



# The Planning Inspectorate

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PLANNING	
OFFICERS DEPARTMENT	
File	
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Our Reference:  
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Date:

- 3 MAY 1995

*This is a good deal*

Dear Sirs

TOWN AND COUNTRY PLANNING ACT 1990, SECTIONS 78 AND SCHEDULE 6  
APPEAL BY IMPROVEMENT INVESTMENTS LTD  
APPLICATION NO: 94/00146/FUL

1. I have been appointed by the Secretary of State for the Environment to determine this appeal against the decision of the Lancaster City Council to refuse planning permission in respect of an application for permanent use of 9 units approved with occupancy conditions (condition 2 on approvals 01/88/1046, 01/90/1118 and 01/88/0940) at Challan Hall, Silverdale, Cumbria. I have considered the written representations made by you and the Council and also those made by Silverdale Parish Council and the Lancashire County Surveyor. I inspected the site on 23 January 1995.

### PRELIMINARIES:

2. The 3 planning permissions relate to the conversion of a range of former farm buildings, adjacent to Challan Hall, to 9 dwellings, to provide 2 holiday flats, and to extend an existing flat. The conditions imposed on the permissions numbered 01/88/1046 and 01/90/1118 are as follows:

"The use hereby permitted shall be limited to that applied for (holiday use, including use as a second home) and the flat shall not be used for the purpose of a permanent residence without the prior consent of the local planning authority."

The condition attached in the case of permission number 01/88/0940 is as follows;

"The occupancy of the proposed flat shall be limited solely or mainly to a caretaker in connection with maintenance/supervision of the adjacent holiday/2nd home units or a dependent of such a person residing with him/her. In particular the unit shall not be separately sold or let without the prior consent of the Local Planning Authority."

3. The applications relate to a total of 12 units whilst the present appeal refers to only 9. Units 1 & 2 of those approved under application 01/88/1046 are not included in the present submission (they are un-numbered on drawing 4100/2B). Unit 10, on that drawing, is that to which application 01/88/0940 refers and application 01/90/1118 relates to units 11 & 12. It is not clear to which 6 of the remaining 7 units of application 01/88/1046 the present application relates.

4. I understand that separate planning permission has already been given for the use of unit 10 without compliance with condition 2 of the relevant 1988 planning permission and that a Section 106 agreement has been entered into between your clients and the Council. I am told the agreement provides that one of the other units is to be used as warden's accommodation, in place of unit 10, and that a mutually acceptable choice will be made as to which unit is to be so used in the event that the present appeal succeeds. In the circumstances there seems little point in rejecting the lifting of the condition relating to unit 10 as refusal to do so would not preclude its unrestricted occupation and the agreement would still be enforceable against another unit. I shall bear these matters in mind in making my decision, and I am treating the application as one which falls to be determined under Section 73 of the Act.

#### THE SITE AND ITS SURROUNDINGS:

5. The main part of the building is 2/3 storied running down the hill side away from the road. It contains a 2 storey dwelling at the top of the slope, with a garage below (unit 10); 4 two-storey flats (units 6 - 9) with accommodation below in the course of conversion to 2 double roomed units (11 & 12) and a 2 storied house at its lower end (unit 5). A single storey wing at this end contains units 3 & 4, between which is an archway giving entry to a service court. Only the dwelling at the top of the slope (unit 10) is occupied.

6. The service court is contained to the north by retaining walls and the higher ground on which Challan Hall stands, now occupied as 2 dwellings. The enclosure of the court is completed by a further single storey wing, containing 2 other dwellings serviced from it, the subject of the 1988 permission (01/88/1086) and occupied in accordance with the occupancy condition. The property is located in sharply undulating countryside 1.5km north east of Silverdale to the south of Ford Road linking it with Beetham, Starth and beyond. There is a copse of trees west of the Hall with woodland north of the road and mainly open fields to the south. The area is part of the Arnside Silverdale Area of Outstanding Natural Beauty.

#### THE ISSUES:

7. From all I have seen and read I consider there are 3 main issues in this case. Firstly, whether or not permanent residential use is acceptable bearing in mind local and national policies for the Area of Outstanding Natural Beauty. Secondly,

whether the standards of privacy, amenity and parking space are appropriate for permanent residential occupation. Thirdly, whether or not satisfactory provision could be made for access to the site in the interests of road safety.

#### PLANNING MERITS:

##### Policy Issue

8. It seems to me that the unrestricted residential use of the property would not conflict with Policy 6 of the Lancashire Structure Plan. The policy provides an exception to restrictions on development in the open countryside outside green belts in respect of the rehabilitation and re-use of buildings that are no longer required for their original purpose. The requirements as to siting and the provision of services and the capability of the building being converted without adversely affecting its form and character were clearly factors taken into account when the original proposals were approved. Moreover, no additional restrictions are placed upon development arising from Policy 13 relating to the AONB, which simply imposes an obligation to meet higher standards of design and to use appropriate materials. The use of the existing building would clearly not conflict with such requirements. Explanatory paragraphs 4.31 and 4.34 (LCSP) specifically recognise the acceptability of conversions to form dwellings and the application of the policy to AONB's though environmental impact and design standards must be recognised as important considerations within them.

9. The Council concede, on the basis of their present policy, that the principle of conversion to residential use would be acceptable. I conclude on the first main issue that permanent residential use is acceptable as a matter of principal notwithstanding the sites location within the Area of Outstanding Natural Beauty.

