



## Appeal Decision

Hearing held on 16 April 2024

Site visits made on 15 and 16 April 2024

**by K Savage BA(Hons) MPlan MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 04 June 2024**

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**Appeal Ref: APP/A2335/W/23/3335117**

**North of Ashford House, Ashton Road, Lancaster, Lancashire LA1 5BA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
  - The appeal is made by Mr Warren Cadman (WVC Lancaster Limited) against the decision of Lancaster City Council.
  - The application Ref is 22/00885/OUT.
  - The development proposed is outline planning permission (with all matters reserved except for access) for up to 70 dwellings with public open space and associated infrastructure.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The application was made in outline, with all matters reserved except for access. I have considered the appeal on the same basis, treating details relating to matters other than access as being for illustrative purposes only.
3. A new version of the National Planning Policy Framework (the Framework) was published on 19 December 2023. The main parties have had the opportunity to comment on the update to the Framework during the course of the appeal and at the hearing. References hereafter are to the December 2023 version.

### Main Issue

4. The Council issued two reasons for refusal. The second, relating to accessibility and the impact on the wider highway network, has been addressed through discussions between the parties and was confirmed prior to the hearing as no longer being contested. I do not disagree with the latest position of the main parties in respect of this reason for refusal. The outstanding main issue, therefore, is the effect of the proposal on the landscape character of the area, having regard to the site's designation as Urban Setting Landscape (USL).

### Reasons

#### *Site and Surroundings*

5. The appeal relates to a site of some 3.36 hectares around 2km south of Lancaster city centre, between the A588 Ashton Road to the east and the Lancaster canal to the west. The site comprises agricultural land arranged in a collection of small paddocks with a number of stable buildings, a manège and yard area next to the southern boundary, which were formerly in use as a

livery business. The site falls significantly in level from the highest point in the north-eastern corner down towards the canal. There is also a fall in the opposite direction towards the access point on Ashton Road.

6. The site is bordered by agricultural land to the north which extends alongside the eastern side of the canal. The western side of the canal consists of expansive agricultural fields forming part of the open countryside. To the north-east is an allocated housing site upon which planning permission has been granted for two developments of 59 and 69 dwellings. A small housing cul-de-sac, Ashford Avenue, stands to the south-east.
7. The site and surrounding land are not located within a nationally recognised landscape designation but are designated as USL within the Local Plan Part 1: Strategic Policies and Land Allocations Development Plan Document (July 2020) (the LPP1).
8. The site is also adjacent to the Lancaster Canal Biological Heritage Site (BHS). There are no public rights of way within the site itself, but the canal towpath is a publicly accessible path to the western side of the canal. The site boundaries generally comprise hedgerows interspersed with trees, though the boundary with the canal itself is more open.

### *Policy Context*

9. Policy EN5 of the LPP1 identifies two local landscape designations: Key Urban Landscapes (KUL) and USL. The policy sets out that identified local landscape designations will be conserved and important natural features safeguarded. Development in these areas will only be permitted where they preserve the open nature of the area and the character and appearance of its surroundings, with proposals expected to have due regard to all relevant policies in the local plan, including Policy DM46 relating to landscape impact.
10. The site falls within a USL, which is described as '*large areas of open land on the edge of the main urban areas of the district [...] peripheral to the built form located on the edge of the main urban area.*' They are noted as providing '*a visual frame for the urban area*' and having '*an important role in the setting of existing development and providing a significant context or legibility to features within the existing landscape or surrounding areas.*'
11. Policy DM46 of the Local Plan Part Two: Review of the Development Management DPD (July 2020) (the LPP2) echoes the protection of KULs and USLs set out in Policy EN5, adding that the contribution that these designations make to the character and setting of the urban areas will be conserved and important natural features safeguarded, having particular regard to the historic townscape and built form of the urban areas.
12. Policy DM29 of the LPP2 requires development to be as sustainable as possible and make a positive contribution to the surrounding landscape and/or townscape, having regard to factors including local distinctiveness, siting, layout, separation distances, orientation and scale. Policy T3 of the LPP1 sets out further criteria for development adjacent to, or adjoining, Lancaster Canal.
13. Policy SC4 of the LPP1 seeks to protect identified greenspace networks from development which would cause inappropriate harm and damage to their value and integrity. Lancaster Canal is identified as one such greenspace network.

## *Landscape Character*

### Landscape and Visual Baseline

14. The site lies within National Character Area (NCA) 31: Morecambe Coast and Lune Estuary, a key characteristic of which includes broad and relatively flat lowlands enclosed by escarpments which open out dramatically into the undulating landscape of the coastal strip with substantial drumlin features.
15. At a local level, the site falls within the Landscape Character Type LCT 12: Low Coastal Drumlins (LCT) and Landscape Character Area 12a: Carnforth-Galgate-Cockerham.<sup>1</sup> The drumlins are noted as extending along the coast behind Morecambe Bay from Cockerham in the south to Carnforth in the north, supporting a high proportion of built development and a transport corridor including the M6, A6 and main railway line. The canal is described as '*weaving through the drumlins*' and '*an important reminder of the area's industrial heritage.*' The assessment further notes that buildings on top of the drumlin hills are particularly visible and woodland is limited to small plantations.
16. The key features of the LCT include the low whale-back hills surrounded by flat lowlands and shallow river valleys; well-managed, species rich hedgerows providing a strong field pattern and reinforcing the distinctive, undulating topography; hilltop copses emphasising the drumlin form and winding country lanes providing a series of contrasting open, then enclosed views of the surrounding countryside. I saw the surroundings of the appeal site to exhibit these characteristics, particularly in views from the canal towpath and in the broader vistas of the drumlin formation from the west on Aldcliffe Road looking east and conversely from within the site itself looking west.
17. The LCT Assessment sets out forces for change within the landscape, including significant expansion of urban areas and surrounding rural settlements resulting in erosion of field patterns, loss of woodland and amalgamation of settlements. The landscape strategy for the area, therefore, includes conservation of the pattern of discrete rural settlement; conservation of the hedgerow and woodland network; enhancement of the number of rural landscape features and enhancing the character of existing settlements.
18. The site forms part of a continuous stretch of agricultural fields on the western side of the drumlin formation to the south-west of Lancaster. There is a clear delineation between the two sides of the drumlin, with an absence of significant development on the western side, and established residential development on the eastern side, which includes the recently granted developments on the allocated H6 site.
19. I saw at my visit that, viewed from the west, the immediate surroundings of the site are rural in character. The fields to either side of the canal create a natural setting for the waterway. The built form on the eastern side of the drumlin is glimpsed on the ridgeline but is not a significant influence on the canal corridor. From Aldcliffe Road looking east, the expanse of open fields, including the appeal site, is prominent in the view and acts as a substantial buffer to the urban edge.
20. In contrast, from Ashton Road, only a small proportion of the site can be seen up to the ridge of the drumlin. At present, this area is seen contiguously with

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<sup>1</sup> Taken from assessments by Lancashire County Council (2000)

the open field to the north, though I accept that this is to be developed for housing. As a result, this section of the appeal site will become a small gap of undeveloped land amid the built form on Ashton Road.

21. However, from my observations, I cannot agree with the appellant that the site, as a whole, is within an area of residential character. Whilst development is due to take place to the eastern side of the drumlin, and the small cul-de-sac of Ashford Avenue borders the south-eastern corner, the northern, western and a significant part of the southern boundaries abut open land or the canal. There is a clear physical and visual distinction created by the topography of the drumlin. The land to the west of the ridge is not seen from the east, and vice versa. The majority of the site, where development is proposed, would be located to the western side. Here, it is the canal and the open countryside to the west that one observes in the same vistas as the vast majority of the appeal site. Given this, I also do not agree with the appellant's characterisation of the proposal as an infill development.
22. I also do not find that the existing structures on site are demonstrably harmful to the appearance of the site or the wider landscape. They are typical, agricultural structures which are part and parcel of countryside vistas. They occupy a modest extent of the site, which remains overwhelmingly open and visually connected to the open land to the north forming part of the USL, and the countryside to the west of the canal.
23. At the hearing, there was general agreement that the extent of the landscape to be considered fell between the drumlin ridge to the east, the housing at Haverbreaks to the north, the treeline around the canal just to the south of the site and Aldcliffe Road to the west. This represents the effective extent of the landscape experienced by those on the canal towpath on which the proposal would potentially have an effect.

