



# Agenda

## Planning Committee

Date:	Wednesday, 2 September 2020 at 10:00 am
Venue:	Town Hall, St Annes, FY8 1LW
Committee members:	<p>Councillor Trevor Fiddler (Chairman)</p> <p>Councillor Richard Redcliffe (Vice-Chairman)</p> <p>Councillors Tim Armit, Chris Dixon, Kiran Mulholland, Jayne Nixon, Linda Nulty, Liz Oades, David O'Rourke, Heather Speak, Ray Thomas, Stan Trudgill.</p>

**Please Note:** This meeting is being held remotely via Zoom. To access the meeting please click on the link below.  
 Join Zoom Meeting - <https://us02web.zoom.us/j/83775317751?pwd=b2FrYzJzM0QxYUwvQ3NobUpiNVdZdz09>  
 Meeting ID: 837 7531 7751  
 Passcode: 703808

### Public Speaking at the Planning Committee

Members of the public may register to speak on individual planning applications: see [Public Speaking at Council Meetings](#).

	PROCEDURAL ITEMS:	PAGE
1	<b>Declarations of Interest:</b> Declarations of interest, and the responsibility for declaring the same, are matters for elected members. Members are able to obtain advice, in writing, in advance of meetings. This should only be sought via the Council's Monitoring Officer. However, it should be noted that no advice on interests sought less than one working day prior to any meeting will be provided.	1
2	<b>Confirmation of Minutes:</b> To confirm the minutes, as previously circulated, of the meeting held on <a href="#">29 July 2020</a> as a correct record.	1
3	<b>Substitute Members:</b> Details of any substitute members notified in accordance with council procedure rule 24.	1
	DECISION ITEMS:	
4	Planning Matters	3 - 73
	INFORMATION ITEMS:	
5	List of Appeals Decided	74 - 94

Contact: Lyndsey Lacey-Simone - Telephone: (01253) 658504 – Email: [democracy@fylde.gov.uk](mailto:democracy@fylde.gov.uk)

The code of conduct for members can be found in the council's constitution at  
<http://fylde.cmis.uk.com/fylde/DocumentsandInformation/PublicDocumentsandInformation.aspx>

**© Fylde Council copyright 2020**

You may re-use this document/publication (not including logos) free of charge in any format or medium. You must re-use it accurately and not in a misleading context.

The material must be acknowledged as Fylde Council copyright and you must give the title of the source document/publication.

Where we have identified any third party copyright material you will need to obtain permission from the copyright holders concerned.

This document/publication is also available on our website at [www.fylde.gov.uk](http://www.fylde.gov.uk)

Any enquiries regarding this document/publication should be sent to us at the Town Hall, St Annes Road West, St Annes FY8 1LW, or to [listening@fylde.gov.uk](mailto:listening@fylde.gov.uk).

## Planning Committee Index

### 02 September 2020

Item No:	Application No:	Location/Proposal	Recomm.	Page No.
1	20/0361	LAND ADJACENT TO WHITE HALL, KIRKHAM ROAD, TREALES ROSEACRE AND WHARLES, PRESTON, PR4 3SD ERECTION OF ONE DETACHED DWELLING	Grant	5
2	20/0385	ALLOTMENT GARDENS, MYTHOP ROAD, LYTHAM ST ANNES SITING OF SHIPPING CONTAINER TO OPERATE AS SHOP FOR ALLOTMENT HOLDERS AND CONSTRUCTION OF TIMBER FOOTBRIDGE OVER DYKE	Grant	28
3	20/0404	HOME FARM, WATCHWOOD DRIVE, LYTHAM, LYTHAM ST ANNES, FY8 4NP ERECTION OF 2.5 STOREY DETACHED DWELLING WITH ATTACHED SINGLE STOREY SWIMMING POOL ANNEX AND DETACHED GARAGE / OUTBUILDING IN WALLED GARDEN WITH NEW ACCESS DRIVEWAYS FROM WATCHWOOD DRIVE AND ASSOCIATED LANDSCAPING	Refuse	36
4	20/0439	STANLEY VILLA FARM FISHING AND CAMPING, BACK LANE, WEETON WITH PREESE, PRESTON, PR4 3HN VARIATION OF CONDITIONS OF PLANNING PERMISSION 17/0572 TO ALLOW USE OF PART OF SITE AS TENTING FIELD. CONDITION 2 TO BE VARIED TO ENABLE TENT CAMPING, CONDITION 3 TO BE VARIED TO ENSURE TENT CAMPING IS FOR HOLIDAY PURPOSES ONLY, AND CONDITION 6 TO BE VARIED TO ENSURE SITE MANAGEMENT PLAN RELATES TO TENT CAMPING	Refuse	56

## Background Papers

The background papers used in the compilation of reports relating to planning applications are listed below, except for such documents that contain exempt or confidential information defined in Schedule 12A of the Local Government Act 1972:

- Fylde Local Plan to 2032 Adopted Version (October 2018)
- Joint Lancashire Minerals and Waste Local Plan
- Bryning-with-Warton Neighbourhood Plan
- Saint Anne's on The Sea Neighbourhood Development Plan
- National Planning Policy Framework 2019
- National Planning Practice Guidance
- The Community Infrastructure Levy Regulations 2010 (as amended)
- Conservation of Habitats and Species Regulations 2010 (as amended)
- Other Supplementary Planning Documents, Guidance and evidence base documents specifically referred to in the reports.
- The respective application files
- The application forms, plans, supporting documentation, committee reports and decisions as appropriate for the historic applications specifically referred to in the reports.
- Any additional information specifically referred to in each report.

