
Appeal Decision

Hearing held on 26 May 2016

Site visit made on 26 May 2016

by C Sherratt DipURP MRTPI

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

Decision date: 23 August 2016

Appeal Ref: APP/M2325/W/16/3143716

**The Koi Pool Water Gardens, Mains Lane, Poulton-le-Flyde, Lancashire
FY6 7LJ**

- 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 & Mrs Derek Buckley against the decision of Fylde Borough Council.
 - The application Ref 14/0773, dated 26 October 2014, was refused by notice dated 3 August 2015.
 - The development proposed is "outline erection of two dwellinghouses".
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Decision

1. The appeal is dismissed.

Application for costs

2. At the Hearing an application for costs was made by Mr & Mrs Derek Buckley against Fylde Borough Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are:
 - (a) whether occupants of the proposed development would have acceptable access to the range of services necessary to support residential development;
 - (b) The effect of the development (including any potential access to the site), on the character and appearance of the area;
 - (c) Whether the proposal would be an isolated form of development in the countryside and if so, whether there are special circumstances that can be demonstrated such as an essential need for two rural workers to live permanently at their place of work in the countryside.

Reasons

4. The appeal site is situated outside any defined settlement designated in Policy SP1 of the Fylde Borough Local Plan (2005) (LP), within an area defined as open countryside for policy purposes. Policy SP2 defines the categories of development that are acceptable in the open countryside in appropriate circumstances. Residential development is not a use that is included. Policy

SP10 relates to new permanent dwellings required in connection with agriculture, horticulture or forestry. Policy HL2 sets out the criteria that new housing development should meet.

5. Paragraph 55 of the National Planning Policy Framework (NPPF) confirms that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. It gives examples of such circumstances including the essential need for a rural worker to live permanently at or near their place of work in the countryside.
6. The NPPF also clarifies at paragraph 49 that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. At the hearing the Council confirmed that it could not demonstrate a five-year supply of deliverable housing sites, having calculated its supply as 4.8 years in the latest Annual Monitoring Report (April 2016). I consider those policies SP1 and SP2 that resist housing development outside the development boundaries except in appropriate circumstances to be relevant policies for the supply of housing in that they restrict where housing can be located. Accordingly I consider them to be out of date. In accordance with paragraph 14 of the NPPF, this means granting planning permission 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.

Access to services

7. The Council considers the appeal site to be remote from access to the range of services that are required to support residential development. The nearest defined settlement in the LP is Singleton, some 2km away. Poulton is some 2.5km away which offers a full range of services. The appeal site is situated in an area known as Little Singleton that comprises a group of properties broadly focused around the junction of Mains Lane, Garstang New Road and Garstang Road, some 400m south of the site.
8. Little Singleton has a limited range of services available at the petrol filling station and a bus service is available. I was referred to other housing developments that have been permitted by the Council near to the appeal site in Little Singleton and accepted to be within a sustainable location. Given the proximity of the site to a high level centre relatively close by in Poulton and more limited services in Singleton and even Little Singleton itself, together with the availability of reasonable bus services, I find that the appeal site is not remote from services.
9. To conclude, I find that the development would be within a reasonable and accessible distance of services and would therefore help to maintain the vitality of rural communities in accordance with paragraph 55 of the NPPF. I find no conflict with Policy HL2 in this regard.

Character and appearance of the area

10. Little Singleton comprises a cluster of properties focused around and emanating from the vicinity of the junction where a number of roads converge. Between the more concentrated linear pattern of housing development along Mains Lane and the garden centre, a bungalow sits in a plot with a field wrapping around it. This denotes the start of a transition from built development to the open fields beyond the garden and aquatic centre and numbers 35 and 37 which are located in front of the sales buildings associated with the business use.
11. The appeal site would introduce housing beyond the more 'concentrated' pattern of development on Mains Lane. It would also be to the rear of the single storey existing buildings that form part of the garden and aquatic centre having no relationship with the road frontage as is characteristic of most other properties along Mains Lane. Provided that the existing vegetation is retained to the rear of the existing sales building, the properties would have a limited visual impact from Mains Lane. Given the location of the appeal site to the rear of the garden and aquatic centre the properties would also be visible from Garstang Road East. In this respect, whilst the existing vegetation would offer a back-drop and some screening which could be supplemented further, the appeal site is situated beyond the existing linear form of development on this road, having no relationship with it.
12. I do not agree with the appellant that the development would respect the pattern of development in the area. The buildings associated with the commercial business are already set well back from the road compared to development in the immediate vicinity but are of a limited height and simple rural appearance having evolved from a nursery. The proposed properties would extend the built form even further south west away from Mains Lane. The appeal site does not relate to the existing fabric of development given that it is separated from the main concentration of built development and any road frontage. In my view the introduction of residential properties and all the domestic trappings associated with them, in this location, even limited in height, would be wholly out of keeping with the existing pattern of development and adversely harm the character and appearance of the surrounding area contrary to LP Policy HL2.
13. The Council expressed concern about the visual impact of any access to the properties from Garstang Road East. Access is not a matter for which approval is now sought but there is potential for vehicular access to be from Mains Lane or Garstang Road East. There was disagreement between the parties about whether a planning permission for stock ponds included provision for access from Garstang Road East. I saw there was an existing entrance to the field and that some hardcore had recently been put down which I was told was to supplement an existing track. The Council are of the opinion that this constitutes engineering works for which planning permission has not been granted. It is not a matter for this appeal to interpret the extant planning permission. In any event, whilst hard surfacing materials are to be agreed, there is no specific requirement to upgrade or widen the access and that permission may not be completed.
14. If residential access is provided from Garstang Road East the highway authority require the entrance to be widened to a minimum of 6m and that this width is

