

## APPEALS LODGED AND DECIDED

### Appeals Lodged between – 15 January – 15 February 2018

Application Number	Location	Proposal	Com/Del decision	Appeal Type	Date Lodged
17/00807/FUL	7 Knowsley Gate Fleetwood Lancashire FY7 8AN	Proposed first floor side extension	Delegated	Fast track appeal	29 January 2018
17/00745/FULMAJ	Lakeland View Laidleys Walk Fleetwood Lancashire FY7 7JL	Erection of a three storey residential care home for use within Use Class C2 including car parking with vehicular and pedestrian access and associated landscaping	Committee	Written Representations	29 January 2018
17/00412/FUL	Land Adjacent The Stables Moss Lane Hambleton Lancashire FY6 9DA	Erection of one new dwelling with detached double garage and creation of new vehicular access onto Moss Lane (re-submission of 16/00934/FUL)	Delegated	Written Representations	07February 2018

### Appeals Decided between –15 January – 15 February 2018

Application Number	Location	Proposal	Com/Del decision	Decision	Date Decided
16/00230/OULMAJ	Land East Of Lancaster New Road Cabus Lancashire PR3 1NL	Outline planning permission seeking to agree means of access for residential development for up to 183 dwellings including provision of 3G sports pitch and associated parking facilities with access taken from the A6 and Gubberford Lane	Committee	Withdrawn	18 January 2018

17/00331/FUL	Waterhead Cottage Eidsforth Lane Barnacre-With-Bonds Preston Lancashire PR3 1GN	Variation of condition 11 to permit the substitution of plans on application 15/00507/FUL to extend the proposed extension of the tank building, change to external materials for the proposed extension, provision of solar panels to southern roof slope, and the formation of additional accommodation in an additional underground plant/water pipe space	Delegated	Dismissed	22 January 2018
16/00979/FUL	Graceland Wardleys Lane Hambleton Poulton-Le-Fylde Lancashire	Siting of a temporary mobile home for a 3 year period for use in connection with stables	Delegated	Dismissed	8 February 2018

arm/rg/pla/cr/18/0703nc1



---

## Appeal Decision

Site visit made on 19 December 2017

by **Katie McDonald MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 January 2018

---

**Appeal Ref: APP/U2370/D/17/3182625**

**Waterhead Cottage, Eidsforth Lane, Barnacre with Bonds, Preston  
PR3 1GN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
  - The appeal is made by Mr Stephen Frew against the decision of Wyre Borough Council.
  - The application Ref 17/00331/FUL, dated 1 April 2017, was refused by notice dated 19 July 2017.
  - The application sought planning permission for conversion and extension to tank building to create new dwelling without complying with a condition attached to planning permission Ref 15/00507/FUL, dated 19 August 2015.
  - The condition in dispute is No 11 which states that:  
*The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 17 June 2015, including the following plans: 5374\_c\_b\_01 rev D and 5374\_c\_b\_02.*
  - The reasons given for the condition is:  
*For the avoidance of doubt and so that the local planning authority shall be satisfied as to the details.*
- 

### Decision

1. The appeal is dismissed.

### Background and Main Issue

2. The application subject of the appeal was for an extension to the ground floor of the building, a change to the external materials, provision of solar panels and formation of a bedroom in an additional underground plant/water pipe space. The Council raise concerns in relation to the extension, with regard to its scale and effect upon the host building.
3. Accordingly, the main issue is the effect of the ground floor extension on the character and appearance of the host building and area, with regard to the Forest of Bowland Area of Outstanding Natural Beauty (AONB).

### Reasons

4. Sited in a relatively isolated location at the end of Eidsforth Lane, the property is a former pump building and underground tanks associated with a redundant covered reservoir. At the time of my visit, the planning permission for the

conversion was underway and the main underground tank was exposed to the side. There is a public right of way that runs to the north of the site.

5. At ground floor, the host building is a modest single storey structure, comprised of red brick walls and a dual pitched roof. It has a charming and subservient character, being a simple and traditional design, with stone lintels and proportionate openings. The ground floor element is the prominent and visible element of the scheme, with the lower ground floor accommodation being mostly underground.
6. The extant permission includes an extension to the side of the building, being around 5m long. Based on the approved plans that I have seen, this appears to be a proportionate extension that ensures the pump house retains its character and importance as the original building. This proposal would lengthen the approved extension by at least 2m to provide additional living accommodation.
7. Whilst the enlargement of the extension would be similar to the footprint of the lower ground floor, it would be significantly larger than the footprint of the ground floor. Furthermore, whilst the appellant refers to the extension being constructed of glass, the application form refers to timber cladding which also appears to be detailed on the plans. Therefore, owing to its scale, projection and solid mass, in comparison to the existing pump building, the proposal would be a disproportionate and overbearing addition. It would appear dominant and incongruous in this rural context and would detract from the original simple character of the host building.
8. Therefore, I find the proposal would be harmful to the character and appearance of the host property with resultant harm to the surrounding open countryside and AONB. It would be in conflict with Policies SP14 and H6 of the Wyre Borough Local Plan 1991-2006 (July 1999), which seek high standards of design and for conversions to maintain, or not detract from, the original character of the building. I also find conflict with the National Planning Policy Framework, particularly one of the core principles which is to always seek to secure high quality design.