These Background Documents are available online at [www.fylde.gov.uk/resident/planning](http://www.fylde.gov.uk/resident/planning)

## Planning Committee Schedule 02 September 2020

**Item Number:** 1      **Committee Date:** 02 September 2020

<b>Application Reference:</b> 20/0361		<b>Type of Application:</b> Full Planning Permission	
<b>Applicant:</b>	A & CE DEVELOPMENTS LTD	<b>Agent :</b>	Lee Fenton Planning Services
<b>Location:</b>	LAND ADJACENT TO WHITE HALL, KIRKHAM ROAD, TREALES ROSEACRE AND WHARLES, PRESTON, PR4 3SD		
<b>Proposal:</b>	ERECTION OF ONE DETACHED DWELLING		
<b>Ward:</b>	NEWTON WITH TREALES	<b>Parish:</b>	Treales, Roseacre and Wharles
<b>Weeks on Hand:</b>	12	<b>Case Officer:</b>	Matthew Taylor
<b>Reason for Delay:</b>	Need to determine at Committee		
<a href="#">Click Here</a> for application site on Google Maps		<a href="#">Click here</a> for application on FBC website	

**Summary of Recommended Decision:** Grant

### Summary of Officer Recommendation

The application relates to a rectangular parcel of land located in the Countryside Area on the south side of Kirkham Road between Primrose House and White Hall, Treales. The site benefits from an extant outline planning permission (with all matters reserved) for the construction of a single dwelling (19/0807) which followed an earlier outline permission allowed at appeal (16/0087 & APP/M2325/W/16/3157346). This application seeks full planning permission for the erection of a single dwelling on the site.

Extant outline planning permission 19/0807 establishes the principle of development for a single dwelling on the site on the basis that such a scheme would satisfy the limitation in Fylde Local Plan to 2032 policy GD4 f) which makes an allowance for minor infill development within the countryside. The land is located between existing two storey dwellings to the east (Primrose House) and west (a group of 6 houses at White Hall) and forms a relatively narrow gap in an otherwise continuous, built-up frontage along this southerly stretch of Kirkham Road. The siting, layout and scale of the proposed dwelling in relation to surrounding buildings and the frontage of Kirkham Road would ensure that, as with 19/0807, this scheme also appears as minor infill development within a relatively small gap between existing buildings and so the same principle applied in granting 19/0807 remains applicable in this case.

The layout of the scheme would follow the established pattern of roadside development along the southern frontage of Kirkham Road with the building set back centrally within the site behind a deep, landscaped garden frontage and running in broad alignment with the neighbouring property at Primrose House. Access would be taken via a central crossing from Kirkham Road which achieves visibility splays of 2.4m x 43m in both directions at the junction. The proposed dwelling would be two storeys in height, with a protruding gable to

the northwest corner forming the focal point of the façade alongside a recessive wall set back behind and flanked by a protruding monopitch canopy over a central entrance and integral garage to the ground floor. Window proportions would be regular and complement those of surrounding dwellings, with stone cill and header detailing adding character, along with an external chimney to the west side. The external walls of the dwelling would be faced in red brick, with a Spanish slate covering to the roof.

A total of 5 existing trees scattered across the northern, eastern and western boundaries of the site would be removed to allow the development, along with the roadside hedge fronting Kirkham Road. However, none of these specimens are protected by a Tree Preservation Order and new planting would be introduced across the site in the form of 6 replacement trees and a continuous, L-shaped hedgerow to the western and part of the northern boundary to compensate for the loss of existing vegetation. The dwelling's positioning and separation in relation to surrounding properties would ensure that it has no undue effects on the privacy and amenity of surrounding occupiers through loss of outlook, overlooking or overshadowing.

The scheme would not result in any significant loss of the Borough's best and most versatile agricultural land and there are no other landscape designations to restrict the site's development for housing. The development would not give rise to any other adverse effects in terms of ecology or flood risk. Therefore, the proposal is considered to represent sustainable development in accordance with the relevant policies of the Fylde Local Plan to 2032 and the National Planning Policy Framework.

#### **Reason for Reporting to Committee**

Treales, Roseacre and Wharles Parish Council have objected to the application and the officer recommendation is for approval.

#### **Site Description and Location**

The application relates a rectangular parcel of land measuring approximately 700 square metres in area to the south side of Kirkham Road, Treales. The site is located between Primrose House – a two storey dwelling in the latter stages of construction pursuant to planning permission 18/0593 – to the east, and a collection of six dwellings at White Hall to the west. A narrow strip of greenspace flanks the site's western boundary and separates it from a private access road that branches in a southerly direction off Kirkham Road to serve the group of dwellings at White Hall.

The site falls within the Countryside Area as defined on the Fylde Local Plan to 2032 Policies Map. Outline planning permission 16/0087 (with all matters reserved) was granted at appeal (reference APP/M2325/W/16/3157346) on 25.11.16 for the erection of one dwelling on the site. This was followed by a second outline permission for the same development granted on 20.12.19 (19/0807), which remains extant.

The site comprises an area of unmaintained grassland which runs parallel with the access road serving dwellings at White Hall. The land is enclosed by a combination of post-and-rail fencing and hedging to its perimeter, with a group of taller trees flanking Kirkham Road along its northern boundary. Tree Preservation Order (TPO) 1989 no. 12 indicates that one of these trees – a beech referred to as 'T4' – is protected by a TPO, though there is no evidence of this tree at the site. Additional trees are located alongside the site's eastern and western boundaries, and to the southern perimeter where the plot backs onto a large expanse of open farmland. An unenclosed strip of maintained grassland containing smaller trees and a bench forms a buffer between the site and the access road to White Hall and is not included within the development site.

Dwellings at White Hall to the west run in a north-south direction flanking, but set back from, the private access road behind landscaped front gardens. Five of these dwellings have been created following the conversion of existing barns on the site in the early 21<sup>st</sup> century pursuant to planning permission 99/0356 (the exception to this being the original 'White Hall' dwelling located to the southern end of the group). Four of the dwellings are orientated with their front elevations facing in an easterly direction towards the site (though the northern dwellings are offset in relation to it) and fall a minimum of *circa* 23m from the western site boundary. All dwellings facing the site are two storeys in height. Two detached properties (Birch House and Whitegarth) lie a minimum of approximately 31m to the north of the site on the opposite side of Kirkham Road. The newly constructed dwelling at Primrose House follows a broadly square footprint with its west-facing (side) elevation running parallel to the eastern perimeter of the application site and offset by a minimum of approximately 4m from the boundary line.

