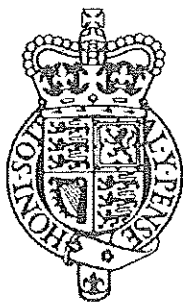


Decision file



Appeal Decision

Site visit made on 4 December 2006

by **J S Deakin FRICS**

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

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Date: 29 January 2007

Appeal Ref: APP/W0910/A/06/2023323

**Phase 2, Piel View Farm, Biggar Village, Walney, Barrow-in-Furness, Cumbria
LA14 3YG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by the Executors of Mrs A Hayton against the decision of Barrow-in-Furness Borough Council.
- The application ref:142/2006/0011/DK/TP.11 dated 29 November 2005, was refused by notice dated 1 March 2006.
- The development proposed is demolition of existing barn and construction of 3no. new dwellings and garages.

Summary of Decision: The appeal is dismissed.

Preliminary Matters

1. The reference number on the Council's Notice of Refusal is prefixed with 42 but all other correspondence refers to 142. I assume that the 42 is a typing error and have used the prefix 142.

Main Issues

2. I consider that the main issues are (i) the impact of the development on the character and appearance of the surrounding area, with particular regard to the Biggar Village Conservation Area; (ii) whether there is an unacceptable risk of flooding; and (iii) whether the proposed development would be in accord with national and local policies on the siting of new development in sustainable locations.

Planning Policy

3. The development plan includes the Barrow-in-Furness Borough Council Local Plan Review 1996-2006, the Housing Chapter Alteration 2006, and the Cumbria and Lake District Joint Structure Plan.
4. Since the application was determined, the Housing Chapter Alteration has been formally adopted and housing policies in the Local Plan Review have been superseded. I determine the appeal on the basis of current housing policies rather than those referred to in the Council's decision notice. Housing Chapter Policy B3 has replaced Local Plan Policy B2 and Housing Chapter Policy B13 has replaced Policy B11.
5. The appeal site is within the Biggar Village Conservation Area. Local Plan Policy D15 requires that development should preserve or enhance the character or appearance of the Area. I have also had regard to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that special attention should be paid to

the desirability of preserving or enhancing the character or appearance of the area.

6. The Council says that Structure Plan policies stated on the Refusal Notice should have referred to ST3, not T3 and HT3. Policy ST3 sets out principles applying to all new development.

Reasons

Flooding

7. Local Plan Policy F8 indicates that new development will not be allowed in areas with an unacceptable risk of flooding. Para 7.3.4 requires development to have floor levels of at least 7.0m Above Ordnance Datum (AOD).
8. Environment Agency plans show that the appeal site is within a Zone 3 High Flood Risk area. However, a specialist Flood Risk Assessment has been prepared on behalf of the appellant. This concludes that the only opportunity for flooding to occur in the Biggar village area is due to wave overtopping during extreme high tides and during south westerly gales. This flooding is of short duration and flood waters are not known to have extended above the 5.0m contour. The Assessment states that the general ground level of the proposed new build is 7.880 metres AOD. A condition could be imposed requiring that finished floor levels should be above 7.5m AOD and I consider that the design would minimise or mitigate any flood risk. The development would therefore not be precluded by Structure Plan Policy ST3 and Local Plan Policy F8.

Impact on the Character and Appearance of the Surrounding Area

9. The appeal site is partially used for storage of agricultural equipment. Much of it is in a derelict condition with the remains of former farm buildings and a dilapidated corrugated iron shed. The Council has statutory powers to take action on the grounds of visual amenity and the fact that the land is unsightly is not a sound reason for allowing development. If this argument were to be generally accepted, it would encourage other owners to allow land to become derelict in order to obtain planning permission.
10. Biggar Village is characterised by traditional cottages and farm buildings of stone, some with rendered walls. The village is very tight knit with narrow lanes and passages. The terrace of three houses would be built with a mixture of rough-cast and local cobblestone walling and slate roofs and, in my opinion, would reflect the character of existing village houses.
11. The development would be on the edge of the village but would fit into the gap left by the removal of the old buildings. As the housing would replace the old agricultural buildings, the development would not unduly harm the openness of the area. The new roadway required for the approved conversion (Phase 1) would also serve the appeal scheme and would not increase the urban impact. Three additional dwellings would generate additional traffic and parking but this would be balanced by the loss of agricultural traffic and removal of external storage of equipment. Landscaping along the boundaries would provide some screening and would soften views of the new buildings. In my opinion, the siting, scale, layout and design of the new dwellings would be sensitive to the local environment, in accordance with Policy B3. The proposal would preserve the character and appearance of the Conservation Area in accordance with Policy D15.

Sustainability

12. Biggar is a small village with no facilities apart from a public house. It is not served by any public transport, the nearest bus route being about 1.5km away. Schools and local shops are at least 2km distant in Walney. Access to Walney is by Carr Lane which is unlit and has no footways. In my opinion, it is most unlikely that many people would choose to walk or cycle to Walney on a regular basis and the construction of new housing would therefore increase the use of cars. This would be contrary to national policy that seeks to reduce car dependence, as defined in PPS1, PPS7 and PPG13. It would also be contrary to Local Plan Policy B3(iii).
13. Local Plan Policy B13 allows for development within the residential cordon of Biggar, subject to conformity with Local Plan Policy B3, as did former Policies B2 and B11. However, B13 requires that development should conform, additionally, to the principles of Structure Plan Policy ST3. ST3 indicates that development proposals will be required to seek sustainable locations that will assist in reducing the need to travel. Furthermore, the policy requires that there should be a sequential approach to the location of new development.
14. The appeal site is used for agricultural purposes and is not, therefore, within the definition of previously developed land. It falls within the third and lowest priority tier set out in Structure Plan Policy ST3. This contrasts with the previous approval for conversion of existing buildings (Phase 1) which was within the top tier. Consequently, the proposal does not conform to national and local sustainability objectives and fails to satisfy the requirements of Structure Plan Policy ST3 and Local Plan Policy B13.

Other Considerations

15. The appellants refer to a caravan site development to the south. I have not been given any details of the planning background but consider that it will have been determined in accordance with different policies to those which apply to this housing scheme. On the information available to me, I consider that the caravan site is not a material consideration of sufficient weight to justify allowing this appeal.

Conclusion

16. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Formal Decision

17. I dismiss the appeal.

JSDeakin

INSPECTOR

