

<b>Agenda Item</b> A8	<b>Committee Date</b> 26 June 2017	<b>Application Number</b> 17/00363/OUT
<b>Application Site</b> Woodside Ashton Road Ashton With Stodday Lancaster	<b>Proposal</b> Outline application for the erection of 1 residential dwelling	
<b>Name of Applicant</b> Mr Blackwell	<b>Name of Agent</b> Mr Avnish Panchal	
<b>Decision Target Date</b> 24 May 2017	<b>Reason For Delay</b> Committee cycle	
<b>Case Officer</b>	Mr Andrew Clement	
<b>Departure</b>	No	
<b>Summary of Recommendation</b>	Refusal	

**(i) Procedural Matters**

The proposed development would normally fall within the scheme of delegation. However, this planning application has been referred to the Planning Committee at the request of Councillor Susie Charles.

**1.0 The Site and its Surroundings**

- 1.1 The land which forms the subject of this application relates to land to the west of Woodside, located on a private access road to the west of Ashton Road, in small dispersed hamlet of Ashton With Stodday. Within the vicinity of the application site is Ashton Golf Centre, Lancaster Golf Club and Ashton Hall Garden Centre. Outside of the application site, but within the applicant's ownership and sharing an access to the proposed development, is the existing residential dwellinghouse of Woodside, and a domestic outbuilding (permitted retrospectively) through 07/00564/FUL. The applicant has indicated that the building is used as a small home office and hobby workshop, although the site visit has revealed that it carries an advertisement for Alltite Metal Roofing Systems. The site is located 1.5 miles west of Lancaster University, 1.7 miles north west of the nearest sustainable settlement of Galgate, 3 miles south of Lancaster City Centre.
- 1.2 The application site land has been used as domestic curtilage in association with Woodside since 1990, and was granted an existing certificate of lawful use over 10 years of use through 08/00510/ELDC. The site contains a large number of trees, all of which are protected by Tree Protection Orders. The site is located within the designated Rural Countryside Area.

**2.0 The Proposal**

- 2.1 The proposal is seeking outline planning permission for the erection of one residential dwellinghouse. The only 'matter' being applied for at this outline stage is access, which would be via the existing vehicular access to Woodside. Illustrative elevation and floor plans for a two-storey property have been submitted, to be confirmed at reserved matters stage, should outline permission be granted. The footprint of the proposed dwelling is 105sqm, at a width of 9.2 metres and length of 11.3 metres, with a further 0.9 metre westerly projection for a chimney.

### **3.0 Site History**

3.1 There has been a planning application refused in 2016 for the erection of a detached dwelling. Further applications regarding existing lawful use of the land as domestic curtilage for more than 10 years and a retrospective application to retain an outbuilding have been permitted.

In addition there remains an existing enforcement case file (15/00372/UNAUTU) investigating the use of Woodside for business purposes.

<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
<b>16/00989/OUT</b>	Outline application for the erection of 1 residential dwelling	Refused
<b>08/00510/ELDC</b>	Application for Certificate of Lawful Use of land as domestic curtilage	Permitted
<b>07/00564/FUL</b>	Retrospective application to retain buildings erected for use as storage/private workshop/garden store	Permitted

### **4.0 Consultation Responses**

4.1 The following responses have been received from statutory and non-statutory consultees:

<b>Consultee</b>	<b>Response</b>
<b>Parish Council</b>	No observations received within statutory timescale.
<b>County Highways</b>	<b>No highway objection</b>
<b>Environmental Health</b>	No observations received within statutory timescale.
<b>County - Mineral Safeguarding</b>	No observations received within statutory timescale.
<b>Tree Protection Officer</b>	No observations received within statutory timescale.

### **5.0 Neighbour Representations**

5.1 One objection has been received, from the company which owns the majority of privately maintained roads and verges to Ashton Hall Estate, due to the following reasons:-

- No right of access leading to the cycle and footpaths beyond Woodside;
- Reduction in existing parking facilities and inadequate vehicle turning and manoeuvring within the site;
- Inconsistencies between the Planning Statement and submitted plans; and,
- Conflict between proposal and applicant's objections to a planning application at a nearby site.

