



Appeal Decision

Site visit made on 31 January 2024

by S Brook BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 February 2024

Appeal Ref: APP/U2370/W/23/3327341

Land adjacent Inglewood, Cabus Nook Lane, Cabus PR3 1AA

- 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 K Taylor against the decision of Wyre Borough Council.
 - The application Ref 23/00274/FUL, dated 14 March 2023, was refused by notice dated 8 June 2023.
 - The development proposed is described as 'Erection of Dwelling with Detached Garage and Orchard to the rear of the site'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was lodged, a revised National Planning Policy Framework (the Framework) has been published. This has not raised any new matters which are determinative to the outcome of this appeal.

Main Issue

3. The main issue is whether this is a suitable location for new housing, having regard to policies relating to the development strategy and the countryside.

Reasons

4. The appeal site comprises a grassed field on land that rises gradually to the north. It lies within a row of existing housing that extends along the northern side of Cabus Nook Lane, with open agricultural land further north, and a farm complex to the south. The site is not within any defined settlement and is therefore within the open countryside.
5. Policy SP1 of the Wyre Local Plan (2011-2031) (incorporating partial update of 2022), adopted 26 January 2023, (LP), sets out the development strategy for Wyre, in order to promote sustainable development. It directs new build development to within the settlement boundaries, unless development elsewhere in designated countryside areas is specifically supported by another LP policy. It goes on to state that outside settlements with defined boundaries the amount of new build development will be strictly limited. The supporting text states that the LP meets the full housing requirement.
6. LP Policy SP4 is specific to countryside areas. SP4 (1) sets out that the open and rural character of the countryside will be recognised for its intrinsic character and beauty. Development which adversely impacts on the open and rural character of the countryside will not be permitted unless it is

demonstrated that the harm to the open and rural character is necessary to achieve substantial public benefits that outweigh the harm. SP4 (2) sets out that within the countryside, new development will only be granted that meets the purposes of criteria a) to h).

7. There is agreement between the main parties that the appeal scheme would not adversely impact on the open and rural character of the countryside. Having considered the proposed plans, including the scale and design of the proposed dwelling in relation to the mixed appearance of existing housing, the set back and separation distances maintained, and the extent to which landscaping would soften the appearance of the proposal over time, I have no reason to disagree with the main parties, and so the proposal would not conflict with LP Policy SP4 (1).
8. However, there is also no dispute between the main parties that the appeal scheme does not meet any of the purposes specified in criteria a) to h) of LP Policy S4 (2) for new development in the open countryside, which is a separate requirement to LP Policy SP4 (1). Consequently, this would not be a suitable location for new open market housing, having regard to the development strategy for the area. The proposed development therefore conflicts with LP Policies SP1 and SP4 (2), the purposes of which have been set out above.
9. The appellant refers to policy support for infill development within the Borough from 1999 until 2019, and states that other Councils continue to support such development. However, it is mandatory for me to take account of the most relevant and up to date policies for Wyre in reaching my decision, and I have therefore considered the appeal on this basis.
10. Reference is also made to an outline planning permission¹ for two bungalows on this site and the adjoining land to the east. Insofar as this planning permission related to the appeal site, it has now lapsed. The construction of a bungalow on the adjoining land, which is now complete, has physically changed the character and appearance of the area and I have taken this into account. However, it appears from the information before me that this earlier permission was considered under a different policy regime, when the Council was unable to demonstrate a 5-year supply of housing land. Therefore, there has been a material change in circumstances since this previous permission was granted and I must determine the current proposal on its individual planning merits.

Other Matters

11. The appeal scheme would deliver an additional home, positively contributing to housing supply from a small site, which the Framework recognises as making an important contribution to meeting housing requirements. The findings of a previous appeal² for a dwelling on this site concluded that this location would enable reasonable and satisfactory access to local shops, schools and other amenities with modest car reliance. From the evidence before me, I have no reason to disagree. During the construction phase the proposal would contribute to the local economy, whilst future occupiers would support local services and facilities. In this regard, I note the appellant's reference to a recent government paper expressing support for new homes in rural communities.

