



Appeal Decisions

Site visit made on 30 July 2024

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 August 2024

Appeal A Ref: APP/A2335/W/24/3337590

Gatehouse, Natterjack Lane, Middleton, Lancashire LA3 3FG

- 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 Ward on behalf of Brantones 2017 Ltd against the decision of Lancaster City Council.
- The application Ref is 23/00628/FUL.
- The development proposed is single and two storey extensions to existing Gatehouse. Partial change of use to allow ancillary residential accommodation for staff member (occupied on a shift basis).

Appeal B Ref: APP/A2335/W/24/3340801

Gatehouse, Natterjack Lane, Middleton, Lancashire LA3 3FG

- 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 Ward on behalf of Brantones 2017 Ltd against the decision of Lancaster City Council.
- The application Ref is 23/00933/FUL.
- The development proposed single storey extension to existing Gatehouse and erection of building for storage.

Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. As set out above there are two appeals on this site. Appeal A relates to a scheme for the erection of part single, part two storey extensions to an existing Gatehouse and the erection of a detached garage, with approval also being sought for the partial change of use of the building to provide ancillary residential accommodation for staff member. Appeal B relates to an alternative scheme for a proposed single storey extension to existing Gatehouse and erection of building for storage. The two schemes differ in terms of the use of the building, together with the scale and design of the proposed extensions, including overall height. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.

Main Issues

4. In respect of both Appeal A and Appeal B, the main issue is the effect of the proposed development on the character and appearance of the area.

5. In respect of Appeal A only, the additional main issues are whether the proposed development would:
- be in a suitable location, having particular regard to flood risk; and
 - provide adequate living conditions for future occupiers with particular regard to the provision of internal accommodation.

Reasons

Character and Appearance

6. The appeal site comprises a detached, single storey building, built as a gatehouse for Middleton Towers in approximately 2007 or 2008. The Middleton Towers development occupies the site of the former Pontin's Holiday Park situated to the edge of the village of Middleton. The appeal site is also located to the south of Heysham, within the Heysham Gateway Regeneration Priority Area.
7. The appeal building is modest in size and constructed of stone and slate, under a pitched roof. The land surrounding the appeal building has a pleasant, open character and nearby is a recent development of housing, of a similar design and appearance. The housing on the opposite side of the road to the appeal site is set back behind front gardens, which also contribute to this open character as you enter the wider development.
8. In respect of Appeal A, approval is being sought for the partial change of use of the existing building, together with part two storey, part single storey extensions to provide ancillary residential accommodation. The proposal also involves the erection of a single storey, detached double garage, located approximately sixteen metres to the west of the appeal building.
9. The proposed two storey extension, being sought under Appeal A, would by virtue of its scale and design result in a dominant addition that would project substantially above the ridge height of the original part of the host property. Furthermore, the provision of a dormer window extension, with Juliet balcony would not reflect the style of the host property nor those found in the immediate surrounding area. As such, I find that the proposed two-storey extension would not be in keeping with the scale, massing, or design of the host building.
10. The proposed development would also include a more modest single storey extension and would use materials to match the exterior of the host building. However, in combination, the proposed extensions, would nevertheless appear as a conspicuous addition to the host property which would cause harm to the character and appearance of the area. Furthermore, the design and appearance of the proposed extensions, which include a blank, two-storey elevation facing towards the road would not represent high-quality design.
11. In respect of Appeal B, approval is being sought for a single storey extension to the existing building and the erection of a single storey, detached building for storage. The proposed extension is significantly smaller than the cumulative extensions proposed under Appeal A, and no approval is being sought for change of use. The extension would provide additional facilities for a staff member or gatekeeper, but these would be limited to a modest kitchen/living space.

