

Agenda Item	Committee Date	Application Number
A9	19 September 2016	16/00855/FUL
Application Site The Coach House Hornby Road Claughton Lancaster	Proposal Erection of a detached two-storey dwelling with attached garage	
Name of Applicant Mr Stephen Wilkinson	Name of Agent Michael Harrison	
Decision Target Date 19 September 2016	Reason For Delay N/A	
Case Officer	Mrs Petra Williams	
Departure	No	
Summary of Recommendation	Refusal	

(i) **Procedural Matters**

This form of development would normally be dealt with under the Scheme of Delegation. However, the applicant has declared that he is related to Councillor Wilkinson and, as such, the application must be determined by the Planning Committee.

1.0 The Site and its Surroundings

- 1.1 The application site is an area of garden (384sqm) which is associated with The Coach House which adjoins The Old Rectory and is within a group of properties adjacent to Hornby Road (A683) in the small village of Claughton. The submission refers to the development site as "side garden" however given its position beyond the Coach House towards Hornby Road it is perhaps more accurately described as part of a "front" garden. The front (north-west) boundary is formed by a dwarf wall and hedgerow planting but the site itself appears to be unkempt rough ground. The south-east boundary is largely open to the existing driveway which provides access to The Coach House and The Old Rectory which are set at a slightly lower level than the application site.
- 1.2 Claughton itself is a dispersed village with properties of varying age and design. The site is accessed off a narrow lane serving a small number of properties and a church yard associated the former St. Chads Church which is located on higher ground. The former church was granted consent in 2013 for conversion to a single dwelling. The Old Rectory and other nearby dwellings on this side of Hornby Road are stone under slate and date largely from the 19th century. To the west of the site on the opposite side of Hornby Road there are three semi-detached pairs of what appear to be local authority housing. Further west along Hornby Road there is Claughton Brickworks and a number of light industrial units as well as WCF LTD (West Cumberland Farmers) which is a Country and Garden Centre. To the north-east of the site there is a public house/restaurant which front Hornby Road. A bus route runs along the A683 through Claughton.
- 1.3 The site is within the Forest of Bowland Area of Outstanding Natural Beauty (AONB) and the designated Countryside Area. The Coach House is Grade II listed and was formally part of The Old Rectory which it adjoins. The site is in close proximity to the following listed buildings which are all accessed off the same narrow access lane:

- The Old Rectory – Grade II
- Church of St Chad – Grade II
- Cross Base south of St Chad – Grade II
- Barn North-East of Claughton Hall Farmhouse – Grade II
- Claughton Hall Farmhouse – Grade II*

2.0 The Proposal

2.1 The application proposes a two-storey detached 3 bed dwelling. The development would comprise stone elevations under a pyramidal slate roof with an attached flat roof garage to the eastern elevation and a single storey lantern roof projection to the western elevation. The development would include additional hedge planting and a 500mm stone boundary wall along the south-eastern and north-eastern boundaries.

3.0 Site History

3.1 There is no specific planning history relating to the proposed development site, however there are a number of applications associated with the host property (The Coach House).

Application Number	Proposal	Decision
08/00122/LB	Listed building consent for the installation of 2 windows and erection of porches to the front and side	Permitted
08/00117/FUL	Erection of a porch to front and erection of porch to side	Permitted
05/01090/CU	Change of use of former antiques shop and tea rooms to form extension to self-contained domestic accommodation	Permitted
05/01091/LB	Listed Building Application for change of use of former antiques shop and tea rooms to form extension to self-contained domestic accommodation	Permitted
05/00192/CU	Change of use and conversion of former antiques shop and tea rooms to form extension to self-contained domestic dwelling	Refused
05/00193/LB	Listed Building application for the change of use and conversion of former antiques shop and tea rooms to form extension for self-contained domestic dwelling	Refused

4.0 Consultation Responses

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

Consultee	Response
County Highways	No objections.
Conservation Team	Objections - the proposal is inappropriately sited adversely impacts the setting of designated heritage assets, most prominently St Chads Church, which would be dominated by the dwelling). There is a strong objection on the grounds of failure to comply with Policy DM32.
Environmental Health Team	No objections – subject to conditions relating hours of construction and noise.
Forward Planning Team	Does not support the proposal as Claughton is not one of the villages identified within policy DM42 (comments received verbally)
Tree Protection Officer	No comments received at the time of compiling this report. Any comments subsequently received will be reported verbally.
Parish Council	No comments received at the time of compiling this report. Any comments subsequently received will be reported verbally.

