



Appeal Decision

Site visit made on 1 December 2020

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th January 2021

Appeal Ref: APP/A2335/W/20/3256311

Land off Aldcliffe Road, Aldcliffe, Lancaster

- 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 Stratford-Hall of Aldcliffe Hall Estates against the decision of Lancaster City Council.
 - The application Ref 19/01460/OUT, dated 5 November 2019, was refused by notice dated 21 January 2020.
 - The development proposed is erection of 9 No dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council adopted the Lancaster Local Plan Part Two: Review of the Development Management DPD in July 2020, after its refusal of planning permission. In these circumstances, I am required to determine the appeal against the current development plan for the area at the time of my Decision.
3. The application is in outline with all matters reserved for future consideration except for the means of access. Drawings showing an indicative layout of the development were submitted with the application, and I have had regard to these in determining this appeal.
4. The appellant has submitted a Unilateral Undertaking ('UU') that would provide a financial contribution towards the provision of affordable housing. The UU is signed and dated, and I have taken it into account in reaching my Decision.

Main Issues

5. The main issues are:
 - (a) The effect of the development on the character and appearance of the area, having regard to its location within the Low Coastal Drumlins landscape character area;
 - (b) The effect of the development on the setting of the Grade II listed 1-5 Aldcliffe Village;
 - (c) Whether the development would affect the setting of a non-designated heritage asset;
 - (d) Whether the development would make an effective use of land and;

- (e) Whether the development would prejudice highway safety.

Reasons

Character and appearance of the area

6. The appeal site is within the Low Coastal Drumlins landscape character area, which extends along the coast behind Morecambe Bay. This area is characterised by distinctive low whaleback hills, which are around 40 metres in height with broad rounded tops. The appeal site consists of agricultural land towards the summit of one such drumlin and is in an elevated position relative to much of the surrounding land.
7. The development would wrap around the southern and eastern edges of Aldcliffe and would be visible at the entrance points to it from both the south and north east. When viewed from along Aldcliffe Road to the south, the development would inevitably be seen as a series of large detached properties in an elevated position. It would be a dominant feature at the southern entrance to the village that would be prominent in longer views from this direction. Whilst existing properties are positioned along the western edge of the site, these are situated on lower ground on the other side of the road and are largely screened in views from the south by mature trees and planting. Accordingly, the development would appear as an outward extension of the village rather than as a rounding off of the existing built up area.
8. The appeal site also extends across the southern boundary of Inverlune, which is a characterful historic property and a landmark building in the area. It forms an attractive entrance feature to the village and is prominent in longer views from the south. Whilst layout is a reserved matter, the illustrative plans show a development that would largely obscure existing views of Inverlune beyond the southern edge of the site, including of the attractive half-timbered tower towards its eastern side. In this regard, the area of public open space that is shown would be insufficient to retain its contribution to the area, other than in some near views from the site edge. Whilst an alternative layout could be secured at reserved matters stage that would better preserve these views, this would require a significantly larger area of open space. It would also be likely to result in a discordant peninsula of development towards the eastern part of the site that would be surrounded by open land on 3 sides.
9. When viewed from Aldcliffe Road to the north east, the development would be a prominent feature at the entrance to the village, particularly when rounding the bend in the road. It would extend out significantly beyond the existing settlement edge to both the south and east and would narrow the gap between Aldcliffe and Lancaster. When approaching Aldcliffe from this direction, the development would appear as an outward encroachment of the village, and it would be dissimilar from the Park Meadow development in this respect. Whilst layout and scale are reserved matters, it would inevitably be seen as a series of large detached properties in a suburban cul-de-sac arrangement. In this regard, the position and layout of the dwellings are largely dictated by the shape of the site and the access point. This would be an unsympathetic arrangement, jutting out beyond the adjacent properties, that would be a poor entrance feature to the village. Whilst there is an existing low concrete fence along the eastern boundary of The Limes, this is screened in longer views by the roadside hedge. At present, this boundary is dominated by an attractive row of mature trees, that would be partially obscured by the development.

