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## Appeal Decision

Site visit made on 3 September 2019

by **Katie McDonald MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 September 2019

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**Appeal Ref: APP/U2370/W/19/3230158**

**Land to the west of Carr Lane, south of The Beeches, Hambleton**

- 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 Mrs M Cornthwaite against the decision of Wyre Borough Council.
  - The application Ref 18/00625/OUTMAJ, dated 25 June 2018, was refused by notice dated 11 March 2019.
  - The development proposed is the development of agricultural site to B1 Commercial Use, with construction of 3 buildings and landscaping improvements.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. I have used the address given on the appeal form and Council's decision notice as this is more accurate than the planning application form.
3. The appeal is for outline planning permission with all matters reserved. Indicative plans relating to the layout and drainage have been submitted and I have had regard to them so far as relevant to the proposal before me.
4. The appellant has indicated in her statement that the proposal is for Use Class B1(c), and not Use Class B1(a) as detailed on the planning application form. However, the proposal was publicly consulted upon and determined by the Council as Use Class B1(a). The appeal process should not be used to evolve a scheme and it is important that what is considered by me is essentially what was considered by the Council, and on which interested people's views were sought. Therefore, I shall proceed to determine the appeal based upon the buildings being used as Use Class B1(a).

### Main Issues

5. The main issues are:
  - i) whether the proposal would be in a suitable location for new industrial development;
  - ii) the effect of the proposal upon the character and appearance of the area; and,
  - iii) the effect of the proposal upon the vitality of the nearby town, district, local and neighbourhood centres.

## Reasons

6. Located off Carr Lane around one third of a mile from Hambleton village, the site is an open, flat and undeveloped agricultural field defined as Countryside in the Wyre Local Plan 2011-2031 (February 2019) (LP). To the north of the site are 2 dwellings, along with dwellings and small industrial units opposite. Travelling north from Hambleton village, there are numerous developments located along Carr Lane, interspersed with open fields. As the land form is flat and hedges are relatively low in height, views of the countryside are evident, and the site forms part of a larger open field to the rear and side.
7. The proposal is for 3 industrial buildings, detailed as Use Class B1(a) (an office other than a use within class A2 (financial and professional services)). The appellant indicates that these would be split into small or medium-sized enterprises, and the indicative plan shows them being loosely based around a central parking courtyard, in a 'C' shape, creating 9 separate units.

### Location

8. The expansion of businesses in rural areas would be an appropriate development within the countryside, as detailed in Policy SP4 of the LP. However, this must be in accordance with Policy EP8 of the LP. Part 2 of Policy EP8 seeks to support the expansion of existing businesses within countryside areas.
9. The appellant claims that one of the units would accommodate her local farming business, yet I have very little information about what the appellant's local farming business is or does, if this would be an office use, if this would help to diversify the rural economy, or if this is located in the countryside currently. Moreover, only one of the units would be occupied by the appellant. Additionally, of the 4 letters of support from businesses provided by the appellant, only one of these would be an office use and this does not appear to be currently located within a countryside area. Notwithstanding this, even if I were to accept that 2 units were to be occupied by existing businesses within countryside areas; this would still leave a substantial proportion of the site unoccupied.
10. Whilst I have little to doubt that these other units may not become occupied over time, the policy test for this type of new development is the expansion of *existing* [my emphasis] businesses within countryside areas. Based upon the evidence before me, the proposal is ultimately speculative, and given its location on an open and undeveloped field, I find it would be an entirely new development, and not the expansion of existing businesses within the countryside area.
11. Furthermore, as the LP is recently adopted, the assertions from the appellant regarding the inability to deliver employment land or housing land are unsubstantiated. On the contrary, the LP includes site allocations to accommodate the anticipated employment growth across the Wyre area, and sets out a minimum requirement to deliver 43 hectares of employment land over the plan period. Thus, I agree with the Council that there is not an un-met need of employment land; and the LP, in line with the National Planning Policy Framework (the Framework), facilitates the sustainable growth and expansion of all types of business in rural areas, ensuring sites are available in the right

places and at the right time to support sustainable growth, innovation and improved productivity.

12. The site is close to Hambleton, and likely to be within walking distance. It may also offer employment opportunities to residents of the village. However, there is no street lighting outside of the village, which would make walking less favourable in winter months; and added to this, the approximately hourly bus service is relatively infrequent. Furthermore, the site is allocated as countryside and outside the defined development boundaries or any allocated employment sites, such that the application of development plan policies is different, despite the proximity to the village.
13. The site opposite appears to be used for light industrial purposes. However, this site looks to have been in situ for a long period of time and is perhaps of former agricultural use, which may have been subject to a conversion and a different policy test. Furthermore, each proposal stands to be determined upon its own merits.
14. Therefore, having considered all the evidence before me, the location of this proposal in the countryside area would be unsuitable and harmful. This would be contrary to Policies SP1, SP2, SP4 and EP8 of the LP, which together seek to protect the countryside and manage appropriate sustainable development in a way that supports rural communities and the rural economy whilst maintaining its essential attributes. It would also be contrary to the Framework, which seeks to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time.

