
Appeal Decision

Site visit made on 30 January 2017

by Alison Partington BA (Hons) MA MRTPI

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

Decision date: 9th February 2017

Appeal Ref: APP/A2335/Q/16/3156574

**The Coach House and The Shippon, Old Waterslack Farm, Silverdale
LA5 0UH**

- The appeal is made under Section 106B of the Town and Country Planning Act 1990 against a refusal to discharge a planning obligation.
 - The appeal is made by Mr Brian Hevey against the decision of Lancaster City Council.
 - The development to which the planning obligation relates is the change of use of shippons to two holiday cottages.
 - The planning obligation, dated 13 March 1991, was made between Lancaster City Council and Mr Brian Hevey.
 - The application Ref 16/00232/VLA, dated 17 February 2016, was refused by notice dated 18 April 2016.
 - The application sought to have the planning obligation discharged.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. Permission was granted in 1991¹ for the change of use of shippons to two holiday cottages. This permission was accompanied by a Section 106 agreement which restricted the use of the dwellings created to holiday lets. The change of use has been implemented, although the appellant indicates that the units are currently being used as permanent dwellings not as holiday lets. The discharge of the planning obligation would enable the properties to be lawfully used as open market dwellings.
3. The main issue in the appeal is whether or not the planning obligation continues to serve a useful purpose, having regard to whether the provision of open market dwellings on the site would represent a sustainable form of development.

Reasons

4. The appeal properties form part of what was originally a farmstead that is situated about 1.3km from the village of Silverdale. Policy DM42 of the *Development Management Development Plan Document (adopted December 2014)* (DMDPD) identifies Silverdale as a Sustainable Rural Settlement where proposals for new housing will be supported. I am not aware that the Council have established any boundaries for Silverdale but they indicate that this site lies in the open countryside, and this has not been disputed by the appellant. I

¹ Application Reference 01/90/0585

observed that, although there are a few other houses in the vicinity of the appeal site, these are separated from both the village of Silverdale, and the small cluster of housing near the railway station, by open countryside. As such, I consider that the site lies within the open countryside, rather than within the settlement.

5. Policy DM42 indicates that proposals for new homes in isolated locations will not be supported unless there are clear benefits that outweigh the dis-benefits. It states that paragraph 55 of the *National Planning Policy Framework* (the Framework) sets out the special circumstances where the potential benefits of isolated development may lead to more favourable consideration.
6. One such special circumstance given in paragraph 55 is where the development would re-use redundant or dis-used buildings and lead to an enhancement in the immediate setting. The appellant has argued that the use of the buildings as holiday lets is redundant due to the limited demand for such a use in this area, and as they are already being used as permanent dwellings they are technically dis-used as holiday lets. However, no substantive evidence has been provided to support the claim that there is limited demand for holiday lets in the area, or to show that despite reasonable marketing of the units, occupancy levels were such that the lawful use was unviable. As such I am not persuaded that the dwellings are redundant or dis-used buildings.
7. Policy DM20 of the DMDPD seeks to ensure that proposals minimise the need to travel, particularly by private car, and maximise the opportunities for the use of walking, cycling, and public transport. The Framework also indicates that in general, the pattern of development should seek to minimise the length of journeys to work, schools and other services, facilitating the use of alternative modes of transport to the private car.
8. To promote sustainable development in rural areas, paragraph 55 directs housing to areas where it will enhance or maintain the vitality of rural communities. It is agreed that the appeal site does not lie within a settlement, and so subsequent references in paragraph 55 to groups of settlements and the location of housing in villages, indicates that the use of the term 'rural communities' does not include sites, such as the appeal site, which lie in the open countryside.
9. There are no services in the immediate vicinity of the site. Silverdale contains a reasonable range of services and facilities, including a primary school and a medical centre. The train station, which is some distance from the main part of the village, provides access to larger centres. Both the station and the main services within the village are within cycling distance of the site, although the distance, the lack of a continuous pavement, and the limited lighting, means that people, and especially those with young children, are more likely to drive than walk to the village. Whilst there is a bus stop within walking distance of the site, which serves both the village and the train station, the frequency of the service is such that it is unlikely to be used for trips such as taking children to the primary school, or attending medical appointments. Moreover, there is no service in the evening, or on a Sunday, which would make residents reliant on the private car for trips at these times.
10. The Framework acknowledges that the opportunities to travel by sustainable means, and to minimise journey lengths, will vary from urban to rural areas. Whilst there is some scope to cycle and use public transport, future occupiers

of the dwellings, would have to travel to meet the majority of their day to day needs, and would be largely dependent on the private car to do so. Although the proposal would not, of itself, generate large amounts of traffic, the cumulative impact of allowing such developments would increase the amount of unsustainable journeys made.

11. Whilst use for holiday accommodation would still involve some reliance on access by car, it would not generate demands of the same order as the regular year-round needs of permanent family accommodation.
12. The appellant has stated that the use of the buildings as open market dwellings would not require any additional building work. As such, the proposal would not provide work for local contractors. Whilst spending by future occupiers would be beneficial to the local economy, given the size of the proposal, these benefits would be limited. Other than this the proposal would not contribute to the economic dimension of sustainable development.
13. The provision of two dwellings would be a benefit of the scheme. Whilst I note that the appellant has stated that this needs to be seen in the context of significant housing shortage, there is no indication that the Council cannot demonstrate a 5 year housing land supply. In any case the contribution to housing delivery would be small. Although the properties are currently occupied as permanent dwellings, there is no evidence that there is a shortage of private rented housing in the area, and that the current occupiers would be unable to remain in the area if they so desired.
14. The site is located within Arnside-Silverdale Area of Outstanding Natural Beauty (AONB). The Framework states that within such areas great weight should be given to conserving the landscape, and natural beauty. The visual impact of open market dwellings would be no greater than the holiday accommodation. As such it would not have a detrimental impact on the character and appearance of the AONB. In addition, it would have no greater impact on the living conditions of the occupier of the farmhouse. However, an absence of harm in this regard is a neutral factor.
15. Bringing these points together, the Framework emphasises the importance of sustainable development, which should seek to achieve economic, social and environmental gains. I consider that the discharge of the planning obligation to allow the use of the properties as open market dwellings would add unnecessarily to sporadic development in the countryside, and would fail to achieve any significant economic, social and environmental benefits. As a result it would not represent a sustainable form of development.
16. Accordingly, I consider that in imposing restrictions on the occupancy of the dwellings the planning obligation is still useful, as to allow open market dwellings would not represent sustainable development. It would therefore be contrary to Policies DM42 and DM20 of the DMDPD and the Framework.

Conclusion

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

Alison Partington

INSPECTOR