



Appeal Decision

Hearing Held on 13 August 2019

Site visit made on 13 August 2019

by K Ford MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 September 2019

Appeal Ref: APP/U2370/W/18/3215284

Westfield Farm, Garstang Road, Claughton-on-Brock PR3 0PU

- 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 P Barnett against the decision of Wyre Borough Council.
 - The application Ref 17/00743/OULMAJ, dated 1 August 2017, was refused by notice dated 15 June 2018.
 - The development proposed is creation of a retirement village that will provide 200 No. one and 2 bed assisted living residential dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application is in outline with all matters reserved except access. An indicative proposed site plan has been included for illustrative purposes. I have determined the appeal on that basis.
3. A completed planning obligation by way of a Unilateral Undertaking (UU) under S106 of the Town and Country Planning Act has been provided as part of the appeal process. The obligation covers matters related to open space, affordable housing, travel plan and highways and an operational management plan.
4. Following an initial consultation response from the Highways Authority the appellant had agreed to a 70+ age restriction for the occupants of the development. Following a revised response from the Highways Authority in January 2019 the appellant indicated that occupancy could be lowered to 55+. However, this is to be confirmed through provisions made in the UU. I have determined the appeal on this basis.

Main Issue

5. The main issue is whether the appeal site represents an appropriate location for housing having regard to national and local policies which seek to protect the character and appearance of the countryside, including the setting of Grade II Listed structures Westfield Farm House and a Medieval Cross Base, and whether any adverse impacts would significantly outweigh the benefits of the proposal.

Reasons

6. The appeal site is an irregular shaped parcel of agricultural land associated with Westfield Farm, which includes a Grade II Listed Farmhouse. This along with a small group of other buildings are set back within the site along a narrow track accessed directly off the A6. The site sits behind an established hedgerow.
7. Franklaw waste water treatment plant and a small group of other buildings, including a care home are located to the north west of the site. Much of the rest of the area is open countryside on that side of the road, of which the site makes a positive contribution, even if not subject to a local or national landscape designation. Opposite the site, on the other side of the A6 is more built up and includes a currently under construction housing development with local centre that has a mix of occupied and empty units.
8. Catterall is identified as a tier 3 Rural Service Centre within the Council's settlement hierarchy of the Wyre Local Plan (2011-2031) (Local Plan). At the Hearing the Council confirmed that the status of the settlement in the hierarchy had not changed as a consequence of development taking place in the area.
9. Provisions within Policy SP1 of the Local Plan require new development to be of an appropriate type and scale to the settlement hierarchy and take place within settlement boundaries unless other policies in the Plan make alternative provision. The site is located outside the settlement boundary of Catterall and therefore located within the countryside.
10. Policy SP4 of the Local Plan identifies that development will only be permitted in certain circumstances identified within the Plan and for the purposes identified within the policy. The proposal does not fall within the criteria listed. Whilst the appellant says that there are no sequentially preferable sites within the settlement boundary of Catterall, there is little before me to substantiate this. The appellant has referenced other schemes for similar development which are identified as having a more rural location. However, I do not know the circumstances in which the schemes were granted planning permission and I have insufficient details in which to draw a meaningful comparison with the case before me. In any event, each case is determined on its own merits and my assessment is based on the evidence before me.
11. The indicative site plan for the development shows on site provision of a bowling green, café/ hall and green space and the appellant has provided examples of other schemes which have included similar facilities. Nevertheless, whilst the UU makes provision for the management of any on site facilities, there is nothing in the proposal before me which commits provision of the facilities themselves. I have no details which would secure exactly what facilities there would be, who would operate them and how or who they would serve. This limits the weight I can attach to any reference to the provision. The appellant has identified the potential for the facilities to be open to the wider community. However, this would be insufficient in ensuring social integration and enabling the occupants of the development to integrate with their wider surroundings beyond the confines of the site.
12. Whilst the location of services in the nearest local centre may comply with the walking distance identified in the Manual for Streets, I am of the view that the quality of the route to those services and facilities would be inadequate, even if

the occupants of the development were using the route outside of peak traffic flow times.

