



Appeal Decision

Site visit made on 28 February 2023

by K L Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 May 2023

Appeal Ref: APP/A2335/W/22/3309728

Netherby, Aughton Road, Gressingham LA2 8LS

- 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 McGuinness against the decision of Lancaster City Council.
 - The application Ref 22/00164/FUL, dated 8 February 2022, was refused by notice dated 6 May 2022.
 - The development proposed is the resubmission of application 20/01303/FUL for the creation of a lake and associated engineering operations, landscaping and biodiversity enhancements.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant's name was initially set out in the application form in the manner set out in the banner heading above. Subsequent documents have referred to various combinations of Mr John McGuinness and John and Rebecca McGuinness as being the appellant/s. However, as I am dismissing the appeal, I am satisfied that it should proceed in the terms set out in the banner.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the surrounding area including the Forest of Bowland Area of Outstanding Natural Beauty (AONB).

Reasons

4. The appeal site is in open countryside. It comprises a grassed field to the front of a modern stone-built property known as 'Netherby', which forms part of a small group of buildings set back from Aughton Road and reached by a lengthy tarmac driveway. The field is separated from the residential property by an area of hardstanding. A drystone wall runs along the highway frontage. The site is otherwise open and unfenced.
5. The site's surroundings have a pleasant open, undulating character within the Forest of Bowland AONB. The wider landscape is characterised by a rural and largely undeveloped landscape of open fields, enclosed by dry stone walls, post and rail fences and mature hedgerows and small woodland copses. Whilst predominantly free from built development, there are a small number of sporadic dwellings and agricultural buildings in the wider landscape. It is identified as an area of high value as a drumlin landscape in the AONB.

6. The statutory purpose of AONBs is to conserve and enhance the natural beauty of the area. The National Planning Policy Framework (the Framework) advises that great weight should be given to conserving and enhancing the landscape and scenic beauty in AONBs.
7. The appeal proposal involves the creation of a lake, which would be surrounded by small groups of trees and bunding to three sides. It has not been specified that the lake would be used for any particular purpose although it has been stated that it would alleviate flooding issues in the field and would provide biodiversity enhancements to the site. At the time of my site visit the site appeared to be open, semi-improved grassland with areas of soft rush.
8. Due its position between Nertherby and Aughton Road, the proposal would result in an engineered landform, and despite its considerable size and attempt to make it appear naturalistic, a landscape feature with a rather domestic and artificial appearance. The lack of boundary treatment between the dwelling and the appeal site would mean that it would appear as extension to the dwelling's domestic garden rather than as a natural landscape feature which would erode the undeveloped rural character and appearance of the landscape. Furthermore, it could not realistically be prevented from being used for incidental domestic purposes by the occupiers of Netherby given its proximity and relationship to the house.
9. I acknowledge that the undulating landscape would limit views of the proposal from medium and longer distances and views from public rights of way would be distant. Nevertheless, it would be highly visible from the public realm from Aughton Road.
10. I have been supplied with a landscape statement which concludes that the proposal would have a negligible beneficial effect on the character of the surrounding area and would have result in limited beneficial impacts on local landscape features. The suggested benefits have not been quantified and although the proposal would result in the introduction of trees into the wider landscape, these would take a number of years to establish.
11. The site is located in Flood Zone 1, where the risk of flooding is low. The proposal would be unlikely to cause flooding elsewhere. I have been provided with photographs which appear to show some localised small areas of standing water in a field. However, these are undated, and it is not clear whether the flooding is regular, long lasting or has other adverse impacts on the site. Furthermore, it is suggested that the lake would require a piped water supply to provide the water levels required.
12. I have been also provided with a Preliminary Ecological Assessment (PEA) which states that the proposal would provide habitat suitable for oystercatcher and other wetland birds. The proposal would also provide marginal planting, wildflower meadow planting and wet woodland in the longer term. Nevertheless, it has not been demonstrated that the proposal before me would be the only way to provide such biodiversity benefits on the site.
13. When considered as a whole, the proposal would result in a feature which would be incongruous and alien in the landscape which that would not respect its rural context or character and would not blend with its surroundings. Consequently, the development would therefore be harmful to the landscape

and scenic beauty of the AONB. The suggested flood alleviation and biodiversity benefits would not outweigh this harm.

14. I therefore find that the proposal would have a harmful effect on the character and appearance of the area which would also fail to conserve and enhance the landscape and scenic beauty of the AONB. As such it is contrary to the character and landscape protection aims of Local Plan Part 1¹ (LPP1) Policies SP8, EN2 and EN3, which seek, amongst other things, to protect the open countryside, AONBs and their settings. The proposal would also be in conflict with Local Plan Part 2² (LPP2) Policy DM29 which, amongst other things, seeks to ensure that development contributes positively to the character and appearance of the area, and LPP2 Policy DM46 which seeks to ensure that development does not adversely affect the setting of the AONB. It would also conflict with paragraph 176 of the Framework which states that great weight should be given to preserving or enhancing the landscape and scenic beauty in AONBs.

Conclusion

15. For the reasons set out above, having had regard to the development plan as a whole and all other matters raised, I conclude that the appeal should be dismissed

K L Robbie

INSPECTOR

¹ Local Plan for Lancaster District 2011 - 2031 Part One: Strategic Policies and Land Allocation DPD 2020

² Local Plan for Lancaster District 2011 - 2031 Part Two: Review of the Development Management DPD 2020