
Appeal Decision

Site visit made on 9 May 2017

by Thomas Hatfield BA (Hons) MA MRTPI

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

Decision date: 12th June 2017

Appeal Ref: APP/U2370/W/16/3161847

Old Quarry, Potters Brook, Bay Horse, Lancashire, LA2 0HQ

- 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 N Plummer against the decision of Wyre Borough Council.
 - The application Ref 15/00805/OUT, dated 22 September 2015, was refused by notice dated 12 May 2016.
 - The development proposed is described as "outline planning permission for a new dwelling".
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application is in outline with all matters reserved for future consideration.

Main Issues

3. The Council is currently unable to demonstrate a 5 year supply of housing sites, as required by the National Planning Policy Framework ('the Framework'). In these circumstances, paragraph 49 of the Framework states that relevant policies for the supply of housing should not be considered up-to-date.
4. Where paragraph 49 of the Framework applies, paragraph 14 states (unless material considerations indicate otherwise) that 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; or specific policies in the Framework indicate development should be restricted. In this context, the main issues in considering this appeal are:
 - (a) Whether future occupiers of the development would be unduly reliant on private transport; and
 - (b) The effect of the development on the character and appearance of the surrounding area.

Reasons

Reliance on private transport

5. The appeal site is located in the open countryside and is surrounded mostly by agricultural fields and woodland. The surrounding area contains a number of
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properties including several short rows of dwellings, individual houses, and farms and agricultural buildings. However, it has a predominantly rural character and is some distance from the nearest settlement of any size.

6. The surrounding area does not contain any of the services or facilities that future occupiers would ordinarily be expected to rely upon. In this regard, the dwelling would be located some distance from the nearest schools and local shops. Whilst a bus stop is located nearby on the A6 with frequent services to Preston and Lancaster, there is no footway connecting this to the appeal site. Future occupiers of the dwelling would therefore have to walk along narrow unlit roads to reach this stop, which would be unsafe for pedestrians. This would deter the use of this bus stop. Similarly, there is no footway connecting the site to the village of Forton which is located to the south.
7. Whilst there are a small number of existing houses in the surrounding area, the proposed dwelling would be remote from services, facilities and public transport. It is also some distance from the nearest settlement of any size. In my view, it would therefore constitute an isolated new home in the countryside for the purposes of paragraph 55 of the Framework. This states that new isolated homes in the countryside should be avoided unless there are 'special circumstances'. However, there do not appear to be any special circumstances that would justify the development in this case. Whilst paragraph 55 also states that development in one village may support services in another, in this case the appeal site is not within or adjacent to an existing village boundary.
8. Whilst there is an existing caravan on the site, the appellant states that this did not require planning permission. In this regard, I note that the Council has not listed it in the planning history of the site. In any case, I do not consider that this would justify the construction of a new permanent dwelling on the site.
9. My attention has also been drawn to a recent planning permission that was granted for a dwelling on land to the north (ref 14/00550/OUT). However, the full details of that case are not before me. In addition, the Council states that it has subsequently gained a clearer understanding of the Framework's intentions regarding sustainable development in rural areas. In any case, I have come to my own view on the appeal proposal, rather than relying on the approach the Council may have adopted previously.
10. For the above reasons, I conclude that future occupiers of the development would be unduly reliant on private transport. The development would therefore be at odds with paragraph 55 of the Framework which seeks to avoid new isolated homes in the countryside.

Character and appearance

11. The appeal site comprises largely open land that is bordered by existing hedgerows. It is located a short distance to the south of a small row of existing properties, but is otherwise surrounded by open countryside and woodland.
12. The appeal site is prominent in views from along Potters Brook and from Cockerham Road. It is an attractive area of open land that contributes to a pleasant visual gap. The appeal dwelling would occupy a large plot that would result in the domestication of a significant area of countryside. In this regard, the cultivation of a large garden and the introduction of domestic paraphernalia

would have a significant visual impact in addition to the creation of a new property. Whilst it may be possible to position the dwelling in order to limit its visibility from Cockerham Road and from the other side of the A6, it would still represent an encroachment into the countryside that would be visible from other points. The dwelling would also relate poorly to the nearby properties along Potters Brook. It would be separated from these properties by a gap that would include an existing access track, and would also have a noticeably larger plot size. In this regard, the recently consented dwelling to the north has a better relationship to the existing cottages in my view.

13. The appeal site is located within the defined 'Countryside Area' and is therefore subject to Policy SP13, which seeks to control development outside of the defined settlements. The appellant states that the appeal proposal would comply with criteria E of this Policy, which allows for the '*development of a single infill plot within an established built up frontage*'. However, the appeal site is poorly contained by existing development, and does not constitute an infill plot within an existing built frontage. Accordingly, criteria E of Policy SP13 does not apply in this case.
14. I note that the appeal site has planning permission to construct a stable block (ref 09/00152/FUL), which has been implemented in part. Whilst the full details of that permission are not before me, the Council state that the approved building would be constructed in timber which would have a more temporary appearance. A stable block would also be rural in character and would not involve the domestication of the wider site. Accordingly, I do not consider that this permission lends support to the appeal proposal.
15. For the above reasons, I conclude that the development would significantly harm the character and appearance of the surrounding area. It would therefore be contrary to Policies SP13 and SP14 of the Wyre Borough Local Plan (1999). These policies seek to ensure, amongst other things, that new development is appropriate to a countryside setting, and is acceptable within the local landscape.

Other Matters

16. It is agreed between the parties that the development would have no unacceptable ecological effects, and that the proposed vehicular access would be adequate. However, this represents an absence of harm in relation to these matters rather than a positive benefit.
17. Any concerns regarding due process during the processing of the planning application fall outside of the remit of this decision.

Conclusion

18. Whilst the Council is unable to demonstrate a 5 year supply of housing sites, in this case, specific policies in the Framework (at paragraph 55) indicate that development should be restricted. In this regard, the limited social and economic benefits associated with the provision of a single dwelling would not constitute 'special circumstances' to justify the development in my view. The development would also harm the character of the open countryside contrary to Policies SP13 and SP14 of the Wyre Borough Local Plan (1999).
19. As a result, the application of paragraph 14 of the Framework does not indicate that permission should be granted and the proposal would not represent

sustainable development. In the circumstances of this appeal, the material considerations considered above do not justify making a decision other than in accordance with the development plan.

20. For the reasons given above I conclude that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR