



Appeal Decision

Site visit made on 13 June 2024

by S Brook BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 June 2024

Appeal Ref: APP/A2335/W/23/3332806

Batty Hill Farm, Lancaster Road, Cockerham, Lancaster LA2 0DZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr P Hewitt against the decision of Lancaster City Council.
 - The application Ref is 23/00315/FUL.
 - The development proposed is Change of use of an isolation building and conversion into 4 holiday lets in association with Batty Hill Farm.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (a) whether the proposed use of the building for holiday accommodation is appropriate at this location, having regard to relevant local and national policies, and (b) the effect of the proposed development upon the character and appearance of the area.

Reasons

Appropriateness for Holiday Accommodation

3. Policy DM23 of the Local Plan for Lancaster District 2011-2031, Part Two: Review of the Development Management Development Plan Document, July 2020, (LPP2) is specific to self-catering visitor accommodation and thus is of direct relevance to a scheme for holiday lets. It states that such development will be acceptable if certain locational criteria are met.
4. The appeal site is located amongst open fields, to the east of buildings associated with Batty Hill Farm. The Council confirms that the appeal site is located within the designated open countryside. The site lies to the northeast of the village of Cockerham, which is defined as a sustainable rural settlement by policy SP2 of the Local Plan for Lancaster District 2011-2031, Part One: Strategic Policies and Land Allocations DPD, July 2020 (LPP1).
5. While the construction of housing is presently taking place on the northern side of this village, and I have been provided with further evidence of housing granted planning permission in this area, the appeal site would remain separated from the built form of the village by intervening fields. Consequently, the appeal site would not be within the built-up area of a sustainable settlement, as required by criteria I of LPP2 policy DM23. Neither main party has indicated that the appeal scheme could benefit from locational criteria II or III.

6. Criteria IV of LPP2 policy DM23, stipulates that this type of visitor accommodation will be acceptable if it involves the conversion or re-use of a 'suitable existing rural building'. There is an existing building on the appeal site, of solid stone construction, with a slate roof. However, there is dispute between the main parties as to whether this is a suitable existing rural building for holiday accommodation.
7. The planning history provided by the parties sets out that planning permission was granted for the construction of an agricultural livestock building on the appeal site in 2020¹, and then in 2022, planning permission was granted retrospectively for a larger building for the same purpose².
8. The appellant states that the building presently on site has been lawfully implemented under the 2022 consent and has been used for its intended purpose. While I have been provided with the decision notice relating to the 2022 permission, the approved plans are not before me, and so I am unable to compare the constructed building to that permitted. The building is not presently in use and there is no substantive evidence before me demonstrating that an agricultural use commenced following construction.
9. While the Council may have accepted in 2020 and 2022 that there was a genuine agricultural need for an isolation unit based on the evidence provided at that time, the Council suggests that the existing building was constructed for human habitation, and questions whether any agricultural use commenced. Reference is made to the building's construction including cavity wall insulation, under floor heating, raised internal floors, raised plinths to the base of door openings, multiple window openings, a first floor and space for staircases. The Parish Council and third parties raise similar concerns.
10. I was able to observe the physical features referred to by the Council, albeit the window openings had been blocked up. Such features are not typical of livestock buildings. I understand that circumstances may have changed at the farm following the purchase of Batty Lodge, albeit there is dispute between the main parties as to the implications of this. However, the Council suggests that these physical features were in place prior to the purchase of Batty Lodge.
11. The available evidence is not sufficient to allow me to reach a definitive position as to the lawful construction and use of this building as an agricultural unit in accordance with the 2022 permission. There is no Lawful Development Certificate before me, and it is not for me to determine its lawfulness as part of this section 78 appeal.
12. Given this uncertainty, I am unable to conclude that the proposal would involve the conversion or re-use of a suitable existing rural building. As such, the proposal does not meet any of the locational criteria for visitor accommodation of this type, specified by LPP2 policy DM23.
13. Other policies of the plan also provide support for the conversion or re-use of existing rural buildings in certain circumstances, including LPP2 policy DM47, relating to economic development in rural areas where it would improve the sustainability of rural communities, and LPP2 policy DM48 relating to farm diversifications. More generally, LPP2 policy DM60 requires that proposals

¹ 20/00747/FUL

² 22/00045/FUL

minimise the need to travel, particularly by private car, and maximise the opportunities for the use of walking, cycling and public transport.

14. The appeal site is within a reasonable walking distance of Cockerham, which provides a small number of day-to-day services and facilities. I note the Council's concerns as to the suitability of these services for meeting the needs of holidaymakers, however, there would also be links to public transport, providing access to the wider area.
15. The route into the village would be partly along the lane to the farm and partly along Lancaster Road. The farm access serves a limited number of properties and so, although it lacks lighting and a designated footpath, it is likely to be lightly trafficked. Lancaster Road is a classified road, with a 40mph speed limit where it passes the farm entrance. Where it extends up to the village, parts of the road have no street lighting or designated footpath.
16. While these circumstances would be likely to discourage walking or cycling at present, the plans provided for the housing development under construction to the south indicate a footpath to that site's frontage. It appears therefore that this development will reduce the length of Lancaster Road without a footway, improving this route for pedestrians. As such, future users of the proposed holiday accommodation would not be wholly reliant on the private car and holidaymakers could assist in sustaining some of the services and facilities of this rural community. These benefits attract only modest weight in favour of the appeal scheme, given the small scale of the development.
17. Nevertheless, given the uncertainty relating to the existing rural building, I cannot conclude that its use for holiday accommodation is appropriate in this location. The proposal would conflict with LPP2 policy DM23, the provisions of which are of direct relevance to this form of development. Additionally, given these circumstances, it has not been demonstrated that the requirements of LPP2 policies DM47 and DM48 have been fully met.
18. My attention has been drawn to the presence of existing holiday accommodation at Batty Hill Farm. However, the Council indicates that these examples involved the conversion of suitable existing rural buildings. A number of residential developments permitted in Cockerham have also been highlighted. However, these sites do not share the same physical relationship to the village as the appeal scheme, and they do not appear to be proposals for holiday accommodation. As such, they would be subject to differing planning considerations. They do not demonstrate conflicting decision-making by the Council. These matters do not overcome my concerns with the appeal scheme as set out above.

