



Appeal Decision

Site visit made on 29 January 2019

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 February 2019

Appeal Ref: APP/U2370/W/18/3211963

Land Adjacent to the Ridge, Bilsborrow Lane, Bilsborrow PR3 0RN

- 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 J Townley Ltd against the decision of Wyre Borough Council.
 - The application Ref 18/00220/OUT, dated 1 March 2018 was refused by notice dated 15 August 2018.
 - The development proposed is the proposed erection of 8 no. self-build dwellings and associated works.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was submitted in outline with all matters reserved for future consideration, except for access. Indicative plans have been submitted. These have formed part of my consideration of this appeal.

Main Issues

3. The main issues are: (1) whether the proposed development would accord with development plan policies relating to the location of development in the District; and (2) whether future occupants of the proposed development would have reasonable access to facilities and services.

Reasons

Planning policy

4. During the course of the appeal, the emerging Wyre Local Plan (eLP) has been found 'sound' subject to a number of Main Modifications. I therefore provided the main parties with an opportunity to comment. I have had regard to these comments in my decision. The Council explain that they anticipate that the eLP will be adopted on 28 February 2019, and that they consider eLP policies SP1, SP2, SP4, and CDMP6 to carry significant weight. I agree given that the eLP is at an advanced stage.
5. However, until this time, the development plan remains the Wyre Borough Local Plan (Local Plan) and eLP policies do not carry full development plan weight. In refusing planning permission the Council cited saved Local Plan policies SP13 and SP14 which the Council say carry substantial weight. The appellant does not challenge the Council's view that these policies are up-to-date and consistent with the National Planning Policy Framework (the Framework). However, the appellant questions whether the Council is able to demonstrate a five year supply of deliverable housing sites. I shall turn to this

matter later in my decision.

Location of development

6. The site, based on the Local Plan Proposals Map, is in an area designated as Open Countryside. The site lies between two residential dwellings at The Ridge and Harrison Cottage. Further dwellings line both sides of the lane as it rises away from Garstang Road (A6) to the west. St Hilda's church is to the east.
7. Local Plan Policy SP13 states that unless otherwise justified by the policies of the plan, development in that area designated as the countryside on the Proposals Map will not be permitted except for a number of listed criteria. Criterion E permits the development of a single infill plot within an established built up frontage of not less than five dwellings but only provided that it can be clearly demonstrated that such development would not have any detrimental effect on the character of that group or on the locality. While the site is within an established built up frontage of more than five dwellings, and the scheme would 'infill' between the neighbouring dwellings, the quantum of dwellings proposed and the scale of the plot means that the proposal would not be the development of a single infill plot.
8. I recognise that outline planning permission with access was granted by the Council¹ for two detached dwellings at the front of the site. However, there are significant differences between this scheme and the scheme that is before me, given the proposed number of dwellings. Although the layout is indicative the siting of the dwellings would be dictated by the site's ground levels and the extent of Flood Zone 3. As it would be extremely difficult to achieve anything else given the number of houses proposed, I attach considerable weight to this being the likely layout of the proposed development.
9. The Council is concerned about the proposal's effect on the character and pattern of development in the area. Local Plan Policy SP14 seeks high standards of design for all types of development. Development should also be acceptable in the local landscape in terms of its scale, mass, style, siting and use of materials.
10. The site is a large undeveloped parcel of land with an open semi-rural character. Bacchus Brook and mature trees run along the southern edge of the site. Beyond the trees and the brook is further countryside land with an open character. The two proposed frontage dwellings would dominate views from the lane. However, the alignment and length of the proposed access would clearly indicate that a far greater extent of development lies behind. Units 3 to 8 and any associated development would be likely to form an extended line of built form. Despite the varied ground levels, the proposal would cause a substantial change to the open character of the site in the context of the lane which is characterised by a linear form of development. As the appeal scheme would run contrary to this pattern of development, the proposal would not be a logical extension to development on the lane. Thus, even if I am wrong about the site not being a single infill plot, the proposal would be contrary to Local Plan Policy SP13 as it would have a detrimental effect on the semi-rural character of the area.
11. Accordingly, I conclude, on this issue, that the proposed development would

¹ Council Ref: 14/00874/FUL

not accord with development plan policies relating to the location of development in the District. The proposal would be contrary to Local Plan policies SP13 and SP14 to which I attach substantial weight given their consistency with the Framework. These policies jointly permit, among other things, the development of a single infill plot within an established built up frontage provided that it can be clearly demonstrated that such development would not have any detrimental effect on the character of the locality.

12. In terms of the eLP, the appellant submitted representations to the examining Inspector that the site ought to be included within the proposed settlement boundary for Bilsborrow as part of the eLP process. Following the Inspectors Report, I note that the draft Policies Map will now need to be updated, but no changes are to be made to the settlement boundary of Bilsborrow.
13. Even if eLP Policy SP1 encourages growth, and there is an approach to disperse development across the borough's main settlements, development is still anticipated to be delivered within the settlement boundaries proposed, which the appeal site, mainly falls outside of. Even if there has been a reduction in the number of small sites with planning permission in Bilsborrow, development in the countryside will only be supported by another policy in the eLP. However, I conclude, that the proposal as a whole would not accord with eLP policies SP1 (5) and SP4 (2), which jointly say that new built development outside of the defined boundaries will be strictly limited unless it accords with the purposes listed. The Main Modification to eLP Policy SP4 (1) says that *"the open and rural character of the countryside will be recognised for its intrinsic character and beauty. Development which adversely impacts on the open and rural character of the countryside will not be permitted unless it is demonstrated that the harm to the open and rural character is necessary to achieve substantial public benefits that outweigh the harm."* Given my findings around character, the proposal would conflict with eLP policies SP2 and SP4 (1), but I shall assess whether there are substantial public benefits that would outweigh this harm later in my decision as required by eLP Policy SP4 (1).

