
Appeal Decision

Site visit made on 21 January 2020

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 12th February 2020

Appeal Ref: APP/A2335/W/19/3239464

Land East of Bay Horse Lane, Bay Horse, Lancaster LA2 0HR

- 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 & Mrs Spence against the decision of Lancaster City Council.
 - The application Ref 19/00336/OUT, dated 15 March 2019, was refused by notice dated 06 June 2019.
 - The development proposed is outline application for the erection of two dwellings and associated access.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal relates to an application for outline permission with access to be considered at this stage and all other matters reserved for future consideration.
3. Plans have been submitted to illustrate the external and internal access arrangements and how 2 dwellings could be accommodated at the site. Although appearance and layout are reserved matters, the reasons for refusal relate to the effect of the proposal on the character and appearance of the area. Notwithstanding the illustrative nature of the plan, it does form part of the evidence before me and I have therefore had regard to it.

Main Issues

4. The main issues are:
 - i) Whether the appeal site is a suitable location for new residential development, having regard to national and local planning policy for the delivery of housing; and
 - ii) The effect of the proposed development on the character and appearance of the area.

Reasons

The suitability of the site for residential development

5. The appeal site is adjacent to Bay Horse Lane, which is a sparsely developed rural road in the open countryside. It is close to the West Coast mainline railway and it is between the M6 motorway and the stretch of the A6 that links

Lancaster and Preston. In the immediate vicinity, there is a public house, a scattering of dwellings and commercial units.

6. Policy DM42 of A Local Plan for Lancaster District 2011-2031 Development Management DPD Adopted December 2014 (the DMDPD) seeks to focus new rural housing in the most sustainable rural settlements. Outside of these areas, proposals are required to meet exceptions including relating to local housing needs, affordable homes and local occupancy restrictions. This is broadly consistent with the aims of the National Planning Policy Framework (the Framework) in relation to sustainable rural development that reflects local needs and contributes to the vitality of rural communities.
7. The proposal would not result in the creation of isolated homes in the countryside, which the Framework seeks to avoid. However, the appeal site is not within a rural settlement and the proposed market dwellings would not meet the criteria for new housing in the open countryside. Therefore, the location is in conflict with the Council's locational strategy for new residential development which is based on the hierarchy of settlements.
8. Notwithstanding the public house, there are no local shops, services or facilities in the vicinity of the appeal site such as would be necessary to meet the basic daily needs of future occupiers. Therefore, the need to travel would not be minimised in this location. In this respect, the closest sustainable settlement is Galgate, approximately 3km away. Forton, which is just over 1.5km away, is identified as a small rural settlement in the neighbouring administrative area's local plan. However, there is nothing before me in relation to the services and facilities available in Forton to demonstrate that it would contribute to supporting new residential development in this location. Moreover, neither settlement is within reasonable walking distance of the appeal site.
9. The appeal site is approximately 300 to 400m from bus stops on the A6 that offer services to larger settlements including Lancaster and Garstang. It is also on a designated cycle route. Therefore, there would be some alternatives to private car journeys in this location. However, there are no footways on the rural roads between the appeal site and the A6. They are also poorly or not illuminated, relatively narrow and straight and subject to the national speed limit. Consequently, while the bus stops are within walking distance, the intervening rural roads are not conducive to walking, particularly during the hours of darkness or inclement weather. There would inevitably be an increase in private car journeys from this location.
10. Therefore, the appeal site is not in a suitable location for new residential development. It would conflict with Policies SC1 of the Lancaster City Council Core Strategy (2003-2021) Adopted July 2008 and Policies DM20 and DM42 of the DMDPD. These require, among other things, that new development is as sustainable as possible, with reference to greenhouse gas emissions and climate change adaption. Rural development is required to be predominantly located in sustainable rural settlements, with convenient access to services and facilities by sustainable modes of transport, thereby minimising the need to travel by private car. It would also conflict with the policies in the Framework requiring housing in rural areas to be located where it will meet local needs and enhance or maintain the vitality of rural communities.

Character and appearance

11. The appeal site occupies part of the road frontage of an undeveloped agricultural field which extends away from Bay Horse Lane. It has commercial buildings and a substation building to one side and a residential dwelling to the other. In addition to the nearby public house, there are a small number of properties scattered predominantly on the same side of the road as the appeal site.
12. While the commercial buildings are modern and utilitarian in appearance, they are relatively low and partly screened from views by hedgerows and trees. The public house and nearby dwellings are varied in terms of their ages and styles. Dwellings are irregularly sited, generally set in mature gardens and widely separated. The road is typically rural in appearance, being relatively narrow with no road markings or footways and with predominantly grassed verges to either side.
13. The character of Bay Horse Lane derives in part from the juxtaposition of the irregularly sited and spaced traditional buildings with the intervening areas of undeveloped green space, which includes agricultural land with boundary hedgerows and trees. In this context, the appeal site makes a positive contribution to the distinctive rural character and appearance of the area.
14. Detailed layout and appearance would be reserved matters. However, the plans illustrate a single vehicular access from the road which would divide to form parking and manoeuvring areas to the front of each of the properties. The application form indicates that the detached dwellings would have a minimum of 4 bedrooms. Therefore, they would be substantially large properties.
15. Notwithstanding that a small gap would be retained between the dwellings and the neighbouring property, the construction of 2 closely-spaced and substantial detached dwellings would result in a loss of a characteristic gap and openness. Considered in isolation, the proposal would be unlikely to result in significant adverse visual impacts on the area. However, in combination with the existing and approved development elsewhere on Bay Horse Lane, there would be an erosion of the prevailing rural pattern of development. The increasingly built up road frontage would contribute to the appearance of an isolated ribbon, and an increasingly domestic form, of residential development.
16. I appreciate that there is ribbon development elsewhere in the area, including along the nearby Whams Lane. However, Lancashire County Council's A Landscape Strategy for Lancashire (December 2000) specifically notes that ribbon development disrupts the characteristic clustered form of settlements and the rural character of local roads in this particular landscape. The more densely built form of Whams Lane, which includes footways to either side of the road, does not in any case provide a visual context for the appeal scheme. Ribbon development elsewhere is not a justification for a scheme that would be detrimental to the distinctive rural character of the area.
17. Therefore, the proposal would result in cumulative and significant harm to the rural character and appearance of the area. It would conflict with Policies DM28 and DM35 of the DMDPD. These require, among other things, that development is in keeping with and appropriate to the surrounding townscape and landscape character and that it has regard to local distinctiveness, separation distances and individual and cumulative impacts. It would also conflict with policies in the

