



Appeal Decision

Site visit made on 10 January 2023

by Helen Hockenhull BA (Hons) B.PI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th February 2023

Appeal Ref: APP/A2335/W/22/3305040

Land East of Annie's Barn, Yenham Lane, Overton, LA3 3HU

- 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 & Mrs Peter & Tracey Armer against the decision of Lancaster City Council.
 - The application Ref 21/01212/FUL, dated 27 September 2021, was refused by notice dated 27 April 2022.
 - The development proposed is a new dwelling and associated landscape and access.
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Decision

1. The appeal is allowed, and planning permission is granted for a proposed new dwelling and associated landscape and access at Land East of Annie's Barn, Yenham Lane, Overton, LA3 3HU in accordance with the terms of the application, Ref 21/01212/FUL, dated 27 September 2021, subject to the conditions in the attached schedule.

Procedural Matter

2. It came to light during the appeal that the landowners of the site had not been served the relevant notice of the application as required by Article 13 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. Notices were issued by the appellant and no further representations were received.

Main Issue

3. The main issue in this case is the effect of the development on the character and appearance of the area.

Reasons

4. The appeal site forms an open agricultural field to the north of Yenham Lane Overton. It is positioned between a residential property called Annie's Barn and a newly built dwelling named Colloway View. To the north and east are open fields. The site is long and narrow, being approximately 50 metres in depth and only 10 metres wide at its narrowest point. It is located around 60 metres to the east of Overton Conservation Area and approximately 110 metres east of a Grade II listed Manor Farmhouse (2 Main Street).
5. The appeal site together with land to the west is allocated for residential development in the Lancaster Land Allocations Development Plan Document (DPD) adopted in 2020. The principle of residential development on the site is therefore established.

6. The character of the immediate area is one of generally linear properties, converted barns, on the edge of the settlement, predominantly constructed in stone with slate roofs and stone walls to their frontages. The exception is Colloway View to the east of the appeal site which forms a new property constructed in stone with timber cladding at first floor. The design of the appeal property complements this new dwelling and proposes the use of similar materials. The Council raise no concerns in terms of design, a position with which I concur.
7. Due to the narrow nature of the site, together with the rise in level from Yenham Road, it is proposed that the dwelling be set back approximately 18 metres from the highway. This contrasts with the properties in the vicinity on Yenham Lane and Chapel Lane which are set much closer to the road. However, I noted on my site visit the gaps between barns which allow views of buildings to the rear. The projecting front gable of the property would sit opposite the rear extension to Annie's Barn. There would therefore be some overlap of built form. At the rear the dwelling would not extend further north than the rear garden boundary to Annie's Barn. Manor Farm Barn to the east projects northwards such that the building extends to the rear boundary. The proposed dwelling would broadly align with this property.
8. It is notable that properties fronting Yenham Lane are set back from the road a further distance than those immediately to the east on Chapel Lane. Together with gaps between properties, and other buildings set back into the plots, this provides variety to the street scene. It is a characteristic of the village and the conservation area that some buildings are sited close to the road, others are set back. This adds to the character of the settlement.
9. In terms of scale and massing, whilst the proposed dwelling has a greater footprint than the adjacent barns, it is not dissimilar to Colloway View to the east. Furthermore, the proposal has a front projection with a lower ridge height, which assists to break up the mass of the house.
10. The Council have raised concern that the set back of the building into the site, its massing and scale, results in a built form protruding into the countryside area on the edge of the village. I walked down Yenham Lane on my site visit and observed that due to the height of boundary hedgerows it is difficult to view the rear of the appeal site. A field gate approximately 150 metres down the Lane does however provide a viewpoint.
11. Whilst the building is long, as I noted above it would not extend further than the rear boundary of Annie's Barn. The garden area and proposed smallholding would project into the countryside. The dwelling would be seen against the backdrop of the other barns and properties on Main Street. With suitable boundary treatments, the garden and smallholding would not in my view be out of keeping in this rural area. Landscaping to the eastern site boundary could be provided to filter views of the site and create a defined settlement edge. Such a scheme could be secured by a planning condition. I am satisfied that with appropriate boundary treatment, the scheme would not cause unacceptable harm to the character and appearance of the countryside.
12. The appellant has brought my attention to the fact that the appeal site and adjoining land forms an allocation for residential development in the Local Plan. The area to the west of the site could therefore be developed, and the visual impact of the appeal dwelling should be considered in this context. Whilst I

