



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: 30 June 2022

Appeal Ref: APP/U2370/W/21/3282014

Ashleigh Farm, Head Dyke Lane, Pilling FY6 0PG

- 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 and Mrs Danson against the decision of Wyre Borough Council.
 - The application Ref 21/00151/FUL, dated 3 February 2021, was refused by notice dated 31 March 2021.
 - The development proposed is full application for the demolition of the existing buildings and erection of a single self-build dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the heading above has been taken from the planning application form. The Council have requested that the description of the development be amended to reflect that the appeal relates to a replacement dwelling. However, as the parties have not provided written confirmation that a revised description of development has been agreed I have used the one given in the original application. Notwithstanding this, it is clear from the drawings that it is proposed to demolish all existing buildings on the site, including the existing dwelling, and replace these with a new self-build dwelling.
3. The appellants' final comments included evidence relating to self-build dwellings, which the Council had the opportunity to comment on.
4. The appellants' final comments contained photomontages which compare the existing and proposed development and show the proposal in the context of the proposed landscaping scheme. This is new evidence that other parties have not had the opportunity to comment on. I am mindful of guidance within Procedural Guide - Planning Appeals – England 2020 which states that new evidence will only be exceptionally accepted where it is clear that it would not have been possible for the party to have provided the evidence when they sent their full statement of case. There are no exceptional reasons why this evidence could not have been provided as such or why it should be exceptionally accepted. Accordingly, I have not had regard to it.
5. The Council has withdrawn its second reason for refusal following the submission of a revised Flood Risk Assessment (FRA) with the appeal. I have no reason to disagree with the conclusions of the revised FRA which contains a number of mitigation measures for the safe development of the site.

Main Issue

6. Having regard to the above, the main issue is the effect of the development proposed on the character and appearance of the area.

Reasons

7. The appeal site relates to an area of land to the south of Head Dyke Lane. It comprises of an existing dwelling and a number of farm buildings which are accessed via a long track. The existing dwelling is a single storey timber clad building and is located in the northern part of the site. The other buildings present vary in size, design and materials. A public right of way runs along the site access track and continues past the western boundary of the site. The surrounding open countryside is interspersed with occasional dwellings, mainly farmhouses, and associated agricultural buildings. This provides a pleasant rural character which contributes positively to the area.
8. The existing dwelling is a small cottage, such that it has an unassuming presence and sits comfortably with its surroundings. The proposed dwelling would reduce the overall built footprint and volume compared to the totality of the existing buildings. However, the existing structures are mainly modest, low-lying structures. The open fronted agricultural building (Building 8) is taller than the other buildings on the site but it has a modest footprint and its utilitarian appearance is typical of other agricultural buildings found in the wider area. For this reason, the existing buildings reflect the character of the surrounding countryside.
9. The proposed dwelling would be a substantial two storey property with four bedrooms. It would be significantly larger than the existing cottage. In contrast to the existing buildings, which are spread across the site, the development would consolidate the built form into the southern part of the part. The design of the new dwelling would feature modern elements such as large projecting glazed gables to both the front and rear elevations and would be very suburban in appearance. A large double garage would be located to one side.
10. Due to its significant scale and massing, the development would be highly prominent when viewed from the adjacent public footpath. It would also be clearly visible from Head Dyke Lane because of its height and large footprint. From these vantage points, the proposed dwelling would be seen as a significant incursion into the countryside. Its scale and modern design would be at odds with the rural character of the site and the locality.
11. In comparison to the existing domestic curtilage, which is relatively contained, the curtilage of the proposed dwelling would occupy a significant proportion of the site and includes a new access driveway and large turning area. The formation of such a large curtilage with associated domestic paraphernalia would be harmful to the character of the countryside. The development as a whole would be perceived as a substantial and imposing dwelling set within a large curtilage. That would be in contrast to the existing cottage and collection of modest agricultural buildings and stables.
12. The appellants' Landscape and Visual Impact Assessment does not alter my reasoning regarding the harm that would result. It still shows that there would be some effect on the landscape arising from the proposal, which I have reasoned would be harmful.

13. The submitted landscaping scheme would screen the development to some extent, particularly during the summer months. However, it would take some time to mature. Moreover, given the siting and scale of the proposed dwelling, such screening would not sufficiently mitigate the harm to the rural landscape.
14. I do not have substantive details of the planning history or site circumstances of the appeal decision at Bimsons Cottage, but on the basis of the details before me, the replacement dwelling at Bimsons Cottage was of a much smaller scale than the appeal proposal and planning permission had already been granted for a replacement dwelling with a similar footprint.
15. I have been referred to a number of examples of other large two storey dwellings within the vicinity of the site, including Head Dyke Farm. However, these are generally associated with a farm or other rural activity and are not therefore directly comparable to the appeal proposal. Moreover, I do not have the substantive details of the planning history of these developments before me. Most appear to have been features of the built environment for quite some time rather than recent additions. These other developments do not provide compelling justification for the appeal proposal.
16. For the above reasons, I conclude that the development proposed would be significantly harmful to the character and appearance of the area. The proposal would conflict with Policies SP4, HP6, CDMP3 and CDMP6 of the Wyre Local Plan (2019) (the Local Plan). Together these policies seek to ensure that development is of a high standard of design, that it protects the open and rural character of the countryside and does not detract from the character of an existing right of way. The proposal would also be contrary to Local Plan Policy SP2, which amongst other things, requires all development to contribute positively to the overall physical and environmental character of the area, and it would conflict with paragraph 174 of the National Planning Policy Framework (Framework), which requires that development should contribute to and enhance the natural and local environment.