### **Details of Proposal**

The application seeks full planning permission for the erection of a single, two storey dwelling on the site. The proposed dwelling would occupy a broadly central position within the site behind a minimum 15m deep front garden and follows a rectangular footprint measuring 11.8m in length and 9.7m in width, with protruding two-storey gables to the northwest (front) and southeast (rear) corners. The frontage gable would project 1.4m from the building's main, recessive wall behind. An integral garage to the ground floor would extend from the façade to the same depth as the gable, with a monopitch canopy over the garage and entrance porch linking with the taller facing gable.

Principal windows would be contained in the building's front and rear elevations, with secondary windows in both sides, along with an external chimney to the western elevation facing the private drive to White Hall. The external walls of the dwelling would be finished in red brick, with stone headers and cills to window openings on the front and west facing side elevations. The building would follow a dual pitched roof with a latitudinal ridgeline. The roof would be finished in a Spanish slate covering, with solar panels located on the rear (south facing) roof slope.

Access would be taken via Kirkham Road, with a crossing located centrally on the northern boundary achieving visibility splays of 2.4m x 43m in both directions at the junction. The access would open onto a gravel-surfaced driveway providing a minimum of 2 parking spaces and a turning area to allow vehicles to enter and exit the site in forward gear. Five existing trees scattered across the northern, eastern and western boundaries of the site would be removed to allow the development, along with the roadside hedge fronting Kirkham Road. However, none of these specimens are protected by a Tree Preservation Order and new planting would be introduced across the site in the form of 6 replacement trees and a continuous, L-shaped hedgerow to the western and part of the northern boundary to compensate for the loss of existing vegetation.

Amended plans have been submitted during the course of the application. The revised drawings include changes to the design of the building's front and west facing side elevations, to the landscaping scheme (specifically with respect to the extent and species of replacement tree planting) and increase the depth of the paved entrance into the site from Kirkham Road in response to comments made by the Local Highway Authority. These design changes do not, however, result in any significant alteration to the development as originally submitted which would trigger the need for re-consultation with statutory consultees or neighbouring occupiers.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
19/0807	OUTLINE APPLICATION (ALL MATTERS RESERVED) FOR THE ERECTION OF ONE DWELLINGHOUSE	Granted	20/12/2019

16/0087	OUTLINE APPLICATION (ALL MATTERS RESERVED) FOR THE ERECTION OF ONE DWELLINGHOUSE	Refused	27/05/2016
---------	--	---------	------------

### **Relevant Planning Appeals History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
16/0087	OUTLINE APPLICATION (ALL MATTERS RESERVED) FOR THE ERECTION OF ONE DWELLINGHOUSE	Allowed	25/11/2016

### **Parish/Town Council Observations**

***Treales, Roseacre and Wharles Parish Council*** – notified of the application on 15.06.20. The Parish Council object to the application by letter dated 06.07.20 on the following (summarised) grounds:

#### ***Character and appearance:***

- The proposed development and its design create significant, material adverse impacts on the rural character of the area and therefore fails to comply with the Fylde Local Plan (FLP32) policies GD7 and GD4.
- The character of this rural area is one of hedge rowed roadside fields and woodland interspersed by former Lord Derby Estate farmsteads. The location is in designated countryside in a sensitive setting remote by several hundred metres from the urbanised form of Treales village, within its former settlement boundary, isolated from acceptable access to all recognised services (as deemed by FBC). For over one hundred and fifty years, the character has been protected and development has continued through the redevelopment, or replacement of redundant buildings, whilst retaining the roadside fields and woodlands of the remote location. Development on now green field agricultural land sites, approved as “Minor Infill”, is required to be of a scale that does not have a material impact on the rural character of the area. Consequentially, this includes the design and positioning of development on the site.
- The proposed design of the development creates an uncharacteristic overbearing, large mass of housing, cumulatively creating an urbanised ribbon form, in its abutment and alignment to the newly built property immediately to the east, also approved as “minor infill”. This is in conflict with policy GD4. In addition, the proposed design is in conflict with the designs submitted to secure outline planning permission (application ref 19/0807) as follows:
  - The now proposed design is of a materially larger street scene design, being of a substantially more intrusive gable roof design, rather than lesser scale pyramid roof design.
  - The development is proposed to be closer to the road than in the drawings submitted to secure the outline planning application. This further increases the impression of larger scale and material impact on the rural character.
  - It is also more aligned to the building line of its recently built immediately abutting neighbour to the east. All of which creates a cumulatively larger mass of development in an urbanised style, in conflict with the outline plans.
  - The proposed access to the highway is in conflict with that proposed to secure the outline planning permission. It has been moved from the north eastern corner of the site to a central position. This will expose even more of the even larger and more overbearing form of individual and cumulative development to the otherwise rural street scene.



- The above all contribute to an unacceptable and avoidable material adverse impact on the character of the area and scale of the road side scene. This is created by the individual dwelling and of the cumulative development with the abutting recently built dwelling immediately to the east located upon a former green field. Individually and cumulatively this creates an oppressive, massed appearance, urbanised form of a single building line and high roof line. This does not relate well to the surrounding context nor characteristic form in the vicinity. The materials are also uncharacteristic of the rural setting and are more consistent with a commercial urban housing estate.
- The development is not in accord with the plans used to support the granting of outline planning permission, which showed a smaller mass, irregular road side scene form of the overall development, with offset highways access protecting the rural street scene supported by a further set back location, offset alignment with abutted neighbouring development to the east and lower materially less impactful dwelling roof lines. The development therefore fails to comply with FLP32 Policy GD7, in particular criteria d), f), h) and i).
- The adverse material out of character urbanised scale, massing and design of the elevations and alignment of individual and cumulative impact of the development is in conflict with FLP32 policy GD4. This requires that "Minor infill" development will be of a scale and use that does not have a material impact on the rural character of the area, which this evidently does.

