

Agenda Item A11	Committee Date 4 February 2019	Application Number 18/01583/OUT
Application Site Land Adjacent To Stonehaven Bay Horse Lane Bay Horse Lancaster		Proposal Outline application for erection of two dwellings (C3) and associated access
Name of Applicant Mr & Mrs Armer		Name of Agent Mr Stuart Booth
Decision Target Date 14 February 2019		Reason For Delay None
Case Officer		Mrs Eleanor Fawcett
Departure		None
Summary of Recommendation		Refusal

(i) Procedural Matters

This form of development would normally be dealt with under the Scheme of Delegation. However, a request has been made by Councillor Helen Helme for the application to be reported to the Planning Committee on the basis that the proposal is a small rural development which will provide accommodation for the applicant's children and be close to the places of work.

1.0 The Site and its Surroundings

- 1.1 The site relates to part of a larger agricultural field, located adjacent to Bay Horse Lane, close to the southern edge of the District, and is approximately 220 metres from the A6. There is a verge between the carriageway and the site which is predominantly grassed, although there is an area of hardstanding. The boundary with the highway comprises a hedgerow and there is a small stable building and shed towards the northwest corner of the site. To the east and south west is the remainder of the agricultural field, and beyond this, to the southwest, is a further field and a residential property, Low Abbey. To the northeast of the site is another detached dwelling, Stonehaven, and on the opposite side of the highway, to the west, are two residential properties and a large area of agricultural land. The site is located within the Open Countryside and there is a high pressure gas pipeline located approx. 300 metres to the northwest. It is also within an area identified as being susceptible to ground water flooding.

2.0 The Proposal

- 2.1 Outline planning permission is sought for the erection of two dwellings and the creation of an associated shared access. All matters are reserved with the exception of the access which is proposed in roughly the centre of the site's frontage.

3.0 Site History

- 3.1 An outline application was submitted in 2018 for the erection of four dwellings (18/00988/OUT). The boundary included the current application site and land to the southwest, extending up to the field boundary. This application was refused under delegated powers for the following reasons:

1. The site is located within the open countryside, divorced from key services and facilities and as such it is considered to be unsustainable in terms of its location. There are considered to be no special circumstances, in this instance, to justify four new dwellings in this unsustainable location. The proposal is therefore contrary to the aims and objectives of the National Planning Policy Framework, in particular section 5, Policy SC1 of Lancaster District Core Strategy and Policies DM20 and DM42 of the Development Management Development Plan Document.
2. The development would result in an inappropriate form of ribbon development along this rural road within the open countryside and this, along with the proposed access arrangement, would have a detrimental impact on the character and appearance of the area. It is therefore contrary to the aims and objectives of the National planning Policy Framework, in particular Sections 12 and 15, and Policies DM28 and DM35 of the Development Management Development Plan Document.

Application Number	Proposal	Decision
18/00988/OUT	Outline application for the erection of 4 dwellings with associated access	Approval

4.0 Consultation Responses

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

Consultee	Response
Parish Council	Support.
County Highways	No objection subject to conditions requiring: visibility splays (2.4 by 75 metres); wheel cleaning facilities; and access to be a minimum width of 5.5 metres for 5 metres back from the highway.
Environmental Health	No comments received during the consultation period.
Tree Protection Officer	No comments received during the consultation period.
Natural England	No comments to make.
Cadent Gas	No objection.
Lancashire Fire and Rescue	Comments. It should be ensured that the scheme fully meets all the requirements of Building Regulations Approved Document B, Part B5 'Access and facilities for the Fire Service'.