12. The proposed single storey extension, would in terms of its footprint, appear as a subservient addition to the host property. However, its flat roof and box style design would fail to reflect the form and appearance of the host building. Therefore, I find that due to its prominent position, this would result in harm to the character and appearance of the area.
13. Both appeals seek approval for a single storey, detached building with an area of hardstanding to the front of the proposed building. In comparison to the footprint of the existing gatehouse, the proposed building would have a relatively large footprint and would not therefore be in keeping with the scale of the existing building.
14. The proposed building would also be sited on an area of open grassland and physically detached from other forms of development. Based on the evidence before me and my observations at my site visit, this area of land, whilst not protected open space, does not currently form part of the land associated with the gatehouse but rather is an area of landscaping located at the entrance to the adjacent housing development. In its current form, this area contributes positively to the open, pleasant character of the street scene and the entrance to the recently constructed housing development. Whilst the proposed building would be opposite a row of houses, there are no other buildings on this part of the road.
15. Therefore, I find that the provision of a large garage or storage building in this location would negatively impact upon the openness of the area and result in an incongruous addition, which would by virtue of its siting appear detached from other forms of development and wholly discordant with the character and appearance of the area.
16. Consequently, for the above reasons, I conclude that the proposed development in respect of both Appeal A and Appeal B would cause unacceptable harm to the character and appearance of the area. Thus, both proposals would be contrary to Policies DM29 and DM46 of the DMDPD, which require, amongst other things, development to contribute positively to the identity and character of the area and be appropriate to its surrounding in terms of its siting, scale, massing, design, materials, external appearance, and landscaping.

Flood Risk (Appeal A Only)

17. The appeal site is located in Flood Zone 3a, which is identified as being at a high-risk of flooding. As outlined above, the proposal would involve the creation of residential accommodation, which is classified as being a more vulnerable use. The proposal would involve the creation of living, kitchen, dining accommodation and a bathroom on the ground floor, with a bedroom on the first floor. Therefore, the proposed development would result in the introduction of a new residential use, albeit as part of a mixed use, into an location which is at risk of flooding.
18. Policy DM33 of the DMDPD states that new development will need to satisfy the requirements of the Sequential Test and Exception Test where necessary in accordance with the requirements of national planning policy and any other relevant guidance. Where proposals fail to satisfy the requirement of these tests they will be refused.

19. Policy DS05 of the A Local Plan for Lancaster District 2011-31 Part One: Strategic Policies and Land Allocations Development Plan Document, adopted July 2020 (DPD) requires that consideration is given to the Strategic Flood Risk Assessment (SFRA) and any associated flood risks connected with the site and that any future proposals are supported by a Flood Risk Assessment (FRA) which highlights appropriate and suitable mitigation measures.
20. The supporting text¹ to Policy DS05 of the DPD also states that the Council will not support the provision of residential accommodation on the ground floor within Flood Zone 3a. Whilst I have had regard to the appellant's statement, that they have reached common ground with the Council that only bedroom accommodation will be resisted in ground floor locations, I have not been presented with any compelling evidence that this the intended purpose of the guidance. Furthermore, the Council object to the proposal on the basis that it contains residential accommodation within the ground floor of the building. For these reasons, I find that the provision of new residential accommodation within the building, on the ground floor would be contrary to this guidance.
21. In relation to the Sequential Test, it is accepted that the use of the building as a gatehouse would require a specific location. However, approval is not being sought for this use, approval is being sought for the creation of living accommodation comprising a living room, kitchen, and bedroom. However, the Council has confirmed that the appeal site lies within an area allocated within the Local Plan and Policy DOS5 of the DPD identifies the site as suitable for residential development. They also confirm that, as this allocation was made with consideration of the SFRA, a Sequential Test is not required.
22. However, the Exception Test is still required to be met. Paragraph 164 of the Framework states that to pass the Exception Test it should be demonstrated that the development would provide wider sustainability benefits to the community that outweigh the flood risk and the development will be safe for its lifetime taking into account the vulnerability of its users, without increasing flood risk elsewhere.
23. The application was supported by a site-specific FRA which sought to demonstrate that the proposed development would be safe from the risk of flooding and not exacerbate flood risk elsewhere. Therefore, based on the evidence before me, there is no dispute that the proposed development would be capable of being made safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. It would therefore satisfy this part of the Exception Test.
24. However, the first part of the Exception Test also requires that where development has to be in a flood risk area that it will provide wider sustainability benefits to the community that outweigh flood risk. The appellant has put forward a number of benefits associated with the proposal including the safety and security of neighbouring residential properties and the contribution the proposed development would have towards the wider regeneration and development of the area. Whilst I have had regard to the proposed benefits, there is little substantive evidence to demonstrate that the proposed development would have a meaningful effect on the delivery of housing or regeneration on the wider site and therefore, I find that the proposed

¹ Paragraph 21.33

development would not provide wider sustainable benefits, as required to meet the Exception Test.