### **6.0 Principal National and Development Plan Policies**

6.1 The National Planning Policy Framework indicates that the purpose of the planning system is to contribute to the achievement of sustainable development. At the heart of the NPPF is a presumption in favour of sustainable development (**paragraph 14**). The following paragraphs of the NPPF are relevant to the determination of this proposal:

#### National Planning Policy Framework

Paragraph 7 – Achieving sustainable development

Paragraph 14 – Presumption in favour of sustainable development

Paragraph 17 – Twelve core planning principles

Paragraphs 47, 49, 50, 53 and 55 – Delivering a wide choice of high quality homes

Paragraphs 56, 57 and 61 – Achieving quality in design

## 6.2 Development Management DPD

**DM15** – Proposals Involving Employment Land and Premises

**DM20** – Enhancing Accessibility and Transport Linkages

**DM22** – Vehicle Parking Provision

**DM28** – Development and landscape impact

**DM29** – Protection of trees, hedgerow and woodlands

**DM35** – Key design principles

**DM41** – New residential development

**DM42** – Managing rural housing

**Appendix B** – Car Parking Standards

## 6.3 Lancaster Core Strategy

**SC1** – Sustainable development

**SC3** – Rural communities

**SC4** – Meeting the District's housing requirements

**SC5** – Achieving quality in design

## 6.4 Saved policies of the Lancaster District Local Plan

**E4** – Countryside Area

## 6.5 Local Planning Policy Overview – Current Position

At the 14 December 2016 meeting of its Full Council, the local authority resolved to undertake public consultation on:

- (i) The Strategic Policies and Land Allocations Development Plan Document (DPD); and
- (ii) A Review of the Development Management DPD.

This enabled progress to be made on the preparation of a Local Plan for the Lancaster District. Public consultation took place from 27 January 2017 to 24 March 2017. Whilst the consultation responses are currently being fully considered, the local authority remains in a position to make swift progress in moving towards the latter stages of: reviewing the draft documents to take account of consultation outcomes, formal publication and submission to Government, and, then independent Examination of the Local Plan. If an Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council, potentially in 2018.

The **Strategic Policies and Land Allocations DPD** will replace the remaining policies of the Lancaster District Core Strategy (2008) and the residual 'saved' land allocation policies from the 2004 District Local Plan. Following the Council resolution in December 2016, it is considered that the Strategic Policies and Land Allocations DPD is a material consideration in decision-making, although with limited weight. The weight attributed to this DPD will increase as the plan's preparation progresses through the stages described above.

The **Review of the Development Management DPD** updates the policies that are contained within the current document, which was adopted in December 2014. As it is part of the development plan the current document is already material in terms of decision-making. Where any policies in the draft 'Review' document are different from those adopted in 2014, and those policies materially affect the consideration of the planning application, then these will be taken into account during decision-making, although again with limited weight. The weight attributed to the revised policies in the 'Review' will increase as the plan's preparation progresses through the stages described above.

## **7.0 Comment and Analysis**

7.1 The key considerations arising for the proposal are:

- Principle of housing in this location;
- Access and Highway Impacts;
- Impact on trees; and
- Residential amenity