#### Landscape Value

24. A principal area of dispute between the main parties relates to whether the site should be regarded as a valued landscape in accordance with Paragraph 180(a) of the Framework. There is no statutory definition of 'valued landscape,' but recognised guidance from the Landscape Institute<sup>2</sup> defines it as '*an area identified as having sufficient landscape qualities to elevate it above other more everyday landscapes.*'
25. The Council points to the KUL/USL designation as evidence of the valued status of the landscape. The appellant has questioned the evidence underpinning the designation of KULs and USLs, arguing that methodologies were not followed in full, and that the findings are several years old and in need of updating. It is also argued that the site achieved a score of 29 out of 45 in the designation exercise, which was mediocre compared to other sites.
26. It is not within the scope of this appeal to re-examine the basis for the site's designation as USL. The parties accept that the designation exists and Policy EN5 is applicable. Whilst I note the score attributed to the site, there is no sliding scale or tiers of KUL/USLs and nothing in any policy or guidance to suggest lesser weight should be afforded to the designation on the basis of its score. Moreover, the evidence was considered sufficiently sound to include the

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<sup>2</sup> Landscape Institute Technical Guidance Note 02/21 – Assessing Landscape Value outside national designations  
Technical Guidance Note 21 (TGN21).

policy as part of the development plan. It is open to local planning authorities to identify landscapes worthy of specific policy protection, which is what Paragraph 180(a) of the Framework advocates. As such, I am not persuaded that the policy is inconsistent with the Framework on this basis.

27. Equally, I accept that Policy EN5 does not specify that KUL/USL land is, by definition, valued landscape in terms of the Framework. Whether the site is considered part of a valued landscape under the Framework is not solely down to whether the KUL/USL designation exists, or whether the evidence underpinning that designation is sound, but also the specific landscape characteristics of the site, which the main parties agree extend beyond the USL land to include the canal and areas of land to the west. In this respect, both parties have submitted site-specific Landscape and Visual Impact Assessments (LVIAs) which are substantially more detailed than the KUL/USL assessment. It is these documents upon which I have focused my considerations.
28. Both parties' LVIA's approach the question of landscape value with reference to the criteria set out in Table 1 of TGN21. The appellant's LVIA has assessed the overall landscape value as medium-high, informed by a high score in terms of functional value; a medium-high score in terms of perceptual (scenic) quality; scores of medium in terms of natural heritage, landscape condition, associations and distinctiveness; medium-low in terms of wilderness and tranquillity and low in terms of cultural heritage and recreational value.
29. In contrast, the Council attributes high value to the landscape, informed by high scores for natural heritage, cultural heritage, landscape condition, scenic quality, distinctiveness, recreation and functional values, and medium high for associations and wilderness and tranquillity.
30. Notwithstanding individual differences in scoring on the criteria of Table 1, the difference in overall landscape value between the parties is not significant. At the hearing, the appellant's consultant conceded that some of his scoring was low when considered against the criteria of Table 1. In particular, he accepted that recreational value should be 'medium-high' rather than 'low.' However, noting the TGN21 guidance, I consider the appeal site, though not publicly accessible, forms part of the rural surroundings that users come to appreciate, with its proximity to the urban area adding to the recreational value for the many walkers, cyclists and anglers who make use of the canal. The representations of interested parties, both in writing and at the hearing, attest to the value placed locally on the landscape, particularly its recreational value. Overall, I concur with the Council's assessment of high value in this respect.
31. The appellant's consultant conceded that, with respect to cultural heritage, the landscape exhibits time depth through the associations of the canal with past industrial activity. Together with the canal's identification as a non-designated heritage asset (NDHA), the influence of the drumlin form on the route of the canal, and the retained field pattern along the drumlin hillside, I consider the Council's assessment of high cultural value more closely reflects the guidance. I also agree with the Council's assessment of medium-high association value related to the canal having been designed by a nationally notable engineer.
32. In terms of landscape condition, I concur with the Council that the intact field patterns, well-maintained hedgerows and the route around the canal indicate a landscape in good condition. Moreover, my observations were that housing on the ridgeline of the drumlin is not a significant influence, but is screened by

trees and fades into the background of views from within the landscape, with the openness of the fields and the canal route forming the focal points. As already set out, the existing agricultural buildings on the site are not out of place within the surroundings. They are also shallow in height and located to the lowest part of the site where their influence on the wider landscape is limited. Consequently, I agree with the Council's assessment of high landscape condition.

