



Appeal Decision

Site visit made on 26 January 2021

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th February 2021

Appeal Ref: APP/P2365/W/20/3260409

53A Hesketh Lane, Tarleton, PR4 6AQ

- 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 David Tomlinson of Bella Homes against the decision of West Lancashire Borough Council.
 - The application Ref 2020/0427/FUL, dated 27 May 2020, was refused by notice dated 4 August 2020.
 - The development proposed is the erection of a single bungalow dwelling.
-

Appeal Ref: APP/P2365/W/20/3260411

53A Hesketh Lane, Tarleton, PR4 6AQ

- 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 David Tomlinson of Bella Homes against the decision of West Lancashire Borough Council.
 - The application Ref 2020/0428/FUL, dated 27 May 2020, was refused by notice dated 5 August 2020.
 - The development proposed is demolition of existing single dwelling and garage and the construction of 2 detached dwellings.
-

Decisions

Appeal A

1. The appeal is allowed and planning permission is granted for the erection of a single bungalow dwelling at 53A Hesketh Lane, Tarleton, PR4 6AQ in accordance with the terms of the application, Ref 2020/0427/FUL, dated 27 May 2020, subject to the conditions set out in the attached schedule.

Appeal B

2. The appeal is allowed and planning permission is granted for demolition of existing single dwelling and garage and the construction of 2 detached dwellings at 53A Hesketh Lane, Tarleton, PR4 6AQ in accordance with the terms of the application, Ref 2020/0428/FUL, dated 27 May 2020, subject to the conditions set out in the attached schedule.

Main Issues

3. The main issues are, firstly, whether the proposals would accord with the locational requirements of development plan policy for new housing development and, secondly, the effect of the proposals on protected bats.

Reasons

Locational requirements of development plan policy

4. The appeal sites are located outside of the defined settlement boundary for Tarleton and are designated as 'Protected Land'. Policy GN1 of the West Lancashire Local Plan (2013) states that development on Protected Land shall only be permitted where it retains or enhances the rural character of the area. However, Paragraph 5.5 of the explanatory text notes that a few sites that fall under this designation are enclosed by substantial built development on three or more sides, and it would be more appropriate to treat these as being part of the settlement.
5. In this case, the appeal sites consist of a large residential plot that is currently occupied by a detached dwelling and double garage. The sites are adjacent to existing residential properties along 2 sides, and adjoin a large nursery business to the north, which contains significant areas of hardstanding, car parking, and several buildings. Accordingly, they are largely contained by substantial built development along 3 sides, and only adjoin open countryside to the west.
6. In addition, the sites currently have a residential character and appearance and share an access with the adjoining residential properties to the south. They appear visually as part of the settlement and do not consist of open land. In my view, their contribution towards any buffer between the built up area of Tarleton and the Green Belt is also minimal. The appeal sites therefore make little contribution to the purposes of designating Protected Land, as set out in the 'Context' and 'Justification' sections to Policy GN1. It is also agreed that they are in an accessible location in walking distances of services, facilities, and public transport connections in Tarleton.
7. In these circumstances, I consider that it would be more appropriate to treat these sites as being part of the settlement, as envisaged under paragraph 5.5 of the justification to Policy GN1. Moreover, as the sites do not have a rural character, the proposals would not significantly affect the rural character of this area of Protected Land, as stipulated by Policy GN1.
8. For the above reasons, I conclude that the proposals would accord with the locational requirements of development plan policy for new housing development. They would be consistent with Policy GN1 of the West Lancashire Local Plan (2013) in this regard. However, even if I had come to a different view on this matter, the lack of harm associated with the proposals would have outweighed any conflict with the development plan in this case.
9. Separately, the Council's Decision Notice also refers to Local Plan Policy RS1. That policy states that small-scale 100% affordable housing schemes may be permitted on Protected Land where there are no suitable sites within the nearest settlement. However, as the appeal proposals are for market housing, this policy is not directly relevant in this case.