## 7.2 Principle of Housing in this Location

- 7.2.1 Lancaster City Council is currently unable to demonstrate a 5 year housing supply (having 3.9 years housing supply at present). A Supreme Court judgement in May 2017 (Suffolk Coast DC v Hopkins Homes and Richborough Estates v Cheshire East BC) has overturned a previous Court of Appeal ruling regarding the interpretation of “relevant policies for the supply of housing”. The Supreme Court concluded that there was no reason “...to treat the shortfall (of a 5-year housing land supply) in the particular (housing specific) policies as rendering out-of-date other parts of the Plan which serve a different purpose”. In effect, the judgement re-emphasises the primacy of the Development Plan and the role of the decision-maker in assessing the weight to be attached to individual policies when considering the planning balance. The lack of a five-year housing supply triggers the operation of the second part of NPPF Paragraph 14, and decision-makers should weigh the consequences of an undersupply of housing against other policies in the development plan that may have the effect of restricting that supply.
- 7.2.2 The Council has a very clear approach to sustainable development within rural locations. Whilst the absence of a five-year housing land supply carries weight, it is considered that the modest provision of a single dwelling in a location that is judged to be unsustainable, lying outside an identified and contained village settlement with services, is not sufficient to warrant a dwelling and it would be inconsistent with the Council’s approach to sustainable development across the District.
- 7.2.3 Ashton with Stodday is not identified within Policy DM42, nor preceding policy SC3 as being a rural village that is considered to be in a sustainable location for new residential development. In fact, Ashton with Stodday is not considered to be a village at all, but a scattered group of predominantly residential properties. Within this hamlet are two golf courses and a garden centre, which sells predominantly garden and outdoor products, plus some homeware items. The garden centre has opening hours of 9am to 5pm, and also sells a very limited range of food, restricted predominantly to snacks and condiments, alongside a café with slightly shorter opening times. Development should be located in sustainable locations, where there is access to an appropriate range of local services that contribute to the vitality of these settlements. These services are local shops, education and health facilities, access to public transport and other valued community facilities. Proposals should demonstrate that they have clear benefits for the local community, and in particular will meet rural housing needs according to robust evidence. The close proximity to a single retail operation, a garden centre selling a limited range of other goods, does not justify the location as sustainable.
- 7.2.4 In terms of services, the nearest bus stop is located at the junction of A588 and Tarnwater Lane, served by 10 buses per day to Lancaster and 9 to Knott End on Sea at 90 minute intervals. However, in addition to this relatively limited service, the nearest bus stop is located 0.6 miles from the proposed dwelling, along the A588 Ashton Road. The Lune Estuary cycleway is located to the west of the proposed dwellinghouse; however this is again only accessible via the A588 Ashton Road through either Conder Green to the south or Stodday to the north, at a distance of just over 1 and 2 miles respectively. The A588 Ashton Road is a 60mph road with no footpath nor street lighting, and is not suitable for walking to access this bus service. This section of the A588 Ashton Road does not form part of the existing designated cycle route, nor is it an aspirational cycle route.
- 7.2.5 In Paragraph 55 of the National Planning Policy Framework (NPPF) it sets out that where there are groups of smaller settlements, development in one village may support services nearby. This is reflected in the wording of Development Management DPD policy DM42. However, this site is not within a village and it would not have any discernible relationship with any of the other, more sustainable settlements in the surrounding area. Galgate is the closest village and is located over 3 miles (by road) to the south east. The urban area of Scotforth, Lancaster is located 2 miles to the north. There are no safe walking routes to gain access to any of these settlements, as the intervening highways are predominantly unlit with no footpaths and national speed limits. Therefore, any future resident of this proposal would be heavily dependent on private, motorised vehicles. There is not a convincing argument that the development of a single dwelling on this site would help sustain the vitality in either of the aforementioned villages given the distance and the absence of footpaths between them. The appeal decision APP/A2335/A/14/2219746 submitted with the Sustainability Statement is a vastly different circumstance, as relates to a site located within the village Wennington, walking distance via paved footpaths to bus stops and an operating railway station on the Morecambe to Leeds line. Each application should be determined on its own merits, and this application is particularly dissimilar to that of the submitted appeal decision.

7.2.6 Policy DM20 of the Development Management DPD sets out that proposals should minimise the need to travel, particularly by private car, and maximise the opportunities for the use of walking, cycling and public transport, and to focus development in locations which offer a choice of modes of transport. The village of Galgate and urban area of Lancaster, are the nearest locations currently identified as settlements where growth would be supported and these have more services, which would reduce the need to travel. As such, by locating development in the village where there are existing services, this would enhance or maintain the vitality of rural communities by supporting those existing services. This approach complies with the paragraph 17 of the NPPF, the overarching aim of which is a presumption in favour of sustainable development. However, this proposal is not located within a settlement which is considered suitable for growth, nor in a location that can be made sustainable. Therefore the site should be dealt with in policy terms as it was located within the open countryside, particularly as this is within the designated rural countryside area.

7.2.7 The NPPF (paragraph 55) sets out that new isolated homes in the countryside should be avoided unless there are special circumstances such as: the essential need for a rural worker to live permanently at or near their place of work in the countryside; where development would represent the optimal viable use of a heritage asset; where development would re-use redundant or disused buildings and lead to an enhancement of the immediate setting; or where a dwelling is of exceptional quality or innovative design. This proposal does not fall into any of these categories and as such it is considered that the proposal does not provide a sufficient justification for a new dwelling in a location, which is considered to be unsustainable.

7.2.8 Notwithstanding the need to boost significantly the supply of housing (as defined by the NPPF), this proposal for a private detached residential dwelling in open countryside does not represent sustainable development. It is not a location that can be made sustainable, and so approving the application would run contrary to the NPPF and Development Plan policies.

