
Appeal Decision

Site visit made on 20 May 2015

by M Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 July 2015

Appeal Ref: APP/A2335/W/15/3003571

Brookside, Whams Lane, Bay Horse, Lancaster, LA2 9BZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs K Parker against the decision of Lancaster City Council.
 - The application Ref 14/00647/OUT, dated 10 June 2014, was refused by notice dated 5 August 2014.
 - The development proposed is the erection of a detached dwellinghouse and garage.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application has been submitted in outline with all matters (access, layout, appearance, landscaping and scale) reserved for later approval. I have dealt with the appeal on this basis, treating the plans submitted as indicative of the type of development that could be carried out.

Main Issue

3. The main issue is whether, having regard to local and national planning policy, the proposal would amount to a sustainable form of development.

Reasons

4. The appeal site is located in the open countryside within the rural hamlet of Bay Horse, which is comprised of a continuous ribbon of residential development bisected by the M6 Motorway where Whams Lane crosses by bridge. The wider area is characterised by farmsteads and small clusters of buildings and isolated dwellings punctuating the countryside. The appeal site itself incorporates part of the existing side garden of the dwelling known as Brookside, and accommodates an existing large outbuilding and detached garage, both of which would be demolished. The existing access to Whams Lane would remain.
5. Since the planning application was determined and prior to the submission of this appeal, the Council adopted in December 2014 the Local Plan for Lancaster District 2011-2031: Development Management DPD (the Lancaster DM DPD), which has superseded some of the saved policies referred to in the Lancaster District Local Plan 2008 (the Local Plan) and Lancaster District Core Strategy 2008 (the Core Strategy). In this respect, policies E2 of the Core Strategy and H7 of the Local Plan, which were highlighted within the reason for refusal have

now been superseded, whilst emerging policies DM20 (criteria II) and DM42 of the draft Lancaster DM DPD now subsequently form part of the Development Plan. Policies SC1 and SC3 of the Core Strategy remain partially relevant, albeit that the majority of the latter has been replaced by policy DM42. I have therefore assessed the appeal on the basis of the up-to-date Development Plan, including policies where saved.

6. Policy DM42 of the Lancaster DM DPD sets out the Council's strategy for managing rural housing growth. The policy sets out a list of sustainable rural settlements where new housing will be supported, and indicates that housing in other rural settlements will be supported if it can be demonstrated that the development will enhance or maintain the vitality of the local community. The policy also advises that new homes in isolated locations will not be supported unless clear benefits of development are articulated, which would outweigh the dis-benefits of development in an isolated location. The policy highlights that the special circumstances where potential benefits of isolated development may lead to more favourable consideration are as described at paragraph 55 of the National Planning Policy Framework (the Framework).
7. Paragraph 55 of the Framework promotes sustainable development in rural areas, guiding that housing should be located where it will enhance or maintain the vitality of rural communities, or where there are groups of smaller settlements that development in one village may support services in a village nearby.
8. Bay Horse is not identified within policy DM42 as a sustainable rural settlement, and on the basis of my observations of the limited services and facilities available within the settlement, there is no reason to dispute this classification. Nevertheless, the submitted sustainability statement has highlighted the accessibility of the site in respect of the access to the National Cycle Routes in particular, rural footpaths, and bus routes, which accords with the objective of promoting development with access to sustainable transport modes as set out in Section 4 of the Framework. This it is contended would provide an alternative to a reliance on the private car, although in this respect I have also noted the appellant's comparison between the impact of rural and urban driving. However, whilst I have noted the stated distances from the appeal site to services, education facilities, community facilities, leisure/recreation uses, and local employment opportunities within the immediate area, I am not persuaded that the distances alone would render the site to be within a highly accessible location as contended by the appellant.
9. The appellant's sustainability statement highlights the guidance within the Institute of Highways and Transportation *Guidelines for Journeys on Foot (2000)* which sets out both average and percentile distances for walking journeys in urban areas. However, it relies upon the former Planning Policy Guidance Note 13 'Transport' (PPG13) when advising that walking has the greatest potential to replace car trips for distances up to 2 kilometres (1.3 miles). With this in mind, it is evident from the appellant's own conclusions that a number of the identified services and facilities are located either close to the maxima set by the 2 kilometre threshold or are beyond this distance, particularly in respect of the accessibility to the sustainable settlement of Galgate. In this respect, even when applying the appellant's own accessibility criteria, the appeal site could not be concluded as being highly accessible in distance terms in respect of walking journeys. Whilst I have had regard to the

appellant's testimonies regarding their own experiences of walking to various destinations, I note that beyond Whams Lane itself there is an absence of a safe pedestrian environment in a number of places, which would restrict the opportunities for a reliance on walking to various destinations, particularly I noted along the road and National Cycle Route to Galgate.

