



Appeal Decision

Site visit made on 13 March 2025

by J D Clark BA (Hons) DpTRP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 April 2025

Appeal Ref: APP/A2335/W/24/3354135

Land to the rear of The Manor Pub, Main Street, Cockerham LA2 0EF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr P Halhead against the decision of Lancaster City Council.
 - The application Ref is 23/00973/OUT.
 - The development proposed is outline application for the erection of a single dwelling all matters reserved excluding access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site is described as being to the rear of The Manor Pub on Main Street. However, the pub is some distance away from the appeal site which is accessed off Willey Lane, a country lane and public bridleway running off Main Street.
3. The appeal relates to an outline planning application with access applied for at this stage. Matters of appearance, landscaping, layout and scale are reserved for later determination. Plans have been submitted which include the layout and elevations of a dwelling. Although not annotated, these are intended as being indicative only and so I have treated them as such.
4. A revised version of the National Planning Policy Framework (the Framework) was published in December 2024. In the interest of natural justice and to ensure neither of the main parties were prejudiced by this matter, I consulted both parties on the changes to the Framework. No comments from either party were received. Any reference to the Framework in this decision is to the most recent version.

Main Issue

5. The main issue is the effect of the proposed dwelling on the character and appearance of the surrounding area.

Reasons

6. The appeal site is an open area of land within a rural location. The landscape is characterised by rolling hills and the appeal site lies across the contours with the land dropping in levels from west to east. A mature sycamore tree is located to the west and a hedgeline runs alongside Willey lane. The lane is at a lower level to the appeal site so the hedge is a substantial feature, along with the Sycamore on this stretch of Willey Lane.

7. Willey Lane comprises a linear development of residential properties, mostly on the northern/north-western side of the lane, leading from the built up area of Cockerham. The appeal site is on the southern side. There is a builders yard further along Willey Lane on the same side as the appeal site. This is relatively well screened. Opposite the appeal site is the last in a row of houses on the northern side of the lane, Fellside View, although the appellant's plan indicates that two other sites to the north-east have planning permission for residential properties¹. Also, planning permission has been granted for a dwelling on the southern side of the lane².
8. In addition to the single dwelling developments that have been approved in the area close to the appeal site, larger areas also have planning permission nearby. I have noted these including the work that is currently underway for development to the rear of the existing linear row of houses on Wiley Lane with access off Main Street.
9. Notwithstanding the above, the appeal site is an undeveloped area of open land and constructing a dwelling here would intrude into that. It would represent an extension of the urban area into the countryside. Whilst I accept that a dwelling could be designed to follow the landscape's contours, due to the elevated level, it would still appear prominent and visually intrusive in the landscape introducing a building where currently there is only an open field.
10. Also, a section of hedge would be lost to accommodate the access. Whilst the appellant has attempted to keep this to a minimum, the loss of part of the hedge would further erode the rural character. I note that the access is described by the Council as being 11 metres wide at its widest point on the refused plan but the dimensioned plan, submitted with the appeal indicates a reduced access width of less than 8 metres. Either way, it would still create a substantial gap in the hedge and break up the continuous stretch of hedge along this section of the lane. I accept that there are other accesses along the lane but this does not lessen the harmful impact the loss of the hedgerow would have here.
11. The Council has referred to Local Plan Part Two³ Policy DM29 which sets out key design principles. However, given that this is an outline application with details of appearance, landscaping, layout and scale reserved for later determination, it is not possible to judge the impact of the design of the proposed dwelling at this stage. Likewise, section 12 of the Framework, which also sets out the importance of good design, is not applicable given the outline status of this appeal.
12. However, the proposal would conflict with Local Plan Part One⁴ Policy EN3 and Local Plan Part Two Policy DM46 which seek to protect the open and rural character of the countryside, including those areas outside protected and designated landscapes. Also, the loss of hedgerow would conflict with Local Plan Part Two Policy DM45 which supports the protection of trees and hedgerows that contribute to visual amenity and the character of the landscape. It would also be at odds with section 15 of the Framework which recognises the intrinsic character and beauty of the countryside. Consequently, the proposed dwelling would have a harmful effect on the character and appearance of the surrounding area.

¹ Refs: 23/01117/REM & 24/00492/REM.

² Ref: 22/00442/OUT.

³ A Local Plan for Lancaster District 2011-2031 Part Two: Review of the Development Management DPD Adopted Version July 2020.

⁴ A Local Plan for Lancaster District 2011-2031 Part One: Strategic Policies and Land Allocations DPD Adopted Version July 2020.

Planning Balance

13. The Council do not have a five year supply of housing land as required by the Framework; the appellant refers to a supply of just 2.4 years. This is a considerable shortfall and so paragraph 11(d) of the Framework applies and the presumption in favour of allowing sustainable development carries significant weight. In applying the tilted balance therefore, it is necessary to consider whether any adverse impacts of allowing permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
14. There is clearly a presumption in favour of allowing more housing. I have noted the previous approvals for a range of housing in the area, some of which include single houses. I accept that even one house can make a contribution, although this benefit is small.
15. Furthermore, the main parties agree that Cockerham is a sustainable rural settlement, Local Plan Part One Policy SP2 notes that such settlements provide the focus for growth outside the main urban areas. The Council's view is that whilst the appeal site is on the edge of Cockerham, its connectivity to the settlement is such that it is considered to be a sustainable one. I have no reason to come to a different conclusion although this is a very generalised approach and is conditional upon other factors which include the main issue I have identified in this decision.
16. From the context masterplan submitted by the appellant, it is clear that substantial development has been allowed in this area. However, a piecemeal erosion of the rural area would be harmful. There would appear to be multiple opportunities where sites could come forward for small scale developments such as that proposed here. Whilst this may help to address the Council's shortfall, I consider that further erosion of the countryside in this area, and in particular on this site for the reasons I have outlined above, outweighs the benefits of a single dwelling.
17. In reaching this decision, I have taken into account, the social and economic benefits that the dwelling would bring. I have also taken into account the lack of harm with regard to highway safety in creating the new access. However, the proposal would conflict with the development plan policies as outlined above and with the Framework. This carries substantial weight. Therefore, the benefits and lack of harm would not significantly and demonstrably outweigh the adverse impacts identified in my main issue.

Conclusion

18. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Consequently, the appeal should be dismissed.

J D Clark

INSPECTOR