



Appeal Decision

Site visit made on 11 February 2025

by A Veevers BA(Hons) PGDip(BCon) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th February 2025

Appeal Ref: APP/U2370/W/24/3346238

Stables at Woodville, Myerscough Hall Drive, Bilsborrow, Lancashire PR3 0SE

- 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 Mrs Caroline Winstanley against the decision of Wyre Borough Council.
 - The application Ref is 24/00151/FUL.
 - The development proposed is described as 'self-build development. The proposed application is for one 4-bedroom two story detached dwelling'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the application form. Although slightly different to that on the decision notice, no confirmation that a change was agreed has been provided.
3. A new version of the National Planning Policy Framework (the Framework) came into effect in December 2024. Accordingly for the purposes of this decision I have referred to the latest version of the Framework. The main parties have been given the opportunity to comment on the revised Framework. Therefore, I am satisfied that no one would be prejudiced by this change to the national policy context.

Main Issues

4. The main issues are:
 - Whether the appeal site is in a suitable location for the proposed development with particular regard to the local development plan strategy;
 - The effects of the proposed development on the character and appearance of the area; and,
 - Whether acceptable living conditions would be provided for future occupants of the proposed dwelling, with particular reference to outlook, odour, noise and disturbance.

Reasons

Location

5. The spatial approach to development in the area is set out in Policy SP1 of the Wyre Local plan (2011-2031) (incorporating partial update of 2022), adopted January 2023 (WLP). Policy SP1 states that new built development will take place

within settlement boundaries defined on the proposals map unless development elsewhere in designated countryside areas is specifically supported by another policy in the Local Plan. It goes on to advise that development outside settlements with defined boundaries, the amount of new build development will be strictly limited.

6. There is no dispute between the main parties that, although not physically isolated, the appeal site is located outside the defined settlement boundary of Bilsborrow, in an area identified as countryside in the WLP.
7. Policy SP4 (1) of the WLP states that 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. I consider this matter later in my decision.
8. Policy SP4 (2) of the WLP seeks to restrict new development in the countryside to that which meets the requirements of the Core Development Management Policies and is for several listed purposes. From the evidence before me, the proposed dwelling does not meet any of the listed purposes.
9. The appellant suggests that the proposal would be a self-build home, and I recognise there is support at paragraph 63 of the Framework for people wishing to commission or build their own homes. Nevertheless, no substantive evidence has been submitted to support this claim, including entry on the Council's self-build register, or that the Council has been unable to provide enough suitable development permissions to meet the identified demand. Even if there was a mechanism before me by which to secure a self-build property, there is no exception listed in Policy SP4 of the WLP for self-build housing in the countryside.
10. Consequently, this would not be a suitable location for the proposed dwelling, with particular regard to the local development plan strategy. The proposal therefore conflicts with WLP Policies SP1 and SP4 (2), the purposes of which have been set out above.

Character and appearance

11. The appeal site is an irregular shaped parcel of land that includes an area of gravel hardstanding and grass. It forms part of a wider parcel of land which currently accommodates stables, a menage, two greenhouses, sheds and several grazing paddocks as well as a small orchard. To the north, and at a higher land level to the appeal site, lies the Lancaster Canal with open countryside beyond. Open countryside also lies to the west. To the south is Myerscough Hall Drive, a narrow lane and Public Right of Way (PROW), beyond which is a golf course. Residential development and a chalet holiday park are located to the east before reaching the main A6 and the long linear form of Bilsborrow village.
12. It is proposed to erect a two storey detached dwelling on a grassed area adjacent to the existing stables, to extend an area of hardstanding and to use the existing hardstanding for parking for occupants and their visitors.
13. When travelling in a westerly direction from the centre of the village along Myerscough Hall Drive, beyond the holiday park and Bull Brook, development is dispersed and limited to a few dwellings on the north side of the road. Gaps

between and in front of these dwellings, the vegetated narrow lane and the open land to the south provide a pleasing rural appearance and clear views of the open countryside which contributes to the character of the locality. The dwelling would be located at the end of this loose ribbon of dwellings on land that is currently open and, in my view, sits firmly beyond the built-up limits of the village.

