



Appeal Decisions

Site visit made on 21 September 2022

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 October 2022

Appeal Ref: APP/A2335/W/22/3298954

Redwell Inn, Kirkby Lonsdale Road, Arkholme LA6 1BQ

- 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 P Benson against the decision of Lancaster City Council.
 - The application Ref 21/01424/FUL, dated 11 November 2021, was refused by notice dated 22 March 2022.
 - The development proposed is extension to public house to create manager's accommodation and terraces to serve existing rooms.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. This appeal is accompanied by APP/A2335/W/22/3298960 which relates to the installation of two tourism accommodation units at the Red Well Inn and associated landscaping with native species planting. Both appeals relate to the same property address. However, the specific sites and the issues raised are distinct. I have therefore dealt with the appeals separately.
3. At the time of my visit, I saw that there were a number of structures within the appeal site that are not included on the submitted plans. For clarity, I have assessed the development as shown on the submitted plans.

Main Issues

4. The main issues are i) whether the proposal would represent a suitable location for residential development, with regard to the local development strategy and accessibility to services/facilities, and ii) the effect of the proposed development upon the character and appearance of a non-designated heritage asset (NDHA).

Reasons

Location of Development

5. Policy DM4 of the LP Part 2¹ supports new residential development outside of the main urban areas of the district where they reflect sustainable patterns of development and accord with the settlement hierarchy in Policy SP2 of the LP Part 1². Proposals for new housing in settlements not identified as sustainable settlements will be supported where it can be demonstrated that the development will enhance the vitality of the local community, and meet an identified and specific housing need.
6. The appeal site is located within the open countryside, close to but outside of the Forest of Bowland Area of Outstanding Natural Beauty (AONB). The context is rural, with a small cluster of buildings surrounded by undeveloped

¹ Local Plan for Lancaster 2011-2031; Part 2, Review of the Development Management DPD 2020

² Local Plan for Lancaster 2011-2031; Part 1, Strategic Policies and Land Allocations DPD 2020

agricultural land. The nearest settlements are within a few miles of the appeal site.

7. I acknowledge that the development would be located close to a small number of existing properties along Kirkby Lonsdale Road. Thus, there would be no conflict with paragraph 80 of the National Planning Policy Framework (the Framework), which seeks to avoid isolated new homes in the countryside.
8. There were no apparent bus stops along this section of Kirkby Lonsdale Road, and there is nothing in the evidence before me to suggest that the appeal site would be accessible by public transport. The main road is a fast, well trafficked route (at the time of my site visit, which it is appreciated is only a snapshot in time), that has no pavement or street lighting such that walking to services and facilities in nearby settlements or villages would be extremely difficult. Living on site would prevent the manager from commuting to work. However, all other trips to meet every day needs, would be heavily reliant on the private car, such that a significant reduction in carbon emissions is unlikely to occur. The location of the proposed dwelling would not serve to enhance or maintain the vitality of the rural community through supporting nearby businesses or services such as shops and schools, given its distance from the nearest settlement. Notwithstanding the proposal amounts to the re-use of previously developed land, I find that the proposed dwelling would not be accessible to services and facilities.
9. The appeal proposal would not constitute an appropriate location for new residential development, with regard to the local development strategy and accessibility to services/facilities. It would be contrary to Policy SP2 of the LP Part 1 and Policy DM4 of the LP Part 2, which seek to direct new development to the most sustainable locations.

Non-Designated Heritage Asset

10. There is no statutory listing process for NDHA's, nor any formal definition of them in the Framework. The Planning Practice Guidance (PPG) indicates that NDHA's are buildings, monuments, sites, places or areas identified by plan making bodies as having a degree of heritage significance meriting consideration in planning decisions, but which do not meet the criteria for designated heritage assets. Whilst I am unaware as to whether the Council has followed the advice in the PPG in identifying the building as such, the guidance is clear that in some cases, Council's may also identify NDHA's as part of the decision-making process on planning applications.
11. Based on the evidence before me, and my own observations on site, I consider that the appeal building merits consideration as a NDHA. Its significance is mainly derived from its age; historic sandstone wall construction; linear plan form as a coaching inn with attached coach house, and high solid to void ratio. Given its prominent location alongside Kirkby Lonsdale Road, the appeal building contributes positively to the character and appearance of the area, including the setting of the AONB.
12. The proposed dwelling would form an extension to the rear of the former coach house section of the appeal building, that has previously been enlarged through a catslide roof addition. The proposed and former extensions when combined would be wider than the original coach house which would be harmful to the legibility of the planform. Although the proposed extension would effectively produce an 'L' shaped floorplan, it has been designed to be parallel to and follow the linear form of the NDHA. At first floor level it would essentially

appear as an independent building, and it would not encroach past the extent of the former coach house onto the original coaching inn. Its appearance would respect the high solid to void ratio of the NDHA, whilst ensuring that it would be read as a modern addition to the appeal site. The roof would be set down such that it would appear as a subordinate addition, whilst the parapet walls would screen the proposed first floor terraces from open view. The proposal would also be positive in removing some external structures that clutter and detract from the setting of the NDHA.