maintained for at least 20metres into the site. In addition any gates should be set back 5m from the highway. These requirements are necessary to secure a safe and suitable access. Those works would introduce an access that would be sub-urban in character at a point along this road that is well beyond the stretch that is residential in character, is more open in nature and is typically fields and field entrances. I agree with the Council that a formal access from Garstang Road East would have an adverse impact on the character and appearance of the surrounding area, contrary to Policy HL2. Any residential access should therefore be from Mains Lane only.

15. There are no highway safety concerns in respect of an access from Mains Lane but it would require a shared access through the commercial garden and aquatic centre. The location of the properties would not therefore lend itself well to occupation unconnected with the business use. This together with the harmful impact of an upgraded residential access off Garstang Road East further supports my view that the introduction of residential development on the appeal site would not sit comfortably with the existing pattern of development.

Need for a rural workers dwellings

16. In my view, the site cannot reasonably be described as isolated in the sense that it is not remote from other development. It is not therefore in a location where the NPPF says that new homes should be avoided except in special circumstances. The NPPF does not therefore require the appellant to demonstrate a need for essential rural workers to live permanently on site. To this extent, Policy SP2 is inconsistent with the NPPF. The dwellings would be sited within the area used for commercial purposes between the sales buildings and the location of the proposed fish pools. The location would not lend itself well to occupation unconnected with the business use.
17. I have carefully considered the arguments advanced in relation to whether it is necessary for someone to be permanently living on site. I note that a great deal of work takes place outside of opening hours including the koi imports and other deliveries. The need to conduct out-of-hours duties does not however support the need for someone to live on site; it is an operational and staffing resource matter. The need for on-site security would not in itself justify the need for a permanent residential presence on the site. I saw little evidence of attempts to make the site more physically secure. I recognise that electrical failures and problems with the fish vats must be dealt with within a reasonable timeframe to ensure the health and welfare of the fish. Alarm systems are in place and I note two people are required to attend the site to respond to the alarm system for insurance purposes. The appellant's statement explains that alarm activations are regular, usually at least once every two weeks and sometimes are a weekly occurrence. Whilst it would be convenient to have two people living on the site that can respond to the alarm, I am not persuaded, based on the evidence before me that it would be essential for anyone to actually live on the site to respond within a satisfactory timeframe to emergencies that could result in fish fatalities. Given that I have not found the site to be remote from settlements, properties are likely to be available nearby.
18. To conclude, I do not consider the site is isolated and so it is not necessary to demonstrate an essential need for the purposes of the framework. Nevertheless, having regard to LP Policy SP10, I do not find based on the

evidence before me, that there is an existing essential need for a person(s) to permanently reside on the site.

Other Matters

19. There are three dimensions to sustainable development – social, economic and environmental. The appellant highlights the environmental benefits of reduced vehicle trips that would result from living and working from one place for two managers. However those benefits would not outweigh the environmental harm by reason of the impact of the development on the character and appearance of the area. Whilst there would be some social and economic gains arising from the development, looked at in the round it is not considered that the development would achieve sustainable development.

Overall Conclusions

20. To conclude, notwithstanding the lack of a five year housing land supply, I consider the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
21. For the reasons given above I conclude that the appeal should be dismissed.

Claire Sherratt

Inspector

APPEARANCES

FOR THE APPELLANT:

Jane Fox	Of Fox Planning Consultancy
Derek Buckley	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Andrew Stell	Development Management for Flyde Borough Council.
Ed Robertson	Estates Department, Lancashire County Council.
Phil Mather	Planning Officer for Flyde Borough Council.

DOCUMENTS

Document 1	Copy of application form, design and access statement and drawing A10.5/1 submitted in respect of planning permission reference 05/2015 0066.
Document 2	Application for Costs