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## Appeal Decision

Site visit made on 25 October 2016

**by I Jenkins BSc CEng MICE MCIWEM**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 15 November 2016**

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**Appeal Ref: APP/U2370/W/16/3153014**

**Bloomfield Garage, Cockerham Road, Lancashire, Forton, LA2 0HE**

- 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 G Capstick against the decision of Wyre Borough Council.
  - The application Ref. 16/00354/OUT, dated 2 March 2016, was refused by notice dated 8 June 2016.
  - The development proposed is 4 residential dwellings on existing haulage yard/depot.
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### Decision

1. The appeal is allowed and outline planning permission is granted for 4 residential dwellings on existing haulage yard/depot at Bloomfield Garage, Cockerham Road, Lancashire, Forton, LA2 0HE in accordance with the terms of the application, Ref. 16/00354/OUT, dated 2 March 2016, subject to the conditions set out in the Schedule of Conditions at the end of this decision.

### Procedural matters

2. The development for which planning permission is sought in this case is in outline with all matters, except access, reserved for future consideration.

### Main Issue

3. I consider that the main issue in this case is whether the proposal would amount to sustainable development, with reference to accessibility, amongst other things.

### Reasons

4. The appeal site, which fronts onto the southern side of Cockerham Road, is currently used as a haulage yard. In relation to a building that abuts the western boundary of the site, planning permission has been granted for a change of use from a barn (part residential) to a single dwelling. To the west of that building is Bloomfield House and opposite the appeal site, on the northern side of Cockerham Road, there are a significant number of residential properties. There are fields to the east and south of the site. The proposal involves residential re-use of the appeal site, with the erection of 4 dwellings.
  5. I understand that the site forms part of an area designated as countryside on the Proposals Map of the *Wyre Borough Local Plan 1999* (LP). LP Policy SP13 indicates that, unless otherwise justified by the policies of the plan, development in the area designated as the countryside on the Proposals Map
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will not be permitted, subject to a number of identified exceptions. The Council has confirmed that the proposal would not meet the exceptions criteria and this is not disputed by the appellant. It follows that the scheme would conflict with LP Policy SP13.

6. However, the Council has stated that it is unable to demonstrate a 5 year supply of deliverable housing sites. The *National Planning Policy Framework* (the Framework) indicates that under such circumstances relevant policies for the supply of housing should not be considered up to date. I consider LP Policy SP13, which has the effect of restricting housing development in the countryside, to be such a Policy. Under these circumstances, I give little weight to the identified conflict with LP Policy SP13. The Framework confirms that, where relevant policies of the Development Plan are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
7. In light of the scale of existing development neighbouring the site, described by the Council as a small hamlet and cluster of farm buildings, in my view, the proposal would not amount to the introduction of isolated new homes in the countryside, in relation to which the Framework identifies particular requirements.

#### *Accessibility*

8. The appellant has estimated that the site is around 700 metres from bus stops on the A6 and around 1,200 metres<sup>1</sup> from the settlement of Forton, which includes a primary school, village hall, cricket club, bowling green and church. The Council's estimates are not significantly different. The highway network leading from the appeal site to those locations are characterised for the most part by relatively narrow rural highways, which are unlit and lacking in footways. I consider that these features, together with the distances involved, would be likely to discourage people from using those routes to travel to and from the appeal site by foot. In the absence of any evidence concerning existing levels of pedestrian traffic, the low level of recorded accidents on Cockerham Road is of little assistance in relation to that matter. Whilst it does not automatically follow that cyclists would be discouraged from using the route between the site and Forton, under the circumstances, I consider it likely that the predominant mode of transport used by future residents of the site to reach jobs, shops and services would be by private motor vehicle. Therefore, the proposal would perform poorly in relation to accessibility. However, the Framework, whilst promoting sustainable transport, identifies the Government recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas. With this in mind, I have considered other matters raised.

#### *Other matters*

9. The Framework indicates that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a nearby village. Against this background, although the trips to and from the appeal site

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<sup>1</sup> 0.75 miles x 1,609 metres/mile.

would be most likely to be by private motor vehicles, the driving distance between the site and Forton is relatively short and so future residents of the site may well use facilities in that village. Whilst there is no evidence to show that their patronage is needed to maintain the vitality of the rural community, it appears to me that residents of the proposed dwellings would be likely to at least enhance the viability of existing facilities and the vitality of the rural community. Furthermore, the scheme would make an important, albeit modest, contribution towards meeting the housing supply needs of the Borough. In addition, I understand that the existing haulage use has a detrimental effect on the living conditions of neighbouring residents, with respect to noise and disturbance. The Council acknowledges that the cessation of that use would benefit the nearby residential properties, a view echoed by a number of local residents, and would reduce the impact of the associated heavy goods vehicle traffic on the local highway network. I consider that these benefits of the scheme attract significant weight.