### **Other Matters**

9. I acknowledge the building is a modest scale at ground floor. However, I have been presented with no substantive evidence that the living accommodation is substandard or lacking in basic facilities. Thus, the lack of space for a dining table and chairs would not outweigh the harmful effect of the proposal upon the host building.
10. I understand that the proposal would accommodate solar panels, and it is contended that its scale would be necessary in order to offset the appellant's air source heat pump. Solar panels are not the only way to generate renewable energy and their location upon a roof is not essential, therefore, I am not persuaded that this proposal would be necessary to accommodate the desired number of solar panels.
11. I am also not persuaded that the larger lower ground floor footprint results in an unbalanced dwelling. The conversion is unusual due to the former use and to my mind, the idiosyncratic layout is an intrinsic part of its overall character.

12. The proposed footprint of the adjacent dwelling is substantial, yet this is an entirely different scheme altogether and has little relevance to the appeal before me.
13. The site is relatively remote and not visible from a public road, but there is a nearby public footpath that would allow public views of the site. Whilst the footpath runs to the north of the site, views of the building would be available on approach from either direction. In any case, its remote location would not justify the harmful effect of the proposal upon the host building, nor would the lack of public objection.

**Conclusion**

14. For the reasons above, I conclude that the appeal should be dismissed.

*Katie McDonald*

INSPECTOR



---

## Appeal Decision

Site visit made on 23 January 2018

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

an Inspector appointed by the Secretary of State

Decision date: 8<sup>th</sup> February 2018

---

**Appeal Ref: APP/U2370/W/17/3187935**

**Graceland, Wardleys Lane, Hambleton, Poulton-Le-Fylde FY6 9DX**

- 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 Mrs Lisa Young against the decision of Wyre Borough Council.
  - The application Ref 16/00979/FUL, dated 2 August 2016, was refused by notice dated 27 April 2017.
  - The development proposed is described as "siting of temporary mobile home for a 3 year period for use in connection with stables".
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. There is a planning history relevant to the appeal, which I have taken into account. Planning permission was granted for the erection of a stable block (Ref 03/00445/FUL), and a further permission for a manege, alterations to the access and a new access road (Ref 07/00346/FUL) was approved in 2007.
3. Permission was sought for a three year period only. I have determined the appeal on that basis.

### Main Issue

4. The main issue is whether the proposal would be an appropriate form of development in this location, having regard to its effect on the character and appearance of the area and access to services.

### Reasons

#### *The Development Plan*

5. The appeal site is located approximately 1km from the centre of Hambleton, and is within the countryside for development plan purposes. The Council cites conflict with Policy SP13 of the Wyre Borough Local Plan 1991-2006 (adopted 1999). This is a restrictive policy that seeks to limit residential development in the countryside, unless it is essentially required for uses appropriate to a rural area. The appellant explains that a permanent presence is required to ensure the welfare and security of the horses, and to keep the site maintained. The keeping of horses could be considered to constitute a leisure use, which would be appropriate in a rural area.

6. However, the policy also requires an essential need. I am referred to the Code of Practice for the Welfare of Horses,<sup>1</sup> which sets out recommendations on providing a suitable environment for the keeping of horses. This guidance advocates regular and frequent inspection, but does not demonstrate that a permanent presence is required on the site. Regular inspection could be made by visits on a daily or twice daily basis, and the evidence to justify a 24 hour presence is limited.
7. The justification to Policy SP13 explains that it is part of the overall strategy for the control of development outside defined settlements. This includes enabling development that would satisfy a local need for housing. There is no information related to local need in this instance. Consequently, I consider that the development would conflict with Policy SP13.
8. Policy SP13 is partially concerned with the supply of housing, and the Council accepts that it cannot demonstrate a five-year housing supply. Paragraph 47 of the National Planning Policy Framework (the Framework) seeks to boost significantly the supply of housing, and paragraph 49 states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable sites.
9. In view of the housing shortfall, the Council indicates that the proposal should be considered in the context of the presumption in favour of sustainable development. On this basis, Paragraph 14 of the Framework is triggered. This states that where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless: (i) the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole; or (ii) specific policies in this Framework indicate development should be restricted. Footnote 9 of the Framework gives examples of specific policies which indicate that development should be restricted. This is not an exhaustive list and in the *Hopkins Homes* judgment the Supreme Court considered that it is to be read as including “the related development plan policies”.<sup>2</sup>
10. The site is within the designated area of open coastline. Policy ENV2 of the Local Plan states that, aside from certain exceptions which do not apply in this case, proposals for development will only be permitted where there is no detrimental effect on the open character of the defined open coastline. The justification explains that the policy reflects the importance of the open coastline and is aimed at preserving this scarce amenity and important nature conservation resource. Paragraph 109 of the Framework is concerned the natural environment and aims, amongst other things, to protect and enhance valued landscapes. I consider that policies in the Framework, and related Policy ENV2, indicate that development should be restricted in this location. Consequently, in the light of the second limb to the fourth bullet point of paragraph 14, as set out above (ii), it is first necessary to consider whether the application of the Framework and Policy ENV2, in relation to preserving the open character of the defined coastline, indicate that permission should be refused.