### 7.3 Access and Highway Impacts

7.3.1 The proposal includes two off street car parking spaces for the property, using the existing access that is used by the Woodside dwellinghouse and outbuilding. This meets the requirements for a 3 bedroom dwellinghouse, as indicated on the submitted elevations and floor plan drawings. A further two parking spaces will be retained for the existing dwellinghouse, and five parking spaces for the outbuilding operating in association with a roofing systems business. This building does not have planning permission to operate as an office and storage building, however the maximum parking provision for this use would require 9 vehicle spaces. Although the proposed parking provision is below that of the maximum requirements of Appendix B of the DM DPD, it is not considered that this undersupply of parking would result in a severe highway impact, and County Highways returned no objection to this application.

### 7.4 Impact on trees

7.4.1 There are a large number of trees within the curtilage of the property, all of which are subject to a tree preservation order. The trees within the property can be clearly seen beyond its boundaries, and collectively make an important contribution to the character and appearance of the site and the wider locality. The submitted Arboricultural Impact Assessment has identified potential works to some trees, which would require permission. However, these recommended tree works are due to condition of the trees, and no trees are required to be removed to facilitate the proposed development. Subject to the implementation of recommended fencing and construction exclusion zone mitigations detailed with this report, the proposal would have no detrimental impact upon the protected trees on site.

### 7.5 Residential amenity

7.5.1 The submitted elevations and floor plan sketches are indicative only, however from the site plan there is sufficient separation distance from neighbouring dwellinghouses allow for window openings to at least three of the four elevations, Despite being located just 17.7 metres from Woodside, given the angle this property windows, openings to the fourth east facing elevation of the proposal are also unlikely to cause unacceptable impact upon privacy, as openings do not directly face one another. Following the increase of the domestic curtilage through the existing lawful development certificate through 08/00510/ELDC for 10 years of use, the external space is sufficient to accommodate an

additional dwellinghouse with ample garden space for the existing and proposed properties. This outline application raises no concern regarding residential amenity, although design, openings and scale would be assessed in more detail at reserved matter stage, if the principle of the development an outline application were considered acceptable.

## **8.0 Planning Obligations**

8.1 There are no planning obligations to consider as part of this application.

## **9.0 Conclusions**

9.1 The site is located outside of a settlement in which new housing would be supported. The proposal for a single dwellinghouse would make no contribution to a local community, located within a small scattered hamlet, within walking distance of just one retail operation offering a very limited range convenience products in addition to the primary role as a garden centre. The proposal does not meet the rural exception site criteria, and would be heavily dependent upon private motorised vehicular transport, with no accessible public transport alternative. Therefore the site is considered to be unsustainable for new residential housing. Notwithstanding the need to significantly boost the supply of housing, especially in the absence of a five-year housing land supply, for the reasons set out above it is not considered that the proposal represents sustainable development and the benefits do not outweigh the harm. The adverse impacts of an unsustainable dwellinghouse would significantly and demonstrably outweigh the benefit of the contribution of one dwelling to the housing supply. It is not a location that can be made sustainable and as such, approving the application would run contrary to the NPPF and Development Management DPD policies.

## **Recommendation**

That Outline Planning Permission **BE REFUSED** for the following reasons:

1. The site is located off Ashton Road within the scattered hamlet of Ashton with Stodday. Ashton with Stodday contains minimal key services and as such is not considered to be sustainable in terms of its location. The site does not have immediate and direct access to key services and infrastructure, and would realistically only be accessible by using a private car. In addition it has not been demonstrated that the development would enhance or maintain the vitality of the local community or help sustain services in nearby settlements. There has been no exceptional justification provided to support the provision of a dwelling in this isolated location. As such the proposal is contrary to the aims and objectives of the National Planning Policy Framework, in particular the Core Planning Principles, and does not fall within any of the circumstances set out in Paragraph 55, Core Strategy policy SC1, and Policies DM20 (criteria II) and DM42 of the Development Management Development Plan Document.

## **Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015**

In accordance with the above legislation, the City Council can confirm the following:

Lancaster City Council takes a positive and proactive approach to development proposals, in the interests of delivering sustainable development. As part of this approach the Council offers a pre-application service, aimed at positively influencing development proposals. Regrettably the applicant has failed to take advantage of this service and the resulting proposal is unacceptable for the reasons prescribed in the Notice. The applicant is encouraged to utilise the pre-application service prior to the submission of any future planning applications, in order to engage with the local planning authority to attempt to resolve the reasons for refusal.

## **Background Papers**

None