#### ***Tree impacts:***

- The application does not provide a tree protection plan. It merely provides a record of the many trees on and around the development site. There is no recognition of the presence and sustainment of the multiple individual trees that are protected by Tree Protection Orders (TPOs), in accord with their condition in the original submissions associated with the enabling application 19/0807. This is of severe concern, since the Parish has already been subject to the loss of multiple trees supposedly protected by TPOs. This loss of trees is adversely affecting the rural character and sustainment of habitat. It is noted that the FBC Tree Officer (ref correspondence of 27 Nov 2019 to Mr M Taylor) confirms the material impact of the design and layout of the proposed development. Mr Rayner states that "I do have concerns that if this development is to be allowed there will be a significant loss of trees overall"...."The loss of these trees and hedge will impact on the green corridor and habitat that they provide." There has been no condition that requires an agreed landscaping scheme. The further changes of access, driveways, forward positioning of the dwelling and locations of service ground works will all be in conflict with the sustainment of TPO protected trees T1 and T3 and their root systems as detailed in FBC TPO 1989 No 12 (Treales). The application before us fails to address Mr Rayner's and the Parish Council's concerns. As such, it therefore fails to ensure suitable retention and strengthening of existing landscaping on the site in the interests of visual amenity and to secure appropriate biodiversity enhancements in accordance with the requirements of Fylde Local Plan to 2032 policies GD7 and ENV1, and the National Planning Policy Framework. This then conflicts with policy GD4 because of the adverse material impact on the character of the rural area.

#### **Statutory Consultees and Observations of Other Interested Parties**

*Greater Manchester Ecology Unit (GMEU)* – No objections. Comment that GMEU provided advice on the previous application at the site (19/0807) and the same ecology assessment has been submitted with the current application. Therefore GMEU's advice remains unchanged as follows:

- The information submitted with the application includes an ecology assessment. The assessment found the site to have some limited ecological value. The site supports trees and

scrub that may be used by nesting birds, some of which will be lost should the development go ahead. As all wild birds, their nest and eggs are protected under the Wildlife and Countryside Act 1981 (as amended) we would recommend that the following condition be attached to any permission, should it be granted: (i) No removal of or works to any hedgerows, trees or shrubs shall take place during the main bird breeding season 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

- We would expect any such scheme to include measures to enhance biodiversity at the site and to provide a net gain for biodiversity, in line with the requirements of the National Planning Policy Framework. We would therefore recommend that a condition requiring the submission of a scheme for biodiversity enhancement measures be attached to any permission.

*Local Highway Authority (LHA) – No objections. Comments as follows:*

- There are no highway objections to the scheme. The proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.
- The applicant should make provision off the highway for construction and contractor vehicles and all deliveries and storage of materials should take place off the highway.
- The applicant will need to enter into a s184 agreement for the formation of the vehicle crossing across the adopted highway.
- Conditions are recommended with respect to: (i) the construction of car parking and manoeuvring areas; (ii) the provision of a suitable turning area so that vehicles can enter and exit the site onto the highway in forward gear; (iii) the first 5m of the access extending into the site from the public highway must be paved in a suitable surface that does not allow loose material to be trailed onto the highway; (iv) any gates shall be positioned at least 5m behind the back edge of the footway; (v) visibility splays measuring 2.4m x 43m shall be provided in both directions at the junction of the site access with Kirkham Road. The visibility splays should be maintained free from any obstruction over 1m in height.

*Tree Officer – Comments dated 20.07.20 & 18.08.20 (in response to updated landscaping scheme):*

- There will be a need to remove trees to accommodate the development not just within the site but also at the north edge along Kirkham Road. Leading to a significant loss of canopy cover and removal of a section of hedge. This will have an impact on the green corridor and habitat that they provide in that location. If the application is approved, I would like to see a landscaping condition secured to help maintain the green corridor through Treales on Kirkham Road.
- The updated landscaping scheme shown on drawing no. 1002-004 Rev E is, in principle, and subject to the conditions below, acceptable with respect to the number, siting and species of replacement tree and hedge planting.
- Conditions should be attached to any permission granted requiring the following details: (i) what native species the new hedgerow will comprise, along with planting specifications; (ii) All trees bought for this site should be at least extra heavy standard 14-16cm girth, height of 3.5-4m, root ball and planted with in planting season of November-March; (iii) when planting trees and hedge in accordance with the relevant British Standards (BS8545:2014 Tree: From Nursery to Independence in the Landscape: Recommendations) and approved specifications, any tree or shrub that is cut down, felled, uprooted, or destroyed, or dies or becomes, in the opinion of the Council, seriously damaged or defective: (a) The Council shall

be notified as soon as reasonably practicable; (b) Another tree or shrub of the same species shall be planted at the same location, at a time agreed in writing by the Council, unless the Council agrees in writing to dispense with or vary the requirement. A 10 year replacement planting period would also be beneficial.

*United Utilities:*

- The site should be drained on separate systems for foul and surface water disposal. Foul water should drain to the public sewer and surface water should drain in the most sustainable way in accordance with the hierarchy in the NPPG – into the ground (infiltration); to a surface water body; to a surface water sewer; and finally, to a combined sewer.

**Neighbour Observations**

**Neighbours notified:** 15.06.20  
**Site notice posted:** 16.06.20  
**Press notice:**  
**Amended plans notified:**  
**No. Of Responses Received:** None  
**Nature of comments made:** N/A

The appropriate neighbouring properties were notified of the application by letter on 15.06.20 and a site notice posted on 16.06.20. No representations have been received in response to this publicity.

**Relevant Planning Policy**

Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that development proposals are determined in accordance with the development plan unless material considerations indicate otherwise. This requirement is reinforced in paragraph 2 of the National Planning Policy Framework.

The Fylde Local Plan to 2032 (the 'FLP') was formally adopted by the Council at its meeting on Monday 22 October 2018 as the statutory, adopted development plan for the Borough. Therefore, the FLP should guide decision taking for the purposes of paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2 of the National Planning Policy Framework.

**Fylde Local Plan to 2032:**

S1	The Proposed Settlement Hierarchy
DLF1	Development Locations for Fylde
GD4	Development in the Countryside
GD7	Achieving Good Design in Development
H1	Housing Delivery and the Allocation of Housing Land
H2	Density and Mix of New Residential Development
INF1	Service Accessibility and Infrastructure
T5	Parking Standards
CL2	Surface Water Run-Off and Sustainable Drainage
ENV1	Landscape
ENV2	Biodiversity

**Other Relevant Policy:**

NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance

## **Environmental Impact Assessment**

The development is of a type listed within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) but does not exceed the threshold in column 2 of the table relating to category 10(b) developments. Therefore, it is not Schedule 2 development and, in turn, is not EIA development.

