



Appeal Decision

Site visit made on 30 March 2022

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 May 2022

Appeal Ref: APP/A2335/W/21/3286119

Land adjacent to Tatham Fells Primary School, Lowgill Lane, Lowgill, Lancaster, Lancashire LA2 8RA

- 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 Adrian Dickinson against the decision of Lancaster City Council.
 - The application Ref 21/00933/PIP, dated 15 July 2021, was refused by notice dated 26 August 2021.
 - The development proposed is described on the application form as: 'erection of 1 dwelling'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has two stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted¹. All other matters are considered as part of a subsequent technical details consent application if permission in principle is granted. I have determined the appeal accordingly.
4. The appellant has submitted an amended site location plan that includes an additional area within the land edged red. The appellant states that this would allow the site to be accessed from the alternative access point of Lowgill Lane. However, I am mindful that an appeal should not be used to evolve a proposal and it is important that my assessment of a scheme is on the basis of essentially what was considered by the local planning authority. As this plan has not been subject to any formal consultation it could be prejudicial to the interests of interested parties to take this additional area into account. Therefore in the interests of fairness, I have determined the appeal on the basis of the plans on which the Council made its decision.

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

Main Issues

5. The main issues are:

- whether or not the development proposed represents a suitable location for housing having regard to the settlement hierarchy and access to local services and facilities; and,
- the effect of the proposed development on the character and appearance of the area.

Reasons

Location

6. Policies SP2 and SP3 of the Lancaster Strategic Policies and Land Allocations DPD (2020) (SPDPD) set out the development strategy for the district which is focused on the main urban areas of Lancaster, Morecambe, Heysham and Carnforth. In addition to the main urban areas, new development is supported in defined 'sustainable rural settlements' as set out in the settlement hierarchy. Policy DMP4 of the Lancaster Development Management DPD (2020) (DMDPD) sets out that housing proposals in other settlements not identified as sustainable settlements will only be supported if it can be demonstrated that the development will enhance the vitality of the local community and meet an identified and specific local housing need.
7. The appeal site lies on the edge of Lowgill, a small ribbon development of around 20 dwellings surrounded by open countryside. Lowgill is not designated as a sustainable rural settlement in the settlement hierarchy. Whilst the site lies immediately adjacent to a primary school, there are nonetheless few other nearby services. The closest sustainable rural settlement is Wray which lies 5.3 kilometres away. Additionally, the settlement of High Bentham, which has a number of services and facilities and is located just outside the district boundary, is around 10 minutes' drive away.
8. Access to both settlements is via narrow, unlit country roads without footways which is likely to discourage walking or cycling to access services, particularly in the winter months. Despite a school bus service, occupiers of the proposed dwelling would have relatively poor accessibility to regularly required services and would be mainly dependant on journeys by private car.
9. Whilst I accept that the proposal would contribute to general housing supply within the district (to which I shall turn to later) I have not been directed towards any site-specific need for housing or any particular need for housing within this settlement.
10. Having regard to the distance of the site from services and facilities and the lack of opportunity for travel by means other than the private car, I conclude that the site is not an accessible location for residential development. The proposed development would therefore conflict with Policy SP2 of the SPDPD and Policies DM4 and DM60 of the DMDPD which limit new housing development in rural areas to accessible locations and within designated settlements. There would also be conflict with Framework paragraph 79 which seeks to promote sustainable development in rural areas through ensuring new housing is located where it will enhance or maintain the vitality of rural communities.

Character and Appearance

11. The site lies within the Forest of Bowland Area of Outstanding Natural Beauty (AONB), which is a designation of the highest status nationally and has the aims of conserving and enhancing landscape and scenic beauty. The appeal site is set within an open rolling pastoral landscape comprising predominantly of agricultural fields bounded by stone walls and hedges.
12. The appeal site comprises rough grassland rising up from the road and bounded by a stone wall at its back edge. Whilst some of the evidence suggests that the appeal site has not been in agricultural use for some time, my impressions on site were nonetheless of an open field that was reflective of the surrounding landscape, albeit that it has had hardcore deposited upon its frontage. Whilst located between the low-level buildings of the school and a row of residential properties, the site nonetheless contributes to the rural pastoral character of this part of the settlement.
13. A public right of way runs close to the eastern edge of the appeal site allowing views across it towards the opposite side of the valley. Views of the surrounding countryside are also possible from the site entrance.
14. The road frontage of the appeal site includes an existing gate and hedgerow. This hedgerow forms part of a consistent line of hedging to this side of the road extending from the school to the frontage of the dwelling of Lothlorian. The hedge, which is growing close to the road with a very narrow highway verge gives this entrance to the settlement a verdant character that is reflective of its rural countryside setting.
15. Whilst drawings showing visibility splays are a matter for technical details consent, it is clear that providing visibility splays to allow suitable access onto the highway would require the removal of the hedge or its reduction to no greater than one metre in height. This would significantly diminish the verdant character of this part of the settlement through fragmentation of the hedge.
16. Furthermore, its replacement with an access and visibility splay in this position would inevitably have a harmful suburbanising effect on the existing field. I have had regard to the permission in principle nature of the scheme and the fact that it is for a single dwelling set between a school and an existing dwelling. However, regardless of the submission of technical details, the proposed development would introduce substantive built form into what is currently an open field that is reflective of the surrounding landscape. Together with other residential features, it would result in an incursion into the countryside at this point and likely cause views of the surrounding countryside from the entrance and the public right of way to be somewhat reduced.
17. I therefore conclude that the proposed development would result in harm to the character and appearance of the area including the AONB. The proposal would consequently conflict with Policies EN2 and EN3 of the SPDPD and Policies DM4, DM29, DM45 and DM46 of the DMDPD insofar as they relate to preserving character and appearance and conserving and enhancing the scenic beauty of the AONB.
18. There would also be conflict with paragraph 174 of the Framework which seeks to ensure planning decisions contribute to and enhance the local natural

environment by recognising the intrinsic character and beauty of the countryside.

Other Matters

19. My attention has been drawn to neighbourhood plans that relate to villages nearby. However, as Lowgill does not fall within the areas covered, these have limited relevance to the appeal proposal.

Planning Balance

20. The Council acknowledges that it cannot demonstrate a 5 year supply of housing land. In such circumstances, paragraph 11. d) sets out that planning permission should be granted unless policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
21. The scheme would align with the aims of the Framework to significantly boost housing supply. The economic and social benefits from the build and occupation would align with the Framework where it states development in one village may support services in others. Furthermore, occupation by a family with children could support the school. However, given that the proposal relates to just one dwelling, the weight in favour arising from these matters is limited.
22. The Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Nevertheless, the scheme would be contrary to the Framework where it seeks to actively manage patterns of growth and ensure safe and suitable access to the site can be achieved for all users. I give this significant weight.
23. The proposal would fail to accord with the Framework where it recognises the intrinsic character and beauty of the countryside, seeks to ensure schemes are sympathetic to local character and that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. I give this significant weight.
24. The application of policies in the Framework that protect areas or assets of particular importance, in this case the harm to the AONB, provides a clear reason for refusing the development proposed. Therefore, in accordance with paragraph 11d)i of the Framework, the balance in paragraph 11d)ii is not engaged. The presumption in favour of sustainable development does not therefore apply in this case.
25. Even if it had, inherent in my reasoning above is that on the basis of the evidence before me, having regard to the likely adverse impacts, these would significantly and demonstrably outweigh the benefits.

Conclusion

26. I consider that the proposal would conflict with the development plan when taken as a whole, and there are no material considerations which outweigh that harm. I conclude that the appeal should be dismissed.

Paul Martinson
INSPECTOR