10. The appeal site is also visible in longer views from various points along the towpath to the Lancaster Canal, and from footpath FP 1-1 49 which runs roughly parallel to it. These views are filtered by hedgerows along the paths' western edge, although the site is clearly visible from a number of points. In this regard, my site visit took place in December when much of the hedgerow had shed its leaves and views of the site were more pronounced. From these vantage points, the development would inevitably appear as a large outward extension of the village in a prominent hilltop position. Moreover, it would obstruct existing views across the site of Inverlune, including of its attractive half-timbered tower.
11. Given the elevated position and visibility of the appeal site in the Low Coastal Drumlins landscape, the development would be conspicuous from a number of points in the surrounding area. Whilst the submitted Landscape and Visual Impact Assessment ('LVIA') asserts that existing views of the site are largely seen against a backdrop of housing, that is mainly true insofar as it relates to views of Inverlune and its former coach house at The Limes. For the reasons set out elsewhere in this Decision, I also do not accept the contention that the site has low conservation/heritage interest, given its importance to the settings of 1-5 Aldcliffe Village and Inverlune. Whilst landscaping is a reserved matter, it is difficult to see how an acceptable appearance could be achieved through new planting given the site's prominent hilltop location, the loss of views of Inverlune, and the likely size of the proposed dwellings. In any case, such a scheme would take many years to mature. Accordingly, I consider that the effect of the development on both the character and appearance of the area and on local landscape character would be significantly greater than the minor adverse impact that is suggested. Any modest benefits arising from additional planting within the site would not overcome the harm caused by the development in my view.
12. For the above reasons, I conclude that the development would significantly harm the character and appearance of the area, having regard to its location within the Low Coastal Drumlins landscape character area. It would therefore be contrary to Policies DM4 and DM46 of the Lancaster Local Plan Part Two: Review of the Development Management DPD (2020). These policies seek to ensure, amongst other things, that new development is well related to the existing built form of the settlement and is appropriate to its surroundings in terms of siting, scale, and external appearance.

Grade II listed building

13. The western edge of the appeal site is in close proximity to 1-5 Aldcliffe Village, which are Grade II listed. These properties consist of a terrace of late 18th or early 19th century cottages that are constructed in sandstone rubble, with painted roughcast frontages. They are likely to have originally housed agricultural workers in association with Aldcliffe Hall. Their significance stems from their attractive vernacular form and historic association with the settlement's origin and development.
14. The listed cottages front onto a narrow lane off Aldcliffe Road, and their side gable faces the appeal site. Its current agricultural use provides a connection to the cottages' historic function, and it clearly forms part of their setting in my view. Whilst layout and appearance are reserved matters, the development would inevitably serve to enclose the listed cottages within the village and

would largely remove their remaining connection to the surrounding agricultural landscape. I note that the illustrative plans show an area of public open space on the part of the site nearest to the listed cottages. However, that would have a very different character to the current agricultural use, and it would be dominated by large detached properties on elevated land. Whilst the listed cottages and their surroundings have been subject to some later alterations, that does not provide a justification for the appeal proposal which is of an altogether different scale.

15. For the above reasons, I conclude that the development would harm the setting of the Grade II listed 1-5 Aldcliffe Village. This harm would be 'less than substantial' in the context of Paragraphs 195-196 of the National Planning Policy Framework ('the Framework'). However, the public benefits associated with the scheme, including the provision of 9 dwellings, a new area of public open space, and a financial contribution towards the provision of affordable housing, would not outweigh the harm in this case.
16. The proposal would therefore be contrary to Policy DM37 of the Lancaster Local Plan Part Two: Review of the Development Management DPD (2020), and guidance in the Framework relating to designated heritage assets.