have had regard to this, there is no evidence before me that the wider site has planning permission or that a scheme is being progressed by the site promoter. Therefore, there is a risk that the allocation may not be developed. However, in light of my comments above, I am satisfied that in isolation, with appropriate landscaping, the proposal would not cause undue harm to the character of the area. I note that the allocation can be accessed from Main Street so that the development of the appeal site would not affect the ability to secure a suitable access to the wider site.

13. Given the above, I consider that the siting, scale and massing of the appeal proposal would not cause harm to the character and appearance of the area. The proposal would therefore comply with sections 12 and 15 of the National Planning Policy Framework (the Framework) and Policies DM29 and DM46 of the adopted Development Management Development Plan Document. These documents seek to ensure that development contributes positively to the character of the area through good design and is appropriate to its surroundings.

Other Matters

14. The appeal site lies in the setting of the Overton Conservation Area and a Grade II listed building, Manor Farmhouse. In light of the separation distance between the proposed dwelling and these heritage assets and the intervening development, I consider that the proposal would cause no harm to their designation, preserving their setting.
15. Yenham Lane forms a long cul de sac the majority of which is unmade, however the area close to the appeal site at the junction with Chapel Lane is surfaced. I recognise that due to the nature of the village, roads are narrow, and some bends have poor visibility. However, the proposal is for a single dwelling and due to the nature of the roads, traffic speeds are low. I am satisfied that the proposal would not cause unacceptable highway safety issues. I note that the Highway Authority has raised no objections.
16. The appeal site lies approximately 600 metres from the Morecambe Bay Special Protection area (SPA), Special Area of Conservation (SAC) and Ramsar site and the Lune Estuary Site of Special Scientific Interest. There is the potential that the increased recreational activity from new occupants of the site could cause harm to the integrity of this protected area either alone or in combination with other plans and projects. Whilst such impact would be very limited bearing in mind the scale of the development, appropriate mitigation is required. An Appropriate Assessment is therefore necessary.
17. The Council suggest an advisory Homeowner Pack should be provided to raise awareness about the potential impact of increased recreational pressure on nearby designated sites and to explain the sensitivities of the sites features. This could suggest alternative recreational areas and provide advice to visitors to avoid disturbance to birds. I am satisfied that with mitigation secured through an appropriately worded planning condition, no adverse effects on the integrity of the designated site through direct or indirect impacts either alone or in combination with other projects or plans would occur. Natural England raise no objection to the proposal subject to these mitigation measures being put in place.

18. The appellant has raised issues about the poor and inconsistent advice provided by the Council during pre-application discussions. This is not a matter that I am required to comment upon.