13. The site is located on the edge of Catterall but separated from services and facilities by the A6, a busy high speed commuter road with narrow footpaths. Although there is also a grass verge it is likely to become muddy in bad weather and would not be conducive to ease of movement for those with mobility difficulties. I consider the A6 to present a significant barrier to pedestrian movement. The older people warning sign near to the existing nearby care home, and cycle route referenced by the appellant does not alter this. I have limited details of the roundabouts also referenced by the appellant but I am unconvinced that they would make the pedestrian experience acceptable.
14. Reference has been made to the availability of walking aids. Nevertheless, whilst this may increase mobility in terms of the distance the occupants of the development would be able to travel, it would do little to make the route feel safer. A pedestrian refuge is proposed as part of the scheme. However, I do not consider this to overcome the wider shortcomings of the route I have identified, even if they are used elsewhere along the highway. The appellant says that other settlements along the A6 corridor are divided by the road. Be that as it may, from my observations on site I am of the view that the location, character and orientation of development elsewhere makes those locations materially different to the case before me.
15. There is no bus route running past the site. The nearest bus stop is some 550m away on Cock Robin Lane, served by one public service bus route into Garstang. Access to the bus stop involves crossing the A6 and therefore is not easily accessible.
16. The appellant says a minibus service would operate from the site. Whilst the Council confirmed that provisions associated with the travel plan would secure provision for 5 years, I have no details about the operator, eligibility of use, route, cost or timings. I therefore share the concerns of the Council about the long term availability of the service. Similarly, on the evidence before me I cannot be satisfied that the proposed minibus would provide a meaningful alternative to the car.
17. Despite the provisions in the travel plan, the constraints associated with the location of the site lead me to conclude that the occupants and visitors to the site are likely to be dependent on the car. Irrespective of any pre-application advice to the contrary that the Council may have given the appellant, I am of the view that the location of the site would not be appropriate for the development proposed.
18. Although development has been granted planning permission near the site, the majority is located on the opposite side of the road with easier access to services and facilities and therefore is different to the scheme before me. Taking the form of a retirement village, the nature of the development is also different. The proposal would create an isolated enclave with limited opportunities for integration with the wider community.

Character and Appearance

19. There is disagreement between the parties regarding which landscape character area the site is located within. Irrespective of whether the site technically falls within landscape character 15d The Fylde or 15e Forton-Garstang-Catterall, the site is close to both character areas and so elements of both character areas can expect to be featured within the vicinity of the site.
20. The site is currently open agricultural land with only small clusters of development in the immediate vicinity. The A6 provides a separation from more built up development beyond. Whilst the water treatment plant is nearby, it is set back from the main road within an open and rural landscape. Its presence and impact on the landscape does not make further development acceptable and does not weigh in favour of the proposal.
21. The A6 provides a strong barrier to urban development which would be encroached upon by the scheme. It would have an urbanising effect, even if it were possible to retain much of the existing hedgerow and trees on the site. Whilst the existing vegetation and any proposals put forward in a future landscaping scheme may provide some screening, its effects would be limited due to the scale of the development and the associated massing that would be created. This, combined with the visual impact of operational features such as lighting and the activity associated with the comings and goings of people, would create a prominent development that would be at odds with the rural character and appearance of the immediate surroundings. The development would be clearly visible from the A6, even if views were limited. I consequently disagree with the conclusion of the Landscape Visual Assessment that the scheme would only generate a minor adverse effect.
22. Westfield Farmhouse is a Grade II Listed Building, a typical farmstead of late 18th Century/ early 19th Century origin. Irrespective of the final design, the scheme would lead to the loss of agricultural land which forms part of the setting of the Listed Building that contributes to the historic and aesthetic value of the designation, albeit causing less than substantial harm.
23. There is also a Grade II Medieval Cross Base on Cock Robin Lane, some distance from the appeal site and screened from the proposal. The Council has identified no harm to the structure for this reason and I have no reason to disagree.
24. The proposal would harm the character and appearance of the area and would cause harm, albeit less than substantial to the significance of Westfield Farmhouse as a heritage asset. The proposal would therefore conflict with the part of Policy SP4 of the Local Plan which does not support development that would adversely affect the open and rural character of the countryside. It would also conflict with the part of Policy CDMP5 of the Local Plan which requires development with the potential to affect the significance of any designated heritage asset either directly or indirectly, including its setting to sustain or enhance the significance of the asset.
25. Section 16(20) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard be had to the desirability of preserving a Listed Building or its setting or any features of special architectural interest which it possesses. Paragraph 193 of the National Planning Policy Framework (NPPF) states that when considering the impact of a proposed development on

the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal.