#### *Character and appearance*

15. The proposal is outline with all matters reserved and therefore the effect upon the character and appearance of the area is difficult to determine at this stage. Nevertheless, the development of a 0.97 hectare site with 1,284 square metres<sup>1</sup> of floor space for 3 light industrial buildings would clearly influence the open and rural character and appearance.
16. Whilst there are several developments along Carr Lane, development of the site would create another parcel of development in the countryside. As there would be no policy compliance for its location, and therefore no material reasons for allowing this proposal; the intrinsic character and beauty of the countryside is likely to be harmed by the sizeable development, even accounting for any landscaping. It would fundamentally erode the openness and undeveloped nature of the site and introduce more built development into this rural area.
17. Consequently, the proposal would have a harmful and unacceptable effect upon the character and appearance of the area. This would be contrary to Policies SP1, SP2, SP4, EP8 and CDMP3 of the LP. Together, these policies seek to ensure sustainable development that recognises the open and rural character of the countryside for its intrinsic character and beauty. It would also be contrary to the Framework, which seeks to ensure sustainable development contributes to protecting and enhancing our natural environment.

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<sup>1</sup> As indicated on the Planning Application Form

*Vitality of the nearby town, district, local and neighbourhood centres*

18. The proposal is for Use Class B1(a), which is an office use. This is regarded as a main town centre use within the Framework. As the development is not specifically supported by another policy in the LP, it must be demonstrated that there is no sequentially preferable site available within the defined town, district, local and neighbourhood centres as required by Policy EP5 of the LP. I do not have such a sequential test before me and thus am unable to determine the effect of the proposal upon the defined nearby centres.
19. Moreover, despite my ruling regarding my consideration of Use Class B1(c), the letters included in the appellant's appendices are not indicative of the intention to run small workshops. One letter is from a veterinary practice, one from an accountancy firm looking for office premises and another seeks a storage area. The fourth letter indicates use of a premises for running an online retail shop.
20. Furthermore, whilst the letter from the accountancy firm indicates a lack of suitable offices in Wyre and Fylde, I have little evidence to substantiate this claim. Also, as the LP sets out a minimum requirement to deliver 43 hectares of employment land over the development plan period, it is likely that this need would be remedied without the development of this site.
21. Lastly, the appellant's intentions to run her business from one of the units is of limited weight given I have very little information about what the business is or does.
22. Consequently, without a sequential test, I must conclude that the proposal would have a harmful effect upon the vitality of nearby centres. This would conflict with Policy EP5 of the LP, which seeks to maintain the vitality of all town, district and local centres. I also find conflict with the Framework, which seeks to support the role that town centres play at the heart of local communities.

**Other Matters**

23. The site lies within Flood Zone 3a and is subject to high flood risk from tidal sources. The Framework seeks to avoid increased vulnerability to the range of impacts arising from climate change and requires the completion of a sequential test. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
24. The appellant has submitted a Flood Risk Sequential Test with the appeal and the Council now accepts that Nicholson's Farm on Ratcliffe Wharf Lane would not be sequentially preferable. The appellant has also submitted a Supplementary Statement<sup>2</sup> to the Sequential Flood Risk Assessment which considers 4 draft allocated sites. Two of these sites are in Catterall, one at Forton and one at Great Eccleston. I have little information from either party regarding whether these sites were adopted in the LP.
25. The Supplementary Statement discounts these 4 sites for various reasons and the Council provides very little commentary on the evidence. Whilst I have little knowledge of the current status of these sites, the reasons given for them not

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<sup>2</sup> Dated January 2019

being sequentially preferable, in the main, relates to availability. However, if they were allocated in the LP, in order for the development plan to have been found sound, they would have been required to have been reasonably available for development purposes, despite the asserted requirements for masterplans.

26. That said, there are gaps in my knowledge and limited evidence concerning the Supplementary Statement is presented from the Council. Nonetheless, even if I were to accept all the appellant's evidence and conclude that there are no sequentially preferable sites with a lower risk of flooding; this conclusion would come nowhere near to outweighing the harm I have outlined above.

**Conclusion**

27. For the reasons set out above, I conclude that the appeal should be dismissed.

*Katie McDonald*

INSPECTOR