



Appeal Decision

Site visit made on 30 November 2021

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 14 January 2022

Appeal Ref: APP/U2370/W/21/3280783

Land at Catterall Lane, Catterall, Wyre, Lancashire PR3 0PA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mr Brian Thomas against the decision of Wyre Borough Council.
 - The application Ref 21/00733/PIP, dated 26 May 2021, was refused by notice dated 2 July 2021.
 - The development proposed is the erection of one dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The name of the applicant(s) is given as Mr and Mrs Brian and Jane Thomas in the original planning application forms, but the appellant's details are specified as Mr Brian Thomas in the submitted appeal forms. For the avoidance of doubt, the name of the appellant, used in the banner heading above, is taken from the appeal form.
3. The appeal proposal is for Permission in Principle (PIP) in accordance with the Town and Country Planning (Permission in Principle) (Amendment) Order 2017. The Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle from the technical detail.
4. The scope of the considerations for PIPs is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent Technical Details Consent application if PIP is granted. I have determined the appeal accordingly.

Main Issue

5. With reference to the PPG advice on PIPs, and the Council's reasons for refusing the application, the main issue is whether the site is suitable for residential development having regard to its location, the proposed land use and the amount of development.

Reasons

6. The appeal relates to a relatively flat grassed area of undeveloped land that is lined by a mixture of hedges and a post and rail fence. Whilst it is located in between two dwellings, and there is a mixture of residential and commercial properties in the locality, these comprise a scattered pattern of development that is dominated by spacious gardens, open fields and agricultural land. Despite the presence of high hedgerows and the nearby properties, the appeal

site therefore has more affinity with, and reads very much as a part of the adjacent open agricultural landform and countryside that is clearly visible to the north of it.

7. Policy SP1 of the Wyre Local Plan (2011 – 2031) (adopted February 2019) (Local Plan) sets out the settlement hierarchy for the borough. This indicates that new development should take place within the settlement boundaries, as defined on the Policies Map, with the majority of new development taking place in the settlements higher up the hierarchy. Outside of settlements with defined boundaries new built development is strictly limited, with the forms of development that may be acceptable being set out in Policy SP4 of the Local Plan.
8. It is uncontested that the appeal site is located outside of a settlement boundary as defined in the Policies Map of the Local Plan. For the purpose of the Local Plan the appeal site is therefore located within a designated 'Countryside Area'. The first limb of Policy SP4 seeks to preserve the open and rural character of the countryside, unless it is demonstrated that the harm to it is necessary to achieve substantial public benefits that outweigh the harm.
9. The introduction of a dwelling, along with a likely range of other potential domestic paraphernalia, including hard surfacing, parked cars, washing lines and garden furniture in an area where this previously did not exist would inevitably alter its character. I appreciate that the existing hedgerow may obscure some views of the proposed house, however, this would not constitute permanent screening. Any residential development would also be plainly visible from the existing vehicular access points for the immediate neighbouring dwellings, that punctuate the hedgerow on the northern side of Catterall Lane, and from a number of nearby gardens and dwellings. The intensification of built development and resultant loss of openness would thereby be detrimental to the intrinsic value and character of the rural countryside in this location.
10. The appellant contends that the proposal would constitute an infill site, that would be acceptable in the Green Belt (albeit the site is not located in the Green Belt). However, there is no definition in the Local Plan or in the National Planning Policy Framework (the Framework) of 'limited infilling' and it is therefore a matter of planning judgement for the decision maker. That is notwithstanding that, under Framework paragraph 149. e) limited infilling in the Green Belt may be appropriate 'in villages'.
11. Nonetheless, there is a wider network of open fields directly to the north of the site. A pattern of sparse development is also prevalent along the length of the northern side of Catterall Lane. Given the visual gaps and intermittent open areas and fields between housing along this side of this highway, and in the immediate vicinity of the appeal site, there is little coherence to the built form here. As a result, the proposed dwelling would therefore not be positioned within an area that would logically be seen as replicating or completing the prevailing pattern of development, as might be necessary to achieve 'limited infilling' in terms of the Green Belt.
12. The appeal scheme would provide benefits in terms of boosting the supply of housing. It would provide a three bedroom single storey home, which the appellant says is needed in the Garstang area due to the lack of this type of housing for sale. I note that this would also contribute to a mix of housing for all sections of the community, including the needs of an ageing population, and

young families, now and in the future. It has also been put forward that the proposal would free up an existing two storey three bedroom house that the appellant currently occupies. However, as the proposal is for a single dwelling any benefits in these respects are somewhat limited. The proposed development would also make a contextually very small contribution to housing supply which, the appellant appears to accept technically, notwithstanding presenting some evidence of previous under supply.