Planning Balance and Conclusion

26. At the Hearing the appellant acknowledged that the Council is currently able to demonstrate a 5 year housing land supply. Earlier comments in their statement on this matter therefore no longer apply. Irrespective of this, both parties agree that there is a need for accommodation to meet the needs of the older population of the Borough, reflecting an ageing population.
27. Policy HP2 of the Local Plan requires 20% of dwellings on developments of 20 or more properties to be suitable or adaptable for older people and people with restricted mobility. This is to widen the choice of housing within the Borough. It is not, as suggested by the appellant a percentage to apply to the housing target for the plan period. The Council confirmed at the Hearing that a specific level of need for the older population has not been quantified.
28. The appellant identified a projected 34% increase in the older population of the Borough up to 2036. However, this has not been translated into accommodation needs. Whilst I acknowledge that there is a need for older people accommodation, there is insufficient information before me to concur with the appellant that the needs of older people will not be met. A simple comparison of completion, commitments and projected delivery of housing for the older population against total figures in these categories would not achieve this. This is not least because a proportion of the needs of those aged 55+ who are fit and able will be met within the general housing stock.
29. The Planning Practice Guidance identifies that it is critical to meet the needs of older people. The proposal would provide residential accommodation, a proportion of which would be affordable to meet an identified housing need with the potential to free up family accommodation elsewhere. This weighs in favour of the scheme. However, given that a proportion of the older population's needs would be met in general housing, that the Council has identified that some housing site allocations are coming forward exclusively for older people and Policy HP2 of the Local Plan seeks to achieve a better choice in housing stock, I have inadequate information before me that an overriding need alone provides justification for the scheme. Similarly, I limit the weight attached to the appellant's claims of social integration as a consequence of the physical isolation that the scheme would create.
30. The appellant has identified economic gain during the construction and operation of the scheme and has suggested that it would generate more than 50 jobs. However, I have been presented with little information to substantiate this. The identified difficulties that would be encountered in residents accessing services and facilities also limits the weight I attach to this.
31. The appellant has identified a lack of objection, subject to appropriate mitigation, from statutory consultees regarding access, ecology, flood risk, drainage, noise, arboriculture and air quality. This indicates a lack of harm rather than a benefit and so I give this neutral weight. Similarly, the appellant says the layout and design of the scheme would maximise energy efficiency.

However, this is not a matter before me in considering this outline planning application.

32. Against this I have found that the proposal would not be an appropriate location for development and would harm the character and appearance of the area. This would include a failure to preserve the character or appearance of a Grade II Listed Building, causing harm, albeit less than substantial to its significance as a heritage asset. These matters conflict with paragraphs 127 and 184 of the NPPF.
33. In balancing the above, the adverse impact of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole. There are no public benefits that would outweigh the harm to the designated heritage asset. There are no other material considerations to indicate that the proposal should be determined otherwise than in accordance with the development plan to which I have identified conflict with the policies referenced. It would not be possible to overcome the harm I have identified through consideration at the reserved matters stage.
34. I therefore conclude that the appeal should be dismissed.

K Ford

INSPECTOR

APPEARANCES

FOR THE APPELLANT

Stephen Harris Emery Planning

Johnathan Berry Tyler Grange

FOR THE LOCAL PLANNING AUTHORITY

Rea Psillidou Planning Policy and Economic Development Manager

Lynsdey Hayes Case Officer

John Hunter Kings Chamber

DOCUMENTS SUBMITTED AT THE HEARING

Unilateral Undertaking

Historic England Westfield Farmhouse Listing

Retirement and other Accommodation for the Elderly, Wyre Borough Council