



Appeal Decision

Site visit made on 7 July 2020

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 29th July 2020

Appeal Ref: APP/A2335/W/20/3247289

Dale House, Tewitfield, Carnforth LA6 1JH

- 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 Alan Mousdale against the decision of Lancaster City Council.
 - The application Ref 19/01390/OUT, dated 01 November 2019, was refused by notice dated 31 December 2019.
 - The development proposed is outline application for the erection of 5 residential dwellings and creation of an access.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal scheme relates to an outline proposal, with access to be considered at this stage and with all other matters reserved for future consideration.
3. A site layout plan (ref HT1366.1.101) was submitted to show the access arrangements, including access to the highway and internal access to serve 5 dwellings. I have therefore taken it into account. The site layout plan also illustrates how 5 dwellings could be accommodated at this site. This was subsequently amended to reduce the footprint of the dwellings. While details of appearance and layout are reserved for future consideration, the plan forms part of the evidence before me. The reasons for refusal of the application include the effects of the proposal on the character and appearance of the area and the setting of the listed building, Dale House. Therefore, I have had regard to the plans insofar as they are predicated on the access arrangements to serve 5 dwellings.
4. The Heritage Assessment submitted with the appeal was not before the Council during the time that the application was being considered. However, I am satisfied that the Council had the opportunity to comment on the report through the appeal process. Therefore, no party will be prejudiced by my taking it into account in reaching my decision.
5. I have taken the address in the banner heading above from the appeal form rather than the application form, as this more accurately locates the site.
6. At the time the application was determined, the Lancaster Local Plan Part One: Strategic Policies and Land Allocations Development Plan Document (the SPLADPD) and Part Two: Review of the Development Management Development Plan Document (the RDMDPD) were at a relatively early stage of

preparation and they carried limited weight. In June 2020, after the appeal was made, the Report on the Examination of the SPLADPD and the RDMDPD was published. This concludes that, subject to the recommended main modifications, both documents meet the requirements for soundness. Consequently, and in accordance with the Framework, the emerging policies can be given significant weight. Nevertheless, they have not yet been formally adopted and I have therefore determined the appeal in accordance with the current development plan.

7. The site is close to Morecambe Bay & Duddon Estuary Special Protection Area and Morecambe Bay Special Area of Conservation and Ramsar site (the habitats site). Consequently, I have a duty to carry out a Habitats Regulations Assessment (HRA) for the purposes of the Conservation of Habitats and Species Regulations 2017. I will return to this matter later in my decision.

Main Issues

8. The main issues are:

- i) Whether the location is suitable for new residential development, having regard to local and national policies for the delivery of housing;
- ii) The effect of the proposal on the character and appearance of the countryside; and
- iii) The effect of the proposal on the setting of the Grade II listed building, Dale House.

Reasons

Whether the location is suitable for new residential development

9. The appeal site is part of the garden of Dale House, which is at the corner of the A6070 and Dale Grove, a minor road that links to the A6. It is in the countryside adjacent to a large holiday lodge development known as Twin Lakes, and there are further large tourism sites to the south. The small hamlet of Tewitfield is some 400m to the north east, and it includes scattered dwellings, a marina, caravan park, hotel and farm village attraction.
10. 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 must meet exceptions including relating to local housing needs, affordable homes and local occupancy restrictions. Emerging Policy SP2 of the SPLADPD similarly seeks to focus development in the most sustainable locations, based on the hierarchy of settlements in the district. In this respect, the rural villages are not sustainable rural settlements and they are only suitable to accommodate development that meets evidenced local need. These policies are 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.
11. The proposal would not result in the creation of isolated homes in the countryside, which the Framework seeks to avoid. Nevertheless, the appeal site is not in or near to a sustainable rural settlement for the purposes of Policy DM42 or emerging Policy SP2. Moreover, the proposed 4-bedroom market

dwelling would not meet the exceptions relating to local housing needs or affordable homes. Therefore, the location is in conflict with the Council's aims for rural housing and its locational development strategy.

12. Notwithstanding the nearby farm shop and public house, there are extremely limited services and facilities in this area and they would not meet the basic needs of future occupiers. The need to travel would not be minimised. The closest sustainable settlement is Warton, approximately 1.6km from the site. However, future occupiers would need to travel over 3km to Carnforth to access a reasonable range of services and facilities.
13. Future occupiers could walk to the farm shop and public house. However, the distances to Warton and Carnforth are greater than could be considered a short or convenient walk. Moreover, while there is a footway along the busy A6070 between the appeal site and Carnforth, the road to Warton is a narrow rural road with no footway or streetlighting. Therefore, the intervening roads would not be conducive to accessing the nearby settlements on foot, particularly during the hours of darkness or inclement weather.
14. The appeal site is within cycling distance of the closest settlements. However, there are no designated cycleways and, given the busy and rural roads, it seems reasonably unlikely that any significant proportion of journeys would be made by cycling. There are regular bus services between Kendal and Lancaster along the A6070, which would offer some opportunity to travel by public transport. However, the closest bus stop is approximately 700m away, which is considerably further than the 400m walking distance considered sustainable by the Lancaster District Core Strategy (2003-2021) Adopted July 2008 (the LDCS). For these reasons, future occupiers would be heavily reliant on private car journeys to meet their reasonable needs.
15. Therefore, the appeal site is not in a suitable location for new residential development. It would conflict with Policy SC1 of the LDCS, Policies DM20 and DM42 of the DMDPD and emerging Policy SP2 of the SPLADPD. These require, among other things, that new development should be sustainable with reference to greenhouse gas emissions and climate change adaptation. The bulk of new rural housing should be located in sustainable 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 aims of the Framework in relation to locating rural housing where it will meet local needs and enhance or maintain the vitality of rural communities.