10. Turning to cycling as a sustainable transport mode, the appellant has highlighted the guidance within former PPG13 that journeys under 5 kilometres (3.11 miles) may substitute for car trips. In this respect, I acknowledge the proximity of the appeal site to the National Cycle Route, and also that local services and facilities within Galgate and Forton would be within the 5 kilometre threshold. Furthermore, I have noted the accessibility of local employment opportunities at Forton Services and Lancaster University in particular. I would therefore agree with the contention that the site is relatively accessible for cycling.
11. The appellant has drawn my attention to the provision of a bus shelter at the junction with Five Lane Ends to meet the needs of children waiting for school services, which would be within a reasonable walking distance of the proposed development. However, there is no evidence before me that this bus stop is used regularly by any other non-school services. Whilst I accept that the bus services on the A6 would provide a regular public transport link, pedestrian accessibility would again be reliant on a 0.7 mile walk, which would at least be in part along narrow unlit lanes lacking in a safe pedestrian environment.
12. Whilst I accept that the appeal site would be relatively accessible by cycling, I consider that the distances to various services and facilities, and the absence of a safe pedestrian environment within the wider vicinity undermines the contribution which public transport and walking may have as sustainable transport modes. Consequently, and despite its proximity to existing dwellings on Whams Lane, I am satisfied that the Council's conclusion relating to the development being isolated would be reasonable for the purposes of assessment against paragraph 55 of the Framework. Furthermore, the appellant has not drawn my attention to the development specifically according with any of the special circumstances as set out in the Framework which would justify new isolated homes in the countryside.
13. Paragraph 55 of the Framework also requires consideration as to whether the proposed development would enhance or maintain the vitality of the local community. In carefully considering this matter, I am mindful that the development of a single dwelling would have in itself only a limited benefit in respect of the provision of additional housing in the rural area, as well as support for existing services and facilities within the immediate area and larger villages. Nevertheless, I note that whilst the Council has indicated that the development would not assist viability, it has not placed any evidence before me to demonstrate that allowing such a development would have an adverse effect on the existing vitality of the local community. Consequently I would conclude that the proposed development would maintain the existing vitality of the local community, and would therefore meet this aspect of the requirement.
14. The appellant has drawn my attention to paragraph 6 of the Framework, where it states that the Framework taken as a whole constitutes the government's view of what sustainable development in England means in practice for the planning system. This contrasts with the appellant's view of the Council's

approach which it contends has been to consider sustainability purely with regards to access to and from the site to services. As a consequence, the appellant has highlighted a number of other factors which it is contended would weigh in support of the proposal being considered to be sustainable development.