Framework that require development to be sympathetic to local character and landscape setting, to maintain a strong sense of place and to recognise the intrinsic character and beauty of the countryside.

Other Considerations

18. Planning permission has previously been granted for residential development outside of the rural settlements. Those permissions were granted at a time when the Council was unable to demonstrate a 5 year supply of deliverable housing sites (5YHLS). Nevertheless, the limited evidence before me in respect of the schemes on Bay Horse Lane¹ indicates that they differ from the appeal scheme including in terms of, but not necessarily limited to, the previous use, the distance to public transport, and their individual and cumulative relationship with the surrounding built environment and landscape.
19. Residential development in the countryside has also been allowed on appeal². Full details of those schemes, including their locations, harms and benefits, has not been provided. On the basis of the limited information available, it appears that the Inspectors did find conflict with the development plan in relation to the suitability of the location for residential development. However, in each case there were compelling benefits that were considered to outweigh that harm, including the re-use of previously developed land (PDL), the contribution to the vitality of the rural community and to the supply of housing.
20. There is little evidence to indicate that any of the schemes referred to is directly comparable to the appeal scheme. Therefore, they do not establish the suitability of the appeal site location or provide a justification for the appeal proposal.

Planning Balance

21. Paragraph 11 d) of the Framework states that where the policies that are most important for determination of the application are out-of-date, including situations where the Council cannot demonstrate a 5YHLS, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework as a whole.
22. In this case, the parties agree that the Council cannot currently demonstrate a 5YHLS. However, I acknowledge that evidence has been submitted to the appeal which demonstrates that the 5YHLS position has improved from 3 years in February 2019 to 4.5 years supply in November 2019.
23. In this context, 2 dwellings would make a small contribution to the supply of housing. There would be economic benefits, albeit limited and principally short-term during the construction phase. There is little to indicate that the proposal would make any more than a minimal contribution to supporting services and facilities in nearby rural settlements. The social benefits in this location would be limited as a result of the dispersed nature of the rural community and the reliance on private car journeys. However, these are nevertheless matters that weigh in favour of the scheme to a small degree.

¹ Refs 18/01583/OUT and 18/00054/OUT

² Refs APP/A2335/W/17/3171031, APP/A2335/W/17/3183370, APP/A2335/W/18/3197442

24. On the other hand, the scheme would result in moderate harm by virtue of the conflict with the Council's locational strategy. The site is not located close to services and facilities and, notwithstanding that there is some access to sustainable transport modes in this location, the occupation of 2 large dwellings would result in a significant and cumulative increase in private car journeys. The harm to the rural character and appearance of the countryside also weighs against the scheme to a moderate degree.
25. The proposal would conflict with the policies in the development plan that require, among other things, that development should be sustainable including in relation to the accessibility of shops and services, opportunities for travel by sustainable forms of transport, the re-use of buildings or PDL, energy efficiency and renewable sources of energy and the avoidance of impacts and integration in the surrounding area. The proposal would not contribute to the rural development aims, healthy lifestyles or climate change adaptations promoted by the Framework.
26. The proposal would not result in significant harm to biodiversity or trees. However, there is little before me to demonstrate that it would result in any tangible environmental benefits. It would not result in harm to the highway network or to the living conditions of neighbouring residential occupiers. There were no third party objections and there was one representation in support. However, compliance with some policies in the development plan and the limited support are not matters that weigh in favour of the scheme.
27. There is evidence before me that the appellants operate a business from the adjacent commercial site. While their desire to live close to the place of work is understandable, there is nothing before me to indicate a need for a residential presence in association with the business. Therefore, this would be a private benefit and it does not weigh in favour of the scheme.
28. Therefore, on the basis of the evidence before me, I conclude that the adverse impacts of granting permission would significantly and demonstrably outweigh the relatively small benefits, when assessed against the policies in the Framework as a whole. Therefore, the presumption in favour of sustainable development does not apply in this case.

Conclusion

- 29.** For the reasons set out above, the proposed development would conflict with the development plan and there are no material considerations that outweigh that conflict. Therefore, the appeal should be dismissed.

Sarah Manchester

INSPECTOR