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# Appeal Decision

Site Visit made on 22 June 2021

**by J Williamson BSc (Hons) MPlan MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 20 August 2021**

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**Appeal Ref: APP/M2325/W/21/3271466**

**Charoland Farm, Greenhalgh Lane, Greenhalgh With Thistleton, Preston PR4 3HL**

- 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 Walter Holloway and Ms Jane Lingings against the decision of Fylde Borough Council.
  - The application Ref 20/0796, dated 29 October 2020, was refused by notice dated 11 January 2021.
  - The development proposed is erection of two tourist accommodation units for holiday use.
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## Decision

1. The appeal is dismissed.

## Procedural Matters

2. The Council's decision notice describes the proposed development as "*erection of two detached bungalows to provide tourist accommodation for holiday use.*" The description of proposed development on the planning application form is "*erection of two tourist accommodation units for holiday use.*" I have not been provided with any evidence that the appellant agreed to the change of description. Although the units proposed are bungalows, I consider the description of proposed development provided on the planning application form adequately describes the proposal. The submitted plans depict the type of units proposed. I have therefore made my decision on this basis.
3. Following the submission of the appeal a revised National Planning Policy Framework (the Framework) was published. I have sought the views of the main parties as to the relevance of any changes. I have taken account of the responses received, and the content of the revised Framework, in my decision. Whilst some content has been added and paragraph numbers changed, the substance of the Framework with respect to the main issues of the case has not.

## Main Issues

4. The main issues are:
  - Whether the location of the proposed development is acceptable, having regard to local policies regarding development in the countryside; and
  - the effect of the proposed development on the character and appearance of the area.

## Reasons

5. The site comprises a rectangular strip of open agricultural land, located on the eastern side of Greenhalgh Lane between an existing small caravan site associated with Charoland Farm, to the south, and a range of domestic and agricultural buildings associated with Tunsteads Farm to the north. There is an existing access off Greenhalgh Lane. The site is bounded by hedges along the southern, western, and northern boundaries (with a few trees along the western end of the northern boundary) and a fence along its eastern boundary, separating it from the fields beyond. In planning policy terms, the site is located within the Countryside Area.

### *Whether the location is acceptable*

6. Policy GD4 of the Fylde Local Plan to 2032 (2018), (FLP32), seeks to protect the intrinsic value and rural character of the countryside. It defines the types of development that are acceptable within the countryside, which includes (type 'a') *"...uses appropriate to a rural area, including uses which would diversify the rural economy, including small-scale tourist accommodation..."*.
7. The Council has not challenged the appellant's assertion that the proposal would complement the existing agricultural diversification of Charoland Farm, and I have no reason to do so either, as adding 2 units of accommodation for holiday use to the business portfolio of the farm represents further diversification of it, and hence a diversification of the rural economy. The issue disputed between the parties is whether the proposal represents *"small-scale tourist accommodation"*.
8. The terms 'small-scale' and 'tourist accommodation' are not defined in Policy GD4, nor have I been provided with a definition of these terms from elsewhere within the FLP32. I accept the council's proposition that an assessment of whether something is or is not 'small-scale' needs to take account of its context. Nevertheless, I consider the phrase, when used ordinarily, refers to something being of limited size or extent. In my opinion, therefore, the scale of the proposal may relate to aspects such as the size of the site, the number of units proposed, the size of the plots, the size of the units, the extent of tourist accommodation within proximity of the site and the likely extent of use.
9. I consider the wider context to consist broadly of Greenhalgh Lane and Back. These 2 rural roads are distinctly different in character to the M55 and A585 to the south and east respectively. Additionally, I consider the proposal the immediate context to comprise of the neighbouring sites Charoland Farm, to the south, and Tunstead Farm, to the north.
10. I have not been provided with any evidence of there being an excessive amount of tourist accommodation within the area; as such, within the context of the area, I consider the provision of 2 units to be small-scale. The area of each proposed plot would be much smaller than the plots of the immediate neighbouring properties, and they would be comparable to many of the plots in the wider area. The size of the bungalows would be smaller than the immediate neighbouring properties and either smaller than or comparable to many of the properties in the area. I consider the extent of use of the properties, even when at maximum occupancy, would constitute a

limited extent of use of the land. Hence, with regards to these aspects I consider the proposal to be 'small-scale'.

11. However, given that the proposal is for 2 x 2-bedroomed properties to be used by visitors for holiday accommodation, I consider the size of the plots, in particular their depth and the proportion of garden/private outdoor space, to be excessive in relation to their proposed use. Thus, the front half of each plot, which would be around 21 and 26 m deep respectively, would only be used for 2 car parking spaces and a turning area; and the rear gardens would be around 10 and 15 m deep respectively. I consider the size of the gardens to both the front and rear would not be required for most visitors visiting for short periods. Furthermore, the proposed density would be a very inefficient use of land. Therefore, regarding the depth of the proposed plots and the proposed use, I consider the proposal would not be 'small-scale'. As such, I conclude that the proposal would not accord with this element of Policy GD4.
12. I consider the term 'tourist accommodation', when used ordinarily, to refer to sheltered accommodation provided for a fee to visitors to an area. The Council considers the proposed bungalows not to constitute 'tourist accommodation' due to factors such as the proposed plot sizes, site layout, size of the units, design features, external materials and the potential for the buildings to be used as dwellings at some point in the future. In my opinion, 'tourist accommodation' could potentially be of any design and size and constructed of any materials, as it is how the accommodation is used which is the defining factor.
13. Policy EC6<sup>1</sup> of the FLP32 provides a list of things the Council seek to do to plan for leisure, culture, and tourism development across the plan area. The policy states that the promotion and enhancement of rural tourism will be encouraged through rural diversification to create small-scale, sensitively designed visitor attractions, which satisfy criteria listed in the Policy. One of the criteria (number '2') seeks to encourage the reuse, rehabilitation, and conversion of existing permanent, substantial buildings in rural areas to support the visitor economy.
14. Although Policy GD4 (type 'b' development) allows for the re-use of existing buildings in the countryside, I disagree with the Council's suggestion that there is an expectation that development for rural tourism will only consist of reusing existing buildings. Type 'b' development in Policy GD4 is one type of development allowed by the policy; the policy allows for other types of development. To my mind, there is nothing in policies GD4 or EC6 per se which would exclude newly constructed bungalows from constituting small-scale tourist accommodation.
15. Additionally, I disagree with the Council's reluctance to a condition being attached, should I have been allowing the appeal, restricting use of the properties to holiday use. The Council reached this view due to considering that it would have difficulty refusing an application to vary or remove such a condition should it receive such an application in the future. However, I consider this goes beyond an assessment of the proposal before me.