14. Although the wider site includes an 'L' shaped stable block and a substantial area of hardstanding, and there is an adjacent single storey derelict outbuilding and the recently constructed Acorn House to the east, the appeal site is not 'land locked' as suggested by the appellant. Open countryside and open land used for recreational purposes lies to the south, north and west. Moreover, the semi-rural setting of the site is emphasised by its location at the end of Myerscough Hall Drive before the road becomes a track lined by vegetation. In addition, modest-sized equestrian buildings are not an unexpected or particularly intrusive feature within rural areas. The appeal site has an intrinsic countryside value which contributes positively to the character and appearance of the area.
15. The proposal would introduce a substantial two storey dwelling on an undeveloped part of the site which would result in the harmful spatial spread of built form in open countryside. The existing row of trees between Acorn House and the appeal site forms a visible separation between residential land along Myerscough Hall Drive and countryside to the west. The encroachment of further residential development beyond the end of Myerscough Hall Drive and the tree line would erode the prevailing rural qualities of the area and adversely harm the appearance of the site from what is currently a typical form of equestrian use that assimilates into the wider landscape to an intrusive form of urbanising residential development. I note the landscape plan, however this would not sufficiently mitigate the identified harm to the surrounding countryside.
16. Furthermore, due to topography, the canal is on higher land than the appeal site and clear views of the site from the towpath were obtainable at the time of my site visit. Whilst public views of the proposed dwelling from the towpath and the PROW along Myerscough Hall Drive would be diminished during summer months when leaves would be on surrounding trees and hedgerows, there would be a significant period of time throughout the year when the dwelling, due to its height and scale, would be visibly conspicuous.
17. Whilst the tree-line to the east may go some way towards mitigating any visual harm, it would not outweigh the spatial harm caused as a result of the size and position of the dwelling within the countryside.
18. The appellant suggests that the appeal scheme would make use of poor quality land and could be judged to be previously developed or 'grey belt'. The Framework defines grey belt as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any one of three purposes of the Green Belt. Since the appeal site is not located in the Green Belt, this factor is not relevant. Even if I were to accept that the stable block and parking area constitutes previously developed land, the proposed dwelling would be constructed on grassed land that is not previously developed and would harm its open aspect.
19. Although the proposed dwelling would be located close to stables and Acorn House, the appeal site forms part of a field of typical rural 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.

20. For the above reasons, I conclude on this main issue that the proposal would have a significant harmful effect on the character and appearance of the area. As such, it would conflict with Policies CDMP3 and CDMP6 of the WLP which together, amongst other things, seek that development respects or enhances the character of the area, and does not detract from the character of an existing PROW. It would also conflict with Policy SP4 (1) of the WLP insofar as the development would adversely impact on the open and rural character of the countryside.

Living conditions

21. As set out above, the proposed dwelling would be located close to an existing stable building which includes a tack room, 3 stables and a hay barn/store. Access and parking for the dwelling would continue to be shared with the equestrian use. Even though animals could be taken from the stables to the paddocks and menage through a gap between the stable buildings, it would be likely that animals and people would also pass directly in front of the proposed dwelling.
22. At the time of my site visit, there were no animals either in the stables or grazing in the paddocks. There was therefore no odour or audible activities taking place and the noise and odour level in the vicinity of the appeal site was negligible. Nonetheless, given the close relationship between the stables, menage, paddocks and the proposed dwelling there would be the potential for significant noise and disturbance to be experienced by its occupants. Noise and disturbance could also be experienced within the dwelling from vehicles loading or unloading animals and the delivery of equestrian-related goods, including from slamming doors and conversations within the parking area and stable enclosure.
23. Without an assessment of the potential noise impact, I cannot be certain that the development would not adversely affect the living conditions of future occupants of the proposed dwelling with particular regard to noise disturbance.
24. The appellant has advised that any manure from the stables is collected daily and emptied every few months by a local contractor. It is also advised that the stables are cleaned out daily, disinfected weekly and jetwashed regularly. I note the manure store is located to the rear of the stables, away from the proposed dwelling. I also recognise that the stables may not be in use during the daytime when animals would be grazing in the paddocks.
25. Nevertheless, while I acknowledge daily visits to the animals could ensure manure was appropriately managed and that the appellant would seek to limit any adverse odour impacts to a minimum, that may not always be possible given that occupants of the equestrian land could change over time. Furthermore, frequent visits to manage manure disposal and cleaning would inevitably increase noise and disturbance at the site.
26. I accept that statutory nuisances can be controlled under Environmental Protection legislation, however lower (non-statutory) levels of nuisance, for example low level odour or intermittent noise, can nonetheless still be very harmful to residential amenity, particularly so when in close proximity to dwellings and gardens, and which cannot easily or effectively be controlled or mitigated by way of planning