33. In terms of scenic quality, the distinctive drumlin form and peaceful canal corridor which transitions between an enclosed wooded area to the south, past the exposed, rising hillside of the drumlin to the expansive, rolling parkland to the northern part of the USL area, combine to create a highly scenic landscape. I also found the landscape to be remarkably tranquil despite its proximity to the urban area, with an absence of noise and activity. Therefore, whilst the landscape cannot be considered remote, I concur with the Council's score of medium-high in this respect.
34. It is common ground, and I agree, that the landscape exhibits high functional value in light of the USL designation which encompasses most of it, and the practical effect of this in limiting the spread of development to the western side of the drumlin.
35. I accept that individual elements of the landscape, such as the fields, hedgerows and even the drumlin, are not rare or unique within the wider landscape. However, within the context of the appeal site, they combine to form a well-maintained landscape that is distinctive from the wider agricultural surroundings to the west and urban areas to the east. Indeed, the 2018 KUL Review describes the USL as '*a high quality landscape with a strong pattern and mature well managed features. An important urban fringe amenity and setting for the surrounding land uses.*'<sup>3</sup> Moreover, this amenity function distinguishes the landscape from several of the other KUL/USL sites referred to me in evidence, where no comparable recreational value appears to exist.
36. Finally, in terms of natural heritage, the area includes a BHS and a natural geomorphological feature in the drumlin formation, and is identified as green/blue infrastructure. The fields themselves are worked for agricultural purposes and therefore will be less biologically diverse, but the canal itself has value as an aquatic habitat. That said, the evidence does not indicate that the landscape is a priority habitat or subject to national designations. Consequently, I find that the value falls more closely to medium-high in this respect, between the parties' respective scores.
37. On the evidence I have heard and read, and taken with my own observations, I find the Council's assessment of landscape value to more closely refer to the criteria set out in Table 1 of TGN21. Moreover, given the concessions made at the hearing, it is reasonable to consider that the appellant's overall position is moved closer to high from medium-high, and that, overall, the value of the landscape can be regarded as high.
38. In summary, therefore, I accept that the drumlin formation is characteristic of the wider landscape beyond the immediate area of the site, but that does not necessarily mean the landscape is ordinary or unremarkable. Value can exist in a number of areas, and the consistent high scores I have found across the

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<sup>3</sup> Lancaster City Council Key Urban Landscapes Review (Arcadis, May 2018), pg 3, Table 1



relevant criteria point towards the landscape within which the appeal site falls having a unique quality which elevates it above the ordinary. Therefore, on the evidence before me, I consider that the site can be regarded as a valued landscape in the language of the Framework. In other words, it demonstrates several attributes which take it out of the ordinary.

### Landscape effects

39. I concur with both main parties that the landscape effects of the development on the wider landscape, beyond the immediate setting of the appeal site, would be limited. The appellant's LVIA identifies the sensitivity to change of both the site and its setting as medium high, whilst the Council assesses both to be highly susceptible to change.
40. The proposal would represent a significant change in character from a largely open, grassed site with a small extent of low level, agricultural buildings, to an estate-type housing development of up to 70 dwellings that would occupy the majority of the site. The dwellings would be plainly visible from the canal towpath and would represent a substantial and prominent incursion of development into the immediate surroundings of the canal, with the intact, undeveloped western side of the drumlin permanently breached. In this respect, I consider the overall landscape effect at site level, upon completion of the development, would be significant. This tallies with both parties' LVIAs, albeit each applies slightly different terminology.
41. The principal difference between the parties is in terms of the residual effects at Year 15. The appellant points to the mitigating effect of proposed landscaping in terms of reducing the long term effects on the landscape to medium. The Council argues that the effect would continue to be major adverse in the long term.
42. The steep slope of the site means that rows of dwellings would step up the hillside and reveal the full depth of development. The quantum of development and its urban form would be in stark contrast to the limited and sporadic development of rural character visible within the landscape to the west of the drumlin. It was confirmed at the hearing that a framework landscaping plan was not to form part of the plans to be approved at outline stage. Consequently, I regard the locations and imagery of proposed landscaping as indicative. The appellant has also promoted the public open space adjacent to the canal as a positive element of the scheme.
43. However, I am not persuaded that the landscaping and open space, even if realised as suggested on plans with ample planting, would be effective in mitigating the landscape impact of the development in the long term. My impression on site was that the site was steeper than shown in the appellant's imagery and canalside planting would not be of a height that would screen dwellings on higher ground. Moreover, the more trees which are added, the more infilled the site would become and it would further undermine the existing, open quality of the site and appreciation of the drumlin landform.
44. In this respect, I am also unconvinced by the appellant's argument that the site is not a significant size and would not undermine the overall function of the USL. Whilst most of the USL would remain in place, development on the site would fundamentally weaken its buffer function and rural character by introducing development to the western side of the drumlin. Moreover, were

