
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: 24 July 2020

Appeal Ref: APP/M2325/W/19/3241100

Land off Bradshaw Lane, Kirkham

- 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 Hodson Almond Homes against the decision of Fylde Borough Council.
 - The application Ref 19/0533, dated 21 June 2019, was refused by notice dated 23 August 2019.
 - The development proposed is an outline planning application for the erection of up to six self-build homes with all matters reserved except for access.
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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:
 - Whether the appeal site is a suitable location for the proposed development, having regard to development plan policies and accessibility to day to day services by a choice of modes of travel;
 - The effect of the proposal on the character and appearance of the area, having particular regard to its location within the countryside; and
 - If the appeal site is not a suitable location for development, would the harm by reason of location, and any other harm, be outweighed by the provision of self-build homes.

Reasons

Suitability of location

4. Policy DLF1 and S1 of the Fylde Local Plan to 2032 (2018) (the Local Plan) outline the Council's development strategy for the area, directing development to sustainable locations. The policies support development in locations that accord with the settlement hierarchy, and the settlements listed in Policy S1.

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.

5. The site does not fall within any of the settlements listed in Policy S1 and is outside of the settlement boundary identified in the supporting proposals map. The nearest settlement providing day to day services is Wesham and Kirkham. The distance and separation of the site from this settlement is apparent when traveling along the A585 and Bradshaw Lane, where development is sparsely located and in parts separated by open fields. Therefore, I am satisfied that visually, physically and functionally the site is within the countryside.
6. I have considered the distances to local services provided by the appellant. However, in real terms these would be significantly greater given the actual routes pedestrians and cyclists would need to take. Bradshaw Lane is also narrow in parts and does not benefit from footpaths or street lighting. It is unsuitable in this regard and would deter occupants from walking or cycling and would not reduce the reliance on the car.
7. Furthermore, I have concluded below that the proposal does not constitute minor infill and would harm the character and appearance of the area. It is therefore inconsistent with Policy GD4.
8. Consequently, the appeal site is not a suitable location for the proposed development in respect of accessibility to day to day services by a choice of modes of travel. It does not accord with Policies S1, DLF1 and GD4 of the Local Plan, which set out the development strategy for the area, directing development to sustainable locations, provide accessibility to services, and amongst other things, limit new development in the countryside to minor infill. Furthermore, the proposal is inconsistent with paragraphs 12 and 15 of the Framework seek to ensure development follows a genuinely plan-led system.

Character and appearance

9. The appeal site comprises of an open field, the front boundary on Bradshaw Lane consists of mature hedgerows and trees positioned at regular intervals. The north of the site is open to extensive farmland, providing views and a sense of connection to the wider countryside to the north. The open nature, and boundary hedgerows make a significant contribution to the local landscape and the prevailing rural character and appearance of the area.
10. 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, limits development to criteria f) minor infill development provided they do not harm the rural character of the area.
11. There is no formal definition of what constitutes minor infill within the Framework, and the Council do not provide a definition in the development plan. It is therefore a matter of fact and planning judgement for the planning decision maker. In my view it is reasonable to consider that minor infill development is the filling of a modest gap in an otherwise continuous built up frontage. With this in mind, I have had regard to the nature and size of the development proposed, the location of the appeal site and its relationship to existing adjoining development.
12. The appellant claims that the site is enclosed on three sides by dwellings either side, and commercial buildings on the opposite side of the road. However, the

commercial buildings are set well back from the road and do not form a built up frontage along Bradshaw Lane. Therefore, the site only has buildings on two sides, and is open to the front and rear.