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<sup>1</sup> Paragraph 6.12 of the Council's statement of case refers on 2 occasions to policy EC5. However, I have taken such references to be word processing errors, given the overall contents of the paragraph.

16. I therefore conclude that what is proposed constitutes tourist accommodation. However, as I have found that the proposal is not 'small-scale', due, in particular, to the depth of the proposed plots, I conclude that the proposal does not, on the whole, accord with policies S1, GD4 or EC6 of the FLP32.

*Character and appearance*

17. Greenhalgh Lane and Back Lane are typical rural lanes, ie narrow roads with field boundary hedges either side, interspersed with residential and agricultural buildings. Most of the surrounding land is in agricultural use, along with there being several camping and caravan sites and a few coarse fishing venues. Although the residential properties in the area have some shared features, ie they are between one and two storeys high, of traditional design, and constructed using a limited palette of external materials, they are also all different. Thus, they vary in terms of their shape, footprint size, height, width, depth, mass, plot size and siting of the property within it. Construction of the properties in the area has evolved gradually over time.
18. I consider the proposal to contrast with the character and appearance of the area. Except for the 2 properties proposed having a staggered set-back, the buildings and their respective plots are almost identical and symmetrical in terms of size, layout, and design. They would have a shared access; the designated parking and turning areas would be opposite and mirror each other in the front half of the plots; the adjacent plots would be relatively narrow and deep identical strips; the gaps between each side elevation and its adjacent side boundary would all be the same width; there would be no difference between the properties in terms of design, size, form, fenestration openings and materials used. I consider the extent to which the proposed plots and buildings would be uniform and symmetrical would be out of keeping with the individual and varied properties of the immediate and surrounding area.
19. Consequently, I conclude that the proposal would erode and significantly harm the rural character and appearance of the area. As such, it does not accord with Policy GD7 of the FLP32 or paragraphs 130 and 174 of the Framework. These policies collectively, and among other things, require development to be of a high standard of design, ensure layout and building to plot ratios relate well to the area, are sympathetic to local character and recognise the intrinsic beauty of the countryside.

*Other considerations*

20. I note that the appellants submissions include comparisons between the proposed scheme and 2 schemes previously refused by the Council (planning application Refs 19/0994 and 20/0355). I appreciate that such comparisons may have been of benefit to the parties. However, I have assessed the proposal before me against relevant development plan policies, in accordance with s38(6) of the Planning and Compulsory Purchase Act 2004 (as amended), taking account of any other relevant material considerations. I attach little weight to refused applications 19/0994 and 20/0355 as material considerations.
21. Parties have posed the question as to whether the proposal constitutes 'minor infill development' in the countryside, which Policy GD4 of the FLP32 allows for (type 'f' development). However, as this type of development is in addition to

small-scale tourist accommodation, I have interpreted it to be something different than small-scale tourist accommodation, which is what is proposed. As such I have not concluded on the matter of whether the proposal constitutes 'minor infill development', as I do not wish to fetter the Council's decision-making should it receive an application specifically for such development in the future.

22. The appellant has drawn my attention to several planning applications for holiday accommodation previously approved by the Council, highlighting that the Council has attached an occupancy condition in such circumstances and therefore suggesting that there should be consistency in decision-making. I have already dealt with the matter of an occupancy condition above. As regards the other schemes the appellant refers to, I do not have the full details of either of the applications and therefore cannot be certain of the extent to which they may be comparable to the proposal before me. Furthermore, as the appellant notes, the previous decisions referred to were not assessed against Policy GD4.
23. I acknowledge that the Framework, having regard to the rural economy, advises that planning decisions should, among other things, enable the sustainable growth and expansion of all types of businesses in rural areas, including new buildings; and the diversification of land-based rural businesses. As noted above, I accept that the proposal would be a further expansion of the diversified business portfolio of Charoland Farm. I attach moderate weight to this factor. However, I consider that this consideration does not outweigh the significant harm I have found in respect of the character and appearance of the area and the conflict with Policy GD4.
24. I note that the site is not within a high-risk Flood Zone; it is not within a designated or valued landscape; there would be no adverse effects on ecology; there would be no adverse effects on the living conditions of occupiers of existing properties and the proposal would provide good quality living conditions for future users. However, these are matters which must be addressed in accordance with other development plan policies. As such, they do not attract any additional weight.

## **Conclusion**

25. For the reasons outlined above, I conclude that the appeal is dismissed.

*J Williamson*

INSPECTOR