this to be repeated, it would lead to further, incremental erosion of the USL that would ultimately result in it serving no useful function as a landscape buffer.

45. For these reasons, I consider that the effects on the landscape would be substantial, permanent and harmful.

#### Visual Effects

46. It is common ground that the most affected visual receptors would be users of the canal towpath, most significantly from points immediately opposite the site and for a short distance either side. I accept that views from further along the towpath are increasingly filtered by vegetation, and that the extent of visual effects would be localised. Nonetheless, the development would form a prominent and large scale urbanising feature as one emerges onto the canal on the path from Ashton Road. For users of the towpath, the natural character of the site and its contribution to the wider setting of the canal, in particular the open slopes of the drumlin, would be severely and irrevocably eroded by the development. It would also undermine the tranquil character which prevails along the length of the canal by introducing audible domestic activity and vehicular traffic.
47. The development would not result in significant adverse visual impacts when viewed from the Ashton Road side, given the extent of urban development already in place and under construction. From Aldcliffe Road, the incursion of the development over the ridge of the drumlin would be clearly noticeable to those walking along the road and taking in the landscape, but I acknowledge from the evidence that this road is not especially conducive to walking due to its narrow width and that views are limited to gaps in the hedgerow, such as at field entrances. The extent of visual harm from here would be minor, therefore.
48. However, the proposal would result in significant, permanent adverse visual effects for highly susceptible visual receptors of the towpath that would harmfully detract from their experience of the natural, tranquil character of the canalside landscape.

#### Conclusions on Main Issue

49. For the reasons set out, I conclude that the proposal would cause substantial harm to the landscape character of the area. The development would not preserve the open nature of the USL or the character and appearance of its surroundings. The proposal would also undermine the integrity of the canal as an important green space. Consequently, there would be conflict with the aforementioned requirements of Policies EN5, DM29, DM46, T3 and SC4 of the development plan.
50. Moreover, as I have found that the site can be regarded as a valued landscape, development would conflict with the Framework's protection of such areas. This aside, and more generally, the proposal would also conflict with the Framework's recognition of the intrinsic character and beauty of the countryside and the need to be sympathetic to local character and history, including the surrounding built environment and landscape setting.



## **Other Material Considerations**

### *Other Planning Permissions/Appeal Decisions*

51. The appellant has pointed to other sites within KUL/USL designations where the level of harm identified to the landscape was not found to be significant. Having considered the evidence available to me, there are a number of distinctions between these sites and the appeal site, including in terms of their locations, site characteristics, planning histories and the particular evidence and material considerations existing at the time of the decisions. Therefore, these decisions are not directly comparable with the proposal before me, which I have assessed on its own merits. Importantly, in none of the decisions is the KUL/USL designation itself explicitly considered to be irrelevant or misapplied, and therefore I do not draw from these decisions any pattern of decision-making, in terms of the apportionment of weight to the designation or Policy EN5, to which I should have particular regard.
52. I have also had regard to a number of appeal decisions put to me in evidence. For similar reasons to above, I do not consider these directly analogous to the appeal before me, and they do not alter my considerations.

### *Highway Impacts*

53. Matters relating to highways impacts in the Council's second reason for refusal were addressed prior to the hearing, with agreement reached between the main parties in respect of financial contributions towards road infrastructure in the area of the appeal site.
54. Notwithstanding that the Council's reason for refusal fell away, I heard concerns from interested parties with respect to the strain on the existing highway network. In particular, my attention was drawn to the narrow width of Ashford Road, which links Ashton Road and the A6 to the east.
55. I understand the concerns raised regarding increased traffic using Ashford Road, and I saw it is particularly narrow towards its eastern end, with a short gap where no footpath exists and a priority arrangement is in place for vehicles travelling west. However, the physical arrangement of the built form does not allow for the road to be widened, a point made by Lancaster County Council's highways representative at the hearing.
56. Whilst I am sympathetic to the concerns raised, having observed the pinch point on Ashford Road, it is not the role of an applicant for planning permission to mitigate existing issues with the road network, but to address the specific impacts of the development. In this respect, the technical evidence before me indicates that whilst certain junctions have been identified as operating over capacity and causing congestion, the mitigation to be secured through the Section 106 agreement to go towards review and potential improvement to several main junctions in the area, including the Pointer Roundabout and the Hala Road junction, would be capable of addressing the direct impacts of the development.
57. Therefore, I am satisfied that the proposal would not result in an unacceptable impact on highway safety nor, applying the language of the Framework, would the cumulative impacts on the highway network be severe. Therefore, this is not a matter weighing against the proposal in the overall planning balance.

### *Accessibility*

58. The Council's now withdrawn second reason for refusal included concerns regarding the accessibility of the development, citing poor pedestrian connectivity. The appellant has subsequently confirmed that footway improvement works would be secured by condition should permission be granted. I am otherwise satisfied that sustainable transport options, including walking, cycling and buses, would exist for residents of the development which would reduce reliance on the private car.

### *Housing Land Supply*

59. There is no dispute that the local planning authority is unable to demonstrate a five year supply of deliverable housing sites. Supply stands at around 2.4 years<sup>4</sup>, which is a very significant shortfall of some 2,030 dwellings against a requirement of 3,878.
60. In this circumstance, the delivery of 70 dwellings would be a material boost to the housing supply and would help to address a chronic and pressing need for new homes in the Lancaster area. This is a matter of significant weight in the planning balance. The proposal would also deliver policy compliant levels of affordable housing. This is a further important benefit of the scheme.

### *Planning Obligation*

61. Alongside the aforementioned highways contribution, the completed Section 106 Agreement would secure delivery of the affordable housing units; contributions towards off-site public open space improvements; provision and management of on-site public open space and delivery of biodiversity net gain. I am satisfied that the contributions sought meet the tests for planning obligations under Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 and as expressed in the Framework.

### *Other matters not in dispute*

62. The Council has not opposed the development in respect of other matters, including ecology, flood risk and drainage, sustainable design and renewable energy, air quality and living conditions. I have noted comments from interested parties and consultees in these respects. Ultimately, the evidence does not lead me to different conclusions from the Council in these matters.

## **Planning Balance and Conclusion**

63. As the Council is unable to demonstrate a five-year supply of deliverable housing sites, Paragraph 11(d) of the Framework is engaged and the policies I have identified conflict with are deemed to be out-of-date. However, that does not mean they are not afforded any weight. However, that does not mean they are not afforded any weight. Indeed, I find that the policies remain consistent with the Framework's aim of protecting and enhancing valued landscapes at paragraph 180(a) and recognising the intrinsic character and beauty of the countryside at paragraph 180(b), and still merit significant weight.
64. The proposal would deliver 70 dwellings in an accessible location at a time when the Council is falling significantly short of delivering the required number of homes. The development would also deliver 21 affordable housing units in

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<sup>4</sup> As set out in the Council's 2023 Housing Land Supply Statement (September 2023)

- accordance with the requirements of Policy DM3. Having regard to the Framework aim of significantly boosting the supply of homes, and meeting the housing needs of different groups, the delivery of market and affordable housing attracts significant positive weight in support of the appeal scheme.
65. The development would generate benefits for the local construction industry during the build, including employment, albeit this would be short-lived. Thereafter, the additional residents would deliver economic benefits through support of local businesses and services. There would also be benefits arising from the delivery of biodiversity net gain on site, and from provision of energy efficient homes above the Future Homes Standard. Collectively, I afford these benefits moderate weight in decision-making terms.
66. The appellant posits the benefits of the public open space that would be delivered on site. However, it would be located to the far end of the proposed development from Ashton Road, with no physical connection to the canal towpath or other roads or footpaths. As such, it would principally be a benefit for residents of the development and I regard it as a neutral factor.
67. Set against the above, I have found that the proposal would cause substantial harm to a valued landscape and would undermine the function of the USL designation within which the site lies. This conflicts with the Framework's clearly stated aim of protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside.
68. Overall, I find that the identified harm to landscape character is a decisive consideration that, even in the context of the Council's poor housing supply position, represents an adverse effect of such weight that it would significantly and demonstrably outweigh the identified benefits when assessed against the policies in the Framework, taken as a whole.
69. The proposal would not therefore represent a sustainable form of development and, as a material consideration, the Framework does not indicate that permission should be granted. I conclude that material considerations in this case, taken cumulatively, are not sufficient to outweigh the identified conflict with the development plan.
70. Therefore, the appeal should be dismissed.

*K Savage*

INSPECTOR

## **APPEARANCES**

### For the appellant:

David Manley KC

Barrister, Kings Chambers, instructed  
by Dan Hay on behalf of appellant

Warren Cadman

Appellant, WVC Lancasters Ltd

Dan Hay BA(Hons) MRTPI MIED

Planning Consultant, RPS Group

Paul Gray BA(Hons) BLA CMLI

Landscape Architect, PGLA Landscape  
Architects

Danny Jones MPlan MCIHT MRTPI

Transport Consultant, Curtins

### For the Local Planning Authority:

Jennifer Rehman

Principal Planning Officer

Dick Longden BSc Hons MA FLI

Partner, Randall Thorp LLP

Rob Clarke

Planning Officer

### Interested Persons:

Dan Spencer

Team Leader, Strategic Development,  
Lancashire County Council

Tim Hamilton Cox

District/County Councillor

Tim Dant

Local resident and member of Aldcliffe  
with Stodday Parish Council.

Cathy Parr

Interested Party

Rosie Lyon

Interested party

Helen Jackson

Interested party

**Documents handed up at the event:**

- Copy of Lancaster City Council Key Urban Landscapes Review (Arcadis, May 2018)
- Copies of 'Review of Key Urban Landscapes Allocations in Lancaster District' (Woolerton Dodwell, November 2012)
  - o Review Stage 1: Assessment of Key Urban Landscapes
  - o Review Stage 2: Evaluation of Key Urban Landscapes
- Copy of Landscape Institute Technical Information Note 01/2017 – 'Tranquillity – An Overview' (March 2017)
- Copy of Landscape Institute Technical Guidance Note 02/21 – Assessing Landscape Value outside national designations
- Draft copy of Section 106 agreement

**Documents submitted following the event:**

- Copy of Policy DM28 of LPP2 (received 16 April 2024)
- Copy of Non-Designated Heritage Asset From – Lancaster Canal (received 16 April 2024)
- Officer Reports for the following applications (received 16 April 2024)
  - o 16/01551/FUL
  - o 18/00472/FUL
  - o 18/01183/FUL
  - o 21/00784/FUL
  - o 21/01008/FUL
  - o 21/01341/OUT
  - o 19/01158/FUL
- Copy of Strategic Objectives SO1-SO5 of the LPP1 (received 18 April 2024)
- Copy of appeal decision APP/A2335/W/20/3256311 (received 24 April 2024)
- Email responses from Council and appellant in respect of appeal decision APP/A2335/W/20/3256311 (both received 24 April 2024)
- Completed Section 106 Agreement (received 1 May 2024)
- Email dated 4 May 2024 from appellant attaching copy of appeal decision APP/A2335/W/23/3326187 and email correspondence between appellant and Council in respect of flood risk sequential testing
- Email responses from Council dated 9 and 14 May 2021 in response to appellant email of 4 May and appeal decision APP/A2335/W/23/3326187