



## Appeal Decision

Site visit made on 20 August 2019

**by Elizabeth Hill BSc(Hons) BPhil MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 05 September 2019**

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**Appeal Ref: APP/U2370/W/18/3214908**

**Island Farm, Cartmell Lane, Nateby, Lancs, PR3 0LU**

- 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 Meanley Estate against the decision of Wyre Borough Council.
  - The application Ref 17/00134/OUT, dated 25 January 2017, was refused by notice dated 27 April 2018.
  - The development proposed is the demolition of existing buildings and construction of 5 no. detached dwellings.
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### Decision

1. The appeal is dismissed.

### Preliminary matters

2. The application is in outline form with access and layout to be determined at this stage.
3. Since the determination of the application, a revised version of the National Planning Policy Framework (NPPF) has been published. In addition, a new Local Plan, the Wyre Local Plan 2011-2031 (LP) has been adopted by the Council. I have determined the appeal on the basis of these documents.
4. Footnote 38 of the NPPF states that plans adopted within the timescale that this LP was adopted will be treated as a "recently adopted plan" with regard to housing land supply. This means that the Council has a deliverable 5-year land supply, a position which cannot be challenged until 31 October 2019. This is a change from the position at the time of the determination of the application.

### Main Issues

5. In their statement the Council say that an acoustic survey has been submitted and, subject to conditions which would ensure the provision of a 1.8m acoustic fence and double-glazing, they have withdrawn Reason for Refusal 3 on noise. Similarly, a heritage report has now been submitted, which finds that there are better examples of the buildings to be demolished in the wider area and therefore, subject to a condition requiring the recording of the buildings, there would be no objections to their demolition. Therefore, the Council has also withdrawn Reason for Refusal 6. The other reasons for refusal remain in place.
6. Therefore, the main issues in this case are:

- a) Whether the proposal would be in an appropriate location for development, having regard to national and local planning policy which seek to manage the location of new development;
- b) The impact of the development on the character and appearance of the area;
- c) The impact of the proposal on the living conditions of future occupiers, in terms of privacy; and,
- d) The impact of the proposal on ecology.

## **Reasons**

### *Location*

7. The proposed development would be located within a cluster of buildings adjacent to Island Farm. These include a bowling green and clubhouse, a business centre, some other buildings used for commercial purposes and two houses immediately adjacent to the site, one of which was a farmhouse. There are a further two dwellings nearby but these are outside the visual envelope of the site. As there are other buildings around the site it cannot be said to be isolated or on its own but given the very limited number of dwellings around the proposal I do not consider that Island Farm is a settlement in itself. It is one of a number of farmsteads across the countryside in the local area where there is more than one dwelling and where former farm buildings have gradually been used for commercial uses, which can be appropriate in terms of countryside policy and farm diversification. The wider site is unusual in that planning permission was granted in 2003 for a number of new commercial buildings, but these would have been considered under development plan policies other than those which cover residential development.
8. Policy SP1 of the LP sets out the development strategy for the Borough and includes a hierarchy of settlements, beyond which is the countryside. Policy SP4 of the LP sets out policy for development in countryside areas. This policy is part of the newly adopted plan and the Council's view is that it complies with the NPPF. Section 1 of the policy relates to the impact on the character and appearance of the area and is discussed in the second main issue. The other sections of the policy relate to the types of development that will be allowed within the countryside areas and is similar to paragraph 79 of the NPPF. The development is not within any of these categories. Paragraph 78 of the NPPF states that in rural areas housing should be located where it will enhance or maintain the vitality of rural communities but the final sentence makes it clear that this relates to villages or groups of villages. In any event, there is no evidence that further support is needed to the school and chapel in the village of Nateby and Garstang appears to be a thriving small town with a range of facilities. In addition, the proposal would not be for a rural exception site or be bringing forward any affordable housing and therefore would not be supported by paragraph 77 of the NPPF.
9. The site is about 1.2km from the nearest settlement, Nateby, which is a village with only limited facilities, including a primary school and chapel. The nearest centre is Garstang with a range of shops and facilities, including bus services, which is about 3.6km away. Although this is within cyclable distance, the nature of the roads locally, in terms of width, bends, traffic and surfacing would

be likely to deter cycling. There are no dedicated footways or cycling facilities on the route likely to be taken by walkers or cyclists. Therefore, I consider that the site is not accessible by any sustainable transport means and, even having regard to its rural location, the development would necessitate more car journeys in the local area. This would be contrary to Policy SP2 of the LP which, amongst other matters, seeks to ensure accessible places and minimise the need to travel by car.

10. The appellant says that there is a fallback position of using permitted development rights to convert the existing brick buildings to residential use and the sustainability of this type of development is not questioned. However, those buildings already exist and can already be used for development that could generate trips by car. Additionally, the development makes use of an existing resource, the building, and does not relate to new-build residential development. Although I have not been made aware of the full circumstances of the prior approval at Elm Farm, Station Lane, from office to residential, this was in an existing building. There are employment opportunities nearby but it is by no means certain that anyone choosing to live in any new housing would work there and reduce the need to travel by car.
11. Therefore, I conclude that the proposed development would not be in an appropriate location for development, having regard to national and local planning policies which seek to manage the location of new development, namely Policy SP4 of the LP and paragraphs 77-79 of the NPPF.