Conditions

19. I have had regard to the conditions suggested by the Council in light of the Framework and Planning Practice Guidance. I have amended the wording of conditions where I consider it to be necessary. In addition to the standard timeframe condition, it is necessary to impose a condition requiring the development to be carried out in accordance with the submitted plans for the avoidance of doubt.
20. In the interest of protecting the character and appearance of the building and surrounding area, conditions are necessary to require the submission of details of materials as well as construction details including windows and doors, rainwater goods, rooflights, surface and boundary treatments. For the same reason a hard and soft landscaping scheme is required.
21. To safeguard the conservation objectives of the Morecambe Bay SPA, SAC and Ramsar site, as discussed above in Other Matters, a condition requiring the preparation of a Homeowner Pack is necessary. In the interest of protecting biodiversity a condition is required to ensure the development is undertaken in accordance with the mitigation measures in the submitted Ecological Appraisal.
22. A condition is necessary for highway safety to require a scheme for the construction of the site access and off-site highway mitigation. To ensure the site is appropriately drained, a condition is necessary to require the submission of a surface water drainage scheme including measures for its maintenance.
23. Conditions removing permitted development rights for the enlargement, improvement, or alteration to the property as well as gates, fences or walls and the insertion of new windows and doors is necessary in order to protect the amenity of the adjoining residential properties and to protect the character and appearance of the area. A condition restricting the hours of construction and deliveries to the site is also necessary to protect the amenity of nearby residents.
24. The Council suggested a condition to require the provision of an electric supply for charging an electric vehicle. This matter is now covered by Building Regulations and such a condition is not necessary.

Conclusion

25. For the reasons given above and having had regard to all other matters raised, I allow this appeal.

Helen Hockenhull

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Block and Location Plan Drawing No 1497.P.1 Rev B, Proposed Site and Roof Plan Drawing No. 1497.P2 Rev B, Proposed Plans Drawing Number 1497.P3 Rev B and Proposed Elevations Drawing No. 1497.P4 Rev A.
- 3) No development shall commence until details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development above ground shall commence until the following details have been submitted to, and approved in writing by, the local planning authority:
 - i. Windows and doors
 - ii. Rainwater goods
 - iii. Verges/eaves/ridge
 - iv. Rooflights
 - v. Flue
 - vi. Surface treatments
 - vii. Boundary treatments

The development shall be completed in accordance with the approved details prior to the development being occupied or first being brought into use (whichever the earlier) and retained as such at all times thereafter.

- 5) The dwelling hereby permitted shall not be occupied until the details of a homeowner pack have been submitted to, and approved in writing by, the local planning authority. This shall include details of the nearby sites designated for their nature conservation interest (and the wider Morecambe Bay coastline), their sensitivities to recreational pressure and shall promote the use of alternative areas for recreation, in particular dog walking areas. The homeowner pack shall be created and distributed to the approved residential property prior to occupation.
- 6) No development above ground shall commence until details of the hard and soft landscaping of the site (including wherever possible the retention of existing trees and hedges) and its maintenance regime have been submitted to, and approved in writing by, the local planning authority. The approved scheme shall be implemented in the first planting season following completion of the development, or following first occupation/use, whichever is the earlier, and maintained at all times thereafter in accordance with the approved maintenance regime.
- 7) The development hereby permitted shall be implemented in full accordance with the approved ecological mitigation measures set out in the Preliminary Ecological Appraisal (Report ref: 7608). Where required

- by the approved mitigation, the measures shall be retained and maintained within the development at all times thereafter.
- 8) No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway mitigation has been submitted to, and approved by, the local planning authority in consultation with the Highway Authority.
 - 9) No development or site preparation/clearance shall commence until a surface water drainage scheme, including a maintenance regime, (based on the hierarchy of drainage options in the National Planning Practice Guidance and evidence of an assessment of site conditions), has been submitted to, and approved in writing by, the local planning authority. The approved scheme shall be implemented and operational prior to the first occupation of the development and shall be maintained in accordance with the approved details at all times thereafter.
 - 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no enlargement, improvement or alteration to the dwellinghouse and no fences, gates or walls shall be erected within the curtilage of the dwellinghouse [other than those expressly authorised by this permission].
 - 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the building shall not be altered by the insertion of windows or doors.
 - 12) No site preparation/clearance, demolition, construction, deliveries or fit-out associated with the development shall occur except between the hours of 0800-1800 Monday to Friday, and 0800-1400 on Saturdays. No site activities shall be undertaken on Sundays or on Public Holidays without the prior written agreement of the Local Planning Authority.