¹ 17/00435/OUT

² APP/U2370/W/21/3286970

12. However, given the scale of the proposed development, the benefits to be brought about by the provision of one additional dwelling at this location attracts only modest weight in support of the proposal. Similar benefits could be provided by housing that accords with the development strategy.
13. I note the intention to incorporate renewable energy sources such as an air source heat pump and solar panels into the proposed dwelling. Additionally, the appeal scheme introduces replacement and new hedgerow planting, tree planting, as well as an orchard/wildflower meadow within an extended area of garden. However, LP Policy SP2 requires that new development responds to the challenge of climate change, including making the best use of resources, whilst LP Policy CDMP4 requires that proposals mitigate the overall environmental impact of development and maximise further opportunities to improve the environmental outcomes. These policy requirements would be applicable to all new housing development and so again, similar outcomes could be delivered by new housing that complies with the development strategy. Only limited weight can be afforded to these measures in support of the appeal scheme, given the modest size of the site.
14. The appellant considers that there is an increased reliance on windfall sites by the Council in calculating housing land supply and the appeal scheme would positively contribute to the supply of windfall housing. Whilst this may be the case, there is no substantive evidence before me to suggest that any windfall delivery could not be achieved in line with the Council's development strategy.
15. The appeal submission indicates that the proposed dwelling could provide a self-build or custom build unit, thereby increasing consumer choice. There is support nationally to increase the supply of custom and self-build plots and there is a duty to have regard to the register of those seeking to acquire such plots, as well as to give enough suitable development permissions to meet the identified demand.
16. I have not been provided with any evidence that the appellant is registered on any Self/Custom Build Register, or that the Council has been unable to issue sufficient permissions to meet the demand for self-build plots, in accordance with the statutory duty. Nor is there any mechanism before me to secure the proposed dwelling as a self-build or custom build plot. As such, I cannot afford any significant weight to this as a potential benefit of the proposal.
17. The appellant suggests that the appeal scheme would make beneficial use of a vacant and neglected site, highlighting support in the Framework for development of under-utilised land. However, the appeal site is a field of typical appearance, which does not detract from the overall quality of the area in its present form. There is no evidence before me to suggest that it could not continue to be used beneficially as grazing/agricultural land.
18. The proposal has not raised any formal objections from interested parties, including the Parish Council, albeit one representation seeks amendments to the scheme. The Council raises no concerns in relation to the living conditions of occupiers of neighbouring properties. These are neutral matters that do not carry weight for or against the proposal.
19. I am advised that the appellant acquired the site having been informed that planning permission for a dwelling was extant and paid full residential value, whilst a legal challenge to the previous appeal decision was considered, but not

pursued, due to the prohibitive cost. However, these are not matters that carry weight in my determination of this appeal. Additionally, concerns are expressed with the approach taken by Council Officers in advising members of the Committee meeting when the planning application was determined. However, it is not for me to comment on their actions as part of this decision.

20. The previous appeal decision at this location references the proximity of the appeal site to a designated European site, Bowland Fells Special Protection Area, (SPA), albeit the Officer's report for this appeal scheme does not confirm this, referencing only a Site of Special Scientific Interest. The information before me is insufficient to confirm whether the appeal site is within the Zone of Influence of this SAC and whether the proposal (either alone, or in combination with other proposals), has the potential to give rise to significant effects. However, as I have found harm in relation to the main issue, it is not necessary in this instance to undertake an appropriate assessment to consider the effect on the SAC.

Planning Balance and Conclusion

21. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (the Act) requires that decisions on planning applications should be made in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 of the Framework reflects this and makes it clear that the development plan is the starting point for decision making. The importance of the plan-led system is clear, albeit the Act provides scope for other factors to be considered in the planning balance.
22. For the reasons set out above, LP Policies SP1 and SP4 (2) do not support new housing at this location and so there is clear conflict with the development plan. The LP has recently been the subject of a partial update and is up to date. As such, this conflict weighs against the proposal. Amongst other things, these policies establish the broad strategy for the distribution of development in order to promote a sustainable form of development and should not be set aside lightly.
23. Applications for planning permission must be considered on their individual planning merits and so any decision in relation to the appeal scheme would not set a precedent for other development in the countryside. As the proposal is for one dwelling, the extent of the conflict identified is relatively small, and I have not identified any other planning harm. Nevertheless, this would not be an acceptable location for new market housing and so the proposed development would harm the Council's development strategy. Whilst the proposal would provide a number of benefits, these would be modest, and similar benefits could be delivered by new housing that accords with the Council's development strategy. Consequently, these benefits do not outweigh the harm I have identified.
24. The appeal scheme would conflict with the development plan when taken as a whole, and there are no other material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal should therefore be dismissed.

S Brook

INSPECTOR