Other Matters

17. Prior approval has been granted for the change of use of two of the existing agricultural buildings on the site to form two dwellings¹ under Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The appellants' costings indicate the overall viability and profitability of the conversion of the Class Q units at the site. Taking account of Mansell², I consider there to be a reasonable likelihood of the prior approvals being implemented were I to dismiss this appeal, which would result in three dwellings rather than a single dwelling in the countryside.
18. Nevertheless, I have identified material differences between the appeal scheme and the fallback position. The plans for the Class Q approvals indicate the modest proportions of these two buildings and their conversion would largely retain their low key utilitarian appearance and reflect the rural character of the site and its surroundings. The substantial size and massing of the appeal proposal would not therefore result in a betterment in comparison to the fallback position. Although the fallback position would result in two additional curtilages with associated domestic paraphernalia, the curtilages would be

¹ Council ref 19/00844/COUQ and 19/00861/COUQ

² Mansell v Tonbridge and Malling BC & Ors [2017] EWCA Civ 1314

significantly smaller than that now proposed in order to comply with the limitations under Class Q. These are important differences. For these reasons, notwithstanding the enhanced landscaping which would be provided by the appeal scheme, it would have a greater impact on the character and appearance of the countryside in terms of the level of prominence compared to the fallback position. Therefore, the fallback position does not outweigh the harm that I have identified above.

19. The appellants' fallback position is not comparable to the development at Grange Farm³, where the development proposal was deemed preferable in visual terms to the Class Q prior approval fallback position partly because it was adjacent to a group of residential properties. Accordingly, I give the fallback position limited weight in this instance.
20. The proposal would provide a self-build plot for the appellants, who are listed on the Council's self-build register. There is support for the provision of such units in national policy and this weighs in favour of the scheme. The appellants contend that there are no policies within the Local Plan to indicate how self-build is to be delivered in the Borough. Consequently, it is argued that paragraph 11(d) of the Framework is engaged and the proposal should be determined in accordance with the presumption in favour of sustainable development.
21. However, the proposal would replace an existing dwelling and there would be no net increase in the number of dwellings on the site. Policy HP6 of the Local Plan allows for replacement dwellings in the countryside provided that it would not unacceptably impact on the character and openness of the rural area. The policy does not preclude the opportunity for self-build housing. The policies of the Local Plan, including Policy HP2, are not silent on the need to provide a mix of housing in the Borough. The evidence indicates that the examining Inspector for the Local Plan did not consider it necessary to have a specific policy relating to self-build. Consequently, the relevant development plans policies most important for determining this appeal remain up-to-date. There is no evidence before me to indicate that the Council cannot demonstrate a five year supply of deliverable housing land. Accordingly, paragraph 11(d) of the Framework is not engaged.
22. The Council claim that they have enough permissions in place to meet demand for self-build and custom house building. As of 6 April 2022, there were 14 people on the Council's self-build register. Whilst the figures provided suggest the Council is meeting the demand for self-build and custom build housing, those figures appear to rely on counting permissions which are not restricted to being self-build or custom housebuilding plots.
23. If I were to assume that the Council had granted insufficient permissions to meet the self-build and custom housebuilding demand in accordance with the statutory duty, this would weigh in favour of the proposal especially as the use of the dwelling could be restricted through a planning condition solely for self-build or custom-built home. However, the Act⁴ does not provide for the approval of self-build plots as an exception to the provisions of the development plan or other relevant matters. Given the clear conflict with the development plan, even were the Council unable to demonstrate a deliverable

³ Council ref 20/01238/FUL

⁴ The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016)

supply of self-built plots to meet demand, due to the scale of the proposal it would not represent a substantial benefit that outweighs the identified harm to the rural character of the countryside.

24. I have had regard to the appeal decisions for self-building housing referred to by the appellant in this regard⁵. However, these schemes were substantially larger than the appeal scheme and their specific site circumstances were different to those of the appeal site.

Planning Balance and Conclusion

25. The development would offer social and economic benefits in terms of providing a self-build dwelling, the creation of employment opportunities during the construction phase of the development and spending in the local area by future occupants. There would some biodiversity net gains as a result of the proposed landscaping scheme. However, given the scale of the development, the weight attributable to these matters is limited. I have also taken into account that the proposal would result in a reduction in the total number of homes on the site in comparison to the fallback position. However, no substantive evidence has been submitted to quantify the exact sustainability gains in this respect. I find that the fallback position would not be as harmful to the character and appearance of the area as the appeal scheme. The weight attributable to these matters is limited and is not sufficient to outweigh the significant harm that I have identified and the conflict with the policies I have referred to.
26. For the above reasons, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

M Ollerenshaw

INSPECTOR

⁵ Appeal ref APP/G2435/W/18/3214451, APP/C1570/A/14/2223280 and APP/H1840/W/19/3241879