



Appeal Decision

Site visit made on 7 January 2025

by **L C Hughes BA (Hons) MTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 31 January 2025

Appeal Ref: APP/U2370/W/24/3348146

Pointer Farm, Moss Side Lane, Stalmine-With-Staynall FY6 0LP

- 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 Kenneth Stephenson against the decision of Wyre Borough Council.
 - The application Ref is 23/00917/FUL.
 - The development proposed is demolition of buildings and erection of a holiday let.
-

Decision

1. The appeal is allowed and planning permission is granted for demolition of buildings and erection of a holiday let at Pointer Farm, Moss Side Lane, Stalmine-With-Staynall FY6 0LP in accordance with the terms of the application, Ref 23/00917/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. On the 12 December 2024 the Government published a revised National Planning Policy Framework (the Framework). The revised Framework is a material consideration which should be taken into account from the day of publication. The revised Framework has not raised any new matters which are determinative to the outcome of this appeal. I have not therefore considered it necessary to invite any submissions from the parties on the revised Framework.
3. The proposal is part retrospective as the buildings have been demolished, and I have determined the appeal on this basis. I have not included the word 'retrospective' in the banner heading above, as that is not, in itself, development.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal site forms part of a larger cluster of buildings, including a farmhouse, holiday let and a large agricultural building.
6. Permission was granted for the demolition of buildings and the erection of one holiday let on the appeal site in May 2023.¹ This appeal relates to a larger holiday let at the same location. The farmhouse at the site has extant permission for remodelling work which would include raising its eaves and ridge height.

¹ Planning application reference: 23/00006/FUL

7. Whilst the proposed holiday let would be taller than the approved remodelled main farmhouse, it would be of a comparable scale. The proposal would also be smaller in scale and height than the existing agricultural building at the site, which would lie adjacent to the proposal. As such, despite not appearing as subservient to the farmhouse, the proposed development would not appear as incongruous when viewed in the context of the surrounding cluster of buildings. Due to its positioning and size, the larger agricultural building would ensure that the proposal would not appear as over dominant or prominent in relation to the existing buildings, enabling it to integrate effectively with the surrounding built form.
8. Although the proposed development would be visible from various points along Moss Side Lane, the proposed location of the holiday let at the rear of the appeal site and within the group of buildings would reduce its visual prominence and lessen its impact on the landscape and open countryside. Views of the proposal would be minimised by the surrounding buildings, particularly the adjacent large agricultural building which would screen the proposal from certain viewpoints along the lane.
9. Neighbouring buildings and dwellings are not uniform in design, and therefore the introduction of differing fenestration styles and a balcony, which would be at the rear of the proposal, would not disrupt a consistent pattern of development. The extant permission for the remodelling of the farmhouse includes a first -floor balcony with a glass balustrade, and whilst the proposed balcony would project towards the open countryside, it would be viewed in the context of a cluster of built development which would include other modern design features. Moreover, the materials of the proposed development would allow for visual assimilation with the surrounding buildings, limiting its visual impact on the open countryside.
10. I therefore conclude that the proposed development would not harm the character and appearance of the area. As such, the proposal would comply with Policies CDMP3 and SP4 of the Wyre Local Plan 2011-2031 (incorporating partial update of 2022) (2023) which seek to ensure that development respects or enhances the character of the area, and that the open and rural character of the countryside will be recognised for its intrinsic character and beauty.

Conditions

11. The Council did not provide any proposed conditions in the event that the appeal was allowed. I have therefore prepared a schedule of conditions in the light of the advice in the Framework and Planning Practice Guidance. The appellant has given his agreement to the pre-commencement condition.
12. 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 in the interest of certainty (conditions 1 and 2).
13. As a precautionary approach to addressing contamination that could unexpectedly be encountered, I have imposed pre-commencement condition 3 to ensure that the development can be safely carried out without unacceptable risks to workers during its construction and that any risks to future occupiers of the holiday let are mitigated and /or minimised.
14. Condition 4 regarding the materials to be used is necessary in order to protect the character and appearance of the area. In order to ensure that the approved

holiday let is retained as such, condition 5 is necessary. I have attached condition 6 requiring the addition of bat and bird boxes to secure opportunities for the enhancement of the nature conservation value of the site. Condition 7 regarding the provision of parking spaces is imposed in the interest of highway safety.

Conclusion

15. For the reasons given above, I conclude that the proposal would comply with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
16. As a result, the appeal is allowed.

L C Hughes

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos: Site Location Plan – GA 3338-SL-01; Plans and Elevations as Proposed – GA3338-PR01B; Proposed Site Plan – GA3338-PSP-01.
- 3) No development shall take place until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency, Land Contamination Risk Management (LCRM) (or equivalent British Standard and Model Procedures if replaced), has been submitted to and approved in writing by the local planning authority. If any contamination is found, no development shall take place until:
 - i) a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the local planning authority;
 - ii) the site has been remediated in accordance with the approved measures and timescale; and
 - iii) a verification report has been submitted to and approved in writing by the local planning authority.

If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended until:

 - i) additional measures for the remediation of the site have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority; and
 - ii) a verification report for all the remediation works has been submitted to and approved in writing by the local planning authority.
- 4) The external surfaces of the development hereby permitted shall be constructed in the materials detailed on the application form, unless details of other materials have been submitted to and approved in writing by the local planning authority, prior to development above ground level.
- 5) The development shall be occupied as holiday accommodation only and shall not be occupied as a sole or main place of residence or by any persons exceeding a period of 28 days in any 3-month period. An up-to-date register shall be kept at the holiday accommodation hereby permitted and be made available for inspection by the local planning authority upon request. The register shall contain details of the names of all of the occupiers of the accommodation, their main home addresses and their date of arrival and departure from the accommodation.
- 6) Prior to the first use of any part of the building, artificial roosting opportunities for bats and nesting opportunities for wild birds shall be provided at the site in accordance with full details of their types and positions, that have previously been submitted to and approved in writing by the local planning authority. These shall include:

- a minimum of one external bat box or integrated bat bricks suitable for nursery or summer roosting by small crevice-dwelling UK bat species; and
- a minimum of one external nesting bird box or integrated bricks.

These shall be retained thereafter for the lifetime of the development.

- 7) The development hereby permitted shall not be occupied until the vehicle parking spaces have been provided in accordance with drawing no GA3338-PSP-01. Thereafter those spaces shall be retained for the parking of vehicles only.

*****END OF SCHEDULE*****