard to its accessibility to services and facilities.

Reasons

Character and Appearance

7. Policies SP4 and EP9 of the Wyre Local Plan 2019 (WLP) support the principle of new holiday accommodation development. However, both policies recognise the intrinsic beauty and character of the countryside and thus, seek to resist development that would adversely affect its open and rural character.
8. The appeal site is located within an area of gently undulating countryside, on the banks of the Wyre Estuary. Built form is dispersed amongst the open, green and pastoral landscape. Roads including that of Wardleys Lane are narrow and rural in character with few passing places, enclosed by mature hedgerows.
9. Immediately adjacent to the appeal site are 2 units of holiday accommodation operated by the appellant². Despite being single storey and referred to as 'chalets,' the existing units have the appearance of large, permanent bungalows with multi-faceted mono-pitched roofs. Due to their form, scale and materials including render, they appear incongruous and at odds with the rural context in which they are sited.
10. The proposals seek the erection of either 3 or 2 units of accommodation (Appeal A and Appeal B respectively) arranged in a linear manner along an extended access track. Simpler in appearance and lower in height than the existing units³, they would nonetheless be of a conspicuously different architectural form, in contrast to the rural dwellings, farm and simple equestrian buildings that characterise the local built form. Sited on undeveloped land, due to their large footprint, scale and associated hardstanding for access and car parking, the amount of built development encroaching into the undeveloped countryside would be significant, resulting in urbanising residential ribbon development. This impact would be exacerbated by the Appeal A proposal, where the amount of built development would be more than doubled. Although the specific appearance of the units could be

² Planning application reference 19/00950FUL.

³ As shown in the indicative elevation drawing.

resolved at the reserved matters stage, it would not overcome the concerns regarding layout and scale.

11. Despite the storage building being attached to the front (Appeal B) or side (Appeal A) of the proposed accommodation units, visual intrusion from the extent of the built form would be considerable in localised views from within Wardleys Lane and New Road, where they would be highly conspicuous above the existing hedgerows. The proposed units would also be strident in far-reaching views across the river from the Wyre Estuary Country Park, especially in respect of Appeal A. In such views, the holiday parks to the north-west and south-east are visually and physically separated from the appeal site by agricultural and equestrian fields. Cumulative harm would thus be exerted by the siting, layout and scale of the proposed units, rather than the existing chalets assimilating their presence. In this regard I find that the schemes have not been designed to avoid negative landscape impacts, nor overcome the concerns of the previous Inspector⁴.
12. The appellant is said to have planted circa 1300 trees on their land, some of which appears to have occurred between the existing chalets and Wardleys Lane. In time, this planting may serve to soften the proposed units from open views to the north and east from Wardleys Lane and New Road. However, they will take a considerable number of years to reach sufficient maturity to provide meaningful screening, such that landscape harm would occur in the interim. Even then, if the trees are deciduous species, they are unlikely to be effective during periods of the year when they are not in leaf. Neither would they address the visual impact of the developments from across the estuary. Whilst landscaping is a reserved matter, tree planting should not be used to hide development that would be harmful to the character of the countryside.
13. The proposals would encroach into the undeveloped countryside resulting in a significant adverse effect on the character and appearance of the area. They would therefore conflict with Policies SP4 and EP9 of the WLP as set out above. The proposals would also conflict with Policies CDMP3 and CDMP4 which seek amongst other things, that proposals are designed to respect or enhance the character of the area and have no unacceptable cumulative impact on landscape character, within or outside settlement boundaries. Conflict is also found with paragraph 130 of the Framework which seeks to ensure that new development adds to the overall quality of the area, is visually attractive and sympathetic to local character.

Suitable Location

14. Policy SP1 seeks to strictly limit development outside settlements. Proposals that diversify the rural economy are only supported where they are appropriate in scale and accord with other policies of the WLP. Policy SP2 requires all development within Wyre to be sustainable and contribute to the continuation or creation of sustainable communities in terms of its location and accessibility. Specifically, part 4 of the policy sets out ways in which the Local Plan seeks to deliver sustainable communities, including facilitating economic growth in rural areas and ensuring accessible places and minimising the need to travel by car. In addition, Policy CDMP6 requires amongst other things, that proposals demonstrate that measures are included to encourage access on foot, by bicycle and public transport, and reduce car reliance.

⁴ Appeal reference number APP/U2370/W/21/3273598.

15. Countryside locations do not always benefit from ready access to services, facilities or a range of transport choices. Therefore, in supporting the provision of holiday accommodation in countryside locations, there is an acceptance that there will be additional car journeys. However, such support is not unqualified and does not override the need to ensure that pedestrians, cyclists and public transport are placed at the top of the transport hierarchy, as advocated by the Framework and Policy CDMP6 of the WLP.
16. The appeal site is 0.9 miles from the shop and public house within Hambleton village⁵. Nonetheless, the connecting road network consists largely of single vehicle, national speed limit lanes, with occasional passing places and no pavement or lighting. Whilst Wardleys Lane carries the Wyre Way, a long-distance walking route, pedestrians are nonetheless at risk of conflict with vehicular traffic.
17. I observed that the existing holiday units are now in full operation and that this differs from the situation at the time of the previous appeal⁶. The proposed holiday units would be within a reasonable walking distance of Hambleton. Some visitors to the existing and proposed holiday units would make use of the local footpath network, including to access the village, as suggested by the appellant. However, the nature of the roads is likely to deter some visitors from walking, particularly parents with young children/prams and wheelchair users or people with restricted mobility, which the appellant suggests are a high proportion of their guests.
18. Disabled people may be more likely to travel by car to a holiday destination due to the need for medical or other specialist equipment to be transported. It is suggested that guests of the proposed holiday units would also be able to use the hydrotherapy, sensory and bistro facilities at Brickhouse Cottages which is 0.8 miles from the appeal site and accessible via a public footpath. There is no evidence before me that the footpath which is unlit, would be suitable for wheelchair users or those with mobility issues who are likely to use such facilities. It is highly likely therefore, that occupants of the holiday units would use the car to access the Brickhouse Cottages facilities.
19. Whilst a welcome pack of essentials is provided and supplies may be picked up en route, self-catering accommodation inevitably requires travel to obtain consumables, as well as for eating out, a popular holiday activity. Hambleton even if it was accessible on foot, has limited facilities and visitors would be forced to go further afield by car for greater choice. Furthermore, the appeal site is not well-connected by public transport, nor walkable to tourist attractions. Neither is it based around an on-site activity as was judged to be the case in appeal decision APP/U2370/W/21/3277792, due to its linkage with an existing equestrian business.
20. Whether or not most adults would prefer to drive to the shops rather than walk⁷, the crux of the issue here is that holiday makers would not have the choice of making journeys by alternative means to the private car, particularly those that have mobility impairments or disabilities. In reality, visitors would arrive and travel further afield by the private car to destinations such as

⁵ As referred to in the Appellant's statement of case.

⁶ Appeal decision APP/U2370/W/21/3273598.

⁷ Appellant's reference in their Final Comments to a study by WeWard in the Daily Mirror in August 2022.

Blackpool, Fleetwood, Liverpool and the Lake District, as is evidenced in the trust pilot reviews from guests of the existing holiday units⁸.

21. Furthermore, whilst acknowledging the outline nature of the proposals, no measures have been advanced to exploit opportunities to make the location more sustainable, for example improving access to the appeal site by public transport or cycling⁹ for those that are able. In this regard, the location of the appeal site and the proposals, do not minimise the need to travel by car, such findings being consistent with appeal decision APP/U2370/W/22/3307137. Accreditation with the Green Rose Programme an environmental management scheme, whilst commendable, would not mitigate the location of the development and the number of journeys by car, that would be exacerbated in the case of Appeal A due to the increased number of proposed units.
22. There is no substantive evidence before me that additional passing places are to be added to the local road network. Even if they were, they are unlikely to address the issue of a lack of a dedicated and continuous safe footway for pedestrians, or lighting. Similarly, the occupation of the chalets during the lighter months of April–September, said to be the main holiday season, would not compensate for the hostile road conditions for pedestrians accessing the neighbouring village, specifically for those with additional mobility needs. Moreover, there is no evidence before me that the chalets would not be occupied during the winter months, when visitors are even more likely to use their vehicles for journeys.
23. I therefore find that the proposed developments would not be in a suitable location with regard to local services and facilities. Nor would they reduce the need to travel by car. Conflict is therefore found with Policies SP1, SP2 and CDMP6 of the WLP as set out above. The proposal would also conflict with the Framework in regard to sustainable rural tourism.

Other Matters

24. Whether the proposal is less intrusive than other developments permitted within the countryside is a matter of planning judgement. Reference is made to approvals for several types of holiday accommodation within Wyre, including glamping pods, caravans and lodges¹⁰. The full details of these decisions have not been presented, such that I can be sure that they are comparable. Nonetheless based on the evidence before me, I note that the examples are for different forms of holiday accommodation, some of which involved the expansion of much larger sites where the proposed development could be assimilated within the existing context, where they were located closer to existing facilities or had better pedestrian access¹¹.
25. The Council candidly advises that it did not apply its policies robustly or consistently in relation to some of these schemes and that it has since revised its approach. Inconsistency in previous decision-making does not bind me in relation to the proposals before me. The examples referenced do not provide support for the proposed developments and do not justify further harmful development.