Facilities and services

14. Bilsborrow offers a good range of facilities and services that would cater for future occupants day-to-day needs. This includes the provision of a bus service. The proposal would not therefore result in the development of isolated homes in the countryside. The main parties' dispute centres around pedestrian connectivity and accessibility between the site and the A6 which is the main focal point for facilities and services in Bilsborrow.
15. There is no pedestrian footway connecting the site to the A6. The lane is lit, fairly straight, and wide enough for two vehicles to pass, although it does undulate and gradually fall towards its junction with the A6. These conditions generally apply to the east of the site also, except a narrow footway extends in front of the church, before developing into footways on both sides of the road at the railway bridge.
16. New pedestrian footways are proposed along the lane in both directions from the proposed access. The footways would extend across The Ridge and as far as Harrison Cottage. Given the current highway conditions, safe pedestrian routes for future occupants would therefore be formed from each of the dwellings as far as the extent of the footways along the lane, subject to the imposition of planning conditions. This would encourage pedestrian journeys,

albeit pedestrians would need to share the lane with other road users for journeys to and from the A6 and between Harrison Cottage and the existing footways to the east. While the absence of a section of footway is not ideal, there is no substantive evidence to suggest that the existing use of the lane without larger sections of footway has led to poor connectivity or that existing residents on the lane rely on the private car to make the short journey to the services and facilities in Bilsborrow.

17. Even though the proposal is likely to increase the number of people using the lane on foot I conclude, on this issue, that the proposal would accord with Local Plan Policy SP14 as satisfactory access would be formed, and eLP policies SP2 and CDMP6 as the safe, efficient and accessible movement of all highway users would be achieved. These eLP policies carry significant weight.

The Planning Balance

18. Considerable evidence has been put to me about whether the Council can demonstrate a five year supply of deliverable housing sites. Until the eLP is adopted, the Council say that they currently have a supply equivalent to 11.2 years. The Council state they have calculated this figure using the new standard methodology using the 2016 household projections, applying a 5% buffer. However, this figure has not been examined and the appellant has raised doubts about the Council's approach. I note upon adoption of the eLP that the Council would be able to demonstrate a five year supply.
19. Notwithstanding this, the appellant says that the Local Plan and eLP are silent in terms of the provision of self-build housing. The term 'silent' is not defined, but the Local Plan and eLP are not silent on the Council's approach to housing proposals, as they contain bodies of policy, albeit one is not yet adopted, relevant to the proposal at hand to enable the scheme to be judged against. I note the Examining Inspector says that "*there is limited need for self-build housing taking into account evidence from the self-build register. The small need would be met through the plentiful supply of plots with permission for one or two dwellings.*" However, this relates to eLP policies and not development plan policies which pre-date changes to national policy and guidance together with The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016). As a result, despite the Council's position in respect of housing supply and the eLP, I consider that the development plan policies cited are out-of-date as they are based on delivering housing in certain locations and where they meet at least one of several considerations.
20. Hence, for decision-taking, Framework paragraph 11 d) states that: where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
21. Framework paragraph 61 says that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. This includes people wishing to commission or build their own homes. Such housing can be either market or affordable housing.
22. The proposal would contribute to meeting the Borough's housing provision, to which there is no ceiling, and the scheme could, pending a grant of reserved

matters, be built-out relatively quickly. Moreover, the proposal would support the provision of a number of self-build homes in a location near to a range of facilities and services, including sustainable transport modes. I give moderate weight to these matters due to the Framework's objective to significantly boosting the supply of homes and supportive stance towards people wishing to commission or build their own homes.

23. Moderate positive benefits would also stem from the proposal which would contribute to the economic, social and environmental objectives through the provision of jobs and spending during the construction phase; spending in the local economy by future occupants; the efficient use of land; and the provision of car parking and access. The site could also be developed without increasing the risk of flooding, and causing harm to biodiversity or heritage assets. These matters carry neutral weight in the planning balance.
24. Framework paragraph 84 states that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. While matters of scale, layout, appearance and landscaping are not considerations before me, and the dwellings, in themselves, could be suitably be designed to respond to the character and appearance of the area, I attach significant negative weight to the conflict that would be caused to the open countryside, and thus, the social and environmental objectives of the Framework.

Conclusion

25. I have concluded in my first main issue that the proposal would be contrary to Local Plan policies SP13 and SP14 and eLP policies SP1 (5) and SP4 (2). Significant harm would stem from this conflict. Balanced against this are my findings in the second main issue and the proposal's compliance with Local Plan Policy SP14 and eLP policies SP2 and CDMP6. I have also given moderate weight to the scheme's contribution to the supply of housing, and the provision of self-built plots, and moderate or neutral weight to the proposal's other considerations. Thus, there are no substantial public benefits in this case that would outweigh the harm that I have identified. It follows that the proposal would conflict with eLP Policy SP4 (1).
26. Hence, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Thus, planning permission should not be granted and the proposal would not represent sustainable development. The material considerations do not justify making a decision other than in accordance with the development plan.
27. For the reasons set out above, I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR