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# Appeal Decision

Site visit made on 23 June 2020

**by R Cooper BSc (Hons) MCD MRTPI**

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

**Decision date: 06 August 2020**

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**Appeal Ref: APP/M2325/W/19/3244029**

**Land between Hillberry and Elmwood, Copp Lane, Elswick PR4 3ZD**

- 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 Mrs Anne Loftus against the decision of Fylde Borough Council.
  - The application Ref 19/0402, dated 10 May 2019, was refused by notice dated 27 August 2019.
  - The development proposed is the erection of two dwellings.
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## Decision

1. The appeal is dismissed.

## Procedural Matters

2. The application was submitted in outline with approval sought for access, and all other matters reserved for future consideration. Therefore, I have dealt with the appeal and considered the submitted drawings on this basis.

## Main Issues

3. The main issues in this case are:
  - The effect of the proposal on the character and appearance of the area; and
  - Whether the appeal site is an appropriate location for the proposed development.

## Reasons

### *Character and Appearance*

4. The appeal site comprises an undeveloped parcel of land within the countryside. It is positioned along a section of Copp Lane that is sparsely developed, with dwellings located intermittently along the road. The surrounding fields and undeveloped land between dwellings along the road provide visual breaks, and as such form an important part of the prevailing character and appearance of the area.
5. The appeal site has been left to become overgrown and blend into the surrounding landscape. The sites verdant appearance forms part of an important visual break and provides a visual connection to the woodland opposite and the wider countryside. Therefore, it contributes to the distinctive rural character and appearance of the area.

6. Whilst the proposal is in outline form, the construction of two dwellings with associated private gardens and domestic paraphernalia, regardless of scale, appearance, layout and landscaping would be visible from Copp Lane. The development would diminish this important undeveloped break, thereby leading to an urbanising affect which would not respect the intermittent form of built development and would harm the distinctive rural character of this area.
7. I have taken into account the topography of the site, nearby buildings, existing planting, and that further landscaping would form part the reserved matters. I also note that a future layout plan could potentially allow for views through the site to be provided. However, in my view these would only provide a limited degree of mitigation, and due to the sites proximity to the road would not prevent the proposal from appearing incongruous within this rural setting, particularly when viewed from Copp Lane.
8. Consequently, the appeal proposal would harm the character and appearance of the area. It would conflict with Policies ENV1 and GD7 of the Fylde Local Plan to 2032 (adopted 2018) (the Local Plan). These policies seek, amongst other things, that development is of high quality design that responds positively to its context and setting. The proposal is also inconsistent with paragraphs 127, 130 and 170 of the Framework which support rural development that is sensitive to its surroundings, sympathetic to character, and enhances the local environment.

#### *Location*

9. Policy DLF1 of the Local Plan outlines the Council's development strategy for the area. The policy supports development which accords with the settlement hierarchy listed in Policy S1, which identifies Elswick as a tier 2 settlement. Policy DLF1 also allows for windfalls of small housing sites (1 - 9 homes) throughout the borough where compliant with the other policies of the plan.
10. The appeal site is located outside of the designated settlement boundary for Elswick as identified on the Local Plan Proposals Map. The site itself comprises undeveloped land. Between the appeal site and the settlement boundary of Elswick, there are agricultural fields either side of the road marking a clear transition from the defined settlement edge to the south, and the wider open countryside to the north. By virtue of being outside of the settlement boundary the appeal site is within the countryside in policy terms.
11. Policy GD4 of the Local Plan allows for certain types of development, which are considered to be acceptable in countryside locations. The policy, among other things includes criteria f) which limits development to minor infill, albeit that this term is not defined within the policy or supporting text.
12. The appellant submits that the proposal constitutes minor infill. The description of development confirms that the proposal is for two dwellings, the Council are satisfied that this constitutes minor development, I see no reason to disagree on this point.
13. In relation to the issue of infill, in the absence of a definition in the Local Plan it is therefore a matter of planning judgement for the decision-maker in each case. In my view it is reasonable to consider that infill development is the filling of a modest gap in an otherwise continuous built up frontage.

14. The appeal site is positioned between Hillberry and Elmwood, these buildings are well spaced, with undeveloped land either side that reflects the intermittent nature of development in the area. Therefore, they do not form part of a built up frontage. Furthermore, the separation between the two buildings comprises the appeal site and the substantial garden to the side of Elmwood. This garden does not form part of the appeal site, and the proposed development would only encompass part of the land separating these buildings. Therefore, visually and spatially the proposal would not infill the gap between the two existing buildings. For these reasons, the proposal does not constitute minor infill.
15. Furthermore, above I have found harm to the character and appearance of the area, therefore the proposal would also be inconsistent with paragraph 7.15 of Policy GD4 that states minor infill development will be of a scale and use that does not have a material impact on the rural character.
16. I find that the appeal site would not be an appropriate location for the proposed development. It would conflict with Policies S1, DLF1 and GD4 of the Local Plan, which set out the development strategy for the area, which amongst other things, limits new development in the countryside to minor infill. This would undermine the strategy of the development plan and would be inconsistent with paragraphs 12 and 15 of the Framework which collectively seek to ensure that planning is a genuinely plan-led system.

### **Other Matters**

17. I have considered other planning permissions and appeal decisions, that have been advanced. These differ significantly from the case before me, in relation to existing built form nearby or on the site, the scale and nature of the developments proposed, the land supply circumstances pertaining and development plan status at the time. My findings above are therefore unaffected.
18. I acknowledge that the appeal site does not fall within a statutory designated area and is not identified in the Local Plan as protected open space. The provision of two dwellings would also make a small contribution to housing, however, in the context of the overall requirement for the Borough this would be minor. These matters do not alter my findings with regards to the harm I have identified above.
19. I have considered the concerns from various parties with regards to road safety, drainage and sewerage. However, United Utilities and the Local Highway Authority have not objected, and I have no good reason to conclude otherwise. This does not affect my findings on the main issues.

### **Conclusion**

20. For the reasons given above, the appeal is dismissed.

*R Cooper*  
INSPECTOR