
Appeal Decision

Site visit made on 15 January 2019

by Sarah Manchester BSc (Hons) MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 31st May 2019

Appeal Ref: APP/U2370/W/18/3212723

Land adjacent to Lower House Barn, Park Lane, Forton PR3 0JX

- 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 & Mrs Brown against the decision of Wyre Borough Council.
 - The application Ref 18/00427/OUT, dated 24 April 2018, was refused by notice dated 27 July 2018.
 - The development proposed is described as an outline application for the erection of up to 2 no. dwellings with access.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The planning application was in outline with all matters reserved except for access. The application was supported originally by an indicative Proposed Site Plan (ref 2615/02A) to demonstrate how the scheme could be achieved. Following discussions between the parties, an amended plan (ref 2615/02B) was subsequently accepted and considered by the Council. The appellants have commented to this appeal that they consider the original Plan to be the most appropriate, given the Council's concerns and reasons for refusal. Notwithstanding that the differences between the plans appear minor, Plan ref 2615/02A was not the scheme that was considered by the Council and I cannot therefore be certain that interested parties would not be prejudiced if I were to accept it. Accordingly, I have determined the appeal on the basis of the plans which were determined by the Council.
3. In February 2019, after the Council determined this application, it adopted the Wyre Local Plan 2011-2031 (the Local Plan). Consequently, Policies SP13 and SP14 of the Wyre Borough Local Plan 1991-2006 adopted July 1999 cited in the Council's decision notice have been superseded. They are not therefore relevant to my consideration of the appeal, which must be determined in accordance with the current development plan. From the evidence before me, the relevant policies are SP1, SP2, SP4, CDMP1, CDMP3 and CDMP6.
4. The Local Plan was an advanced stage when the appeal was submitted, and there were no unresolved objections to the aforementioned policies at that time. Notwithstanding that the emerging Local Plan did not carry full weight, both parties were aware of, and had the opportunity to comment on, the policies contained within it and which have now been adopted. I am therefore

satisfied that neither party has been prejudiced by my determination of the appeal on the basis.

Main Issues

5. The main issues are:

- i) whether the appeal site is in a suitable location for new residential development, having regard to local and national policy for the delivery of housing; and
- ii) the effects of the proposed development on the character and appearance of the area.

Reasons

The suitability of the location for residential development

6. The appeal site is an undeveloped parcel of land on the western side of Park Lane between Lower House Barn and Park Lane Cottage. It is approximately 2.5 kilometres from the rural settlement of Forton and, for the purposes of planning policy, it is in the countryside.
7. Policy SP1 of the Local Plan is the Council's locational strategy. This is based on the hierarchy of settlements in the borough and seeks to focus development in more accessible locations which are better served by facilities and services. In the countryside outside of defined settlement boundaries, proposed development is restricted unless there is specific support from other policies in the Local Plan. This includes Policy SP4 which sets out the types of development that may be acceptable in the countryside beyond defined settlements. In this case, the small cluster of properties at the appeal site location is not a defined rural settlement for the purposes of the locational strategy. Open market dwellings, such as are proposed here, are not one of the types of development that would be supported in the countryside. None of the other listed exceptions apply to the proposed development.
8. Park Lane is a rural road passing through open countryside, with scattered individual dwellings and small groups of properties. The site is not remote from other dwellings and the proposal would not therefore result in the creation of isolated homes in the countryside, which the National Planning Policy Framework (the Framework) seeks to avoid. However, the location is nevertheless remote from services and facilities. Consequently, the need to travel would not be minimised and future occupiers would be heavily reliant on private cars for access to services.
9. The distance from the appeal site to larger settlements with a reasonable range of services and facilities is beyond what could be considered a short or convenient walk. Certainly, close to the appeal site, Park Lane is largely unlit, with a discontinuous and narrow footway, and no apparent speed restrictions. It is not therefore conducive to travel on foot. While Forton would be accessible by bicycle, as would the more distant larger settlements of Garstang and Lancaster, it seems reasonably unlikely that future occupiers would meet their daily needs by bicycle. Moreover, the nearest bus stop is located over 2 km away on the A6 and, as such, there are no realistic opportunities to access public transport from this location. As a result, there would be no reasonable

opportunities for future occupiers to meet their daily needs by sustainable modes of transport.

