



Appeal Decision

Site visit made on 17 August 2020

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 September 2020

Appeal Ref: APP/C2708/W/20/3253372

Jubilee Cross, Greenfoot Lane, Low Bentham, Lancaster LA2 7EQ

- 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 and Mr RJ & S and T Cornthwaite and Whitaker against the decision of Craven District Council.
 - The application Ref 2019/21170/OUT, dated 31 October 2019, was refused by notice dated 14 January 2020.
 - The development proposed is development of two detached dwellings in land to rear of Greenfoot.
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Decision

1. The appeal is allowed and outline planning permission is granted for development of two detached dwellings in land to rear of Greenfoot at Jubilee Cross, Greenfoot Lane, Low Bentham, Lancaster LA2 7EQ in accordance with the terms of the application, Ref 2019/21170/OUT, dated 31 October 2019, subject to the conditions set out in the Schedule at the end of this decision.

Procedural Matter

2. The application has been submitted in outline with all matters reserved for future consideration. I have dealt with the appeal on that basis, treating the proposed site plan as being indicative.

Main Issue

3. The main issue is whether the site would be a suitable location for residential development with regard to local and national planning policy.

Reasons

4. The Craven Local Plan 2019 (the Local Plan) identifies Low Bentham as being part of a Tier 2 Key Service Centre. Policy SP4(H) of the Local Plan supports proposals for additional housing growth on non-allocated land for housing within the main built up areas of Tier 2 settlements, amongst other things. The 'main built up area' is defined as the settlement's closely grouped and visually well related buildings and any associated spaces between the buildings, subject to a number of exceptions.
5. When viewed on plan, the site is bounded on three sides by the developed extent of the village, including residential buildings and curtilages. Although the gardens of properties to the south do not project as far into the

surrounding area as the appeal site, the further projection of the appeal site is limited. The surrounding development plots on three sides of the site are closely grouped and this arrangement indicates that the site is part of the main built up area of the settlement.

6. When viewed on site, this relationship is not as readily apparent due to the topography of the area. However, I saw that the nearby developed plots are visible from various locations within the site and that it has the visual context of being space between these buildings. The site also contains an access to garages, a disused allotment and other man-made features which have the characteristics of being associated with the main built up area of the settlement rather than the countryside around it. On balance, based on what I have seen and read, I conclude that the appeal site is part of the main built up area with regards to the definition set out in Policy SP4 of the Local Plan.
7. One of the exceptions to the definition in Policy SP4 relates to gardens, paddocks and other undeveloped land on the edge of the settlement which relates more to the surrounding countryside than to the main built up area of the settlement. However, for the reasons given above I have concluded that the appeal site relates to the main built up area rather than the countryside, and therefore does not fall within this exception, or indeed any of the other exceptions, in Policy SP4.
8. The appellants own further land to the west projecting down a slope to a watercourse. Unlike the appeal site, this area of land does appear to project into the countryside beyond the settlement. The boundary between these two areas of land is not well-defined on the ground. But the specified boundary of the appeal site broadly reflects the built form of the village in the vicinity and in that regard I consider this boundary to be appropriate.
9. The Council submits that the appeal site adjoins the main built up area rather than being within it, and that the site should therefore be assessed against different criteria in development plan policy. However, the Council provides no substantive evidence to justify this stance. Considered objectively and in context, I conclude that the appeal site is within the main built up area and I have assessed it accordingly.
10. The Council contends that the unfettered expansion of the outer limits of the main built up areas of settlements would undermine its spatial strategy for housing growth. However, the appeal proposal does not represent unfettered growth as my assessment is based on the particular circumstances of this site. Each case should be judged on its individual planning merits, and the circumstances of this case are so particular to the site as to not fetter the Council in its consideration of development elsewhere.
11. Drawing the above together, I conclude that the appeal site is within the main built up area of the settlement and that the proposal would therefore not conflict with Policy SP4 of the Local Plan. The proposal would also not conflict with the National Planning Policy Framework with regards to achieving sustainable development.

Other Matters

12. Comments raised locally have expressed concern about the suitability of the access to the site which is shared by a number of other properties. However,

although the access is relatively narrow, the extra traffic movements generated by two dwellings would be limited. There is sufficient space within the site to provide appropriate parking and manoeuvring areas so that cars can enter and leave the site in forward gear. The proposal would also retain suitable access to nearby garages, and would not be unduly restricted when the garage doors are open. Furthermore, traffic movements associated with individual garages would be limited and would not lead to unacceptable conflict with the vehicle movements resulting from the proposal. The Local Highway Authority have raised no objections to the proposal. Within that context, I consider that the site would provide suitable access.

13. Concerns have also been raised regarding potential overlooking and an overbearing relationship with nearby residential properties. However, I saw that the site enables suitable separation distances from nearby dwellings and this issue can therefore be addressed at the reserved matters stage.
14. I note the comments raised with regards to drainage and sewerage in the area, but I have not been provided with substantive evidence that it is not feasible to adequately drain the proposed development. There is also no evidence that bats or other protected species would be harmed by the development. The retention and design of means of enclosure can be addressed at the reserved matters stage.

Conditions

15. The Council and consultees have suggested a number of planning conditions which I have considered against the advice in the Planning Practice Guidance. As a result, I have amended some of the conditions for clarity.
16. I have attached conditions relating to the submission of reserved matters and the associated time limits. I have also included a condition specifying the relevant site plan in the interests of certainty. I have not referred to the Proposed Site Plan or the Design and Access Statement as these are indicative in respect of this outline application, and the site boundary is specified on the Existing Site Plan.
17. A condition in respect of the use of materials is appropriate in the interests of the character and appearance of the area. A condition in respect of surface and foul water drainage is required to ensure satisfactory drainage of the site. A condition in respect of the provision and retention of parking and manoeuvring areas is appropriate in the interests of highway safety.
18. A condition requiring a construction method statement to address issues such as parking, deliveries, debris on the highway, dust and the hours of construction is appropriate in the interests of highway safety and the living conditions of nearby residents. Due to proximity to a historic landfill site, a condition in respect of contamination is necessary in the interests of public safety.

Conclusion

19. For the reasons given above, I conclude that the appeal should be allowed.

David Cross

INSPECTOR

Schedule of Conditions

- 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plan: Drawing 01 - Existing Site Plan.
- 5) Notwithstanding any description of materials in the application, prior to their first use on site samples or full details of all materials to be used on the external surfaces of the buildings shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. The development shall thereafter be implemented in accordance with the duly approved materials.
- 6) The site shall be developed with separate systems of drainage for foul and surface water on and off site.
- 7) No dwelling shall be occupied until, in accordance with the approved reserved matters, space has been laid out within the site for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear and that space shall thereafter be kept available at all times for those purposes.
- 8) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) precautions to be taken to prevent the deposit of mud, dirt and grit on the highway;
 - iv) measures to control the emission of dust and dirt; and
 - v) delivery, demolition and construction working hours.The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 9) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a

report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 28 days of the report being completed and approved in writing by the local planning authority.

End of Schedule