



Appeal Decision

Site visit made on 18 October 2022

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th December 2022

Appeal Ref: APP/A2335/W/22/3297301

Land North of Bailrigg Lane, Bailrigg, Lancaster

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Stratford-Hall, Aldcliffe Hall Estates, against the decision of Lancaster City Council.
 - The application Ref 21/00506/OUT, dated 21 April 2021, was refused by notice dated 14 December 2021.
 - The development proposed is the erection of up to 5 no. dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application was made in outline form with all matters reserved except for access. As such, I have treated detail shown on the submitted plans in respect of matters that are reserved for future approval as being for illustrative purposes only.
3. The main parties indicate that, prior to the determination of the planning application, the appellant submitted an amended plan to the Council. However, the Council made its determination based on the originally submitted plans. The amended plan has also been submitted as part of this appeal. Along with a varied indicative site layout, the amended plan shows an alternative access arrangement.
4. Having regard to The Procedural Guide: Planning appeals – England and the Wheatcroft principles, I consider that the amended access arrangement would be significantly different to the original proposal and to consider it would deprive those who should have been consulted on the changed development an opportunity of consultation. I have therefore determined the appeal on the basis of the plans as originally submitted and on which all parties were consulted. I shall however return to this matter further below.

Main Issues

5. The main issues are the effect of the proposal on a) the character and appearance of the area and b) biodiversity.

Reasons

Character and appearance

6. The appeal site is a large parcel of land between existing residential properties on Bailrigg Lane. Whilst the type of properties and plot sizes within the immediate locality vary, the built form generally comprises of large properties orientated towards and set close to the narrow lane, which is bound by mature trees and hedgerows. This predominantly linear pattern of development and the characteristics of the lane give the immediate locality a very strong rural feel.
7. There are very limited examples of dwellings which are set back from the lane. These examples tend to utilise a discrete access with the appearance of an agricultural track, or they share a short, single driveway. The properties at Bailrigg Chase front a central courtyard and this setting has the feel of a converted farmyard. Accordingly, these few examples do not detract from the rural characteristics of the locality.
8. The proposed access point to the appeal development would be a wide entrance which would be well set back from the lane with pavements on either side. It would involve the loss of a mature tree and stretch of hedgerow. By virtue of this arrangement, the access would have an overly engineered appearance which would jar markedly with the modest rural feel of the immediate locality.
9. The large access would also provide clear views into the development. The proposed site plan gives an indication as to how the amount of development proposed could be achieved. Whilst this is only an indicative layout, I cannot see how the proposed number of dwellings could be devised in any other way but a cul-de-sac arrangement at the reserved matters stage, due to the proposed single access point.
10. Accordingly, and even taking into consideration the low density of the development, the proposal would have an overly suburban appearance. This incongruent arrangement would disrupt the established settlement pattern and fail to reflect local distinctiveness, thus it would be conspicuous in the rural street scene.
11. Notwithstanding my comments above regarding the amended access plan which was submitted, the revised access design also proposes a single entry point, which would similarly necessitate some form of cul-de-sac layout and thus would fail to overcome the harm identified.
12. I acknowledge there is extensive built form at the nearby university campus and there are sites nearby on which it is anticipated that future growth would be facilitated. Nevertheless, the appeal site is distinctively separated from these areas, with the immediate setting along Bailrigg Lane having an enclosed, rural feel. Only limited glimpses of the university can be achieved along the lane. Future development in the wider area would therefore be unlikely to alter the existing character of this locality.
13. Consequently, the proposed development would have a harmful effect on the character and appearance of the area. Although strategic policies SP2 and SG1 of A Local Plan for Lancaster District 2011-2031, Part One: Strategic Policies and Land Allocations DPD (July 2020) (the SPLA DPD) support growth in this locality, the proposal would nevertheless fail to accord with the principles set out in Policy SG1 and policies DM4, DM29 and DM46 of A Local Plan for Lancaster District 2011-2031, Part Two: Review of the Development

Management DPD (July 2020) (the DM DPD). Collectively these policies seek to ensure that developments contribute positively towards their setting and reflect the existing arrangement of built form.

14. For the reasons noted, the proposal would also conflict with the aim for beautiful, well-designed places which are sympathetic to local character, as set out in section 12 of the National Planning Policy Framework (the Framework). Given the importance of and significant emphasis on high quality design, I afford the harm to the character and appearance of the area very substantial weight.

Biodiversity

15. The proposed access, as originally sought approval for, would necessitate the removal of a mature tree and stretch of hedgerow along the lane. Not only do these green features of the site contribute positively to the leafy, rural characteristics of the lane, the tree also has the potential for roosting bats. It is therefore a feature of significant value.
16. The submitted evidence identifies common bat species foraging and commuting on the appeal site however no further surveys or information has been provided which confirms presence or absence of roosting bats within the tree proposed for removal. In the absence of this information, the effect of the loss of the tree on a protected species has not been adequately demonstrated.
17. As noted, the submitted amended plan indicates that the tree would be retained and the hedgerow translocated. However, an updated Arboricultural Impact Assessment has not been provided thus the effect of the altered access on the tree, notably its large root protection area, cannot be ascertained. Therefore, even if I were to take into consideration the amended plan, I cannot be certain that the retention of the tree would indeed be possible in the revised access layout.
18. Accordingly, the proposal would result in harm to biodiversity, contrary to Policy SP8 of the SPLA DPD and policies DM44 and DM45 of the DM DPD which together strive for trees to be incorporated into developments so as to protect, maintain and enhance the district's biodiversity. It would also fail to conserve or enhance the natural environment, contrary to the aims of section 15 of the Framework. I afford this harm very substantial weight.

Other Matters

19. The Council cannot demonstrate a five year housing land supply. The Council has not provided a figure however the appellant suggests that the supply is equivalent to 2.6 years. In this context, regardless of the extent of such shortfall, paragraph 11 d) ii. of the Framework is engaged, which states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
20. As set out in the Framework, it is a Government objective to significantly boost the supply of homes and paragraph 69 highlights the importance of small and medium sites in achieving this target. The proposal would contribute up to 5 new dwellings to the Council's housing supply in an area identified for growth. This is a notable benefit of the scheme however the numbers would not be so sufficiently great an impact as to make a meaningful difference to address the

shortfall. There would be other social and economic benefits, both during construction and once the development is occupied. Nevertheless, due to the small scale of the proposal, I collectively afford these benefits limited weight.

21. Balanced against these benefits is the harm to the character and appearance of the area and biodiversity, to which I afford very substantial weight. The Framework clearly sets out that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. It also states that developments should conserve and enhance the natural environment.
22. Therefore, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Other Matter

23. As I am dismissing the appeal for other reasons there is no need for me, as the competent authority, to carry out an assessment on the likely significant effects of the proposal on the Morecambe Bay Special Protection Area or explore the necessity for undertaking an Appropriate Assessment and secure mitigation where required. Nevertheless, had I done so and found the proposal to be acceptable in this regard, such a finding would not have affected my overall conclusion on this appeal.

Conclusion

24. Overall, the proposed development would be contrary to the development plan when considered as a whole and there are no material considerations, including the Framework, which lead me to a decision other than in accordance with it. Therefore, the appeal should be dismissed.

H Ellison
INSPECTOR