5.0 Neighbour Representations

5.1 At the time of compiling this report 4 items of public comments have been received, all of which raise objections to the scheme. Points made are summarised as follows:

- Proposal inappropriately affects the setting of an open and active Church of England graveyard and the former St Chad's church.
- Proposed building is out of all proportion to the small size of plot.
- Inappropriate to site a new two storey property and garage within the frontage of a number of listed buildings.
- The proposed site is at the highest point of overall curtilages and in whatever form will intrusively dominate every surrounding structure.
- Points made regarding the labelling of properties on the submitted site plan.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Paragraphs 7, 14 and 17 - Sustainable Development and Core Principles
Paragraph 32 – Access and Transport
Paragraphs 49 and 50 - Delivering Housing
Paragraphs 56, 58 and 60 – Requiring Good Design
Paragraph 115 - Areas of Outstanding Natural Beauty
Paragraph 118 – Conserving and Enhancing Biodiversity

6.2 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development
SC2 – Urban Concentration
SC3 – Rural Communities
SC5 – Achieving Quality in Design

6.3 Development Management DPD (adopted December 2014)

DM20 – Enhancing Accessibility and Transport Linkages
DM22 – Vehicle Parking Provision
DM27 – Protection and Enhancement of Biodiversity
DM28 – Development and Landscape Impact
DM29 – Protection of Trees, Hedgerows and Woodland
DM32 – Setting of Heritage Assets
DM35 – Key Design Principles
DM41 – New Residential dwellings
DM42 – Managing Rural Housing Growth

6.4 Lancaster District Local Plan (Saved Policies)

E3 – Development affecting Areas of Outstanding Natural Beauty
E4 – The Countryside Area

7.0 Comment and Analysis

7.1 The main issues are:

- Principle of Development
- Scale, Design and Heritage Impacts
- Visual Impacts on the AONB

7.2 Principle of Development

7.2.1 The NPPF places sustainable development at the heart of decision-taking in the planning system. At the local level, this is further supplemented by a number of Development Plan policies. This

includes Core Strategy Policy SC1 which requires new development to be as sustainable as possible, in particular it should be convenient to walk, cycle and travel by public transport and homes, workplaces shops, schools, health centres, recreation, leisure and community facilities. Development Management DPD Policy DM20 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. Policy DM42 sets out settlements where new housing will be supported, of which Claughton is not one, and states that proposals for new homes in isolated locations will not be supported unless clear benefits of development outweigh the dis-benefits.

