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# Appeal Decision

Site visit made on 22 August 2017

**by Andrew McCormack BSc (Hons) MRTPI**

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

**Decision date: 18 October 2017**

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**Appeal Ref: APP/M2325/W/17/3176657**

**Quernmore Industrial Estate, Croft Butts Lane, Freckleton, Preston, Lancashire PR4 1RB**

- 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 Mr Steven Norwood for Applethwaite Ltd against the decision of Fylde Borough Council.
  - The application Ref 16/1026, dated 21 December 2016, was refused by notice dated 22 March 2017.
  - The development proposed is the demolition of existing buildings and the erection of 10 bungalows.
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## Decision

1. The appeal is dismissed.

## Application for costs

2. An application for costs was made by Mr Steven Norwood for Applethwaite Ltd against Fylde Borough Council. This application is the subject of a separate Decision.

## Procedural Matters

3. The Council is unable to demonstrate a five year housing land supply. As such, policies relating to housing supply are not up to date and should be afforded less weight in determining development proposals. Notwithstanding this, the adopted policies relevant to this appeal do not directly relate to housing supply. Therefore, I have given these policies significant weight in assessing this appeal.
4. I note references made to policies within the Submission Version Fylde Local Plan to 2032 (Submission LP) and that the document is the subject of an examination in public. Due to the stage at which the draft plan and its policies have reached, and noting that the examination in public is not yet completed, I have given the relevant emerging policies moderate weight in determining the appeal.

## Main Issues

5. The main issues are:
  - the effect of the proposed development on the character and appearance of the surrounding area; and
  - whether the proposed development should provide a financial contribution for affordable housing.

## Reasons

### *Character and appearance*

6. The appeal site is an industrial estate with a lawful planning use for employment. The site is accessed from Croft Butts Lane to the north and, at the time of my visit, was not in use. There are several existing buildings and areas of hardstanding on the site. The property at 33 Naze Lane (No.33), known as Quernmore, is adjacent to the appeal site at its northwest corner. No.33 is a large detached house surrounded by a significant amount of trees and planting along its boundaries with Croft Butts Lane and Naze Lane. The submitted evidence suggests that similar planting extended along the site boundary with Naze Lane. However, at the time of the site visit, that boundary was formed by a 2 metre high close board timber fence with a small grass verge in front. The site is surrounded by residential development of mostly semi-detached single and two storey dwellings.
7. Paragraph 58 of the National Planning Policy Framework (the Framework) states that local plans should have robust and comprehensive policies that set out the quality of development expected for the area. Policy HL6 of the Fylde Borough Local Plan, amongst other things, states that proposals which involve poor designs and/or layouts which would prejudice the character of the area will not be allowed.
8. Furthermore, draft Policy GD7 of the Submission LP sets out general principles of good design and states that development will be expected to be of a high standard of design and takes into account the character and appearance of the locality. This includes ensuring that the layout of the development relates well and responds to the surrounding context, is sympathetic to neighbouring land uses and occupiers and avoids demonstrable harm to the visual amenity of the area. Development should also make a positive contribution to the local distinctiveness of the area.
9. The appellant argues that the character of Naze Lane is mixed and is not solely characterised by dormer bungalow development. Furthermore, it is stated that the industrial estate and the enclosed boundary of Quernmore to the north are clearly of a different character to the properties on the western side of the Naze Lane and that the site is a long-established element of the street scene which pre-dates the development of the nearby dwellings.
10. Notwithstanding this, whilst the existing timber fence, inward facing industrial development and lack of built frontage or access to Naze Lane characterises the appeal site, it does not reflect the prevailing residential character of the wider street scene and area. I appreciate that the boundary of Quernmore to the north and the site boundary form a blank frontage for more than half the length of the east side of Naze Lane between Croft Butts Lane and Green Lane. However, I find that the proposal would not enhance the character of this part of Naze Lane which is predominantly residential with dwellings set back from the highway and set within an open street scene.
11. The appellant states that there is no over-arching design policy requirement for the proposed development to have outward-facing frontage development and nor is there any relevant supplementary guidance which specifically seeks such an approach. As such, it is argued the Council's assertion that the proposed scheme must face outward and form frontage to Naze Lane is subjective opinion.
12. Whilst I acknowledge the appellant's view, the proposed positioning of the dwellings at plots 4, 5 and 6 would significantly affect the wider street scene and the overall pattern of development in the area. The relevant policies to this appeal, particularly Policy HL6 of the Fylde Local Plan, state that poor design, including the layout of development and its relationship to its are, will not be