5.0 Neighbour Representations

- 5.1 No comments have been received. Any comments received will be verbally reported to the Planning Committee.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Paragraph 11 – The presumption in favour of sustainable development
 Paragraphs 77, 78 and 79 – Rural housing
 Paragraph 108, 109 and 110 – Access and transport
 Paragraphs 124 and 127 – Achieving well-designed places
 Paragraph 170 – Contributing to and enhancing natural and local environment
 Paragraphs 170, 175 and 176 – Protecting and enhancing biodiversity

6.2 Local Planning Policy Overview – Current Position

At the 20 December 2017 meeting of its Full Council, the local authority resolved to publish the

following 2 Development Plan Documents (DPD) for submission to the Planning Inspectorate:

- (i) The Strategic Policies and Land Allocations 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. The DPDs were submitted to the Planning Inspectorate on 15 May 2018 for independent Examination, which is scheduled to commence in spring 2019. If the Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council later in 2019.

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 2017, 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.

6.3 Lancaster District Local Plan Saved Policies

E4 – Development within the Countryside

6.4 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development
SC5 – Achieving Quality in Design

6.5 Development Management Development Plan Document (adopted July 2014)

DM20 – Enhancing Accessibility and Transport Linkages
DM21 – Walking and Cycling
DM27 – The Protection and Enhancement of Biodiversity
DM29 – Protection of Trees, Hedgerows and Woodland
DM28 – Development and Landscape Impact
DM35 – Key Design Principles
DM41 – New Residential Development
DM42 – Managing Rural Housing Growth

7.0 Comment and Analysis

7.1 The main issues to be considered in the determination of this application are:

- Principle of residential development
- Scale design and landscape impact
- Impact on highway safety
- Impact on residential amenity
- Ecological and tree implications

7.2 Principle of Residential Development

7.2.1 Policy SC1 of the Core Strategy 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. 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. Policy DM42 sets out sustainable rural settlements where new housing will be supported. It goes on to say that in other rural settlements proposals will be supported if it can be demonstrated that the development will enhance or maintain the vitality of the local community and that proposals for new homes in isolated locations will not be supported unless clear benefits of development outweigh the dis-benefits.

- 7.2.2 The application site is located in the open countryside, divorced from any of the villages identified in policy DM42 and is considered to be outside any other settlements. The nearest sustainable settlement is Galgate which is located approximately 2.9 kilometres to the north. It is unlikely that people would be able to walk to services, given the distance to these, with the exception of the nearby public house (the Bay Horse), which is located approx. 200 metres to the north east. There is a small employment site close to the public house but given its size, it is unlikely to provide employment for someone living at the application site. There is likely to be a strong reliance on private transport to reach services, though an alternative means of transport is available by way of a bus service on the A6. The bus stops, on both sides of the highway, are approximately 380 metres from the site and there is some limited street lighting on Bay Horse Lane but no footpaths. Buses along the A6 serve Galgate, Lancaster, Garstang, Preston and Blackpool. In terms of cycling, whilst the site is on the National Cycle Network, there are no designated cycle paths close to the site and the A6 is a busy highway which may discourage people using this. There are alternatives provided by rural roads, although these are mostly unlit.
- 7.2.3 Paragraph 78 of the NPPF sets out that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Paragraph 79 goes on to say that decisions should avoid the development of isolated homes in the countryside unless certain circumstances apply. The term isolated is not defined in the Framework. The judgment of Lang J in *Braintree District Council v Secretary of State for Communities and Local Government* [2017] EWHC 2743 (Admin) determined that 'isolated' should be given its ordinary objective meaning 'far away from other places, buildings or people'. Therefore this site cannot be considered to be isolated for the purposes of the NPPF. That being said, the accessibility of the site in terms of proximity to services and amenities still needs to be considered.
- 7.2.4 Policy SC1 of the Lancaster District Core Strategy and Policy DM20 of the Lancaster Development Management DPD seek to minimise the need to travel and ensure new development is sustainable. The proximity to the bus stops is a factor in favour of the location, however the site is divorced from all other services and, with the exception of the public house, it would not be possible to walk to these. People living in this location are unlikely to rely on cycling, given the local highway network, to reach services and workplaces. It is therefore considered that there would be a strong reliance on private transport and hence development in this location raises conflicts with both Policies SC1 of the Core Strategy and DM20 of the DM DPD. It is also considered that the proposal is contrary to Policy DM42 as the site is located outside a settlement. The submission sets out that the intention by the applicant is to build the two properties for their family, although they are not seeking a personal consent. The reasons are noted, however they can be afforded limited weight in planning terms.
- 7.2.5 Planning permission was granted earlier in 2018 for the erection of two dwellings within the field to the south west of the application site. The fact that the Council could not demonstrate a 5 year supply of deliverable housing sites was a strong consideration in the determination of the application and a tilted balance towards the supply of housing was applied. However, each application must be determined on its own merits and there were no other material considerations in this case which were considered to significantly weigh against this. It is also acknowledged that several appeals have been allowed within the District, some within locations which are less accessible, primarily as a result of the lack of a 5 year supply of housing, but also considering the site specifics and other implications of the proposals. Some of these did relate to previously developed land, being gardens to rural houses, which the current proposal does not have in its favour. The Council has recently published a five year housing land supply position which sets out that 13.3 years' worth of supply can be demonstrated. However it is likely that the methodology for this will change, and given the undersupply and the need to significantly boost housing, it is considered that the presumption in favour of development should apply. Nevertheless, as set out above, there are clearly conflicts with the Council's adopted policies in relation to the location of the development, which do weigh against the proposal.