#### *Character and appearance*

12. As already stated above, this rural area is characterised by sporadic farmsteads along the lanes, including Fowler's Farm to the west of the site, some with more than one dwelling and some which have developed other employment uses. Although the Island Farm site has a larger employment component than some of the others locally, apart from the bowling green, the existing development on the site is typical of the range of development locally.
13. The proposal would introduce five detached dwellings in a row at a right angle to the road, partly on the footprint of the existing buildings. In this area, generally dwellings are well spaced and set apart from each other and well back from the road, allowing a more open pattern of development. Whilst views of the site are somewhat contained and the footprint would only be a small increase on the existing one, the urbanising nature of the development together with parking and other activities linked to the residential use of the site would have an adverse effect on the countryside. The employment uses nearby have some parking but that is clearly related to that use. Although appearance and scale are reserved matters, the layout of the proposal is for determination at this stage and would not be in keeping with the character of the area.
14. The proposal would mean the loss of farm buildings, one of which is modern but the other two are older and traditionally built. Whilst there is no objection to the demolition of these buildings, the older ones have some heritage value and the group as a whole are in keeping with the character and appearance of other farmsteads in the surrounding rural area. Although the appellant claims the new development would be an improvement over what is on site currently, the buildings relate to their former agricultural uses and are in keeping with the location in the countryside, whereas the proposal would not do so.

15. Therefore, I conclude that the proposed development would be harmful to the character and appearance of the area, and contrary to Policy SP14 of the LP, which seeks high standards of design and amenity for all types of development.

*Living conditions*

16. Island Farm is in a slightly elevated position to the site and separated from it by a driveway to a building in employment use beyond. As part of the noise mitigation, the appellant has proposed a 1.8m acoustic fence along the boundary of Plot 1 to the drive, which has been agreed as appropriate in terms of noise by the Council.
17. However, Island Farm has windows at ground and first floor level which would overlook the rear garden to Plot 1. The proposed fence would only protect from views from the ground floor level and the garden would be overlooked at close quarters in views from the first floor windows, which are only about 5m from the boundary, in the Council's estimate. Landscaping, which is a reserved matter, is shown along this boundary but would need to be of some height and density to protect the privacy of the garden. Any landscaping would take some time to mature and during this time there would continue to be an adverse effect on privacy. The landscaping could also have other implications for the private amenity space in terms of shading. Whilst the appellant says that no separation distances are set out for the gardens of new housing in any of the Council's LP policies or planning guidance, Policy SP14 of the LP requires that siting and design of proposals do not prejudice residential amenity.
18. Therefore, I conclude that the proposed development would be harmful to the living conditions of the occupiers of Plot 1 in terms of privacy, which would be contrary to Policy SP14 of the LP.

*Ecology*

19. Since the refusal of planning permission, a bat survey has been produced which shows that the traditional buildings have bat roosts within them and would require a licence under other legislation from Natural England (NE) to deal with their removal. This is only usually issued once planning permission has been granted.
20. In order for the licence to be granted, NE requires 3 tests for the development to be met: (a) Preserving public health or public safety or other imperative reasons of overriding public interest; (b) There is no satisfactory alternative; and (c) The action will not be detrimental to maintaining the population of the species concerned at a favourable conservation status in its natural range. As competent authority Regulation 9(3) places a duty on Inspectors to have regard to the requirements of the Habitats Directive in the exercise of their functions. In cases where the proposed development could cause harm to European Protected Species, as is the case here, I must consider whether there is a reasonable prospect of a licence being granted and apply the three tests.
21. In terms of the first test, the proposal would not preserve public health or public safety. Although there would be some benefit in the provision of additional housing, since the Council now has a 5-year housing land supply, this has little weight and could not be considered an imperative reason of overriding public interest. The second test is that there is no satisfactory alternative. The LP process will have brought forward many other housing sites

and I have already found that the location of this site would not be in accordance with policies which seek to guide development to sustainable locations. Therefore, there will be other more suitable locations in which housing development can be built in the District. The final test is an ecological one, which the local ecological unit say would be met. However, all three tests have to be met and therefore there would not be a reasonable prospect that NE would grant a licence for this development.

22. Therefore, the proposal would be contrary to Policy CDMP4 of the LP, which seeks to protect habitats and protected species.

### **Planning balance**

23. The site is a brownfield one which should have priority over greenfield land and the scheme would boost the supply of housing in the area. However, the LP has ensured a 5-year housing land supply and therefore the development of this site in an unsustainable location has little weight. There might be some temporary employment during the course of development but this is a small number of houses to be built over a limited time and would also have little weight. There would be an increase in surveillance and security of the Island Farm area but there are already dwellings on the site which perform this purpose. I have also noted that there is some general support from the local Parish Council.
24. However, none of these matters would outweigh the harm which I have already identified in terms of the proposal's location and to the character and appearance of the area, the living conditions of the future occupiers of Plot 1 in terms of privacy and ecology.

### **Conclusions**

25. Therefore, for the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*E A Hill*

INSPECTOR