



Appeal Decision

Site Visit made on 20 July 2021

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 18th August 2021

Appeal Ref: APP/A2335/W/21/3271470

Former Timber Yard, Rabbit Lane, Gressingham, Lancaster LA2 8LP

- 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 Leonard Metcalfe (Fleet Farm Ltd) against the decision of Lancaster City Council.
 - The application Ref 20/00237/OUT, dated 2 March 2020, was refused by notice dated 22 September 2020.
 - The development proposed is an outline application for the erection of a pair of holiday cottages including siting and access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal relates to an outline proposal, with access to be considered at this stage and with all other matters reserved for future consideration. A site layout plan was submitted to show the access arrangements, including the highway and internal access to serve the 2 holiday cottages.
3. The revised National Planning Policy Framework (the Framework) was published in July 2021, before the appeal was determined. The parties have been provided with the opportunity to comment on the implications of the revisions to their cases.

Main Issues

4. The main issues are:
 - i) The effect of the proposal on the character and appearance of the area;
 - ii) Whether or not the location is suitable for new residential development, having regard to local and national policies for rural development; and
 - iii) The effect of the proposal on surface water flooding.

Reasons

Character and appearance

5. The appeal site is an overgrown former saw mill and timber yard with corrugated metal and timber buildings, partially open-sided and in a poor state of repair. It is used for storage of machinery and materials in association with the agricultural operation of Fleets Farm, the main farmstead being located roughly 850m to the south west. The appeal site is on a valley slope in an area

of rural countryside characterised by grasslands with low boundary hedgerows, scattered trees and woodlands. It sits above Gressingham, which is a traditional small rural village. The closest dwelling is over 150m from the site and hidden from view by local topography and woodland. Consequently, the visual context for the proposal is the undeveloped and tranquil rural landscape with distant views including towards the Forest of Bowland Area of Outstanding Natural Beauty (AONB).

6. The buildings that would be demolished are unremarkable rural buildings. They are fairly well screened and assimilated into their surroundings by woodland, trees and hedgerows. Irrespective of their state of repair, they are not conspicuous or overly prominent. Moreover, by virtue of being under-utilised, they do not detract from the sense of openness and tranquillity of the surrounding undeveloped landscape.
7. The submitted site layout illustrates a pair of semi-detached properties set back from the road with gravelled parking for 4 vehicles to the front and to the side of the building. The cottages would be 2 storey, with 2-3 bedrooms, and they would be finished in stone and render with a slate roof, although I note the appellant would be willing to consider alternative designs and materials. Consequently, there would be a significant visual impact as a result of the encroachment of residential built form into the countryside.
8. The urbanising effect on the landscape would be exacerbated by the alterations to the access and roadside hedgerow, hardstanding and parking of vehicles, the activity of visitors, and artificial illumination and light spill. The cottages would be visually obtrusive, incongruous and discordant. Irrespective that detailed appearance and landscaping would be reserved matters, the dwellings would not make a positive contribution to sense of place or local distinctiveness of what is otherwise a peaceful open landscape.
9. Therefore, the proposal would harm the rural character and appearance of the countryside. It would conflict with Policy DM46 of A Local Plan for Lancaster District 2011-2031 Part Two: Review of the Development Management DPD Adopted July 2020 (the DMDPD). This requires, among other things, that development should be in keeping with the landscape character and appropriate to its surroundings. It would conflict with policies in the Framework that require development to be sympathetic to local character and landscape setting, to contribute to and enhance the local environment including by recognising the intrinsic character and beauty of the countryside.

The suitability of the location for new residential development

10. The site is in the countryside adjacent to Rabbit Lane, roughly 400m from and elevated above Gressingham. Rabbit Lane is a relatively steep and narrow rural road with soft vegetated verges, no footway or street lighting, and subject to the national speed limit. While there are a small number of scattered properties between the appeal site and Gressingham, these are widely separated from the site. There are no services or facilities in the vicinity of the site. The cottages would be isolated from dwellings and buildings and remote from the nearest settlement.
11. Gressingham is not a sustainable location for development, and it is further than could be considered a short or convenient walk. Hornby, which is the closest sustainable rural settlement with a reasonable range of services and

