



# Appeal Decision

hearing held on Thursday, December 02, 1999

by David Richards BSocSci DipTP MRTPI JP

an Inspector appointed by the Secretary of State for the  
Environment, Transport and the Regions

The Planning Inspectorate  
Tollgate House,  
Houlton Street  
Bristol BS2 9DJ  
☎ 0117 987 8927

20 JAN 2000

## Appeal: T/APP/A2335/A/99/1028265/P9

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is brought by Caring Homes Limited against Lancaster City Council.
- The site is located at St. Wilfrid's Hall, Foundry Lane, Halton.
- The application (ref: 98/00961/OUT), dated September 14, 1998, was refused on April 19, 1999.
- The development proposed is an outline application for 8 No. single storey sheltered accommodation units. Site area inc. new access and existing drive 1972 sq. m.

**Decision:** The appeal is dismissed.

### Procedural matters

1. The original outline application was for 8 sheltered units on a site to the south of St. Wilfrid's Hall. Following discussion with the Council, the appellant varied the application to a proposal for 9 sheltered units located in accordance with drawing JCP/047, which shows a group of 6 units to the south of the hall and a group of 3 units to the north. It was confirmed at the hearing that the Council had determined the application on this basis and I shall determine the appeal on the same basis. It was also confirmed that the new access referred to had been approved under another application (Ref: 98/00964/OUT), for residential development to the north of the hall, and therefore did not need to be considered as part of the appeal.

### The main issues

2. The main issues are the effects of the proposal on:
  - the form and setting of the western side of Halton village.
  - the character and appearance of Halton Conservation Area.

### The development plan and other policy considerations

3. The development plan for the area includes the Lancashire Structure Plan 1991 – 2006 (SP). Policy 10 states that development in rural settlements outside Green Belts will be limited to the use of (a) infill sites, (b) the rehabilitation and reuse of buildings, (c) affordable housing and (d) development which meets a particular local community or employment need.
4. The Lancaster District Local Plan (LP) is not yet adopted. The deposit version of the plan is dated October 1997, and the Inspector's report into the Local Inquiry is expected in Spring 2000. Policy H7 identifies Halton as a settlement where the development of suitable small sites for housing or the conversion of existing buildings will be permitted provided it meets certain criteria. These include that it should not have a significant adverse effect on the

character of the settlement, surrounding landscape or the amenities of adjoining residents, or result in the loss of an important open area. The deposit LP does not define a settlement boundary for Halton. However, the Council referred to Policies E4 and H8, which generally seek to protect areas defined as countryside in the Proposals Map of the emerging LP from development, as being appropriate to the consideration of this appeal. The appellant drew my attention to Policy H16 of the emerging plan which states that proposals for sheltered housing, either new build or conversion, will only be permitted where the site is convenient to the primary bus route or other major bus route, local services and facilities. As the plan has yet to complete several important stages on the route to adoption, I have given it moderate weight in reaching my conclusions.

5. Planning Policy Guidance Note 15 (PPG 15) – Planning and the Historic Environment sets out national guidance on development affecting conservation areas. Halton Conservation Area was designated in 1981 and extended in January 1999. The appeal site straddles the Conservation Area boundary but mostly lies within the area included in the original designation. I have taken into account the Halton Conservation Area appraisal which was approved by the Council in January 1999.

### Inspector's reasons

Effect on the form and setting of the village.

6. The village of Halton is set on the northern bank of the River Lune, on steeply rising ground. The historic core of the village including the church lies at the western end of the village, with more recent development stretching eastwards along the river bank. St. Wilfrid's Hall lies in its own grounds a little to the north of the church at the western end of the village.
7. This issue turns on whether St. Wilfrid's Hall and its grounds can be said to lie within the village, and therefore subject to Policy 10 of the SP and Policy H7 of the deposit LP, or not. On behalf of the appellant it was argued that visually, the site forms part of the village; that the southern part of the site abuts housing development, and the northern part is only some 50 metres away from the houses in St. Wilfrid's Park; and that the boundary wall along Foundry Lane provides a linking feature which serves to incorporate the appeal site into the village. It was also suggested that the inclusion of the site within the Conservation Area boundary is further evidence of it being part of the village.
8. To my mind St. Wilfrid's Hall has the character of a small country house standing in its own grounds on the outskirts of the village. It stands behind extensive lawns retained by a stone boundary wall along Foundry Lane. Mature tree planting around the perimeter of the grounds and an avenue of trees along the old drive leading to Foundry Lane are characteristic of the period of the house, and make an important contribution to the setting of the village.
9. The deposit LP does not define a settlement boundary. However, in my view, there is a definable line along the western edge of the St. Wilfrid's Park and Rectory Paddock developments which marks a clear transition in character from residential development to the more open and physically distinct character of the grounds of St. Wilfrid's Hall. This physical separation is reinforced by a meadow lying between the northern part of the grounds and St. Wilfrid's Park. Although part of the hedge on the western side of this meadow has been degraded by previous extensions to the Hall, the meadow itself still provides a strong degree of separation.