7.3 Scale, Design and Landscape Impact

- 7.3.1 Outline consent is sought for the erection of two dwellings and the creation of a singular access to serve the development. All other matters are reserved, though the indicative plan shows these as two large detached dwellings (approx. 13 metres wide by 10 metres deep) set back from the highway, with hardstanding for both properties occupying most of the front of the site.
- 7.3.2 The site relates to part of an agricultural field which separates existing residential development to the northeast from a narrower field to the southwest, which has outline consent for the erection of two dwellings (18/00054/OUT). Another proposal was also being considered at a similar time to the previous refusal (which was proposed across the whole width of the field), closer to the public house (18/01125/OUT). The cumulative impact of the two refused schemes and the existing consent would have been continuous development for the majority of the southern side of the highway between the A6 and the railway line.
- 7.3.3 The immediate area is characterised by either single or small groups of dispersed dwellings separated by areas of agricultural land. Most of these along this road are historic and are evident on both the first addition OS maps from the 1840s and 1880s. The main development absent from these relates to the industrial site (including its associated dwelling) and two properties approximately half way along this road, Lowfield and Stonehaven. The latter lies adjacent to the site. The gaps between the domestic properties are very much part of the character of this rural area and the development would result in almost continuous ribbon development along this rural road to the detriment of its rural character. Whilst the current application is of a smaller scale than the previously refused scheme, the retained gap will be relatively insignificant in the context of the row of continuous development, and the encroachment into the larger field would significantly erode its character and appearance, making it more difficult to resist further development along the retained frontage.
- 7.3.4 It is acknowledged that, beyond the railway line to the northeast, there are rows of residential properties with formalised pavements on either side of the M6 motorway, which appear to have been constructed around the early to mid 20th century. These front onto Whams Lane and this development gives this road a very different character to Bay Horse Lane. These dwellings are not viewed in the context of the application site, being separated by the railway line and open fields. One of the allowed appeals, relating to a new dwelling in the open countryside, is located on Whams Lane, to the northeast of the M6. In this instance it resulted in an infill between properties which already formed a continuous row and was partly on brownfield land. It was therefore considered not to cause harm to the character and appearance of the area. The context of the current application is very different, as outlined above and the loss of part of the agricultural land, separating the existing built development, would significantly and demonstrably harm the character and appearance of the area. Whilst two dwellings have been granted consent adjacent to Low Abbey and the application site, this would still leave a significant separation between the existing development to the northeast and is contained within a smaller field. It is therefore considered that this would not create a precedent for the current proposal. In any event, each application must be determined on its own merits.
- 7.3.5 Policy DM28 of the DM DPD sets out that the Council will support development which is of a scale and in keeping with the landscape character and which is appropriate to its surroundings. The site is located within a landscape character defined as Undulating lowland farmland, sub category 5i (West Bowland Fringes) within the Lancashire Landscape character Assessment (December 2000). Within the associated Landscape Strategy (December 2000), in relation to this landscape type it sets out that ribbon development, which would disrupt the characteristic clustered form of settlements and the rural character of local roads, should be avoided. Whilst this is general guidance to this landscape character type, for the reasons sets out above, it is considered that the proposal, both individually and cumulatively with other existing and consented development, would adversely impact on the rural character of this road. Whilst this has already happened in the past on Whams Lane, this does not justify further erosion of the landscape and development pattern within this part of the countryside.
- 7.3.6 Policy DM35 also sets out that new development should make a positive contribution to the surrounding landscape or townscape and development should contribute positively to the identity and character of the area through good design. In addition to the impacts set out above, in terms of the creation of a ribbon form of development, it is also considered that the layout of the development fails to respond to the characteristics of the area. Whilst it is an outline application, the indicative plan

