



Appeal Decision

Site visit made on 31 October 2017

by Thomas Hatfield BA (Hons) MA MRTPI

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

Decision date: 22nd November 2017

Appeal Ref: APP/M2325/W/17/3180107

Land north of Grange Road, Elswick, Preston, PR4 3UA

- 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 David Hollingworth against the decision of Fylde Borough Council.
 - The application Ref 16/1007, dated 14 December 2016, was refused by notice dated 24 May 2017.
 - The development proposed is described as "outline application for the erection of two dwellings (all matters reserved)".
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application is in outline with all matters reserved for future consideration. Drawings showing an indicative layout and access were submitted with the application, and I have had regard to these in determining this appeal.

Main Issues

3. The main issues are, firstly, whether the Council can demonstrate a 5 year housing land supply and, secondly, the effect of the development on the character and appearance of the area.

Reasons

Housing land supply

4. The most recent 5 year supply assessment provided by the Council sets out 2 approaches for addressing past under-delivery of housing. The first approach uses the 'Sedgefield' method, which incorporates the entirety of the past shortfall of housing into the first 5 years. This would result in a 4.9 year housing land supply. The second approach uses the 'Liverpool' method, which distributes the past shortfall over the remaining plan period. This would result in a 6.2 year housing land supply.
5. The Council's housing requirement and supply assumptions are currently being tested at the emerging Fylde Local Plan to 2032 Examination in Public. However, I have not been provided with any conclusion that the Inspector may have reached regarding how the past housing shortfall should be addressed. In the absence of this, I consider that the Sedgefield approach would be the

most appropriate way to boost significantly the supply of housing, as set out in paragraph 47 of the National Planning Policy Framework ('the Framework'). Whilst I acknowledge that the Local Plan Inspector may come to a different view on this matter, there is insufficient evidence before me to justify deferring the meeting of housing needed. Accordingly, on the Council's figures, there is a 4.9 year supply which is below the 5 year requirement.

6. The Council has drawn my attention to an appeal in Hambleton (ref APP/G2713/A/13/2194376). In that case, the Inspector found that the Council was less than two months short of a five year supply. As this was within the margins of error for such a calculation, they concluded that significant weight could not be given to the outcome of the housing land supply analysis and its supporting evidence. However, in that case, the ability of the Council to identify a 5 year supply was in dispute. Whilst that Inspector accepted that some of the Council's assumptions were flawed, this resulted in a 5 year supply position that was marginal. Those circumstances do not apply here, as the Council has acknowledged that it cannot demonstrate a 5 year supply if the 'Sedgefield' method is used.
7. For the above reasons, I conclude that the Council is unable to demonstrate a 5 year housing land supply, as required by the Framework. In these circumstances, paragraph 49 of the Framework states that relevant policies for the supply of housing should not be considered up-to-date. Where paragraph 49 of the Framework applies, paragraph 14 states (unless material considerations indicate otherwise) that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted. I return to this matter in the overall balance, below.

Character and appearance of the countryside

8. The appeal site comprises an area of open agricultural land on the edge of Elswick. It adjoins a short of ribbon of development on the northern side of Grange Road that projects outwards to the west of the settlement. A relatively tall hedgerow runs along the frontage to Grange Road.
9. The appeal site is set within a relatively flat, open landscape and is prominent in views from the B5269 to the north and west. The development would be clearly visible when entering or leaving the settlement from this direction, and would only be partly screened by nearby hedgerows, which are relatively low in height. It would extend the existing ribbon of development along Grange Road out into countryside, and would be surrounded by open fields on 3 sides. In this regard, it would be poorly contained, and would extend a finger of development out onto open land. The ribbon form of the development would also relate poorly to the existing settlement, and would visually intrude into its rural setting.
10. There is currently no significant physical boundary that contains the site to the west, other than a post and wire fence. Allowing this appeal would therefore make it more difficult to resist applications to further extend the ribbon of development outwards along Grange Road. Whilst boundary hedgerows and landscaping could be provided at reserved matters stage, these would take time to mature, and in any case, would be unlikely to provide a robust urban boundary. Moreover, the presence of an ownership boundary is not in itself a

barrier to further outward encroachment. Whilst the development would partly conceal a concrete fence around the perimeter of the adjoining property, the most prominent section of that fence would remain visible.