- 7.2.2 In terms of services Claughton is limited to a public house/restaurant and a bus route which runs along the A683. However, it is not considered that this in itself would make the site sustainable. The submitted Design and Access Statement makes reference to a nearby garden centre and claims that it also offers a limited range of household goods. However the main focus of sales is in respect of pet, equestrian and horticultural activities and could in no way be considered as a local convenience store. The Design and Access Statement also acknowledges the need to travel to nearby settlements to access shops and services on offer at other nearby settlements (Hornby and Caton) but argues that this could be done through a range of other transport options and does not rely solely on the private car for transport. However it is argued that in reality it is likely that such journeys would often be undertaken by car.
- 7.2.3 In geographical terms therefore, it is considered that the residential development proposed does not represent sustainable development given its relatively rural location. Paragraph 49 of the NPPF sets out that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of housing. Even where this is the case, NPPF Paragraph 17 requires local planning authorities to actively manage patterns of growth to make the best use of public transport and other non-motorised travel options.
- 7.2.4 However the absence of a current five year supply of housing cannot be used as sufficient justification in this current case. NPPF Paragraph 14 makes it clear that where specific policies within the NPPF indicate that development should be restricted – such as within highly-protected areas such as the Forest of Bowland AONB – then those restrictive policies remain relevant. As a consequence, the lack of a five year housing land supply does not justify a new dwelling in this location and the benefits of this are not considered to outweigh the adverse impacts which will be discussed in forthcoming paragraphs of this report.
- 7.2.5 The Design and Access Statement highlights a number of other applications for small scale residential development outside the rural settlements identified in the Development Management Development Plan Document and argues that this has established a favourable precedent. The applications are highlighted are as follows:
- 14/00362/OUT - Outline application for the demolition of existing industrial buildings and erection of one 4-bed dwelling including associated access. However this case involved the removal of industrial buildings and so it represented an enhancement to the previously-developed site's appearance.
 - 14/01026/FUL - Erection of a detached bungalow. Although the site was not located within an identified settlement it had a long established residential use within a caravan and the application sought to provide similar level of replacement accommodation. It was also considered that the scheme would result in some visual improvements to the site and therefore it would not be detrimental to the character and appearance of the AONB.
 - 14/00006/FUL - Erection of one dwelling with associated parking and creation of a new access – Refused by local planning authority but allowed at appeal by the Planning Inspectorate.
 - 15/00972/FUL - Erection of two dwellings with associated access and landscaping – The site is located within a cluster of approximately 50 houses forming an area of development broadly bound by the A6 Lancaster Road and Hest Bank Lane. However, the site is well served by public transport, with a number of services running along the adjacent A6 linking the site south to Lancaster and north to towns and villages. Public houses and a restaurant lie to the north of the site, both within relatively easy walking distance. Slyne with Hest also has a local convenience store, church and village hall and recreational facilities. On balance the proposal was found to be acceptable.

Notwithstanding the examples provided above, local planning authority must determine each case on its own individual merits.

7.2.6 Overall it is considered that the proposed dwelling is not considered to be in a sustainable location due to the lack of available services in Claughton. It is not considered that the development would help support a nearby settlement which contains more services. Despite the examples given, none of them are comparable to the current proposal and therefore they do not present a convincing argument. As such the submission is contrary to policies SC1 of the Lancaster District Core Strategy and Policies DM20 and DM42 of the Development Management DPD.

7.2.7 Additionally, NPPF Paragraph 53 states that local planning authorities should consider setting out policies to resist inappropriate development of residential gardens, especially where this would cause harm to the local area. This is often referred to as 'garden-grabbing'. Development Management DPD Policy DM42 requires new rural housing to demonstrate good siting. This is not the case here, and the harm in this particular case is exacerbated by the siting of the property closer to the highway in front of the listed building.

7.3 Scale, Design and Heritage

7.3.1 The proposed stone under slate property would have a maximum height of 7.7m and an overall footprint of 16.5 metres by 8.5 metres. The dwelling has clearly been designed in attempt to reflect the character of The Old Rectory through the pyramidal roof style and windows with vertical emphasis. However the solid to void ratio is not considered to be an ideal arrangement and the single storey flat roof elements to the side elevations are at odds with the surrounding built form.

7.3.2 Because of the close proximity to a number of listed buildings (and in accordance with the Listed Building and Conservation Areas Act) when considering any application that affects a Listed building, a Conservation Area or their setting, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the heritage asset or its setting. This is reiterated by policies DM30, DM31 and DM32. The site is highly prominent when travelling along Hornby Road and lies approximately 18 metres to the west of the Grade II listed Coach House and The Old Rectory and is approximately 25 metres to the north-west of St Chads Church which is also Grade II listed and set on slightly elevated ground. Overall, it is considered that the proposal is not appropriately sited or designed and consequently would result in adverse visual impacts upon the setting of designated heritage assets, most prominently St Chads Church and the collection of buildings at The Old Rectory/Coach House. Although it is acknowledged that the proposed materials relate to surrounding built form, the scale, height and design of the proposal would completely dominate the views and setting of St Chads Church, thus causing substantial harm to its setting. In relation to the Old Rectory/Coach House, the development proposal will still lead to harm, albeit 'less than substantial' harm.