shows two large dwellings, occupying most of the width of the site with a very minimal separation distance. This layout also leads to the majority of the area to the front being used for parking and laid with hardstanding. The current arrangement would not contribute positively to the identity and character of the area and will create quite a dense and more urban form of development. Whilst this could be partly overcome by reducing the sizes of the dwellings, these would need to be significantly reduced in order to provide adequate separation to help maintain the openness of the area and prevent the frontage being dominated by hardstanding and vehicles.

- 7.3.7 Paragraph 127 of the NPPF sets out that development should ensure that developments are sympathetic to local character and history, including the surrounding building environment and landscape setting. Whilst it is acknowledged that the site is not within a designated landscape area, this does not mean that the landscape does not provide an important setting to the existing development as discussed above. Paragraph 170 of the NPPF sets out that decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside. For the reasons set out above, it is considered that the development would have a detrimental impact on the character and appearance of the area, contrary to both local and national planning policy.

7.4 Impact on Highway Safety

- 7.4.1 A single point of access is proposed from Bay Horse Lane to serve the development. This road has a speed classification of 60mph. Speed surveys have been undertaken which demonstrate that 85% of traffic speeds in the vicinity are 43 mph. As a result, visibility splays of 2 x 75 metres in both directions have been proposed, which is lower than what would usually be expected for the speed classification. It is not clear why the setback has not been shown as 2.4 metres, which is the standard distance, as it appears that this can be achieved to the front of the hedgerow given the depth of the verge. The Highway Authority has raised no objections subject to conditions, one of which requires splays measuring 2.4 metres by 75 metres. The agent has been asked to show this on a plan to demonstrate that it can be delivered.

- 7.4.2 It is considered that the highway network in the immediate vicinity of the application site is adequate to support an increased level of vehicle movements that the development is likely to generate. Subject to the clarification regarding the visibility splays, it is considered that the proposal would not have a detrimental impact on highway safety, and there is sufficient space within the site for adequate turning and parking to be provided.

7.5 Impact on Residential Amenity

- 7.5.1 It is considered that two dwellings could be accommodated on this site without having a detrimental impact on the amenity of neighbouring properties, including the proposed development to the south west.