### **Comment and Analysis**

#### **Policy context and main issues:**

As outlined in paragraphs 10 and 11 of the NPPF, at the heart of the Framework is a presumption in favour of sustainable development. In terms of decision taking, criteria c) and d) of paragraph 11 indicate that this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - (i) The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - (ii) 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.

Paragraph 12 of the NPPF makes clear that “the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.”

Having regard to the nature of the development proposed, the existence of previous permissions on the site (including one which remains extant), the designations applicable to the land and the responses received in respect of the application, the main issues in this case are:

1. The principle of development, including whether it represents an appropriate form of development within the countryside.
2. The development’s effects on the character and appearance of the area.
3. The scheme’s impact on the amenity of surrounding occupiers.
4. The development’s effects on the surrounding highway network.
5. Other matters relevant to the decision, including those relating to BMV, ecology and flood risk.

Principle of development:

***Local Plan designation and policy position concerning proposed land use:***

FLP policy H1 identifies a minimum housing requirement of 415 net homes per annum across the plan period (up to 2032). Policy DLF1 indicates that the Local Plan will provide sites for a minimum of 8715 new homes in locations that accord with the Development Strategy, which follows the four-tier settlement hierarchy set out in policy S1. FLP policy INF1 a) states that, in order to protect and create sustainable communities, proposals for development should “make the most of existing infrastructure by focusing on sustainable locations with the best infrastructure capacity”.

The application site falls within the Countryside Area outside any of the settlements defined in FLP policy S1. Treales is not identified as a settlement in FLP policy S1. The closest settlement identified in FLP policy S1 is Kirkham, the defined boundary of which is located approximately 0.75km to the southwest, further along Carr Lane. The town centre of Kirkham (identified as a Strategic Location for Development in FLP policy DLF1) is *circa* 1.6km away.

Although the site does not form part of any settlement identified in policy S1, it is not the case that residential development cannot be permitted within the countryside area beyond settlement boundaries. In particular, FLP policy S1 indicates that, within the rural areas, “development will be restricted to the Tier 1: and Tier 2: Larger and Smaller Rural Settlements, **except where [it] is allowed by Policy GD2, GD3 or GD4 as applicable**” (emphasis added). In addition, the “windfalls” section of FLP policy DLF1 indicates that “small housing sites (amounting to between 1 and 9 homes) are not allocated; **they can occur throughout the borough where compliant with the other policies of the plan**” (emphasis added). Accordingly, the development strategy in FLP policy DLF1 does not confine development to the settlements identified in policy S1, nor does it restrict it to the strategic/non-strategic locations for development set out in policy DLF1, as long as it complies with other policies of the plan.

As the site is located within the Countryside Area, the provisions of policy GD4 are applicable in this case. FLP policy GD4 states that development in the countryside will be limited to that falling within the following categories:

- a) that needed for purposes of agriculture, horticulture or forestry; or other uses appropriate to a rural area, including uses which would help to diversify the rural economy, including small-scale tourist accommodation, holiday caravan sites and very exceptionally, larger scale tourism development;
- b) the re-use or rehabilitation of existing permanent and substantial buildings;
- c) extensions to existing dwellings and other buildings in accordance with Policy H7;
- d) development essentially needed for the continuation of an existing enterprise, facility or operation, of a type and scale which would not harm the character of the surrounding countryside;
- e) isolated new homes in the countryside which meet the criteria set out in Policy H6;
- f) minor infill development.

Criteria a) – d) of policy GD4 are not applicable to the type of development proposed in this case. Accordingly, the development could only be permitted in accordance with the provisions of policy GD4 if it was found to fall properly within the categories indicated in criteria e) or f).

While the site is within the countryside, it is bordered by existing dwellings to both sides and closely related to the existing cluster of buildings to the western end of Treales. Accordingly, and having regard to the principles established by the *Braintree District Council v Secretary of State for*

*Communities and Local Government & Others [2017]* judgement – which determined that the term ‘isolated’ should be given its ordinary objective meaning of “far away from other places, buildings or people; remote” – it is not considered that the proposed development would involve the creation of an isolated home in the countryside for the purposes of FLP policy H6. Therefore, the exception in criterion e) of FLP policy GD4 is not applicable in this case. For the same reasons, the site is not considered to be an unsuitable location for residential development by virtue of its accessibility to shops, services and public transport opportunities and so there is no conflict with FLP policy INF2 a) in this regard.

***Minor infill development & extant permission 19/0807:***

Criterion f) of FLP policy GD4 includes an allowance for “minor infill development” within the countryside. Paragraph 7.15 of the FLP states that “minor infill development will be of a scale and use that does not have a material impact on the rural character of the area and does not conflict with the provisions of policy ENV3.” While the FLP does not include a specific definition for “minor infill development”, the two fundamental tests of GD4 f) require that development must be both “minor” and “infill” in order to satisfy this exception. The interpretation of what constitutes “minor infill development” has been addressed in several recent appeals in different locations throughout the Borough, with Inspectors coming to a consensus that the term should be taken to mean “the filling of a modest gap in an otherwise continuous built up frontage” (e.g. appeal ref APP/M2325 /W/19/3244029).

Reference to the term “minor” in GD4 f) is distinct from any of the definitions in the Town and Country Planning (Development Management Procedure) (England) Order 2015 and so is not reliant on a specific quantum of development (or a maximum number of dwellings). Instead, the test is whether it could be considered “minor” in relation to its site-specific context and the character of its surroundings. The term “infill” should be taken as a requirement to ‘fill a gap’ between sites that are already developed. For example, the glossary to the Planning Portal defines “infill development” as “the development of a relatively small gap between existing buildings”.

The site is a relatively narrow, elongated plot of land falling between a new dwelling at Primrose House to the east and a collection of houses at White Hall to the west. The site is physically separated and distinct, in both its character and use, from adjoining agricultural land to the south and is located opposite two dwellings on the north side of Kirkham Road. Accordingly, it is largely contained by existing development and seen amongst the collection of buildings flanking the southern side of Kirkham Road which form a linear ribbon of development between its junctions with Carr Lane and Moss Lane West.

An extant outline planning permission (19/0807) exists on the site for a development involving the erection of one dwelling, which was considered to represent minor infill development in accordance with FLP policy GD4 f). While all detailed matters of access, scale, layout, appearance and landscaping were reserved as part of that application, the scheme was accompanied by an indicative site plan and building elevations. In addition to the plans for 19/0807 being purely indicative, it should also be noted that they show a different layout and siting for the dwelling at Primrose House to the east which was based on an indicative layout for application 15/0367, rather than the dwelling which has now been constructed pursuant to separate planning permission 18/0593. Accordingly, the two plans are not directly comparable with respect to the relationship between these dwellings. That notwithstanding, the Parish Council have referred to several differences between the indicative plans for 19/0807 and those submitted with this scheme which, they assert, would increase the urbanising effects of the proposed development in order that it would be more harmful to rural character and so should no longer be considered “minor infill” for

the purposes of policy GD4 f). In particular, the Parish Council refer to:

- The increased massing arising from the proposed dwelling's dual-pitched (gable) roof in comparison to the hip-roofed dwelling shown indicatively for 19/0807.
- The proposed dwelling's increased proximity to Kirkham Road in comparison to that shown for 19/0807.
- The re-location of the access into the site from a position to the northeast corner of the site for 19/0807 to a more central location in this application, which the Parish Council consider will expose more of the development to the rural street scene.
- The closer alignment of the proposed dwelling to the building line of the new-build property at Primrose House which abuts the site to the east. The Parish Council consider that the lack of a stagger between the two dwellings will result in these buildings being seen as a cumulative mass of urbanised ribbon development.

While the proposed dwelling would incorporate a dual-pitched roof (rather than a hipped profile), this reflects the consistent roof profile of surrounding buildings to the east, north and west – all of which have dual-pitched roofs. The ridgeline of the proposed dwelling would sit marginally (approximately 400mm) above that of the adjacent dwelling to the east (Primrose Farm), but the 5.5m gap between the opposing side elevations of these buildings would avoid their roofs from being seen as a cumulative, oppressive mass of urbanising development.

The proposed dwelling would occupy a broadly central position within the site, being set back between 15m (northeast corner) and 17.3m (northwest corner) from the back edge of the footway of Kirkham Road, with a minimum rear garden length of 16.3m. The same distances shown on the indicative site plan for 19/0807 are 13.4m and 16.2m (to Kirkham Road) and 18.5m (rear garden length) respectively. Accordingly, the dwelling proposed by this scheme has a longer front garden and a greater setback from Kirkham Road in comparison to that shown on the indicative plans for 19/0807. It is also noted that this level of setback is significantly greater than that for 'Primrose Farm' and 'The Ramblings' further to the east, which share the same roadside aspect on the southern stretch of Kirkham Road.

While the position of the access for this development has been relocated to sit more centrally to the northern boundary rather than to the northeast corner of the site as shown indicatively for 19/0807, there is no reason to conclude that this arrangement would be perceptibly more harmful. In particular, the central position of the access now splits the front garden to allow wider, broadly equidistant verges on either side of the access to provide for enhanced screen planting within wider buffers rather than a narrow strip to the northeast corner which is more likely to afford direct views through from Kirkham Road. When this is considered in combination with the increased depth of the front garden, there is no reason to conclude that the re-location of the access would result in additional exposure of views from Kirkham Road that would cause the development to appear unduly imposing or oppressive in the street scene. Indeed, other surrounding dwellings fronting onto this stretch of Kirkham Road are set back behind much shallower garden frontages that place the buildings prominently in view from this aspect rather than attempting to conceal them from the roadside.

The proposed dwelling would be set forward marginally (*circa* 1.6m) of the dwelling at Primrose Farm to the east. However, the depth of this stagger would be greater if the layout shown on the illustrative plan for 19/0807 were followed, with the spacing to the shared boundary between the two being the same (approximately 1.5m). As minor infill development, by definition, involves the filling of a modest gap in an otherwise continuous built up frontage, it is inevitable that adjacent dwellings will share a close relationship with one another with respect to their siting, layout and pattern, including by following the prevailing building line across the frontage. In this case, the

character of immediately surrounding buildings is one where dwellings are set back from the roadside behind generous garden frontages. There is no distinctive or consistent staggered arrangement between dwellings along the southern frontage of Kirkham Road – for example, the front elevations of ‘Primrose Farm’ and ‘The Ramblings’ are set broadly in line and the group of dwellings at White Hall follow a very linear building line across their frontage – though the modest, forward stagger and 5.5m spacing between the proposed dwelling and that at Primrose House to the east will provide a suitable gap to ensure that the two buildings are read individually, rather than as a continuous, unbroken mass.

Extant outline permission 19/0807 establishes the principle that a development of one dwelling on the site would represent minor infill development for the purposes of FLP policy GD4 f). For the reasons given above, there is nothing relating to the specific layout, scale or appearance of the proposed dwelling, the access arrangements to the development or the landscaping of the site which fundamentally alters that conclusion when compared to the indicative scheme submitted with 19/0807. As with the extant permission, the proposed dwelling would continue to be well contained by, viewed in conjunction and integrate successfully with the established pattern of surrounding built development along this stretch on the south side of Kirkham Road. Accordingly, the introduction of the proposed dwelling would appear as “minor” in both its immediate surroundings and the wider context of Treales village, and the development of a relatively small green gap between adjacent buildings on both sides within an otherwise continuous built-up frontage on the southern side of Kirkham Road would represent “infill” development. In turn, the proposal is considered to satisfy all the tests in FLP policy GD4 f) and so meets one of the limitations where development can be permitted in the countryside in accordance with the development strategy set out FLP policies S1 and DLF1. As result, the proposed development accords with the provisions of the development plan and the presumption in favour of sustainable development set out in paragraph 11 c) of the NPPF is engaged.

#### Character and appearance:

FLP policy GD7 requires that development proposals demonstrate a high standard of design by taking account of the character and appearance of the local area in accordance with 15 guiding principles. Criteria b), d), g), h), i) and m) of the policy are of greatest relevance in this case as follows:

- Ensuring densities of new residential development reflect and wherever possible enhance the local character of the surrounding area.
- Ensuring the siting, layout, massing, scale, design, materials, architectural character, proportion, building to plot ratio and landscaping of the proposed development, relate well to the surrounding context.
- Applying Secured by Design principles to all new developments.
- Being sympathetic to surrounding land uses and occupiers, and avoiding demonstrable harm to the visual amenities of the local area.
- Taking the opportunity to make a positive contribution to the character and local distinctiveness of the area through high quality new design that responds to its context.
- Protecting existing landscape features and natural assets as an integral part of the development.

With respect to density, FLP policy H2 indicates that developments will be expected to make efficient use of land, whilst avoiding detrimental impact on the amenity, character, appearance, distinctiveness and environmental quality of the surrounding area. It is expected that this will normally result in a minimum net residential density of 30 homes per hectare.



FLP policy ENV1 requires development to have regard to its visual impact within its landscape context and type, and for an assessment to be made as to whether it is appropriate to the landscape character, amenity and tranquillity within which it is situated. Criteria a) – e) of the policy require, where necessary, that developments conserve existing landscape features and provide suitable compensation and/or strengthening of landscape planting.

Paragraph 127 of the NPPF sets out six principles of good design (a – f). Paragraph 130 of the NPPF indicates that “permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”. In addition, paragraph 170 b) of the NPPF requires that the intrinsic character and beauty of the countryside is recognised.

***Layout, scale and appearance:***

The southern frontage of Kirkham Road follows two distinctly different characters to the eastern and western ends of Treales, with Smithy Cottage broadly marking the point of transition between the two. To the east of Smithy Cottage (between Kirkham Road and Spen Lane) dwellings are laid out to a higher density, situated closer to the roadside, extend further behind the frontage of Kirkham Road and follow a more suburban pattern which includes a number of cul-de-sacs. In contrast, dwellings to the west of Smithy Cottage (up to the junction with Carr Lane) are of a much lower density, typically set in spacious plots with generous front gardens providing a setback from the roadside and, with the exception of the barn conversion at White Hall, comprise single-dwelling deep plots along Kirkham Road. The proposed dwelling would be seen in the context of the latter, lower density development to the west of Smithy Cottage.

The development layout places the dwelling in a broadly central position within the elongated site behind a deep front garden, and with an equivalent depth of garden to the rear. The dwelling would be closely aligned with Primrose Farm to the east with respect to its siting, and would follow similar design principles to its façade by incorporating a protruding, two storey gable as a focal point with the main section of the front wall set back as a recessive element behind. Distinction with Primrose House would, however, be afforded by the offset position of the protruding gable to the northwest corner of the dwelling and the presence of a monopitch canopy to the ground floor protruding to the same depth alongside to the northeast corner.

As with the other three dwellings to the east on Kirkham Road, the property would be served by its own access direct from the highway. This would occupy a central position within the northern boundary (as with the access for Primrose House), with landscaped grass verges located on either side of the driveway entrance before opening onto a gravel courtyard to the front of the house providing a minimum of two parking spaces and a turning area. A new native hedgerow would be planted to each side of the access following the removal of the existing roadside feature.

The proposed dwelling would be two storeys in height and would have a dual-pitched roof following a latitudinal ridgeline similar in height and profile to Primrose House. Its footprint would follow a rectangular shape, leaving gaps of *circa* 1.5m and 4.3m to the eastern and western boundaries respectively. The dwelling’s elevations pick up the key features of surrounding buildings (including the barn conversion at White Hall) through the use of protruding gables, the monopitch canopy, window proportions and detailing, and the use of materials (red brick wall and slate roof coverings).

The proposed development would follow the prevailing layout, pattern, density, scale, roof profile and materials of surrounding buildings along this stretch of Kirkham Road. Accordingly, it would

integrate successfully with its surroundings in a manner that responds to the semi-rural character and vernacular of development to the western end of Treales.

### ***Landscaping:***

The Parish Council's comments assert that "there is no recognition of the presence and sustainment of the multiple individual trees that are protected by Tree Protection Orders (TPOs)". The northern boundary of the site fronts onto the footway of Kirkham Road and is marked by a collection of mature trees and hedgerow. While this group, historically, included a protected Beech tree to the northwest corner (T4 of TPO 1989, no. 12), the Council's Tree Officer indicates that this specimen is no longer in place at the site. This was also the case in the tree survey submitted with the first outline application at the site (16/0087), and so it is apparent that the previously protected Beech tree T4 has not been present for some time. Three other trees surrounding the access to nos. 1-3 White Hall (T1-T3) are also protected under the same TPO (1989 no. 12), though T2 (an Oak) is also absent from that site. However, all of those TPO trees are located outside the development site and would not be impacted by this scheme.

All existing trees within the site are unprotected by TPO, and while they make a general contribution to the 'leafy' character of the site, the Council's Tree Officer considers that none of these specimens have a level of public amenity value that would make them worthy of specific protection by TPO. The Parish Council go on to indicate that the loss of trees locally is "adversely affecting the rural character and sustainment of habitat" and refer to comments by the Council's Tree Officer relating to application 19/0807, part of which raise concerns about the loss of trees impacting on the green corridor (though the same comments also refer to the potential for this harm to be addressed through a condition requiring compensatory planting, which was imposed on 19/0807).

The submitted landscaping scheme indicates that a total of 5 existing trees within the site will need to be removed in order to allow the construction of the access from Kirkham Road (two trees to the centre of the northern boundary) and the dwellinghouse (three trees split between the eastern and western boundaries). The existing roadside hedgerow to the northern boundary will also need to be removed. Nine existing trees and the hedged boundaries to the eastern and southern perimeters of the site will, however, be retained. While the loss of existing vegetation is regrettable, it is unavoidable to bring forward the development and compensatory planting is to be provided in the form of:

- Six new trees planted to the front (3) and western side (3) of the site.
- A new, continuous native hedgerow extending around the western and part of the northern (save for where the access is located) site boundaries.