13. In this particular case the width of the site represents a substantial frontage onto Bradshaw Lane and provides a clear transition from the denser housing towards the A585 and the relatively intermittent housing to the west. Therefore, in my view, taking into account the physical attributes of the site, the provision of six additional dwellings would be significant extension of development along Bradshaw Lane, which would not constitute minor infill.
14. Furthermore, the construction of up to six dwellings on the site would cause the loss of this important open feature, which in my view would be a visual intrusion into the countryside. The six separate access points across the front of the appeal site would require the removal of significant amounts of mature hedgerow, and creation of hard standing. This would have an urbanising effect not be in keeping with the distinctive rural character of the area.
15. Whilst the proposal is outline, the construction of six dwellings, associated access points, gardens and domestic paraphernalia, regardless of scale, appearance, layout and landscaping would be visible from Bradshaw Lane. The development would diminish the intrinsic character of the countryside, and it would not enhance the local environment.
16. The arboricultural report identifies existing trees to be of moderate or low quality, and the indicative plans show opportunities to retain them. However, this would not placate my concerns with regards to the harm that would be caused to the character and appearance of the area.
17. The indicative layout shows the dwellings would follow the adjacent building line and not project past the rear extent of existing properties. The appellant also submits that the commercial buildings opposite would enclose the site. However, the commercial buildings are significantly set back by fields and landscaping, and the indicative layout does not lessen my concerns with regards to the intrusive nature of the proposal and harm that would be caused to the countryside qualities of the area.
18. I note the appellant's comments with regards to the request for street lighting by the Local Highway Authority (LHA). Whilst this would contribute to the urbanisation of the area, it is not determinative in this case and does not affect my findings above.
19. I have considered the details provided of planning permission 18/0461, however that proposal differed in that the was an adjoining housing allocation that effectively wrapped around the site on three sides. Therefore, this does not alter my findings.
20. Therefore, I conclude that the proposed building would not have regard to its countryside location and would harm to the character and appearance of the area. It would not accord with Policies ENV1, H2, GD4, and GD7 of the Local Plan which seeks to ensure development is of high quality design that responds positively to its context and setting and protects the rural character of the countryside. The proposal is also inconsistent with paragraphs 127 and 170 of the Framework which seek to ensure rural development that is sensitive to its surroundings, and sympathetic to local character.

Whether the provision of self-build homes is appropriate

21. Policy H2 of the Local Plan states that applications to provide serviced plots for self-build and custom homes on small sites (of fewer than 10 dwellings) will be supported where the site is located in accordance with Policy DLF1, subject to compliance with other policies of the plan. I have identified above that the proposal would not be in accordance with Policy DLF1 and other policies of the Local Plan, it is therefore inconsistent with Policy H2 in this regard.
22. The Self Build and Custom Housebuilding Act 2015 requires local authorities are to keep a register of those seeking to acquire serviced plots in the area for their own self-build and custom house building. They are also required to have regard to this and to give enough suitable development permissions to meet the identified demand.
23. The Council submits that in October 2019 the custom and self-build register had 18 entrants and 42 suitable plots, and therefore a surplus of sites. The appellant claims that Council has not demonstrated that there are suitable measures in place, such as a legal agreement to ensure that any, if not all of these sites would be developed as self-build or custom homes. However, based on the evidence before me, neither party has provided any substantive evidence that persuades me either way.
24. In any event, there is also no mechanism before me to secure delivery of the appeal development in such a manner. Therefore, I cannot be certain that the proposed dwellings would be developed in a manner that accords with the legal definition of the Self-Build and Custom Housebuilding Act 2015 (as amended). Therefore, the provision of self-build homes is given little weight that would not outweigh the conflict with the development plan and the significant harm to the character and appearance of the area.
25. I have considered the Woodville case¹ however that proposal differed in that a S.106 agreement was submitted with the appeal proposal containing provisions to ensure that the proposed dwellings would meet the definition of self-build and custom housebuilding. Therefore, this does not alter my findings above.
26. Therefore, I conclude that the harm by reason of location, and character and appearance would not be outweighed by the provision of six self-build homes. The proposal does not accord with Policy H2 of the Local Plan which amongst other things seeks to ensure custom and self-build homes are appropriately located and well designed.

Other Matters

27. Based on the evidence before me the Council have an up-to date Local Plan and can demonstrate at least a 5 year deliverable housing land supply. Therefore paragraph 11 of the Framework and the presumption in favour of sustainable development is not engaged.
28. The proposal would provide new homes, which is a material consideration. However, six additional dwellings would have a limited effect on the supply of housing, which does not outweigh the harm identified above.

¹ APP/G2435/W/18/3214451

29. The appellant has referred to various other developments permitted within the countryside which they considers to be of relevance to this appeal. However, I have not been provided with the full details of each case. In any event, I am required to reach conclusions based on the individual circumstances of this appeal.
30. The appellant considers that the dwellings could be delivered in the short term, would provide family housing in the borough, and that there are no technical constraints in delivering the scheme. However, these matters would bring limited benefits that would not outweigh the harm identified above.
31. Both parties agree that the appeal site is not isolated, and therefore criteria e) of Policy GD4 is not applicable. Based on the evidence provided I have no good reason to conclude otherwise.

Conclusion

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

R Cooper

INSPECTOR