##### Amenity Issue

10. The Council contend, however, that residential use would only be acceptable on the basis of a much smaller number of dwellings and a lower density. They do not object to the internal space standards of the units but to the shared parking provision and the inadequacy of open space around the dwellings. They say the conversion scheme was designed specifically as holiday accommodation and regard the standards provided as inadequate and unsuited for permanent residential occupation.

11. The criteria set out in the Council's publication "The Conversion and Change of Use of Redundant Buildings in the Countryside" are mainly relevant to establishing the principle of suitability for conversion. They do not take the matter of evaluation beyond the broad policy considerations already dealt with, there are no standards against which the details of schemes might be judged. Suitability of the access is the only criteria which appears to need further consideration and I shall deal with that later. The advice in Annex C of PPG 21 does endorse the

acceptance of lower standards of access, parking and amenity space and that limitation of occupancy might be justified in some cases. It does not indicate how such matters are to be assessed and neither you or the Council refer to specific standards, though you cite other cases which you say demonstrate inconsistency by the Council.

12. Whilst I acknowledge the advice in PPG3, to which you refer, it seems to me that the approved scheme is very restricted. The only units with any private outside space are numbers 3, 4 and 5 and only the latter approaches the nature of a small garden. The other spaces are nothing more than small terraces closely overlooked by one another, the roadway and access paths to other units. The actual parking bays and manoeuvring space in the service court lie almost directly adjoining the buildings and could be a source of considerable disturbance and aggravation especially for permanent residents. Such accommodation may be suitable for holiday purposes avoiding the need for gardening and maintenance thereby maximising the time for holiday pursuits. It is not suitable for permanent residential occupation. Most permanent residents need the opportunity to undertake certain tasks outside, and would wish to sit out and enjoy the surroundings with a reasonable degree of privacy. I am particularly concerned about the outlook and setting of units 11 and 12 so close to the retaining wall to the access road and their lack of privacy from one another and from those coming and going to other properties.

13. It also seems to me that the parking arrangements are generally inadequate. The 12 units around the courtyard are intended to be served by some 21 parking and garage spaces. Unit 10 would be well served by 2 garage spaces and parking space 19, unlikely to be used by others. The remaining 18 spaces for 11 units would meet the Council's minimum standards. However, provision of spaces 13 to 18 would involve the removal of a stone wall and land filling affecting trees for which it would seem permission has not been given. It is likely that some future permanent residents would wish to have garages, and this could well put further pressure on the very limited space around the dwellings.

14. I conclude for all these reasons that the inadequate standards of privacy, amenity and parking space afforded by the development make it unsuitable for permanent residential occupation. Yes

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#### Highway Issue

15. As regards access 2 primary considerations arise. Firstly, whether or not there is likely to be a significant increase in traffic. I have considered carefully what you and the 2 authorities have said. You rely partially on the argument that originally some 19 units were considered acceptable and that there is no reason to suppose that permanent residential use would give rise to more traffic than holiday use. The Council said that the larger scheme was never approved and would only

have been acceptable subject to improved access. The 2 authorities clearly have much experience in dealing with holiday use and give quite specific reasons for holding the view that there would be a significant increase in traffic. I am persuaded that it is highly likely to be the case. The Highway Authority view is based on the belief that a total of 9 units would use the access when in fact a total of 15 units would be involved.

16. The second consideration is the adequacy of visibility. It is argued by the Highway Authority that in consequence of the perceived lesser use by holiday occupation a "sub-standard" access was accepted. Although you claim the access was improved as previously required, it seems to me that it is still significantly deficient. Ford Lane is subject only to the national speed limit of 60mph. From a point 2m back from the white line marking of the edge of the running lane visibility to the right, for nearside traffic, is restricted to 35m. To the left it is affected by the bends and vertical alignment of the carriageway and, as the authority say, is little more than 60m. Though the speed of traffic is not known even applying the requirements applicable to speeds of 30mph visibility falls very substantially short of the 90m which would be needed.

17. These difficulties would be considerably exacerbated due to the poor forward visibility along the highway itself and the lack of footways and, in my view, it is likely that the additional traffic arising from the permanent residential use of the property would cause serious traffic hazards detrimental to the interests of road safety.

#### CONCLUSIONS

18. I conclude that whilst the permanent residential occupation of the property would not in principal conflict with local and national policies for the area the standard of space around the units and the inadequacy of the access make it unsuitable for permanent occupation.

19. I have taken into account all the other matters raised in the representations. I found no similarity in the extent of amenity space available to residents of units for permanent occupation at Manor Farm, Borwick to that available at the appeal site. As to the saleability of the Challan Hall properties it seems to me there may be many factors other than the restrictions on occupancy which have limited disposals. I do not regard these or any other matters as of sufficient weight to alter my conclusions on the main issues.

20. For the above reasons, and in exercise of the powers transferred to me, I hereby determine this appeal as follows:

I allow the appeal insofar as it relates to unit number 10 and grant planning permission for its occupancy without compliance with condition 2 of planning permission No 01/88/0940 dated 28 November 1988 in accordance with the terms of the application No 94/00146/FUL dated 11 February

1994 and the plans submitted therewith subject to the other conditions of the permission.

I dismiss this appeal insofar as it relates to the other units the subject of permissions 01/88/1046 and 01/90/1118 and included within the boundaries of application 94/00146/FUL

21. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

Yours faithfully,



BRIAN K MASTERMAN DipTP(Leeds) MRTPI  
Inspector