---

<sup>1</sup> Department for the Environment Food and Rural Affairs

<sup>2</sup> *Suffolk Coastal DC v Hopkins Homes Ltd & SSCLG and Richborough Estates & SSCLG v Cheshire East BC [2016] EWCA Civ 168*

### *Character and Appearance*

11. The appeal site comprises part of a larger field, which is in use as grazing land. It is occupied by a modest stable block close to the field access. The proposed development is a sectional timber log cabin, which would be sited upon a concrete base. Access would be via the existing field access off Wardleys Lane.
12. The land slopes down towards the River Wyre, which is clearly visible across the field. Although the development would be sited behind the stable block, close to a mature boundary hedge, it would be visible from several points along Wardleys Lane. The development would also be visible from the Wyre Estuary County Park, although I accept that it would not be overly prominent in views from across the river due to the simple design. Nonetheless, the proposal would be a relatively substantial and isolated building, which would be visible in the immediate locality. As such, it would affect the open character of the coastline and would result in harm to the defined landscape, contrary to Policy ENV2 of the Local Plan, and paragraph 109 of the Framework. Therefore, it is not necessary to apply the test set out in the first limb to the fourth bullet point of paragraph 14 of the Framework, as set out above (i).

### *Access to Services*

13. Paragraph 55 of the Framework states that new isolated homes in the countryside should be avoided, unless there are special circumstances, none of which apply in this case. The development would be located outside of the nearest settlement, and it would be isolated in terms of access to goods and services. I appreciate that the building would be sited close to a stable block. However, the stable block is a modest rural building of a type not uncommon in a countryside location. The proposed mobile home would introduce a residential form of development that would be isolated from the nearest houses. Therefore, I consider that the development would be isolated in terms of the Framework.
14. It is suggested that an on-site presence would reduce the existing number of journeys to the site by car, but this is likely to be offset by the needs of future occupants. The nearest facilities in Hambleton are limited and there is no evidence that the site is serviced by public transport. I appreciate that the appellant may ride to the local shops, but I do not consider this a reasonable means to obtain, for example, weekly shopping, access a doctor's surgery or other services further afield. Consequently, I consider that future occupants would be reliant on the private car and the benefit of fewer journeys to the site would be very limited.

### **Conclusion**

15. The proposed development would be sited in the countryside, and would be in conflict with Policy SP13, which seeks to restrict development outside defined settlements. The Council cannot demonstrate a five-year supply of deliverable housing sites. However, the development would also be in conflict with Policy ENV2, and specific policies in the Framework, which seek to protect defined or valued landscapes, for the reasons given above. Consequently, it is not necessary to apply the 'tilted balance' set out in the first limb to the fourth bullet point of paragraph 14 of the Framework.



16. The development would make a very small, and temporary, contribution to the local housing supply. It would make a minor contribution to the local economy during construction, and future occupants may support local services. There may also be some improvements to the appearance of the site due to maintenance, and the development may promote low carbon use due to its construction type. However, future occupants would be reliant on the private car to access essential goods and services. This would not accord with the environmental aims of the Framework, which seek to reduce reliance on private transport. Moreover, the development would have an adverse effect on the character of the open coastline, and it would not be an acceptable form of development in the local landscape, contrary to Policy SP14 of the Local Plan.
17. I have considered the caravan park to the north of the site, which is more prominent in views from the wider area. However, I do not know when this development was approved and what planning policy was in place at the time. In any event, the caravan park does not justify further development in this sensitive landscape.
18. Although the development would be temporary, it would be present on the site for up to three years and in that time it would have a harmful impact. Overall, I find that the marginal benefits of the development would not outweigh the harm.
19. For the reasons given above, the appeal is dismissed.

*Debbie Moore*

Inspector