- permitted. I appreciate that design issues are subjective. However, the proposed scheme would create a layout and relationship with the existing street scene of Naze Lane which would be visually at odds with each other. From what I have seen, there are few, if any, properties in the local area which do not face the street. As a result, along Naze Lane, the proposal would appear incongruous and out of keeping with the wider street scene and prevailing pattern of development.
13. None of the neighbouring occupiers of properties on Naze Lane which face the appeal site have objected to the scheme. Furthermore, I appreciate that the occupiers of those properties may have been looking onto the existing site and timber fence for several years and note the appellant's efforts to replicate that view to some extent with the proposed boundary treatment for Naze Lane. Notwithstanding the above, a lack of objection to a scheme does not automatically result in an acceptable proposal. I must assess the proposal before me on its own merits and circumstances and consider its wider impact on the locality.
  14. Moreover, the proposed boundary treatment of dwarf walls, railings and planting, as shown on submitted Drawing No. EWC002 SK01 P4, would open up the site to Naze Lane more effectively than the existing timber fencing. However, due to its height and railings, amongst other matters, I find that the proposed boundary would be inappropriate and would not be in keeping with the low level walls and hedging of existing dwellings within the open street scene on Naze Lane.
  15. The appellant argues that the relocation and repositioning of the dwellings at plots 4, 5 and 6 would result in blank frontages to the street scene within of the site. Furthermore, I note the intention to create an inclusive development around a cul-de-sac to allow residents better opportunities to interact with the community and increase neighbourliness. However, the inward looking proposal and the rear elevations of properties on Naze Lane would not result in a positive visual impact on the surrounding area. It would have only a limited impact in enhancing connections between the scheme and its surrounding residents, properties and street scene. Therefore, I am not persuaded that the proposal would be more socially cohesive by being inward looking rather than effectively engaging with the wider area and community. As a result, I find that the proposal would not be in keeping with basic design principles and the Council's relevant design policies.
  16. The appellant argues that any harm resulting from the proposal would be limited and subjective. Furthermore, it is argued that any harm would subside as the appearance of the proposed boundary wall softens over time and the hedge and tree planting becomes established and grows. I acknowledge that the appellant has attempted to address the frontage concerns with an alternate solution. However, this would not address the significant impact that the proposed layout of the scheme would have on the area. The proposal would remain out of step with the character of the street scene where properties front onto the public highway and have low level, open boundaries to the front.
  17. Whilst the proposal would improve the appearance of the appeal site, it is evident that it would fail to enhance the character of its surroundings. The proposed layout would not relate well to its surrounding context and it would have a visually incongruous and a significantly harmful impact on the locality.
  18. Consequently, I conclude that the proposed development would have a significant adverse impact on the character and appearance of the surrounding area. It would therefore be contrary to Policy HL6 of the Fylde Borough Local Plan and the relevant sections of the Framework. Amongst other matters, this policy and guidance seeks to ensure that development does not have a significant detrimental impact on its surroundings.

### *Affordable housing*

19. I have had due regard to this matter and to the evidence before me in relation to it, including the Unilateral Undertaking submitted by the appellant relating to affordable housing and others matters.
20. From the evidence before me, the reason for refusal relating to affordable housing only emerged at a late stage in the determination of the application. Furthermore, there appears to have been no discussion between the Council and appellant regarding affordable housing contributions. Moreover, I note that at one stage the Council indicated to the appellant that no contribution towards affordable housing would be sought from the proposed development. Notwithstanding this, the Council has now identified a requirement for affordable housing on the basis that the emerging Policy H4 of the Submission LP has gained weight due to its progress through to an examination in public.
21. The examination in public of the Submission LP is not yet complete. Whilst I note the consultation responses to the proposed site threshold of 10 or more dwellings for affordable housing contributions within the draft Policy H4 have attracted no objections, I give only moderate weight to this due to the status of the policy and the stage in the plan making process which has been reached.
22. I appreciate the Council's approach with regard to emerging policy and the support for its case taken from other identified sources, including the Housing White Paper 'Fixing our broken housing market', dated 7 February 2017. Furthermore, I note the Council argues that the matter at issue turns on differing interpretations of policy. Notwithstanding this, it is evident that an untested, draft planning policy holds less weight than the relevant policy and guidance within the Framework, the Planning Practice Guidance (PPG) and the Written Ministerial Statement, dated 28 November 2014 (WMS). Therefore, I find that such considerations do not outweigh national planning policy and guidance, including the WMS.
23. Consequently, I conclude that the proposed development would not be required to make a contribution towards affordable housing, in accordance with the relevant policies and guidance within the Framework, the PPG and the WMS. Amongst other matters, these policies and guidance identify that proposals of 10 units or less are not required to make a contribution towards affordable housing.

### **Conclusion**

24. The proposal would provide housing in a location which is predominantly residential in character. Furthermore, it would provide these dwellings in an area currently unable to demonstrate a 5 year supply of housing land. Whilst this has significant weight, the impact of the proposal on the character and appearance of the area is also significant. Furthermore, the proposal would not be providing any contribution towards affordable housing in the area. As such, I find that the overall planning balance in this case is finely set. Nonetheless, having weighed all matters before me in the balance, I conclude that the significant harm I have identified would outweigh the benefits of the proposal.
25. Therefore, for the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

*Andrew McCormack*

INSPECTOR