11. Grange Road is currently flanked by mature hedgerows that serve as boundaries to the adjoining agricultural fields. These hedgerows contribute significantly to the pleasant country lane character of Grange Road. Whilst access is a reserved matter, the Council estimate that a 20 metre section of this hedgerow would need to be removed in order to access the site and extend the footway along its frontage. The appellant does not dispute this. In my view, the removal of a significant section of this hedgerow would be harmful to the rural character of Grange Road. This would not be adequately compensated for by any new planting to the side and rear boundaries, that would be mostly positioned away from the road frontage.
12. The appellant has drawn my attention to a recent approval by the Council for 24 dwellings on the edge of Elswick (ref 16/0846). The full details of that case, including its precise location, are not before me. It is therefore unclear whether this development comprised ribbon development or otherwise raised the same issues as the current proposal. I have therefore come to my own view on the appeal.
13. Separately, I concur with the appellant that the development does not comprise an 'isolated homes in the countryside' for the purposes of paragraph 55 of the Framework, as it adjoins an existing settlement.
14. For the above reasons, I conclude that the development would significantly harm the character and appearance of the area. It would therefore be contrary to Policies HL2, EP10 and EP11 of the Fylde Borough Local Plan (2005). These policies seek to ensure, amongst other things, that new development is in keeping with the character of the locality and the landscape.
15. The appellant states that Policies HL2, EP10 and EP11 should be afforded very limited weight as the Fylde Borough Local Plan (2005) is time expired. However, I note that paragraph 211 of the Framework states that policies in the Local Plan "*should not be considered out of date simply because they were adopted prior to the publication of this Framework*". Paragraph 215 of the Framework further states that "*due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework*". Insofar as these policies relate to the impact of a development on the character and appearance of an area, I consider that they are broadly consistent with the Framework. I therefore attached significant weight to them.
16. The Council's Decision Notice also refers to Policies GD7 and ENV1 of the Submission Version of the Fylde Local Plan to 2032. With regards to paragraph 216 of the Framework, the emerging Local Plan is at a relatively advance stage and is currently being examined. However, there is no information before me regarding the extent of any unresolved objections to these policies. Accordingly, I attach only limited weight to them at this stage.

Other Matters

17. Elswick Parish was designated as a Neighbourhood Area on 1 August 2016. However, at present the Neighbourhood Plan for Elswick is only an emerging

document, and there is no draft before me. Accordingly, no weight can be attached to it in the determination of this appeal.

18. It is common ground that the proposed settlement hierarchy set out in the emerging Local Plan is subject to unresolved objections, and should therefore be afforded only limited weight. I see no reason to take a different view.
19. A neighbour has objected to the development on the basis that the indicative layout would result in overshadowing to their rear garden. However, layout is a reserved matter and this plan is indicative only. Accordingly, this consideration would be capable of being addressed at reserved matters stage.
20. The width of the road would be appropriate in order to accommodate the additional traffic associated with the development. There would also be scope to ensure that adequate off-street parking was provided at reserved matters stage. In this regard, I note that the Highway Authority has not objected to the development on these grounds.

Planning Balance and Conclusion

21. The appeal site is designated as open countryside under Policy SP2 of the Fylde Borough Local Plan (2005). This policy seeks to restrict new housing development in the open countryside unless one of a limited number of exceptions are met. The development would not meet any of these exceptions and would therefore be contrary to Policy SP2. However, I have found that the Council is unable to demonstrate a 5 year supply of housing sites. In these circumstances, I attach only limited weight to the conflict with Policy SP2.
22. As set out above, I have concluded above that the proposal would be contrary to Policies HL2, EP10 and EP11 of the Fylde Borough Local Plan (2005) and that it would cause significant harm to the rural character and appearance of the site and the surrounding area. Balanced against this, the development would provide a small contribution to the supply of housing, in a relatively accessible location, to which I attach moderate weight. Moreover, there would be some limited economic benefits including the creation of employment, and the purchasing of materials and furnishings.
23. Overall, I consider that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. As a result, the application of paragraph 14 of the Framework does not indicate that permission should be granted and the proposal would not represent sustainable development. In the circumstances of this appeal, the material considerations considered above do not justify making a decision other than in accordance with the development plan.
24. For the reasons given above I conclude that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR