



Appeal Decision

Site visit made on 16 November 2021

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 December 2021

Appeal Ref: APP/A2335/W/21/3280212

Highfield, Cove Road, Silverdale LA5 0SQ

- 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 R Young against the decision of Lancaster City Council.
 - The application Ref 20/01167/FUL, dated 23 October 2020, was refused by notice dated 25 June 2021.
 - The development proposed is change of use of agricultural land to domestic garden and formation of tennis court.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal site is an area of open land to the north east of the garden of Highfield, a large two storey detached dwelling lying on the western side of Silverdale and within the Arnside and Silverdale Area of Outstanding Natural Beauty (AONB). The proposed development would change the use of the land to a domestic garden, including the installation of a tennis court surrounded by a 2m high ball stopping mesh fence. A stone wall would be constructed around the extended garden area of a similar height to the existing one that runs along the eastern and northern boundary of the property. Trees and shrubs would be planted around the site.
4. The application was supported by a number of documents including a Landscape and Visual Impact Statement which I have had regard to. This document identifies the baseline characteristics of the site and surrounding area and provides a summary of the key landscape characteristics, which I generally agree with.
5. Important characteristics of this part of the AONB include limestone pastures enclosed by limestone walls and sometimes hedgerows which provide a distinctive pattern of small fields with an intimate character, gently rolling green landscapes enclosed by the woodlands of the limestone hills, the interplay between open areas, settlement and woodland, and glimpses and views of the intertidal areas giving a coastal feel and influence.

6. These characteristics are apparent in Silverdale. The village has a relatively dispersed built form with areas of open land in between the groups of buildings which are small scale and generally enclosed by limestone walls. These open areas contribute positively to the character and appearance of the village and a number have been identified as Key Settlement Landscapes. Although the site does not lie within such an area, it does form part of a small pastureland which is an important characteristic of the area. This pastureland brings the countryside into the village and helps to reinforce its rural character.
7. The laying out of the garden, domestic paraphernalia and in this case a tennis court with 2m high mesh fence together with the general activities associated with a garden would have something of an encroaching urban effect. This would be markedly at odds with the prevailing open and undeveloped rural character of the wider area.
8. Close views of the site from the south would be fairly limited due to the screening effect of the boundary planting within the gardens of the properties along Cove Road and the properties themselves. Where glimpses of the site are possible, such as through the gap created by the informal access to Highfield, they are of the open pastureland. With the proposed development, views of the open pastureland would be curtailed and would mainly comprise the realigned stone wall and tree and shrub planting proposed along the boundary, which would not, in themselves appear incongruous. However, screening of the garden area is reliant to a large extent on the proposed boundary planting. This would take some time to mature to effectively screen the extended garden area and so for a quite considerable period of time, views of the domestic garden use, including activities associated with the tennis court, would be possible from the south.
9. The lack of footpath along the stretch of Cove Road to the north west of the site would keep the attention of walkers and drivers of vehicles focused on the road to a degree. However, views of the site would still be possible, albeit that the stone walls along the road and within the pastureland together with the slight difference in land levels, offer some screening. The proposed stone wall and planting would continue the line of trees and existing wall along the northern boundary of Highfield and the neighbouring two properties to the west and would not appear out of place. The extended garden area, including the mesh fence, would be at a lower level than the pastureland to the north which would reduce its prominence to a degree in views from this direction.
10. The site would be more visible from the east along Wallings Lane. Whilst noting the undulating topography, the site would still be visible at this point, including from the properties on the lane, notwithstanding the wide ranging panoramic views afforded to these properties. The proposal would reduce the open land between this area and Highfield. Although relatively modest, the proposal would nevertheless change the open views of the landscape to the south to one more domestic in nature, which would appear incongruous at this rural edge of the village.
11. There would be benefits arising from the proposed landscaping scheme. The replacement of the leylandii hedging with 53 native trees and shrubs which would extend around the northern, eastern and southern boundaries of the site would have visual and ecological benefits. However, it would take several years to mature to the extent that it would effectively screen the site and there would

also be leaf loss during certain times of the year which would reduce its screening effect. Vegetation is in any case not permanent and should not be relied upon to hide inappropriate development from view.

12. Consideration has clearly been given to reducing the effects of the proposed development, such as the attention given to the colour of the proposed mesh fence and tennis court surface and the alignment of the extended boundary which would copy that of the existing one. However, by virtue of resulting in an incongruous development within an essentially natural and open site which contributes positively to landscape and townscape character, the proposed development would have an adverse effect on the character and appearance of the area and the special qualities of the AONB.
13. The proposed development would therefore conflict with Policies DM29 and DM46 of the Local Plan for Lancaster District 2011-2031, Part Two: Review of the Development Management DPD, adopted July 2020. These policies require development to make a positive contribution to the surrounding landscape and/or townscape and the identity and character of the area, be consistent with the primary purpose of AONB designation, support the special qualities of the AONB and contribute positively to its conservation and enhancement amongst other matters.
14. The proposed development would accord with criteria III and IV of Policy AS08 of the Arnsdale & Silverdale Area of Outstanding Natural Beauty (AONB) Development Plan Document, adopted 2019 (the DPD), which require proposals to provide well designed landscape schemes and ensure that boundary treatments reflect local character and context. However, overall, the proposal would not respond to the character of the landscape and local built environment and so there would be some conflict with this policy, as well as Policy AS02 of the DPD which requires development proposals to conserve and enhance the landscape and natural beauty of the area.
15. Given my conclusion about the harm caused to the character and appearance of the area, there would also be conflict with paragraph 176 of the National Planning Policy Framework 2021. This requires that great weight is given to conserving and enhancing landscape and scenic beauty within AONBs and states that the scale and extent of development should be limited.
16. Policy AS01 of the DPD sets out the development strategy for the AONB which is landscape capacity led. Development proposals on the edge of and outside settlements, including in hamlets and the open countryside, will be treated as exceptions, and will be permitted only where there would be no adverse impact on settlement or landscape character and are of the development type listed. Domestic gardens are not one of these types and the proposed development would adversely affect the character of the area. The proposed development would therefore be contrary to Policy AS01 of the DPD.

Other Matters

17. I appreciate that developing a tennis court in the existing garden would be difficult to achieve and may result in the loss of a number of large attractive trees. However, this would not justify the harm that the appeal scheme would give rise to. The proposed development has been assessed on its own merits.

Conclusion

18. The proposed development would conflict with the development plan taken as a whole. There are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. Therefore, for the reasons given, I conclude that the appeal should not succeed.

F Wilkinson

INSPECTOR