Non-designated heritage asset

17. Policy DM41 of the Local Plan Part 2 Review (2020) states that proposals affecting the setting of a non-designated heritage asset will be required to give due consideration to its significance and ensure that this is protected or enhanced where possible. It further states that new buildings in close proximity to a non-designated heritage asset should ensure that the setting is not compromised.
18. The appeal site is directly to the south of Inverlune, which is a substantial detached property constructed in an Arts and Craft style. It was designed by prominent local architect Charles Bulman Pearson and dates to either the late 19th or early 20th century. The building is a characterful property, with distinctive chimneys and an attractive half-timbered tower, and is a landmark feature in the area. It has a clear aesthetic value and has evidential value as an example of a late 19th/early 20th century dwelling completed in the Arts and Crafts style. In my view, it clearly constitutes a non-designated heritage asset.
19. Inverlune has a relatively shallow rear garden area and is positioned close to the boundary with the appeal site. Views of Inverlune from the surrounding area are largely across the appeal site, which allow for an appreciation of its aesthetic value. These views also allow it to function as a local landmark. Moreover, the building contains architectural features designed to respond to the surrounding landscape, including its half-timbered tower. Accordingly, I am satisfied that most of the appeal site is within the setting of Inverlune.
20. Whilst layout is a reserved matter, the development would inevitably enclose Inverlune to a significant degree and would reduce views of it. In this regard, the indicative layout shows large detached properties surrounding Inverlune to both the south and east, which would allow residual views of it from along the western edge of the site only. Such an arrangement would significantly reduce Inverlune's connection to the surrounding landscape and would restrict views of it from both the south west, south east, and east. This would harm an appreciation of both its aesthetic value and design, and would undermine its

function as a local landmark. In this regard, residual views across the proposed public open space from the south west would be far more limited than at present, particularly in relation to the attractive half-timbered tower. Given the position of the site, it is difficult to envisage an alternative layout that would not compromise its setting or landmark function.

21. The Council has not published a local list of non-designated heritage assets in the district. The appellant also states that at the time the application was submitted, only limited information was available regarding the criteria used by the Council to identify such assets. However, Planning Practice Guidance ('PPG') states¹ that in some cases, local planning authorities may identify non-designated heritage assets as part of the decision-making process on planning applications. Whilst PPG gives the example of assets revealed by archaeological investigations, it does not exclude other types of non-designated heritage asset from being identified at this stage. In this regard, it is not always possible to identify such assets before an application is submitted. Moreover, I have good evidence before me to justify the identification of Inverlune as a non-designated heritage asset in this case.
22. For the above reasons, I conclude that the development would significantly harm the setting of a non-designated heritage asset. It would therefore be contrary to Policy DM41 of the Lancaster Local Plan Part Two: Review of the Development Management DPD (2020).

Effective use of land

23. Policy DM1 of the Local Plan Part 2 Review (2020) states that development which ensures that available land is used effectively will be supported, taking into account the characteristics of the area. The explanatory text further states that new housing development should use land efficiently whilst respecting its local context. The Framework also seeks to promote an effective use of land in meeting the need for homes and other uses.
24. The appeal site is 1.7 hectares in size and the development would achieve a gross density of around 5.3 dwellings per hectare. In this regard, the illustrative layout shows 9 very large dwellings set within generous plots. This would be a very low density, even in the context of the existing properties within Aldcliffe. Given the likely size of the proposed dwellings, it is also not clear that a denser scheme would have a significantly greater impact on the landscape. Whilst the development would provide a new area of public open space along its western edge, that is shown as occupying only a relatively small proportion of the site. I note that 6 recently constructed dwellings at Park Meadow, on the opposite side of Aldcliffe Road, are also of low density. However, that is a smaller site and the Council state that it was constrained by mature trees, which is not the case here. That development also achieved a higher gross density of around 7.5 dwellings per hectare.
25. For the above reasons, I conclude that the development would represent an ineffective use of land. It would therefore be contrary to Policy DM1 of the Lancaster Local Plan Part Two: Review of the Development Management DPD (2020), and guidance in the Framework in this regard.