7.6 Ecological and Tree Implications

- 7.6.1 An ecological appraisal has been submitted with the application and includes a desk based assessment in addition to a site visit. This relates to the previous application but is also relevant to the current proposal as it covers all of the site. The most valued ecological assets on site are the species-rich hedgerow and the mature trees which offer nesting opportunities for birds and roosting/commuting opportunities for bats. The hedgerow along the western boundary, adjacent to the highway, in particular is a valued asset for local biodiversity and is a good and diverse example and is an 'important' hedgerow as per the Hedgerow Regulations 1996. As the access is proposed through this, it is recommended that all hedgerow that cannot be retained should be translocated elsewhere. The eastern defunct hedgerow would benefit from gaps being filled. It is recommended that trees around the site should be retained due to the habitat value for wildlife. Three swallow nests were identified within the stables. The report sets out that it is planned that this building will be moved elsewhere on the site and consequently there will be no loss of nesting opportunity at the site. However, the stable would be outside the application site, and does not benefit from any consent, although it may not require any as it appears to be a moveable structure. Therefore it is considered that opportunities for swallows could be incorporated into the dwellings. The report also sets out that 6 bird nesting boxes should be installed high in mature trees around the site. These will be outside the application site though if within the same ownership their provision can be secured through a condition.

- 7.6.2 The trees around the site may provide an area for foraging bats and potential roosts and it is intended that these will be retained. The report recommends that lighting is mounted as low as possible and away from the trees and that two bat boxes should be included on the exterior wall of the new buildings within the scheme. No other species have been identified as implicated by the proposals and it is considered that the development would not have a detrimental impact on biodiversity, subject to adequate mitigation as set out above.
- 7.6.3 A number of trees and hedgerows have been identified in relation to the proposed development. However, this also relates to the previous application. They have been identified as T1 (oak tree), H1, H2 and H3 (mixed species hedgerows including hawthorn, ash, sycamore, blackthorn, hazel and holly) and G1 (a group of semi-mature trees including cypress and a monkey puzzle tree). H1, H2 and T1 have been identified as tree and hedges that have a moderate amenity value, as such they should be retained within the overall design of the proposed scheme, in the interest of public amenity value and wildlife benefit. G1 is a group of low amenity value and as such should not influence the design of the scheme. The creation of the access will result in a loss of up to 9.5m of existing hedgerow. There are no proposals to remove any additional trees/hedges in relation to the proposed development.
- 7.6.4 The loss of a section of the hedgerow is considered to be acceptable, subject to appropriate mitigation which relates to both amenity and wildlife value as discussed above. There is no scope for ground works within the root protection area of retained trees and, as such, all underground services must be sited outside the agreed root protection area. There is an opportunity to improve the overall cover of trees within the site and improve the quality and diversity of tree stock. A detailed planting scheme can be considered as part of a reserved matters application.

8.0 Planning Obligations

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

9.0 Conclusions

- 9.1 Whilst the site would not be 'isolated' in the terms of the NPPF, residential development in this location would conflict with the spatial strategy of the Development Plan, being divorced from most services, with a heavy reliance on private car and does therefore not form an appropriate location for residential development. The proposal would also result in an undesirable form of ribbon development along a rural road to the detriment of the character and appearance of the area. This would also be exacerbated by another recently refused proposal for three dwellings along this road and a previous approval for two, located to the south west of the site. Whilst the proposal would provide two houses and would support local services to some extent, the unsustainable location and the impacts on the character and appearance of the area are considered to significantly and demonstrably outweigh the benefits of the scheme, when assessed against the Development Plan and the NPPF taken as a whole, even when applying a tilted balance towards the delivery of housing.

Recommendation

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

1. The site is located within the open countryside, divorced from most key services and facilities and as such it is considered to be unsustainable in terms of its location. There are considered to be no special circumstances, in this instance, to justify two new dwellings in this unsustainable location. The proposal is therefore contrary to the aims and objectives of the National Planning Policy Framework, in particular section 5, Policy SC1 of Lancaster District Core Strategy and Policies DM20 and DM42 of the Development Management Development Plan Document.
2. The development would result in an inappropriate form of ribbon development along this rural road within the open countryside and this would have a detrimental impact on the character and appearance of the area. It is therefore contrary to the aims and objectives of the National Planning Policy Framework, in particular Sections 12 and 15, and Policies DM28 and DM35 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:

In accordance with the above legislation, the City Council can confirm that it 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 this 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.

Background Papers

None