Character and appearance

16. The appeal site is an undeveloped area of garden land that is well screened by mature boundary hedgerows and scattered trees. It is in a relatively traditional rural agricultural landscape, with sporadic dwellings, farmsteads and groups of buildings widely separated by fields enclosed by mature hedgerows with scattered trees and patches of woodland. In this context, the appeal site with its continuous dense and tall hedgerow along Dale Grove makes a positive contribution to the undeveloped and well-vegetated rural character and appearance of the area.
17. The details of layout and appearance would be reserved matters. Nevertheless, the illustrative plans show a single vehicular highway access leading to a shared internal access road immediately behind the hedgerow. The 5 detached

dwelling would be aligned along the internal access. A section of roadside hedgerow would be removed to create the highway access and to either side of the entrance the hedgerow would be cut down and maintained at no higher than 1m in order to create the visibility splays. It seems reasonably likely that some trees would need to be pruned or felled to facilitate the scheme.

18. By virtue of the long frontage, the large size, number and relatively close spacing of the dwellings, the proposal would have the appearance of an isolated ribbon of residential development. In combination with the shared access arrangements and the relatively small plot sizes, which are not characteristic of rural areas, the proposal would be an overtly modern and suburban form of development. Consequently, it would not relate well to the traditional pattern of rural residential development in the area. It would be a discordant feature that would have an urbanising effect and it would not contribute to local distinctiveness or a strong sense of place.
19. No arboricultural impact assessment has been provided to establish the extent of hedgerow and tree works necessary to facilitate the access or to inform the need for mitigation or compensation for any losses. However, even if the majority of the roadside hedgerow could be retained, the creation of the access and the reduction in height for a significant length would be detrimental to the leafy rural character and appearance of the area. Given the small plot sizes and relatively close spacing of the dwellings, it seems reasonably unlikely that the proposal could accommodate any meaningful landscape planting. Consequently, the significant increase in the bulk of hard built development in this location would be visually prominent and the proposal would not be screened or assimilated into the surrounding rural landscape.
20. I appreciate that there are several substantial leisure and tourism sites in this area including Twin Lakes, which extends away from the appeal site on the opposite side of Dale Grove. While these are not traditional forms of rural development, they are relatively well screened and assimilated into the landscape. In the case of Twin Lakes, it has been developed around a former sand and gravel extraction site and it sits well below the level of the surrounding land. Therefore, and irrespective of future development at the Twin Lakes site, it is not an overly prominent feature and it does not provide a visual or landscape context or justification for new housing in this area.
21. Therefore, the proposal would result in 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 should be in keeping with its surroundings and it should make a positive contribution to the identity and character of the area, having regard to local distinctiveness. It would conflict with policies in the Framework that require development to add to the overall quality of the area, being sympathetic to the surrounding built environment and landscape setting, maintaining a strong sense of place and contributing to and enhancing the natural and local environment.

Heritage assets

22. The heritage asset is Dale House, a large 2 storey dwelling and a Grade II listed building. It dates from 1838, although it is constructed on the site of an earlier building. It has a symmetrical frontage in the classical style. Architectural interest includes the central porch with corner pilasters with sunk panels, a dentil course and cornice, gable stacks, sash windows with plain

stone surrounds and a rear stair sash window with a semi-circular head and plain reveals. It is set back from the A6070 in generous mature grounds. Its significance derives in part by virtue of being a good example of a substantial classical country house that retains decorative elements and details.

23. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
24. The Framework advises that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The significance of the asset can be harmed or lost as a result of the alteration or destruction of the asset or from development within its setting. The Framework defines the setting of a heritage asset as the surroundings in which that asset is experienced. Accordingly, elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate the significance or may be neutral.
25. The appeal site is within the grounds of Dale House. Although it is predominantly lawn, there is evidence that it was developed as a tennis court in the past and, before that, that it was part of the orchard of the dwelling. The appeal site is at some distance from the listed building. However, it is continuous with the gardens, including the remaining small orchard, and it is enclosed within the grounds of Dale House by strong mature boundaries. Consequently, the appeal site is visually, physically and functionally part of the historic grounds of the listed building. Notwithstanding that public views into the site are limited by the dense roadside hedgerow, the appeal site is read as part of the historic setting of the large country house and, in this respect, it makes a positive contribution to the significance of the heritage asset.
26. In contrast to the mature and undeveloped gardens extending away from the listed building, and irrespective of the detailed appearance of the dwellings, the proposal would be an overtly modern ribbon of development that would not relate well to the listed building or its grounds. By virtue of the introduction of a significant mass of built development, the proposal would be visually obtrusive when viewed from the listed building. It would disrupt the visual connection between the large country house and the surrounding rural landscape. The significant reduction in the extent of the gardens and grounds attached to Dale House would be detrimental to the landscape setting and historic narrative of the country house.
27. The reduction in height and removal of part of the roadside hedgerow would open up views of the rear of the listed building. By virtue of its bulk and suburban appearance, the proposal would be a discordant form of development in the surrounding historic and rural context. While it would not be visible in juxtaposition with the principal elevation of Dale House, nevertheless from locations to the rear, it would detract from the views of, and hence the ability to appreciate, the listed building.
28. Therefore, the proposal would make a negative contribution to the setting of the listed building. It would fail to sustain or enhance the setting, and hence the significance, of the designated heritage asset. It would conflict with policies in the Framework that recognise heritage assets are an irreplaceable resource, and which seek to ensure that they are conserved and enhanced in a manner

appropriate to their significance. Although the harm would be less than substantial, the proposal would conflict with Policy DM32 of the DMDPD.

29. Paragraph 196 of the Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, that harm should be weighed against the public benefits of the proposals.
30. In this case, 5 dwellings would make a small contribution to the supply of housing and there would be limited economic and social benefits in this location. The appellant has indicated that, although the proposal would not be enabling development, it would contribute towards funding the costs of maintaining and repairing the listed building. Notwithstanding that the conservation of listed buildings is in the public interest, Dale House is a private dwelling and therefore this would be predominantly a private benefit. Moreover, there is no substantive evidence before me in relation to the condition of the building or the extent or the cost of any necessary repairs. It has not been demonstrated that the appeal scheme is necessary or proportionate to secure the future of Dale House. Therefore, taking account of the considerable importance and weight that must be given to any harm to heritage assets, I find that the harm to the significance of the listed building would outweigh the benefits of the scheme.

Planning Balance

31. The Council is currently unable to demonstrate a 5 year supply of housing (5YHLS). However, Paragraph 11 d) of the Framework is clear that the presumption in favour of sustainable development does not apply where the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development. The relevant policies are listed in the footnote to Paragraph 11 and they include those relating to designated heritage assets.
32. Five dwellings would make a small contribution to the supply of housing. There would be small economic benefits in the short-term during the construction phase. New dwellings in this location would make a limited contribution to supporting local services and facilities. Given the dispersed nature of rural housing in this area, and the reliance on private car journeys, there would be limited social benefits in terms of the vitality of rural communities. These matters carry limited weight in favour of the scheme.
33. There would be moderate harm by virtue of the conflict with the Council's locational development strategy and aims for rural housing. Although not isolated, the site is not in an accessible location with regard to services and facilities. It would not promote sustainable forms of transport and future occupiers would be heavily reliant on private car journeys. The occupation of 5 large dwellings would result in a significant increase in car journeys in this location, including future occupiers and their private and commercial visitors. The proposal would not contribute to sustainable development aims in relation to healthy lifestyles or climate change adaptations. Therefore, the countryside location is a factor that weighs against the scheme to a moderate degree.
34. The proposal would result in harm to the rural character and appearance of the area, including hedgerows, and the setting of the Grade II listed building. These harms weigh against the proposal to a moderate degree.

35. The proposal would not result in harm to the living conditions of neighbouring residential occupiers. Acceptable means of surface and foul water drainage could be secured by planning condition. Subject to acceptable access arrangements including visibility splay, and off-site highway improvement works, which could be addressed by planning condition, there would be no significant adverse effects on highway safety. However, these are requirements of the development plan and they do not weigh in favour of the scheme.
36. The Framework encourages the effective use of land, including by attaching substantial weight to using suitable brownfield land within settlements for homes. The appeal site is previously developed land (PDL) by virtue of being a residential garden outside of a built-up area. Nevertheless, it should not be assumed that the whole of the curtilage of the developed land should be developed. Moreover, given the harms that I have found, the re-use of PDL in this case would not weigh in favour of the scheme.

Habitats sites

37. In its consultation response, Natural England advised that a HRA is required to assess recreational disturbance impacts on the habitats site. In reaching its decision and taking into account the conclusion of the HRA of the local plan, the modest scale of the proposal and the distance from the habitats site, the Council concluded that the proposal would not result in a likely significant effect on the habitats site. Notwithstanding that I have a statutory duty in this regard, as I am dismissing the appeal for other reasons, it is not therefore necessary for me to further consider the impacts of the scheme on the designated site.

Conclusion

38. For these reasons, the proposed development would conflict with the development plan and there are no material considerations that would outweigh that conflict. Therefore, the appeal should be dismissed.

Sarah Manchester

INSPECTOR