- facilities, is even further from the proposal. Given the distance involved, the narrow winding lanes and the local topography, future occupiers of the holiday lets would be unlikely to walk or cycle to Hornby to access shops and services.
12. There is a train station at Lancaster and there is a 2 hourly bus service from Lancaster to Kirkby Lonsdale that stops in Gressingham. On its return journey, it passes along Rabbit Lane and future occupiers could request to alight at the appeal site. Nevertheless, it seems reasonably unlikely that this would offer a realistic alternative to private car journeys, even if supermarket deliveries could be arranged to short-term holiday accommodation in this location. Taking account of the remote location, I consider that the majority, if not all, future holiday occupiers would arrive by car and they would be heavily reliant on private car journeys for the duration of their stay.
 13. I accept that there is both national and local planning policy support for the rural economy, including sustainable rural tourism which respects the character of the countryside. However, the proposal would not be the sustainable growth and expansion of an existing tourism business. It would not provide accommodation to meet the needs of an existing visitor attraction. The tourism industry does benefit the rural economy, but 2 holiday lets would make a limited contribution to the local economy. It has not been demonstrated that high turnovers of holiday visitors would contribute to maintaining or enhancing the vitality or viability of the rural community.
 14. Therefore, the location is not suitable for new residential development, including new visitor accommodation. The proposal would conflict with the rural development aims of Policies DM1, DM23, DM47, DM48, DM49 and DM60 of the DMDPD. These require, among other things, that development is well located with regard to settlements, with convenient access to local amenities by sustainable forms of transport and that it minimises travel by private car.

Surface water management and drainage arrangements

15. In the absence of a connection to a public sewer, the properties would be served by a shared treatment plant indicated on the plans as a septic tank. Although full details have not been provided, and a package sewage treatment plant should be considered in the first instance, I am satisfied that this is a matter that could be satisfactorily addressed by planning condition.
16. The application indicated that surface water run off would be directed to a soakaway in the north eastern corner of the site, although no detailed ground investigation had been carried out to demonstrate its feasibility. Percolation tests have now been carried out, which confirm that the proposed location would not be suitable but that a soakaway could be located outside of the appeal site on land within the ownership of the appellant.
17. I note the Council's concerns in relation to the location of the soakaway outside the red edge boundary of the site. In this regard, the Planning Practice Guidance advises that the application site should be edged clearly with a red line and it should include all land necessary to carry out the proposed development. Nevertheless, in this case, surface water run off could be managed by means of a soakaway on land within the control of the appellant and I consider that this matter could be addressed by planning condition.

18. Therefore, subject to appropriate conditions, surface water could be managed sustainably and the proposal would not have a detrimental impact on surface or groundwater quality or quantity. Consequently, there would be no conflict with the sustainable water management and drainage aims of DMDPD Policies DM34 and DM36. The proposal would not conflict with the policies in the Framework that relate to flood risk and climate change.

Other Considerations and planning balance

19. The appeal site was a commercial wood yard before being purchased by Fleets Farm in the 1970s, after which time it served the needs of the farm and it supplied firewood to local residents. It was used almost exclusively by the farm from around 2000 and, since roughly 2013, it was used only for the casual storage of farm machinery and materials. I am not aware of any planning history nor lawful development certificate that demonstrates a commercial or industrial use of the site. The evidence suggests that the recent use of the site has been ancillary to the agricultural business. The Framework advises that land that is or was last occupied by agricultural or forestry buildings should not be considered to be previously developed land (PDL). Therefore, in the absence of substantive evidence to the contrary, I find that the appeal site is not PDL.
20. The proposal would be a diversification of the Fleets Farm business, the main farm complex for which is located in the flood zone and has flooded on several occasions. There are in any case apparently no suitable redundant buildings within the farmstead that could be re-used or converted. The appeal site is surplus to the requirements of the business. The buildings are in a poor state of repair and they are not suitable to be re-used or converted.
21. The UK's exit from the European Union has resulted in further uncertainty about the future viability and profitability of farming and farm subsidies. The appellant's desire to diversify his agricultural business is therefore understandable and the proposal would be a private financial benefit. However, it has not been demonstrated that the farm business is, or is expected to be, unviable or that the modest contribution from the proposal would make any meaningful contribution to the economic stability of the agricultural business.
22. Energy efficiency measures such as insulation, solar panels and heat pumps would be considered as part of the future design. Such measures would contribute to climate change mitigation and sustainable development. However, there is little before me to demonstrate that these measures have been costed into the project or that the cottages would be of outstanding or innovative design which promotes high levels of sustainability. Therefore, this carries little weight in favour of the scheme.
23. The proposal would make a minimal contribution to the local economy in the short-term during construction. There would be limited local economic benefits during operation, including 1 part-time employee. These matters carry limited weight in favour of the scheme.
24. Subject to conditions, there would be no harm to protected species or to the safe operation of the highway and trees could be protected and replacement planting could be achieved. These are requirements of the development plan that weigh neither for nor against the proposal. Holiday use ancillary to Fleets Farm could be restricted by planning conditions and obligations, but this would not weigh in favour of the scheme.

25. The location is not suitable for new residential development, including tourism accommodation. The conflict with the Council's locational strategy, rural development and sustainable transport aims weigh against the proposal to a moderate degree. The harm to the character and appearance of the countryside also carries moderate negative weight. Absence of harm, and compliance with policy, in relation to matters including highways, biodiversity and flood risk are neutral factors. Neither the financial contribution to the appellant's farming business nor to the local economy carry more than limited weight in favour of the proposal.

Conclusion

26. For the above reasons, the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict.

27. Therefore, the appeal should be dismissed.

Sarah Manchester

INSPECTOR