25. My attention has been drawn to a recent approval² granted for a two-storey building incorporating shop, café, and staff accommodation above. This would be located on land close to the appeal site. Notably, this scheme differs from the appeal scheme in that it provides a facility for the local community and all of the residential accommodation proposed would be located on the first floor of the building. Whilst I have been provided with the approved plans for the development, I have not been provided with any further information with regards to the flood risk assessment or evidence supplied to demonstrate that the Exceptions Test is met. Therefore, it is not possible to draw any direct comparisons to the appeal proposal. Accordingly, this approval does not alter my above findings in respect of the scheme before me.
26. For the above reasons, it has not been demonstrated that the proposed development would be in a suitable location with particular regard to flood risk. It would therefore conflict with Policies DM29 and DM33 of the DMDPD. These policies seek, amongst other things, to direct development to areas at the lowest risk of flooding. It would also be contrary to Policy D0S5 of the DPD, for the reasons set out above.

Living Conditions – Future Occupiers (Appeal A only)

27. As outlined above, the proposed accommodation would include a bedroom, bathroom and open plan living, kitchen, dining space, totalling approximately 47.5m² of internal floorspace. The submitted plans also show that a garden area would also be provided to the side of the building. The residential accommodation proposed, would be significantly larger than the gatehouse/office accommodation.
28. In terms of internal floorspace provision, it is not disputed that this falls below the minimum standard for a 1-bedroom, two-storey dwelling set out in the Nationally Described Space Standards (NDSS), which is required to be provided for all new residential dwellings under Policy DM2 of the DMDPD. However, the appellant states that the accommodation will not be used as a permanent or main residence by the gate keeper and would only be occupied for short periods of time by an employee in that the role and any occupation of the accommodation will be undertaken on a shift basis. They therefore state that the NDSS should not be applied to this type of accommodation.
29. It is not disputed that the living accommodation being sought under Appeal A, would provide all the necessary facilities to enable permanent occupation of the building, including the provision of a garden and double garage. However, the appellant clearly states that this is not what approval is being sought for, but as accommodation for a 'gatekeeper' to use, as required, whilst working shifts within the gatehouse building. Whilst I have been provided with very little evidence as to how this would work in practice, I am satisfied that a condition preventing occupation of the accommodation as a main or principal residence and that the occupation of the living accommodation can only be in association with employment as a Gatekeeper would be sufficient to overcome these concerns and ensure the accommodation was of an adequate standard for its intended purpose.

² Planning Application Ref: 20/00477/FUL

30. On this basis, I am satisfied that the accommodation provided, whilst not meeting the minimum standards required by Policy DM2 of the DMDPD and the NDSS, would provide accommodation that would not cause adverse harm to future occupiers, as it would only be occupied for short periods of time. The proposal would also not be contrary to Policy DM29 of the DMDPD, which requires, amongst other things, that there is no significant detrimental impact to amenity.

Conclusion - Appeal A

31. For the reasons given, in respect of Appeal A, I find that whilst the proposal would provide adequate living conditions for future occupiers, it would not be located in a suitable location having regard to flood risk. It would also cause unacceptable harm to the character and appearance of the area. Therefore, the proposed development would not accord with the development plan taken as a whole. There are no material considerations of sufficient weight that indicate the appeal should be determined other than in accordance with the development plan.

32. Therefore, the appeal is dismissed.

Conclusion - Appeal B

33. For the reasons given, in respect of Appeal B, I find that the proposed development would also cause unacceptable harm to the character and appearance of the area. Therefore, the proposed development would not accord with the development plan when taken as a whole. There are no material considerations of sufficient weight that indicate the appeal should be determined other than in accordance with the development plan.

34. Therefore, the appeal is dismissed.

K Lancaster

INSPECTOR

Appendix 1 - List of those who have appealed

Reference	Case Reference	Appellant
Appeal A	APP/A2335/W/24/3337590	Brantones 2017 Ltd
Appeal B	APP/A2335/W/24/3340801	Brantones 2017 Ltd