conditions. I find that to be the case here due to the proximity of the proposed dwelling to the equestrian use.

27. Given the plans indicate the proposed dwelling would be constructed up to the existing hardstanding, which would be extended, there would be little space for a hedgerow to effectively screen the dwelling from odour or noise as suggested by the appellant.
28. The appellant argues that the proposed dwelling and equestrian land would not be separated and that future occupants of the proposed dwelling would own both the dwelling and the equestrian land. I accept that rural workers and those with a close connection to an equestrian use would, in all likelihood, be more accepting of noise and odour and other disturbance associated with such a use. In this case, the stables, menage and paddocks are in the ownership of the appellant but they are not in the appeal site.
29. I have no information that robustly demonstrates that the occupants of the proposed dwelling would be actively engaged in the adjoining equestrian activity. Neither is there any mechanism before me that would prevent the stables being separately used and such use may not amount to subdivision from the wider land holding. I therefore have no basis to conclude that the dwelling would remain in the same ownership as the adjoining land and buildings in future. While the stables are in private rather than commercial use, that would not preclude adverse impacts on future occupiers of the dwelling, taking into account the proximity of the adjoining equestrian use.
30. On this basis, it has not been demonstrated that an adequate standard of living conditions would be provided for future occupants of the proposed dwelling with particular regard to odour, noise and disturbance.
31. The Council argue the outlook for future occupiers of the dwelling would be harmed. However, the dwelling would be angled slightly towards the parking area. Whilst the proposed ground floor lounge window would be close to the side elevation of the hay barn, this building is single storey and narrow in width. I find it would not be overbearing or significantly harmful to the outlook of future occupants of the dwelling.
32. Notwithstanding that I find the outlook for future residents would be acceptable, for the reasons set out above, an adequate standard of living conditions would not be provided for future occupiers of the proposed dwelling, with particular regard to odour, noise and disturbance. Consequently, the proposal would fail to comply with Policy CDMP3 of the WLP which, amongst other matters, requires development does not have an unacceptably adverse impact on the amenity of its occupants.

Other Matters

33. Although not a reason for refusal, I note that the appeal site is located within the Zone of Influence of the following European Designated Sites (EDS): Bowland Fells Special Protection Area (SPA) and Site of Special Scientific Interest (SSSI); Morecambe Bay SPA and Ramsar site; Ribble and Alt Estuaries SPA and Ramsar site; and Wyre Estuary SSSI. I have a duty under the Conservation of Habitats and Species Regulations 2017 to assess any impact the proposed development would have upon the EDS. Had I found the proposal to be otherwise acceptable, I would

need to consider further the effect of development on the integrity of the EDS and the potential for mitigation within the framework of an Appropriate Assessment. However, given the harm that I identified above and that I am dismissing the appeal for other reasons, it is not necessary for me to consider this matter any further as it could not alter my decision.

