
Appeal Decision

Site visit made on 14 December 2016

by B.Hellier BA(Hons) MRTPI

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

Decision date: 20th December 2016

Appeal Ref: APP/U2370/W/16/3159388

The Ducklings, Duck Street, Pilling, Preston, PR3 6HN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr and Mrs D Lawrenson against the decision of Wyre Borough Council.
 - The application Ref 16/00117/FUL, dated 8 February 2016, was refused by notice dated 12 July 2016.
 - The application sought planning permission for erection of holiday accommodation without complying with a condition attached to planning permission Ref 03/01611/FUL, dated 7 April 2004.
 - The condition in dispute is No 5 which states that: The property shall be used for the purposes of holiday accommodation only and the occupation by any person or persons shall be limited to short stay visitors staying for periods not exceeding one month in any six month period.
 - The reasons given for the condition is: The accommodation is for holiday use only and the occupation on a permanent basis would be contrary to the provisions of Policy CP13 of the Wyre Borough Local Plan.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of residential accommodation at The Ducklings, Duck Street, Pilling, Preston, PR3 6HN in accordance with the application Ref 16/00117/FUL, dated 8 February 2016, without compliance with condition number 5 previously imposed on planning permission Ref 03/01611/FUL, dated 7 April 2004 but subject to the other conditions imposed therein, so far as the same are still subsisting and capable of taking effect.

Procedural matter

2. In allowing the appeal the original permission is replaced in its entirety by a new permission without the disputed condition. The original description of the development is as holiday accommodation. However holiday accommodation whether for short term or long term occupation is a residential use which falls within the same use class¹ as a permanently occupied dwelling. To avoid confusion I have changed the description of development in the new permission to reflect this.

¹ Class C3 Use as a dwellinghouse (whether or not as a sole or main residence). See Part C of the Town and Country Planning (Use Classes) Order 1987/764 as amended

Background and main issue

3. Planning permission was granted in 2003 for the erection of holiday accommodation with a condition that it should be used only for short term holiday occupancy. The accommodation was in the form of a detached house. The present proposal seeks to remove this condition to allow unrestricted residential use. I consider the main issue is whether this is a sustainable location for a dwelling.

Planning policy

4. Policy SP13 of the Wyre Local Plan (LP) only permits new dwellings in the countryside in limited circumstances. Criterion E allows a single infill plot within an established built up frontage of not less than five dwellings. The Council also relies on LP Policy H6 which deals with conversions to residential use in the countryside. However in this case letting for holiday accommodation is a residential use so a conversion/change of use policy is not relevant.
5. In rural areas paragraph 55 of the National Planning Policy Framework (NPPF) indicates that housing should be located where it will enhance or maintain rural communities. New isolated homes in the countryside should be avoided. Paragraph 49 says that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. It is agreed that the Council does not have a five-year supply. Consequently, where they conflict with paragraph 55, the LP policies referred to above should be treated as out-of-date.

Reasons

6. Pilling is a scattered community with its main clusters of development in Smallwood Hey and Stakepool which between them offer a basic range of local services including two primary schools, village store, community hall and pubs. There is a good bus service to Lancaster. Duck Lane is a cluster of some 18 dwellings situated about 1.5km from the centre of Smallwood Hey. They include a detached house of very similar design to the appeal property approved in 2013 on an adjacent plot¹.
7. A nearby barn conversion to two holiday units was approved in 2010 with a condition limiting use to holiday accommodation only. Subsequently in 2014 an application to remove the condition and to allow permanent residential use was approved². The officer report on the application reasoned as follows: *The building is sited on Duck Street, along which there are a number of residential dwellings. The site is within approximately 1 mile of the settlement of Smallwood Hey Pilling with a school, pub, church and shop and a bus stop on a route that links Pilling to the wider area. Overall, it is not considered that the site is isolated and it would help to maintain the rural community of Pilling.*
8. I too do not find the location to be isolated. It is sufficiently close to the main village for walking or cycling to be a realistic option and bus services can be

¹ Ref 13/00676/FUL *Erection of one dwelling and detached single garage*. Land adjacent to The Ducklings, Duck Street, Pilling

² Ref 14/00109/FUL *Removal of condition 02 on application 10/00838/FUL to allow residential use of the properties*. Beech House, Duck Street, Pilling

reached on foot. There would thus be no conflict with NPPF paragraph 55. It sits in a row of six dwellings fronting onto Duck Street and would therefore satisfy criterion E of LDP Policy SP13. I conclude that it would be a sustainable location for a new dwelling.

9. Pilling Parish Council see no planning objection to the proposal but refers to a strong body of opinion in the village that this is a backdoor planning method to achieve a new residential dwelling. However in this case the original permission was in 2004. Since then national planning policy guidelines have changed and there is no longer a blanket presumption against new housing outside settlement boundaries. This was recognised by the Council when it approved residential development in Duck Street in 2013 and 2014. There has been no fundamental change in this aspect of national policy since then.

Conclusion

10. For the reasons given above I conclude that the appeal should succeed. I will grant a new planning permission without the disputed condition but retaining the relevant non-disputed conditions from the previous permission.

Bern Hellier

INSPECTOR