10. I am aware that proposals for rural housing have previously been approved elsewhere in the district, including on appeal¹. However, they differ from the current scheme in key respects, including the distance to shops and services, the character of roads and the accessibility of public transport, the re-use of existing buildings, and the benefits associated with the schemes. They were also determined prior to the adoption of the new Local Plan. They are not therefore directly comparable to the scheme before me.
11. Permission has been granted (ref 13/00402/FUL) for conversion of a workshop to a residential dwelling approximately 90 metres to the north east of appeal site. However, not only was that scheme determined in a different policy context, but it also related to the re-use of an existing building. It is therefore not directly comparable with the appeal scheme.
12. I therefore conclude that the appeal site is not in a suitable location for up to 2 new dwellings, having regard to local and national planning policy for the provision of housing. The location is in conflict with the development plan, including policies SP1, SP2, SP4 and CDMP6. These require, amongst other things, that residential development is focused towards existing settlements where it will support the local economy, minimising the need to travel by car and encouraging more sustainable forms of transport. Conversely, away from established settlements, the policies seek to avoid new housing development in the countryside without exceptional justification. It would also conflict with the requirements of the Framework which, among other things, promote accessible locations and require housing to be located where it will contribute to the vitality of rural communities.

Character and appearance

13. The appeal site is an undeveloped parcel of land extending to approximately 0.1 hectares, accessed from Park Lane between Lower House Barn and Park Lane Cottage. It is within a loosely aggregated and somewhat isolated group of buildings including dwelling houses, barns and converted barns. Buildings tend to have long front elevations in proximity to the road, are unevenly spaced and set in generous plots. The area has a traditional rural character and appearance.
14. While the detailed layout and appearance would be a reserved matter, there is an indicative Proposed Site Plan. This shows 2 dwellings in close proximity to one another and the side boundaries and set back from Park Lane behind the shared access. While the adjacent properties to the south are closely spaced, this is a function of their traditional rural origins as a farm and barn and is therefore in keeping with the surrounding area. Irrespective of the illustrative nature of the Plan, the site layout would be constrained to a large extent by the need to allow vehicles to both enter and leave the site in forward gear. The resulting proposed arrangement of properties set back behind a shared vehicular access, parking and turning areas, would be a more overtly modern and urban arrangement than exhibited by the surrounding properties. Consequently, it would not respect the character of the area or integrate well with the surrounding rural built environment.

¹ APP/U2370/W/17/3172417 and APP/E2340/W/18/3200240

15. The small size of the gardens would not be consistent with the more generously sized plots elsewhere in the area and would result in an uncharacteristic form of development in this rural setting. The proposed development would appear more prominent as a result of the loss of vegetation to the site boundary with Park Lane, as would be necessary to provide adequate visibility to the highway. While the indicative layout suggests that 2 Scots Pine could be retained adjacent to the road for screening purposes, my impression is that these are relatively poor specimens that would not screen the development from view. Their retention could not in any case be guaranteed to provide a permanent screen.
16. I therefore conclude that the proposed development would significantly harm the character and appearance of the area. It would conflict with the development plan, including policy SP4, CDMP1 and CDMP3 of the Local Plan. These policies seek to avoid harm to the character of the countryside and require development to respect its surroundings and make a positive contribution to the character of the local area. It would also conflict with policies in the Framework, in part as a result of its failure to improve the character and quality of the area.

Planning Balance

17. At the time of determination, the Council was unable to demonstrate a 5 year housing supply (5YHLS). The Council's appeal statement subsequently demonstrated in excess of a 5YHLS. This revised position was accepted by the appellants, although they maintained that the emerging Local Plan did not make sufficient provision for housing and was therefore in conflict with the Framework. However, Paragraph 74 of the Framework states that a 5YHLS can be demonstrated where it has been established in a recently adopted plan. This is the case here. Full weight can now be afforded to the adopted Local Plan policies, and the presumption in favour of sustainable development does not apply.
18. The proposed development would make a small contribution to the supply of housing. Economic benefits would be minimal, primarily associated with the construction phase and therefore short-term. Any social benefits would be significantly limited by its location, as future occupants would be overly reliant on private transport and would consequently make little contribution to the vitality of the scattered rural community. However, the proposal is in a location which is contrary to the Council's spatial strategy. In addition, there would be significant harm to the character and appearance of the area. These harms would clearly outweigh the very limited social and economic benefits of the proposal.

Conclusion

19. I have found that the proposal would conflict with the development plan and there are no other considerations, including the advice of the Framework, that outweigh that conflict. For this reason, the appeal should be dismissed.

Sarah Manchester

INSPECTOR