10. It is apparent from the application plans that the three units proposed to the north of the Hall would protrude into this area, and breach the current boundary line between the grounds and the meadow. In my opinion this would have a harmful effect on the form and setting of this part of the village. It would lead to an erosion of the value of the meadow as an effective visual break between the residential character of St. Wilfrid's Park, and the grounds of the Hall.
11. Turning to the six units proposed to the south of the Hall, these would stand in an area which I consider to be outside the appropriate boundary for development in this part of the village. It would intrude into an area which should in my view be kept open, because of its contribution to the setting of the village and to the character and appearance of the Conservation Area. I do not agree that inclusion of the site within the Conservation Area boundary supports the view that it is within the village. The Conservation Area boundary has been drawn to include many open areas which are important to the setting of the village, and which would be harmed by development, including the motte and bailey castle to the south of St. Wilfrid's and a number of open areas on the banks of the river. I consider that the grounds of St. Wilfrid's falls within this category.
12. I am aware that the Council has recently approved a development of four dwellings for general occupation to the north of the Hall, and that this points to some inconsistency in its approach to development in the grounds of the Hall. The Council had suggested the site would be suitable for sheltered accommodation to support the main business of the hall, but this has not occurred, and the four dwellings were under construction at the time of the site visit. However the development which has been permitted is relatively well contained within a site at the rear of the hall, and does not have the same harmful effect of eroding the physical separation between the Hall and neighbouring development as would the current proposals.
13. In my view the appeal site is not within the village boundary and therefore it is appropriate to consider the proposals under Policies E4 and H8 of the deposit LP, as lying in an area where residential development is not generally acceptable. Neither part of the proposals can be described as infilling under policy 10 of the SP. I therefore conclude with regard to this issue that the proposed development would have a harmful effect on the form and setting of the western side of Halton village, and would conflict with the policies of the SP and the deposit LP which seek to protect areas outside villages from development.

Effect on the Conservation Area.

14. The features of the appeal site which are important to the setting of the village also contribute to the character and appearance of the conservation area: that is to say the detachment from residential development, the mature planting, and the openness of the lawns forming the setting for the Hall. Whilst I do not consider that the three units to the north would have a detrimental effect on the conservation area, I consider that the six units to the south would be intrusive and inappropriate in this location, harmful to both the character and appearance of the conservation area. In saying this I do not criticise the illustrative design submitted with the proposal, but rather the principle of development in this location.
15. In my view the open lawns and mature planting which form the setting for the Hall are important elements in the character of the conservation area, and contribute positively to its appearance. Residential development, however modest in scale, would alter this character

and be wholly inappropriate. I do not agree with the view put forward by the appellant, that the units could be viewed as staff cottages or alms-houses contemporary with the period of the main Hall. To my mind, it would be extremely unusual to find such buildings on the main approach to a house of this type. The argument that the development would be well screened and not widely visible from public viewpoints does not in my view diminish the harm which would arise from the proposal. The development would be visible from the Hall, notwithstanding existing planting, and from the approaches to the Hall, which, though not open to the general public, receives regular visitors to residents.

16. In conclusion on this issue I consider that the proposal would cause harm to both the character and appearance of the Halton Conservation Area, and would therefore conflict with established national policy on development in Conservation Areas.

#### **Other matters**

17. I have taken into account all of the other matters which have been raised but none affect my conclusions on the main issues. Although it was argued the scheme would satisfy local needs for sheltered accommodation, no firm evidence of the extent of such needs was put before me, other than general statements. In my view, although a Section 106 obligation linking occupancy of the sheltered units with the care services provided by the existing hall has been offered, there is nothing which would guarantee that local needs would be met, as the units would be offered for sale. I also note the argument that the development is necessary to support the long term viability of the residential home. However I was presented with no firm evidence to this effect and in any case it would be unlikely to outweigh the strong objections to the proposal. I note that the opportunity to provide additional sheltered dwellings on the site currently being developed for 4 dwellings, which is to my mind better related to the hall and less harmful to the setting of the village, has been foregone. I have had regard to Policy H16 of the deposit LP, but I do not consider that the convenience to bus services outweighs the strong objections to the proposal on the grounds set out above.

#### **Conclusions**

18. For the reasons given above I conclude that the appeal should not succeed and I shall exercise the powers transferred to me accordingly.

David Richards