Character and Appearance

19. The existing building is of stone construction with a slate roof, with a simple overall form and limited openings. It sits within an area of grassland separated from surrounding fields by low, intermittent hedgerows or access tracks. It is detached from the main cluster of farm buildings to the east. As a result, it holds a prominent position when viewed from the surrounding area. This building does not have the appearance of a typical modern agricultural unit, however, its appearance generally assimilates into this rural context.

20. The proposed development would utilise the envelope of the existing building, with no extensions. The building is of solid construction and there would be no alteration to the building's materials of stone and slate, which the Council accepts as helping the building to assimilate into its surroundings. The appellant indicates that services could be brought in from the adjoining farm.
21. However, the appeal scheme would introduce a significant number of new window and door openings to all elevations. The number and uniformity of these openings would give this building a domestic character and appearance, a marked contrast to its present aspect. Additionally, the appeal scheme would introduce a driveway and domestic parking to the site frontage, while the remainder of the appeal site would be residential gardens. The position and extent of parking, along with domestic paraphernalia typically associated with garden use, would further emphasize the residential character and appearance of the proposed development. This is not a designated landscape, and the visual change resulting from the appeal scheme would be limited to closer range views. Nevertheless, the character and appearance of the proposal would be at odds with the rural character of the site and its surroundings, and it would result in domestic encroachment into this countryside setting, which would be emphasized by its detached and prominent position.
22. I have had regard to the landscaping details provided for the proposal. While the proposed hedgerow planting to the east and west of the appeal site could assist in screening some domestic paraphernalia, the planting detail to the site frontage would not screen the parking area. Nor could such measures fully screen the domesticated appearance of the building itself. As such, these measures would not be sufficient mitigation for the harm I have identified.
23. The appellant suggests that if planning permission is not forthcoming, then the existing building will fall into dereliction, harming the visual amenities of the surrounding area. However, there is little evidence before me to substantiate this claim. Given that agricultural operations continue at the farm, there seems to be a reasonable prospect of some alternative use.
24. For the above reasons, the proposal would be harmful to the character and appearance of the area. The proposal would conflict with LPP2 policy DM29, which requires, amongst other matters, that new development contributes positively to the identity and character of the area through good design, having regard to local distinctiveness. Consequently, there would also be conflict with LPP1 policy EN3, which stipulates that any development proposals in the open countryside should have due regard to all relevant policies of the Local Plan. Further, the proposal would not meet the requirements of the National Planning Policy Framework insofar as it states that all development should be of high-quality design, that is sympathetic to local character, including the surrounding landscape setting, and which adds to the overall quality of the area.

Other Matters

25. The information before me suggests that the appeal site is located close to the Morecambe Bay Special Area of Conservation (SAC) Morecambe Bay and Duddon Estuary Special Protection Area (SPA) and Morecambe Bay Ramsar site, where recreational pressure may be an issue requiring mitigation measures from development such as this. However, given my conclusions in relation to the main issues, it is not necessary in this instance to undertake an appropriate assessment to consider the effect on these European designations.

26. The appellant indicates that the appeal scheme would allow the existing farm to diversify, inviting a condition to tie the scheme to the farm, as well as meeting a demand for holiday lets in the area. While I note that the Council questions the lack of evidence to support the benefits associated with farm diversification, it seems reasonable to conclude that 4 additional holiday lets at the farm would provide a further income stream and employment opportunities, as well as additional spending in the local economy. This attracts support from paragraph 88 of the Framework in terms of promoting a prosperous rural economy. Additionally, biodiversity net gain could be secured through the imposition of an appropriate condition, where necessary. I afford these benefits modest weight in favour of the appeal scheme, given the small scale of the development.
27. The proposal has not raised any ecological or technical considerations. These are neutral matters that carry no weight either for or against the appeal scheme.
28. Reference is made by third parties to the construction of a new road connecting to Willey Lane. However, this does not form part of the proposal before me and so I have not considered this matter further.

Conclusion

29. For the reasons outlined above, it has not been demonstrated that the proposed use of the building for holiday accommodation is appropriate at this location, and the development as proposed would be harmful to the character and appearance of the area. In these respects, I have identified conflict with the development plan. While the proposal would provide some benefits in terms of farm diversification and the potential for future users to help sustain the services and facilities of this rural community, the weight afforded to these benefits is limited and it would not be sufficient to outweigh the identified harm.
30. Consequently, the proposed development would not represent sustainable development. It would conflict with the development plan 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. Therefore, the appeal should be dismissed.

S Brook

INSPECTOR