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# Appeal Decision

Site visit made on 28 January 2020

**by Sarah Manchester BSc MSc PhD MEnvSc**

**an Inspector appointed by the Secretary of State**

**Decision date: 18<sup>th</sup> February 2020**

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**Appeal Ref: APP/N2345/W/19/3240595**

**Land at Station Lane, Barton, Preston**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr J Nixon against the decision of Preston City Council.
  - The application Ref 06/2019/0274, dated 05 March 2019, was refused by notice dated 29 October 2019.
  - The development proposed is the erection of one dwelling.
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## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

## Reasons

3. The appeal site is an irregularly shaped tapering parcel of land between the West Coast Mainline railway and Kiln Lodge. It is on the outskirts of Barton and it is in the countryside for planning purposes.
4. Policy 1 of the Central Lancashire Adopted Core Strategy Local Development Framework Adopted July 2012 (the CLCS) sets out the locational strategy for the Central Lancashire Councils. It seeks to focus new development based on the settlement hierarchy of urban areas through to Rural Local Service Centres. Outside of the identified settlements, including smaller villages and substantially built up frontages, small scale development may be appropriate provided it meets certain exceptions, including local need, the re-use of buildings and appropriate infilling.
5. Policy EN1 of Preston Local Plan 2012-26 Site Allocations & Development Management Policies Adopted July 2015 (the LP) sets out that development in the open countryside will be required to meet certain listed exceptions, including a need for a rural location, re-use of buildings and limited infilling within groups of buildings in smaller rural settlements. This is reasonably consistent with Policy 1 of the CLCS and the rural development aims of the National Planning Policy Framework (the Framework).
6. In this case, Barton is not identified as a Rural Local Service Centre. The appeal site is outside of the settlement boundary. The dwelling is not proposed to meet a local or rural need and the proposal would not re-use an existing

- building. However, the appeal site is a gap between the railway line and the adjacent residential development. Therefore, subject to the proposal being appropriate it could be considered an infill plot for the purposes of the CLCS.
7. The part of Station Lane between the railway line and the A6 is continuously developed along both sides of the road, resulting in a linear ribbon of predominantly residential development. Properties are varied in terms of their ages, sizes and styles. Although irregularly sited, they are set back from the road behind mature front gardens with lawns, shrubs and trees. Front boundary treatments are absent or formed from low walls and hedgerows. The consistently wide set back of properties from the road, the verdant front gardens and frequent large trees results in a relatively traditional and harmonious character and appearance to the area.
  8. The proposal is a single storey dwelling with a steeply pitched roof and a dormer extension to enable the creation of internal living accommodation over 2 floors. In this respect, its appearance would not be out of keeping with single storey properties with dormer roof extensions elsewhere in the street.
  9. The irregular tapering shape of the appeal site and its proximity to the railway line would result in the dwelling being positioned close to the front of the plot next to the boundary with Kiln Lodge. By virtue of being positioned in front of Kiln Lodge, the dwelling would have an awkward relationship with the neighbouring property. Moreover, its proximity to the road and the oblique siting of the dwelling would not relate well to the prevailing pattern of neighbouring properties which are set back from and facing the road. It would be a visually obtrusive and uncharacteristic form of development. Consequently, it would be a discordant feature and it would not make a positive contribution to its surroundings.
  10. The dwelling would be screened from distant views by the topography of the road and the abundant roadside planting. However, notwithstanding the proposed hedgerow, trees and shrubs to the front of the site, the dwelling would be prominent in the street scene. In this respect, I accept that planting around the dwelling could help soften and screen it. Nevertheless, given the orientation of the property and the forward facing windows, any tall planting close to the dwelling would reduce daylight and sunlight to habitable rooms. On that basis, it seems reasonably unlikely that future occupiers would allow any effective screen planting to establish. The proposal would not therefore be assimilated into its surroundings.
  11. Therefore, the proposed development would result in significant harm to the character and appearance of the area. It would conflict with Policies 1 and 17 of the CLCS and policies AD1(a), EN1 and EN9 of the LP. These require, among other things, that development accords with the settlement hierarchy and the listed exceptions for development in the countryside. They also require development to make a positive contribution to local distinctiveness, being in keeping with the character and appearance of the area in terms of factors including siting, design and layout. It would also conflict with the policies in the Framework that require development to add to the overall quality of the area, to be sympathetic to local character and the surrounding built environment and to maintain a strong sense of place.

## **Other Considerations**

12. The proposal would not result in harm to the living conditions of neighbouring residential occupiers, biodiversity or the safe operation of the highway. Matters relating to drainage and mitigation for the adverse effects of the operation of the railway line on the living conditions of future occupiers could be secured by planning condition. However, these are requirements of the development plan and they do not weigh in favour of the scheme.
13. When the application was determined and the appeal was made, the Council was unable to demonstrate a 5 year deliverable supply of housing (5YHLS). However, there is evidence before me that the Council can now demonstrate in excess of a 5YHLS. Although the appellant has not provided comments on the Council's revised 5YHLS position, he has had the opportunity to do so through the appeal process. Consequently, I have determined the appeal on the basis that the provisions of Paragraph 11 d) of the Framework do not apply.
14. A single dwelling in this location would make a minimal contribution to the supply of housing. There would be similarly minimal economic and social benefits. The scheme would conflict with the Council's locational policies and there would be significant harm to the character and appearance of the area. Therefore, even if there had been a shortfall in the 5YHLS, the adverse impacts of the proposal would significantly and demonstrably outweigh the limited benefits when assessed against the policies in the Framework as a whole.

## **Conclusion**

15. I have found that the proposed development would conflict with the development plan and there are no material considerations, including the limited support, that would outweigh that conflict. Therefore, the appeal should be dismissed.

*Sarah Manchester*

INSPECTOR