15. The appellant has indicated that the proposed development would meet local housing need. Whilst it is accepted that the proposed development is in outline only at this stage, the appellant has indicated the expectation that the site could accommodate a four-bedroom dwelling, which I would not disagree with. This would address an identified housing need for 4+ bed dwellings in rural settlements, as highlighted within Lancaster City Council document *Meeting Housing Needs Supplementary Planning Document (2013)*. Furthermore, whilst there is no indication that the proposed dwelling would be provided as affordable housing, the appellant has indicated an expectation that a commuted sum would be required towards providing affordable housing elsewhere within the District, although I note that no details as to the mechanism for the payment of such a sum have been provided. These are factors which would attract some limited weight in support of the development.
16. I have also had regard to a series of other matters which the appellant has contended indicate that the proposal amounts to sustainable development. These include the efficient use of land, utilisation of renewable energy and incorporation of sustainable building techniques, encouragement of self-sufficiency in respect of growing food, the provision of live-work accommodation for a future occupier, as well as improvement of the visual amenity of the site. In respect of these points, I agree that the indicative proposal would amount on part of the site to the efficient use of previously developed land, and that the demolition of the existing outbuilding and replacement with an appropriately designed dwelling would result in some limited visual improvement to the appeal site. However, whilst I accept that the principle of utilising renewable energy and incorporating sustainable design techniques within the dwelling would be factors which would weigh in support of a development, details of these have not been provided or secured at this outline stage and therefore cannot attract any significant supporting weight. In addition, whilst it is possible that the dwelling may incorporate ancillary accommodation and the necessary technologies to enable working from home, the outline application has been made for a dwelling rather than a formal live-work unit which would not accord with the details as applied for, and in any event would not completely obviate the need to travel, which is a point referenced by the appellant from an accompanying appeal decision.
17. In reaching my conclusion on whether the proposed development would amount to sustainable development, I have noted the references which the appellant has made to the Planning Practice Guidance (PPG). In particular, I have had regard to the reference that housing should support the broader sustainability of villages and smaller settlements with rural housing essential to ensure viable use of these local facilities, and that all settlements can play a role in delivering sustainable development.
18. However, for the reasons I have set out above, I do not consider that the factors which would weigh in support of the development would be sufficient to outweigh the harm which I have identified in respect of the sustainability of the location, and therefore the proposals would not amount to sustainable

development. As a consequence, the proposed development would not accord with saved policies SC1 and SC3 of the Core Strategy, or policies DM20 and DM42 of the Lancaster DM DPD. These policies seek to ensure that new residential developments are as sustainable as possible, and that proposals for new homes in isolated locations will not be supported unless clear benefits of development outweigh the dis-benefits of development in an isolated location. Furthermore, the proposed development would conflict with paragraphs 7 and 55 of the Framework, as it would not amount to sustainable development and would represent an unjustified and isolated new residential development in the countryside, for which there are no special circumstances.

Other Matters

19. The appellant has highlighted that the Council is unable to demonstrate a 5 year supply of deliverable housing land. This is not a point which the Council has contested. In accordance with paragraph 49 of the Framework, in the event that such a supply cannot be demonstrated, relevant policies for the supply of housing should not be considered to be up-to-date and housing applications should therefore be considered in the context of the presumption in favour of sustainable development. As set out above, I have assessed the proposals on this basis, but have nevertheless concluded that the development would not amount to sustainable development. As a consequence, this is not a matter which would weigh significantly in support of the proposed development.
20. I have also noted that the appellant has cited the conversion of the existing outbuilding as a viable development alternative, and that that this should be regarded as a valid fallback position. However, I have not been provided with any details or alternative plans from which to consider whether the existing building would be capable of conversion, or would have a satisfactory relationship with the existing dwelling. This has therefore not been a matter which has attracted any significant weight in my assessment of the proposals.
21. My attention has also been drawn by the appellant to the approach which has been taken by decision-makers on other planning appeals. However, I note that limited information has been placed before me in respect of the examples which have been referenced, to allow me to draw conclusions with regards to the similarities with the proposed development. Nevertheless, on the basis of the information submitted, it would appear that the August 2014 appeal related to a development in close proximity to an existing village recognised to possess sustainability credentials, and with a relatively safe route for walking to services. In respect of the appeal decision at Brereton Heath in Cheshire, it appears quite clear that the balance of the decision was significantly influenced by the numbers of dwellings and the proportion of affordable housing proposed, as a means of meeting an acknowledged deficiency in supply and provision, which it was concluded outweighed policies related to development in the countryside and an undoubted reliance on the private car. I am not therefore persuaded that the decisions cited are directly comparable to the proposals the subject of this appeal.
22. The appellant has also indicated that the proposed development would not set an undesirable precedent for similar development within the countryside. Whilst I am mindful that each application must be considered on its own planning merits, I am nevertheless satisfied that the Council would retain the

basis upon which to resist development which was unacceptable, and this has not therefore been a significant factor in my assessment of the development.

Conclusion

23. For the reasons given above, and subject to the conditions listed, the appeal is dismissed.

M Seaton

INSPECTOR