¹ Paragraph ID: 18a-040-20190723

Highway safety

26. The development would be accessed via a single point onto Aldcliffe Road, which is the main route through the village. This is a relatively quiet rural road that leads out to open countryside to the south.
27. The proposed access point would have good visibility to the north east. With regard to the south western visibility splay, the Highway Authority accepts that a reduced X distance of 2 metres would be justified given the low volume of traffic. This is consistent with guidance in Manual for Streets, which states that *"a minimum figure of 2 metres may be considered in some very lightly-trafficked and slow-speed situations"* (Paragraph 7.7.7). Moreover, drivers approaching from the north east would be able to see any protrusion into the carriageway from a reasonable distance and so would be able to manoeuvre around it without difficulty. A visibility splay of 2.4 x 43 metres could also be achieved to the south west if measured to the nearside edge of the vehicle track. In this regard, a swept path analysis has been submitted to show the likely position of a vehicle within the carriageway, allowing for the effect of an existing verge in front of the boundary wall. In this case, I am satisfied that both of these approaches are reasonable and that a safe and suitable access to the site can therefore be achieved. I further note that the Highway Authority has withdrawn its objection to the development on these grounds.
28. In terms of walking routes, future occupiers of the development would be reliant on Aldcliffe Road to access services and facilities in Lancaster. This is an unlit route with no pedestrian footway, and hedgerows positioned alongside the carriageway edge. It does not provide a safe walking environment into Lancaster for all users, particularly when the light is poor. In this regard, the development would not have direct access to Aldcliffe Hall Drive, as the route to it through Park Meadow is private land, and there are signs stating that there is no public right of way. Conversely, the scheme subject to a dismissed appeal² in 2015 was located off Aldcliffe Hall Lane and so would have been near to the entrance to Aldcliffe Hall Drive. However, the appellant also owns the land to the east of the appeal site and has offered to provide a footpath linking to the canal towpath. This could be secured by condition and would provide a safe pedestrian route into Lancaster.
29. For the above reasons, I conclude that the development would not prejudice highway safety. It would therefore accord with the relevant sections of Policies DM29, DM60 and DM61 of the Lancaster Local Plan Part Two: Review of the Development Management DPD (2020). These policies seek to ensure, amongst other things, that new development incorporates a safe and suitable access, has convenient access for walking and cycling to local amenities, and provides appropriate pedestrian access for all sections of the community. It would also be consistent with guidance in the Framework in this regard.

Other Matters

30. The Council's housing land supply position at November 2019 was 4.5 years against the 5 year requirement. However, the Council has since adopted the Lancaster Local Plan Part Two: Review of the Development Management DPD (2020). In this regard, the Inspector's examination report states that the Council is able to demonstrate a 5-year supply, which presumably takes into

² APP/A2335/W/15/3033373

account new housing allocations in that plan. I return to this matter in my overall balance and conclusion, below.

31. The site is in a relatively accessible location in walking distance of services and facilities in Lancaster, including those within the city centre.
32. I understand that Aldcliffe-with-Stodday Parish Council is currently preparing a Neighbourhood Plan for the area. From the information before me it is unclear what stage this has reached, and no draft version of the plan has been submitted. However, as I am dismissing the appeal on other grounds, this matter is not determinative in this case.

Overall Balance and Conclusion

33. As set out above, the development would significantly harm the character and appearance of the area and would result in less than substantial harm to the setting of a Grade II listed building. It would also significantly harm the setting of a non-designated heritage asset and would represent an ineffective use of land. It would be contrary to the development plan in these respects.
34. Set against this, the development would provide 9 dwellings in a relatively accessible location and would provide a financial contribution towards the provision of affordable housing within the district. It would also provide a new area of public open space and additional planting within the site, and would generate economic benefits through the creation of employment and the purchasing of materials and furnishings.
35. In these circumstances, even if I were to conclude that the Council was unable to demonstrate a 5 year supply of housing land, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. Accordingly, the material considerations in this case do not indicate that the proposal should be determined other than in accordance with the development plan.
36. For the reasons given above I conclude that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR