

Appeal Decision

Site visit made on 23 May 2022

by M Ollerenshaw BSc(Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 June 2022

Appeal Ref: APP/D2320/W/21/3284347

Castle Walks, Croston, Preston PR26 9SJ

- 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 Philip Davidson against the decision of Chorley Borough Council.
 - The application Ref 20/01149/FUL, dated 27 October 2020, was refused by notice dated 15 July 2021.
 - The development proposed is the erection of one detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the site address from the appellant's appeal form, as the site address given on the planning application form was incomplete.
3. The appellant submitted a geophysical survey with the appeal. The Council were given the opportunity to comment on this and I have had regard to the comments received.
4. Amended plans were submitted during the Council's consideration of the application which altered the siting and layout of the proposed dwelling and removed the detached garage. I have taken the description of development from the appeal form, which is effectively the same as that used in the Council's decision notice, as this removes reference to a 'freestanding garage'.

Main Issues

5. The main issues are the effects of the proposed development on:
 - The existing open space;
 - The character and appearance of the area, including whether the proposal would preserve or enhance the character and appearance of the Croston Conservation Area;
 - Archaeology; and
 - Flood risk.

Reasons

Existing open space

6. The appeal site is an area of land to the south of Yarrow Close and to the north of the River Yarrow. Other than an area of hardstanding at the gated access off Yarrow Close, the site is largely grassed over. A public footpath running from Castle Walk to Carvers Brow is adjacent to the northern boundary of the site.
7. Based on the evidence before me, I do not disagree with the Council's assessment that the principle of the development would comply with Policy 1 of the Central Lancashire Core Strategy (2012) (Core Strategy), which in 'other places' including smaller villages, allows amongst other things for development typically of small scale and limited to appropriate infilling.
8. The site is designated as an existing open space and identified as an amenity greenspace, ref 1487: Croston Walls, Castle Walk. Policy HW2 of the Chorley Local Plan 2012-2026, Site Allocations and Development Management Policies, Development Plan Document (2015) (the Local Plan) seeks to protect existing open space, unless criterion a) or criteria b) - e) are met.
9. Policy HW2 of the Local Plan does not provide a definition of 'local area' for the purposes of criterion b). However, it is not disputed that there is currently a deficit of amenity greenspace in this ward. The appellant argues that there is not a deficit in the western parishes when taken as a whole, but there is no substantive evidence before me in this respect. Consequently, it has not been demonstrated that the proposal would not exacerbate the deficit of amenity greenspace in the ward. Accordingly, the proposal would be contrary to criterion b) of Policy HW2.
10. The site has been assessed in the Open Space Study as scoring low quality but high value. At the time of my site visit I observed that the site was not accessible from surrounding areas, and it appears to be of no recreational value. However, it is highly visible from the public domain. It provides a pleasant green open space which acts as a transition between the residential area to the north around Yarrow Close and the countryside to the south. The appellant argues that the site should not have been included in the Open Space Study and that its designation as open space relates to historical legacy. However, it remains the case that the land has been designated as existing open space. It is clear from the number of representations received that the site is highly valued by the local community.
11. Due to its size and scale, the new dwelling would dominate the site and would be harmful to the openness and general amenity of the open space. The proposal would result in the loss of a large area of open space which makes a significant contribution to the character of the area. It would therefore fail to comply with criteria c) and e) of Policy HW2 of the Local Plan. Moreover, the scheme does not propose equivalent or better quality provision elsewhere.
12. For the above reasons, I conclude that the proposed development would result in the loss of an existing open space which provides valuable visual amenity. It would therefore conflict with Policy HW2 of the Local Plan, which seeks to protect such places. It would also be contrary to paragraph 99 of the National Planning Policy Framework, which states that existing open space should not be built on unless an assessment has been undertaken which has clearly shown the open

space, buildings or land to be surplus to requirements; or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.

Character and appearance

13. The appeal site is located within the Croston Conservation Area (CA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
14. The CA covers a large area and has a strong rural character with an informal, organic layout of buildings with a close relationship to the surrounding countryside. The significance of the CA is derived from the many historic structures, including St Michael and All Angels Church and the cobbled bridge over the River Yarrow. There a range of building sizes and styles, including modest terraced properties, larger villas and dispersed clusters of buildings of rural character. The appeal site forms part of an area of grassland at edge of the village which in combination with the river and fields to the south is complimentary to the rural setting of the CA.
15. The proposal would be a substantial detached dwelling designed to give the impression of three barns connected by a glazed atrium. The dwelling would occupy a central position on the site with a large footprint. The proposal would be partially visible from the 'heritage footpath' to the north in gaps in the hedgerow and from the gate off Yarrow Close. It would also be possible to view the development from the bridge over the River Yarrow leading to Carvers Brow and from Turflands to the south across the paddock. From these public vantage points the proposed dwelling would be seen as an extension of the built form of the village southwards. That would be harmful to the open rural character of the edge of the CA, which would detract from its overall setting.
16. Although the design of the proposal has been revised, the siting and scale of the new dwelling would have an urbanising effect on the rural character of the site. The proposed construction materials including natural stone and timber cladding would not sufficiently mitigate the harm which would arise principally as a result of the siting and scale of the development. The adverse effects of the proposed dwelling would be exacerbated by the provision of a large area of hardstanding and a garden with domestic paraphernalia associated with residential occupation. Additional planting within the site would not adequately mitigate the impact of the development given its siting and scale.
17. In conclusion, the proposed development would significantly harm the character and appearance of the area and fail to preserve or enhance the character and appearance of the CA. The proposal would conflict with Policies BNE1 and BNE8 of the Local Plan and Policy 16 of the Core Strategy. Amongst other things, these policies seek development to not have a significantly detrimental impact on the surrounding area and to conserve and enhance heritage assets.
18. The harm that I have identified to the significance of the CA would, in the context of the Framework, result in less than substantial harm. This harm still however carries great weight and any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. The proposal would provide a new dwelling to the Council's housing stock and would provide additional support for the services in the village. The development

proposed would also have economic benefits through employment opportunities created during the construction phase of the development and spending in the local area by future occupants. However, given the modest scale of the development, the weight attributable to these matters is limited and is not sufficient to outweigh the harm that I have identified.

19. I therefore conclude that the proposal would fail to comply with Chapter 16 of the Framework, which seeks to sustain the significance of heritage assets.

Archaeology

20. The Framework and Planning Practice Guidance state that where a site includes, or has the potential to include, heritage assets with archaeological interest, developers should submit an appropriate desk-based assessment and, where necessary, a field evaluation.
21. The appeal site is recorded as the possible site of a castle, moat or other fortified structure on the Lancashire Historic Environment Record. The appellant's geophysical survey states that the location of a castle and moat were to the north west of the appeal site under Yarrow Close and that it is likely that the construction of housing removed any remains of the castle and its moat. However, the submitted historic maps from 1845 and 1928 appear to indicate the site of a moat to the south of Castle Walk on the appeal site with the site of the castle to the east. Consequently, there is potential for heritage assets with archaeological interest on the site.
22. The 2013 archaeological investigation excavated to a depth of around 0.20m. The evidence indicates that this was unlikely to have been of sufficient depth to reveal any archaeological features within the appeal site.
23. The geophysical survey provides the results of a magnetic survey of the site. There was magnetic disturbance across the site which may have masked smaller archaeological features. The magnetic disturbance across much of the site as shown in Figure 5 of the geophysical survey could be explained by the presence of modern rubble and debris identified in the 2013 archaeological investigation. The geophysical survey did find some anomalies, which it concludes could be possible pit features. The appellant's evidence is not sufficient to enable a proportionate judgement to be made on the significance of heritage assets and the potential impact. The County Archaeologist's request for trial trenching would therefore appear to be reasonable to fully assess the location, nature and significance of any remains which may be found.
24. For these reasons, I conclude that the proposal fails to provide sufficient evidence to demonstrate that the proposal would not lead to an unacceptable impact on archaeology. The proposal would fail to accord with Policy BNE8 of the Local Plan, Policy 16 of the Core Strategy and Chapter 16 of the Framework, which seek to conserve and enhance the historic environment.

Flood Risk

25. The site lies within Flood Zone 3 and is therefore at a high risk of flooding. A dwelling is categorised in the "more vulnerable" category in the Planning Practice Guidance. The appellant has demonstrated that there are no sequentially preferable sites, and as such, the proposal is subject to the exception test. In accordance with paragraph 164 of the Framework, for the exception test to be passed it should be demonstrated that the proposal would provide wider

sustainability benefits to the community that outweigh the flood risk and the development will be safe for its lifetime, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. Both parts of the exception test must be satisfied for the development to be permitted.

26. The site-specific flood risk assessment sets out mitigation measures to ensure that the development would be safe for its lifetime and would not exacerbate flood risk elsewhere. Based on the evidence before me, I have no reason to disagree with that assessment.
27. In relation to wider sustainability benefits, it is argued that the proposal would provide betterment in terms of flood risk through the implementation of a flood alleviation scheme. The evidence indicates that the flood alleviation scheme has already been completed. Access to and maintenance of the flood defence berm along the southern boundary of the site could continue irrespective of development taking place on the land. It is also put to me that the proposal would alleviate traffic issues within the village by ensuring that the main access to the site is from Yarrow Close only. However, since the main access to the site already appears to be taken from Yarrow Close it is unclear how the construction of a new dwelling would reduce traffic congestion. The benefits to the community arising from a single additional dwelling which could incorporate sustainable design features would be modest.
28. The appellant argues that the flood risk is extremely low and thus the test is a much lower one. However, the appellant's flood risk assessment states that the site has a medium to high risk of flooding.
29. The limited sustainability benefits to the community which might arise from one new dwelling are insufficient to outweigh the flood risk that exists on the site. The proposal would fail the exception test overall. It would be contrary to paragraphs 163 and 164 of the Framework, which seek to direct development to areas at lower probability of flooding and minimise the risk from flooding.

Other Matters

30. The appellant argues that the site is overgrown and unkempt and that the proposal would enhance this part of the village. However, I have found that the proposal would be harmful to the character and appearance of the village, including the character and appearance of the CA and the existing open space. Moreover, there is no evidence to suggest that the maintenance of the site is dependent on the proposed development taking place. I therefore attribute limited weight to this consideration.
31. The Council have not raised objections to the proposal in relation to the effects on the living conditions of neighbouring occupiers, highway safety or ecology. I have no reason to disagree with this assessment based on the evidence before me and my observations on site. In these respects, the proposal would comply with Policy BNE1 of the Local Plan. However, the absence of harm in relation to these matters is effectively neutral in the planning balance rather than weighing positively in favour of the proposal.
32. There is some support for the proposal from an interested party. However, there are also objections. I have found the proposal to be harmful and therefore the weight of support is not a determinative matter in favour of the proposal.

Conclusion

33. I have had regard to the benefits of the scheme. However, given the scale of the proposal, the benefits would not be sufficient to outweigh the harm I have identified and the conflict with the policies I have referred to.
34. For the above reasons, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, the appeal is dismissed.

M Ollerenshaw

INSPECTOR