7.3.3 It is therefore considered that the proposal would weaken the visual strength of the current collection of designated heritage assets. It would fail to make a positive contribution to the built group and would not preserve or enhance the setting of the nearby designated assets. As a result, the significance of the heritage asset would be harmed through development within its setting. The development would be contrary to the provisions of policies DM32 and DM35 of the Development Management DPD and the provisions of section 12 of the NPPF.

7.4 Visual Impact on the AONB

7.4.1 Paragraph 115 of the NPPF places great weight on conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty which have the highest status of protection in relation to landscape, scenic beauty and cultural heritage. This approach is reflected in Policy DM28 of the Development Management DPD and saved Local Plan Policy E3. The site is within the setting of a traditional group and the land identified for this dwelling forms an important separation between the highway and the existing built form. The development would be 3.5 metres from the highway and it is considered that the proposal within such a prominent location would erode the character of the group setting within the AONB. As such it is considered that the submission is contrary to the provisions of paragraph 115 of the NPPF, Policy DM28 and saved Policy E3.

7.5 Other Matters

- 7.5.1 Impact on Residential Amenity – The proposed dwelling would be orientated with its main entrance to the south-east elevation. The Coach House is situated approximately 18 metres away to the east of the proposed dwelling and although this falls short of the recommended 21 metres separation distance the properties would be off-set from each other and as such there would be no direct overlooking from window to window. On balance the proposal is considered acceptable in terms of residential impacts.
- 7.5.2 Impact on Trees and Hedgerows - There are no trees located directly within the application site (it is understood that there have previously been trees within the site but since removed) but there is mature hedgerow along the site frontage to the highway. This currently provides a degree of screening to the site but may be implicated by the development. Comments have been sought from the Tree Protection Officer and will be reported at the meeting.

8.0 Planning Obligations

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

9.0 Conclusions

- 9.1 Whilst there is a need for more housing within the district, and the development will deliver that benefit, the current proposal would introduce a dwelling in a village that is not identified as being sustainable. It would be located within an AONB where scenic beauty should be conserved and an area which, by virtue of designation, enjoys the highest status of protection. Part of that scenic beauty is the undeveloped setting of long-established buildings. In this case, the proposal would cause substantial harm to the setting of St Chad's Church, and less than substantial harm to the Old Rectory and Coach House. This harm is exacerbated because of the inappropriate siting towards the main highway, thus weakening the visual relationship enjoyed by the designated heritage assets and detracting from their setting. As such, it is considered that the proposal does not comply with relevant policies in the Development Plan or the NPPF.

Recommendation

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

1. As a result of its prominent position closer to the highway, and the scale, design, height and massing of the proposed dwelling, the proposal would unduly impact upon the character and setting of the adjacent Grade II Listed buildings, causing substantial harm to the setting of Grade II listed St Chad's Church in particular, and harm to the setting of the Grade II listed Old Rectory and Coach House. As such the development is contrary to Policy SC5 of the Lancaster District Core Strategy, Policies DM32 and DM35 of the Development Management DPD and paragraph 7 and the provisions of Section 12 of the National Planning Policy Framework, most particularly Paragraphs 132 and 133.
2. The proposed development by virtue of its location and access to services renders the site unattractive to walk and travel by other sustainable means of transport between workplaces, shops, schools, health care centres, recreation, leisure and community facilities and therefore it is not considered the proposal represents sustainable development and fails to conform to Policy SC1 of the Lancaster Core Strategy, Policies DM20 and DM42 of the Development Management DPD, and Paragraphs 7 and 14 of the National Planning Policy Framework.
3. As a result of its scale, height, massing and design the proposal would unduly impact upon the character of the group setting within the Forest of Bowland Area of Outstanding Natural Beauty. Additionally, the use of the residential garden causes such a degree of harm that the proposal As such it is considered that the submission is contrary to saved Policy E3 of the Lancaster District Local Plan, Policy DM28 of the Development Management DPD and the provisions of paragraph 115 of the National Planning Policy Framework.

4. The proposal causes such a degree of harm, as described by the other reasons for refusal, that the development would constitute an inappropriate use of an existing residential garden, which is discouraged by NPPF Paragraph 53 and Development Management DPD Policy DM42.

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 report. 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.

Human Rights Act

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

Background Papers

None