⁸ Appellant's final comments.

⁹ As required by paragraph 85 of the Framework.

¹⁰ Planning application references 19/00950/FUL, 21/01236/FUL and 22/00724/LCC.

¹¹ Planning application references 20/01231/FUL, 22/0596/FUL and 22/00904/FUL.

26. The appellants' existing award-winning holiday accommodation business provides facilities suitable for disabled persons, which the proposals would enable the expansion of. Good quality, truly accessible holiday accommodation for disabled persons including specialist equipment such as profile beds, hoists etc are said to be in limited provision. Reference is made to 144 of 230,000 Airbnb properties in the UK being adapted, and 4 including features such as step free bathrooms, shower chairs and hoists. From my observations, I do not doubt that the appellant provides high-quality internal accommodation that is of benefit to the health and well-being of disabled people, their carers and families, as evidenced by the positive reviews and testimonials from previous guests. The proposed holiday units would therefore be of public benefit, those of Appeal A more so, due to their greater number.
27. However, I am mindful that whilst designed to meet disabled persons needs, the occupancy of the proposed holiday accommodation units would not be restricted, such that anyone of any physical capacity could stay. Additionally, despite the viability of the business, there is no substantive evidence before me that disabled people's needs for holiday accommodation is required in this specific location.
28. Whilst recognising the importance of equal access to adaptive holiday accommodation for disabled people, the location of the proposed units would not be conducive to inclusivity for guests with additional needs, to access shops and services in Hambleton safely by wheelchair, on foot or by public transport. Nor is the appeal site located in proximity to a particular tourist attraction that would reduce the need to travel by car. Airbnb is just one provider of holiday accommodation and therefore the evidence before me is not sufficiently robust to demonstrate a lack of provision. It is likely that similar health and well-being benefits could be obtained from holiday accommodation that is more closely located or connected to existing services or attractions. These matters therefore lessen the degree to which the proposed accommodation units would provide a public benefit, such that I can attach no more than moderate weight.
29. The appellant has evidenced that there would be an economic benefit to the local economy arising from increased overnight visitor stays and spending within the area, particularly as a result of the purple pound¹². Job creation during and post-construction as well as utilising local services for window cleaning, laundry etc would also be positive benefits. Tempered by the small number of units proposed, job creation during construction being temporary, and some of the visitor spending being regional, the benefits to the local economy would thus be of moderate weight, particularly in the case of Appeal B due to fewer units proposed.
30. Support from interested parties including the MP and tourism arms of the Council do not equate to a lack of harm and the lack of objection from the Highway Authority is neutral in the planning balance, weighing neither for nor against the proposals. Concerns regarding the objections from an interested party are a private matter between the parties concerned.
31. The appeal site lies close to the Morecambe Bay and Duddon Estuary Special Protection Area (SPA) and Wyre Estuary Site of Special Scientific Interest (SSSI). The proposals are not directly connected with or necessary for the management of the protected sites, but they have the potential to increase

¹² Spending related to disabled households.

their recreational use. Had I been allowing the appeals, it would have been necessary for me to complete Habitats Regulation Assessments and Appropriate Assessments. However, as the schemes are unacceptable for the reasons given, there is no need for me to consider the implications of the proposals on the SPA and SSSI.

Planning Balance and Conclusion

32. I have found that the scale and layout of the proposed developments would not be appropriate within the local landscape, and neither would they be sited to ensure the developments are sustainable or minimise the need to travel, particularly for the intended occupants. Having carefully considered the benefits of the proposals, namely the provision of holiday accommodation for disabled users and the associated economic benefits to the economy, dismissal of the schemes is a proportionate response, to the well-established planning objectives of protecting the countryside from developments that would adversely affect its open and rural character.
33. It is clear that the moderate benefits would not outweigh the significant and permanent harm to the character and appearance of the area, arising from developments that would not be sited in a suitable location with regard to services and facilities. Such harm would be increased in respect of Appeal A given the greater number of proposed units.
34. The proposals conflict with the development plan when considered as a whole, and there are no material considerations, either individually or in combination that outweigh the identified harm. Accordingly, both Appeal A and Appeal B are dismissed.

M Clowes

INSPECTOR