10. The Council has also indicated that it would be possible to ensure, through the control of reserved matters, that the proposed development would be unlikely to have any significant detrimental impact on either the landscape or residential amenity. It has also identified that whilst the southern part of the site is on the edge of a designated mineral safeguarding area, having regard to the area affected, this is not a constraint to development. I have no reason to take a different view.
11. In its appeal statement the Council observes that the appellant has not indicated whether the removal of the haulage use from the site would be likely to result in the loss of the business to the rural economy. However, nor is there any evidence to show that this is a matter upon which the Council has sought clarification. In the absence of any evidence to show that the scheme would be likely to result in the loss of a business of value to the local economy either in employment terms or otherwise, I give the Council's concerns in this respect little weight.
12. The Council has drawn my attention to a previously dismissed appeal involving residential development at Clifton House Farm, which I understand is approximately 800 metres<sup>2</sup> from Forton<sup>3</sup>. However, in a number of respects that scheme, which involved development at a farmstead, is not directly comparable to the proposal before me. For example, the current appeal scheme involves development in a hamlet, which comprises a significant number of existing dwellings and the benefits of the proposal would include a reduced impact on residential amenity resulting from the cessation of an existing haulage use. Furthermore, my colleague who dealt with the appeal found that the Clifton House Farm scheme would have an adverse effect on the character and appearance of the area in which it would be located. Under the circumstances, I have found that previous appeal decision to be of little assistance.
13. The appellant has drawn my attention to a scheme for which the Council has granted planning permission, on Hollins Lane, Forton. I understand the site in that case was similar to the appeal site in terms of distance to the nearest bus stops, which were also on the A6. However, that site was closer to a number of other facilities, such as a public house, part-time post office and a country

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<sup>2</sup> 0.5 miles x 1,609 metres/mile.

<sup>3</sup> APP/U2370/W/15/3003093.

store. It is not directly comparable to the scheme before me. Similar observations can be made in relation to another site further along Hollins Lane, in relation to which the appellant has indicated that the Council is minded to grant planning permission. As to the appeal decision<sup>4</sup> drawn to my attention by the appellant, it involved the conversion of a barn elsewhere in the Borough, outside Catterall, and so is not directly comparable to the scheme before me. I give these matters little weight.

#### *Conditions and planning obligations*

14. The Council has suggested 6 conditions should be imposed in the event that the appeal is allowed and planning permission granted. I have considered them in light of the guidance provided by the *Planning Practice Guidance* (PPG) and, where necessary have made a number of modifications in the interests of precision and enforceability.
15. A condition (1) would be necessary to control reserved matters and the commencement of the development, in the interests of proper planning. In order to safeguard the environment, a condition (2) would be necessary to control the details of foul and surface water systems serving the site. In light of the previous use of the site as a haulage yard, a condition (3) would be necessary in the interests of the living conditions of future residents, to ensure that any sources of contamination within the site are identified and appropriately addressed. For the avoidance of doubt, a condition (4) would be necessary to ensure that the development would be carried out in accordance with the access details submitted for approval as part of the planning application. In order to reduce the risk of loose material from the proposed construction site being carried onto the highway, to the detriment of the safety of highway users, a condition (5) would be required to ensure that the initial section of the site accessway leading from the road is appropriately surfaced at an early stage. As landscaping is a reserved matter, the details of which would be controlled by proposed condition no. 1, a separate condition (6) seeking to control landscaping details would not be necessary.
16. The appellant has not provided any formally completed planning obligations in this case and the Council has not indicated that any are required.

#### *Conclusions*

17. I consider that the adverse impacts of the scheme, with reference to accessibility, amongst other things, would not significantly and demonstrably outweigh the benefits. Notwithstanding that the accessibility of jobs, shops and services from the site by modes other than the private car would be relatively poor, I conclude on balance, having regard to economic, social and environmental factors, that the scheme would amount to sustainable development under the terms of the Framework taken as a whole.
18. Whilst the proposal would conflict with LP Policy SP13, with reference to the terms of the Framework, in the absence of a demonstrable 5 year supply of deliverable housing sites this Policy is not considered up to date. The conflict with LP Policy SP13 would not be sufficient to justify withholding planning permission in this case. The Council has not identified any other conflict with the Development Plan or the emerging plan local plan.

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<sup>4</sup> APP/U2370/W/15/3078128.

19. For the reasons given above, I conclude that the appeal should be allowed.

*I Jenkins*

INSPECTOR

### **Schedule of Conditions**

- 1) Details of the appearance, landscaping, layout, and scale of the development hereby permitted (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved. Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission. The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 2) None of the dwellings hereby permitted shall be occupied until works for the disposal of surface water and sewage shall have been provided on the site to serve the development hereby permitted, in accordance with details that have first been submitted to and approved in writing by the local planning authority.
- 3) No development hereby permitted shall commence until an assessment of the risks posed by any contamination, carried out in accordance with *British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice* and the Environment Agency's *Model Procedures for the Management of Land Contamination* (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is identified, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority before the development hereby permitted commences. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority before the dwellings hereby permitted are first occupied. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to and approved in writing by the local planning authority before the dwellings hereby approved are first occupied.
- 4) The development hereby permitted shall be carried out in accordance with the access details shown on drawing no. GA2062-PSP-01-A received by the local planning authority on 13 April 2016.

- 5) Prior to the commencement of the construction of the dwellings hereby approved, that part of the site access extending from the highway boundary for a minimum distance of 5 metres into the site shall be appropriately paved in accordance with details previously submitted to and approved in writing by the local planning authority.