34. I have had regard to the many other decisions for new dwellings in the Wyre countryside brought to my attention by the appellant. I am not aware of the full details or the background of these individual examples. However, from the information before me, the planning permissions granted by the Council at Inglewood and Hollinwood, Myerscough Hall Drive were determined prior to the partial update of the WLP. The appeal allowed at Acorn nursery, Myerscough Hall Drive was for a dwelling to replace existing stables and was determined prior to the updated WLP. Similarly, the appeal at Poplar House, Garstang Road was determined prior to the WLP update. I am advised that other applications for dwellings approved by the Council on Garstang Road referred to by the appellant were determined at a time when the Council could not demonstrate 5-year supply of housing.
35. Of the permissions granted more recently, the additional static caravans at Myerscough Hall Drive relate to holiday accommodation in the countryside where different policy considerations would be relevant. The dwelling erected adjacent to the appeal site, Acorn House, is a, albeit large, replacement building.
36. Whilst I appreciate that there may be locational similarities about the accessibility of those sites on the edge of the village in the countryside, that is only one aspect of the site's suitability for residential use. Wyre's overall development strategy also needs to be considered. Other site-specific factors, such as the topography of the area, the available public vantage points, whether they replaced a building and the exact proposed location of the buildings in their context would be likely to materially differentiate those cases from the appeal proposal. Furthermore, any direct comparison with other examples does not indicate that the form of this proposal would sit comfortably within its setting and the existence of other examples does not justify further incremental encroachment into the countryside nor represent an appropriate reason to find in favour of a proposal that would cause harm in this case.
37. The appellant suggests that the orientation and position of the proposed dwelling could be amended so that it would be further from the stable building and parking area. However, I have assessed the appeal before me on its own merits. The purpose of an appeal is not to amend a scheme which has been the subject of public consultation. This would be prejudicial to interested parties that would not have had the opportunity to comment on any amended plans.
38. The absence of third party objections to the proposal does not change my conclusions on the appeal scheme. A lack of objections is not a reason in itself to approve unacceptable development.
39. I acknowledge that there was engagement with the Council prior to submission of the planning application. However, the reasons for the eventual officer recommendation and decision are clearly set out in the officer report and communications prior to that point do not have a bearing on my consideration of the main issues, as set out above.

Planning Balance

40. The Framework directs housing in rural areas towards locations where it will enhance or maintain the vitality of rural communities, supporting local services and identifying opportunities for villages to grow and thrive. While Policies SP1 and SP4 take a restrictive approach beyond defined settlement limits, the overall spatial strategy within the development plan is consistent with the Framework, as are relevant policies in relation to the need to achieve well-designed places with a high standard of amenity for future users. I attach significant weight to the conflict with the development plan.
41. The appellant refers to the presumption in favour of sustainable development set out in the Framework and that the proposed development would contribute to the Borough's housing need, particularly in Bilsborrow. However, there is no substantive evidence before me that indicates that the Council is unable to demonstrate a five year supply of housing or that relevant development plan policies are out-of-date for other reasons. Consequently, there is no reason to conclude that paragraph 11d of the Framework is engaged.
42. Nevertheless, 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 boosting overall housing supply. During the construction phase the proposal would contribute to the local economy, whilst future occupiers would support local services and facilities. There is no dispute between the main parties that the appeal site is in an accessible location close to local services and facilities. From the evidence and my own observations, I see no reason to disagree. It would accord with the Framework's aims of enhancing the vitality of rural communities and limiting the need to travel.
43. 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 plan's spatial strategy.
44. As I have set out earlier, little evidence has been provided to support the claim that the proposal would be a self-build dwelling. As such, I afford very limited weight to this as a potential benefit of the proposal.
45. Policy SP4 (1) of the WLP states that development which adversely impacts on the open and rural character of the countryside, which is the case here, will not be permitted unless it is demonstrated that the harm is necessary to achieve substantial public benefits that outweigh the harm. Given the scale of the proposed scheme, the benefits would be modest and would not be sufficient to outweigh the significant harm to the character and appearance of the countryside nor the harm to the Council's development strategy or living conditions for future occupants.

Conclusion

46. For the reasons given above, the proposal 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 is therefore dismissed.

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INSPECTOR