13. The use of render at first floor level on the proposed dwelling would not be wholly consistent with the NDHA. However, render is found on existing dwellings nearby and again, it would help to identify the proposed development as a modern addition. The proposed timber cladding could be left to weather to the same colour as the local natural stone found on the NDHA, such that it would not appear alien.
14. Views of the proposed dwelling would largely be limited to those from the Kirkby Lonsdale Road when travelling in a north-easterly direction. Seen at relatively close range, at an oblique angle and softened by the presence of deciduous trees between the beer garden and car park, visibility of the proposal would be limited. The presence of a dwelling to the other side of the caravan site access and a mature tree in the corner of its front garden, would restrict views from the south-east. The proposal would preserve the elements of the NDHA that contribute to its significance and therefore, there would be no harm to the NDHA. Likewise, the lack of visibility of the proposed development would assist in the preservation of the setting of the AONB.
15. The proposal would not be harmful to the character and appearance of the NDHA. The proposal complies with Policies DM29 and DM41 of the LP Part 2, which seek to ensure that alterations to NDHA's should be sympathetic in terms of style and palette of materials. It would also comply with paragraphs 130 and 203 of the Framework, which seek to ensure high quality new development that is sympathetic to the surrounding built environment, and a balanced judgement of proposals affecting NDHA's having regard to the scale of harm and significance of the heritage asset is made.

Planning Balance

16. The proposed dwelling would be occupied by the manager of the Red Well Inn, with a 24 hour staff presence said to be required for the management of the letting bedrooms in particular. It is suggested the proposed dwelling would improve the viability of the business which has suffered operational difficulties previously, with staff retention at managerial level being difficult. Reference is also made to the proposal supporting a healthy community. No specific evidence of these matters are before me.
17. The location of the proposed dwelling would be well-related to the pub complex being directly to the rear, despite there being no physical link between the two. However, the floorplans indicate a self-contained flat encompassing a staff room, bathroom and 3 bedrooms at first floor level in the western end of the public house which would remain as part of the proposed development. From the evidence, it does not appear that this accommodation forms part of the lettable bedrooms or, that it would be let in the future. In the absence of a business plan including details about the nature and operation of the business, staffing levels and occupancy rates, it is not clear why this existing accommodation could not provide the facilities for a 24 hour staff presence.

Special circumstances for the essential need for a new dwelling at this location, are not therefore proven. I therefore give this matter limited weight.

18. The appellant asserts that the proposal complies with Policy SP4 of the LP Part 1 and Policies DM15 and DM47 of the LP Part 2 which support the economic growth of small businesses. However, DM15 and DM47 in particular are not absolute, necessitating compliance with other policies within the LP Part 2, including those that require proposals for economic development within rural areas to be located within sustainable locations. Planning law is clear that decisions must be in conformity with the development plan as a whole. Reference is also made by the appellant to the proposal creating jobs in accordance with Policy SP5 of the LP Part 1. However, the answer to question 18 on the planning application form does not advise that such a benefit would be forthcoming. Accordingly, I give this very little weight.
19. The proposed development is contrary to the development plan as a whole. However, the Council accepts that it is not possible to demonstrate a 5 year housing land supply in accordance with paragraph 74 of the Framework. Uncontested by the appellant, the Council's shortfall in supply amounts to 2.6 years. As such, the relevant policies for the supply of housing should not be considered up to date and paragraph 11(d)ii of the Framework should therefore be applied.
20. For the reasons given above, the proposed development would be contrary to Policy SP2 of the LP Part 1 and Policy DM4 of the LP Part 2, given that it would amount to new residential development in the open countryside, without access to the services and facilities of a settlement. These policies are consistent with the Framework which seeks to locate housing where it will enhance or maintain the vitality of rural communities. I therefore attach significant weight to the conflict with these policies. The benefits of the appeal scheme would be restricted to the provision of one additional unit, which would make a limited contribution to housing supply. Even if I were to accept that the proposed dwelling would be beneficial in terms of the viability of the business, it has not been demonstrated that the proposal is the only way of delivering this advantage. I attach little weight to these benefits.
21. Consequently, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole. The proposal would not therefore represent a sustainable form of development. The policies of the Framework do not outweigh the conflict with the development plan, and I am therefore led to the dismissal of the appeal.

Conclusion

22. Whilst I have found that the proposed development would not be harmful to the character and appearance of the NDHA, this is a neutral factor that does not outweigh the harm identified in respect of the location of the development. There are no material considerations in this instance that lead me to find other than in accordance with the development plan. The appeal is dismissed.

M Clowes

INSPECTOR