Protected bats

10. The appellant submitted an updated Ecological Appraisal¹ with the appeal that was produced after the Council refused planning permission. In relation to

¹ Envirotech (Ref 6225/B, September 2020)

bats, this includes details of 2 emergence surveys conducted in May 2020 and August 2020, and internal inspections of the loft (including photographs). In addition, a hibernation/winter survey was undertaken in February 2020. During each of these visits/inspections, no evidence was detected of bats using the buildings that are proposed for demolition. Based on the information before me, I am satisfied that the submitted Ecological Appraisal is a robust document, and that the proposals would not result in any harm to bats.

11. For the above reasons, I conclude that the proposals would avoid negative effects to protected bats. They would therefore accord with Policy EN2 of the West Lancashire Local Plan (2013), which seeks to preserve the natural environment. They would also accord with the National Planning Policy Framework ('the Framework') in this regard.

Conditions

12. The Council suggested a number of conditions, some of which I have edited for clarity and enforceability. In addition to the standard time limit condition, I have imposed conditions that require the proposals to accord with the approved plans. These are necessary in the interest of certainty.
13. I have also imposed conditions relating to foul and surface water drainage, which are necessary in order to secure appropriate drainage arrangements that do not increase flood risk elsewhere. However, I have not included a suggested condition relating to porous materials, as this would result in unnecessary duplication. Conditions relating to external materials and bird/bat boxes are necessary in order to protect the character and appearance of the area and to secure ecological enhancements. Further conditions requiring the installation of electronic charging points are also necessary in the interests of air quality and in order to comply with Paragraph 110 of the Framework. Finally, given the relatively small proposed garden areas, and shallow roof pitches, it is necessary to remove some permitted development rights in order to protect the character and appearance of the area and to ensure that adequate garden space is retained.

Conclusions

14. For the reasons given above I conclude that the appeals should be allowed.

Thomas Hatfield

INSPECTOR

Appeal A - Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: AJ39-HTB-001-A; AJ39-002-B; AJ39-003.
- 3) Other than demolition, no development shall take place until a strategy for the separate foul and surface water drainage of the development, including any necessary attenuation measures, maintenance management proposals, and phasing of delivery has been submitted to and approved in writing by the Local Planning Authority. Should the use of infiltration methods be discounted the peak rate of surface water discharge shall be included in the submitted details. The drainage scheme shall be completed in accordance with the approved strategy prior to the first occupation of the development.
- 4) No development involving the use of any facing or roofing materials shall take place until details of the materials to be used in the construction of external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 5) Prior to the first occupation of the dwelling, details of the location of a bird nesting box and a bat nesting box to be incorporated into the scheme shall be submitted to and approved in writing by the Local Planning Authority. The bird and bat boxes shall be installed in accordance with the approved details prior to the first occupation of the dwelling and shall thereafter be retained.
- 6) Prior to the first occupation of the dwelling, it shall be provided with a fully operational dedicated electric vehicle charging point, which shall thereafter be retained for that purpose.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions, additions to the roof, or outbuildings, as permitted by Classes A, B, and E of Part 1 of Schedule 2 of that Order, shall be erected other than those expressly authorised by this permission.

Appeal B - Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: AJ39-001-B; AJ39-HTA-001; AJ39-003.
- 3) Other than demolition, no development shall take place until a strategy for the separate foul and surface water drainage of the development, including any necessary attenuation measures, maintenance management proposals, and phasing of delivery has been submitted to and approved in writing by the Local Planning Authority. Should the use of infiltration methods be discounted the peak rate of surface water discharge shall be included in the submitted details. The drainage scheme shall be completed in accordance with the approved strategy prior to the first occupation of the development.
- 4) No development involving the use of any facing or roofing materials shall take place until details of the materials to be used in the construction of external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 5) Prior to the first occupation of the development, details of the number and location of bird nesting boxes and bat nesting boxes to be incorporated into the scheme (minimum 1 each per dwelling) shall be submitted to and approved in writing by the Local Planning Authority. The bird and bat boxes shall be installed in accordance with the approved details prior to the first occupation of the development and shall thereafter be retained.
- 6) Prior to the first occupation of a dwelling, it shall be provided with a fully operational dedicated electric vehicle charging point, which shall thereafter be retained for that purpose.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions, additions to the roof, or outbuildings, as permitted by Classes A, B, and E of Part 1 of Schedule 2 of that Order, shall be erected other than those expressly authorised by this permission.