13. I sympathise with the appellant's personal circumstances, in terms of medical requirements, mobility and the benefits of the scheme in terms of a comfortable and spacious living environment in that context. However, those are essentially personal benefits, rather than the public harm that would result (and which is the primary consideration in planning terms). Moreover, there is nothing to indicate that such benefits are solely reliant on the scheme before me as opposed to any other. As such I accord them limited weight.
14. The self-build nature of the proposal has also been presented as a public benefit by the appellant. However, little evidence has been put forward to contest the Council's argument that sufficient planning permissions for self-build proposals have been granted to meet demand for the number of people identified on the self-build register. On the basis of the evidence before me, I have subsequently given the self-build nature of the proposal limited weight. Taken together, I therefore find that the proposal would not result in substantial public benefits as required by Policy SP4.
15. Furthermore, Local Plan Policy SP4 also indicates that in the countryside development will be strictly limited, with exceptions for affordable housing or rural workers. The proposal is for an open market dwelling and therefore also conflicts with Local Plan Policies SP1 and SP4 in this regard, albeit that I accept there would be certain benefits to the scheme as above.
16. Notwithstanding the above, in terms of accessibility, the site is located approximately 1km to the nearest settlement, which is Catterall, and offers some limited local services, which could be accessed on foot or bike. It is also close to bus stops which offer regular services to more built-up centres, including Garstang, Preston and Lancaster. Each of these would offer access to a greater range of local facilities and services.
17. Although the short walk to these bus stops would involve utilising Catterall Lane, which has no pavements, there are streetlights close to the A6. Catterall Lane is also relatively straight and of such a width as to allow good visibility of pedestrians and/or cars. It also appeared to be lightly trafficked at the time of my midday site visit. Therefore, whilst some reliance on private vehicles will invariably be expected in rural locations such as this, overall, I consider the accessibility of the site to be reasonable. Despite the change in the local planning policy context, and increase in housing on this lane, I therefore concur with the findings of the Planning Inspector in the appeal for the neighbouring site (Ref: APP/U2370/W/15/3078128) in this regard. However, this would not in itself override the harm that the development would cause to the wider character and appearance of the area, and the conflict with the development strategy as identified above.
18. Given the reasonable accessibility of the site to local services no conflict would arise with the requirements of Policies SP1, SP2, and CDM6 of the Local Plan in respect of ensuring accessible places and minimising the need to travel by

car. It would also accord with policies in the Framework that relate to sustainable transport solutions.

19. Nonetheless, for the reasons above, I find that the introduction of a dwelling in the location proposed would have a harmful effect on the character and appearance of the area and the development strategy, which are overriding concerns. As a result, the proposal conflicts with Policies SP1 and SP4 of the Local Plan which require, among other things, that development respects the open rural character and makes a positive contribution to the area. It would also fail to accord with policies in the Framework that require development to recognise the intrinsic character and beauty of the countryside.
20. Overall, I therefore find that the site is not suitable for residential development, having regard to its location, the proposed land use and the amount of development.

Other Matters

21. Within its delegated officer report the Council acknowledges that the development would have an acceptable impact with regards to neighbour amenity, traffic, flood risk, land contamination and protected habitats. I have also been made aware that the Parish Council and statutory consultees raised no objection to the proposal. Nonetheless, the absence of harm in these respects, would be neutral factors, that do not weigh in favour of the proposal.
22. The appellant has also referred to other developments being granted planning permission to the west side of the A6 on Catterall Lane, including development adjacent to the treatment works and two dwellings adjacent to Rylstone. However, other than for the appeal decision referred to above (Ref: APP/U2370/W/15/3078128), which is for a conversion rather than a new build, I have not been provided with the full details of the circumstances that led to these schemes being accepted. I can therefore not be certain that they represent a direct parallel to the appeal proposal. In any case, I have determined the appeal on its own merits.

Conclusion

23. For the reasons given above, having taken account of the development plan as a whole, the approach in the Framework, along with all other relevant material considerations, the appeal is therefore dismissed.

Mark Caine

INSPECTOR