The Council's Tree Officer has advised on the siting, number and species of the replacement planting during the course of the application and has confirmed that the principles of the landscaping scheme shown on the updated landscaping plan (drawing no. 1002-004 Rev E) are acceptable, subject to the imposition of conditions. Accordingly, suitable compensatory planting would be introduced to mitigate the effects arising from the loss of existing vegetation as part of the scheme.

For the reasons set out above, the proposed development would be compatible and integrate sympathetically with the character of the site and its surroundings in accordance with the requirements of FLP policies GD7, H2 and ENV1, and the NPPF.

### **Effects on surrounding occupiers:**

Criteria c) and o) of FLP policy GD7 require that development proposals facilitate good design by ensuring:

- That amenity will not be adversely affected by neighbouring uses, both existing and proposed.
- All new housing developments should result in a high standard of amenity for occupiers. The standard of amenity for occupiers should not be compromised by inadequate space, poor layout, poor or lacking outlook or inconvenient arrangements for waste, access or cycle storage. Developments should include adequate outside amenity space for the needs of residents.

Furthermore, paragraph 127 (f) of the NPPF indicates that planning decisions should ensure developments “create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.”

The closest neighbouring occupiers to the site are located to the west (‘White Hall’ and ‘The Smithy’) and east (‘Primrose House’) sides. The closest dwellings to the north (‘Birch House’ and ‘Whitegarth’) would be positioned a minimum of approximately 47m away.

The two dwellings to the west are orientated at right angles with a front-facing aspect onto the site. However, the siting of the proposed dwelling would mean that this would only be seen at an oblique angle from the front of The Smithy. The west facing side elevation of the property would, however, be directly opposite the front of White Hall. A minimum separation distance of 22.5m would be achieved between the west side of the proposed dwelling and the front porch of White Hall. This level of spacing, combined with the absence of habitable room windows to the first floor of the proposed dwelling, would ensure that the development has no undue effects on the privacy and amenity of adjacent occupiers to the west.

To the east, Primrose House is set *circa* 4m away from the shared boundary with the application site at its closest point. The proposed layout shows a 1.5m gap between the east side of the proposed dwellings and, in turn, a 5.5m spacing with the western elevation of Primrose House. The approved plans for Primrose House (18/0593) show three windows at ground floor serving a study and kitchen (both secondary windows to those rooms) and utility room. A first floor window to a walk-in-wardrobe is shown to the west side of an outrigger set further away from the boundary to the southeast corner. None of the windows on the western elevation of Primrose House provide openings to main habitable rooms. The east facing elevation of the proposed dwelling which would flank the west side of Primrose House would contain a single, obscurely glazed bathroom window at first floor and two doorways at ground floor serving a utility and garage. Accordingly, the juxtaposition between the proposed dwelling and Primrose House would have no adverse impacts on the privacy and amenity of those occupiers through loss of outlook, overlooking or overshadowing.

Accordingly, the density and spacing of the development in relation to neighbouring buildings would be compatible with the character of surrounding development and would afford a high standard of amenity for existing and future occupiers in accordance with policy GD7 of the FLP and the NPPF.

#### Effects on the highway network:

Criterion q) of FLP policy GD7 requires that:

- The development should not prejudice highway safety, pedestrian safety, and the efficient and convenient movement of all highway users (including bus passengers, cyclists,

pedestrians and horse riders).

Paragraph 108 of the NPPF indicates that in assessing applications for development, it should be ensured that:

- appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- safe and suitable access to the site can be achieved for all users; and
- any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Paragraph 109 of the Framework stipulates that “development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

FLP policy T5 relates to parking standards. The policy indicates that car parking should, wherever possible, be provided on site so as to ensure there is no detrimental effect on highway safety. The policy also states that a flexible approach to the level of car parking provision will be applied, dependent on the location of the development. Paragraph 11.61 of the FLP stipulates that the Council will prepare an SPD on parking standards which will set out local minimum standards which will need to be applied to all new developments in Fylde. This SPD is, however, yet to be adopted.

Access to the site is proposed via a single, central crossing from Kirkham Road within the northern boundary. Visibility splays of 2.4m x 43m would be achieved in both directions at the junction of the site access with Kirkham Road. The updated landscaping plan shows that the first 5m of the access would be block-paved, with a gravel driveway located behind to form a driveway approach to the house. The gravel forecourt would provide off-road parking for at least 2 vehicles, with a turning area to allow vehicles to enter and exit the site in forward gear. The integral garage could also provide an additional parking space.

Kirkham Road is a lightly trafficked route subject to a 30mph speed limit. The Local Highway Authority (LHA) consider that the proposed means of access into the site is acceptable providing that conditions are imposed requiring the indicated visibility splays, parking and turning areas to be made available prior to first occupation and maintained thereafter. The LHA also opine that provision should be made for construction and contractor vehicles to be parked clear of the highway during the construction period. Appropriate conditions can be imposed in this regard.

The level of traffic and number of vehicle movements generated by one dwelling would not have any perceptible impact on network capacity and the provision of suitable visibility splays, vehicle turning areas and off-road parking would ensure that the development would not have an adverse impact on highway safety. Accordingly, the objectives of FLP policies GD7 and T5 are met.

#### Other matters:

#### ***Effects on best and most versatile agricultural land (BMV):***

The site is designated as grade 2 (very good quality) agricultural land on the Agricultural Land Classification Map. Accordingly, it constitutes the BMV agricultural land for the purposes of the definition in the NPPF. Paragraph 170 b) of the Framework indicates that planning decisions should contribute to and enhance the natural and local environment by recognising the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and

most versatile agricultural land.

The Agricultural Land Classification Map is based on the Ministry of Agriculture, Fisheries and Food Soil Survey of England and Wales 1969 which is intended for strategic purposes. This map is not sufficiently accurate for use in the assessment of individual sites. In this case, the Grade 2 classification covers the whole of Treales.

The application site measures approximately 700 square metres in area and is separated from the wider expanse of worked agricultural land to the south by existing boundary treatments. It has an inherently different character and lacks any agricultural form or function. Given the small size of the plot, that it is physically separated from open farmland to the south without any direct access between the two and in the absence of any evidence of recent agricultural use, the proposed development is not considered to represent an essential component in the viability of an agricultural holding. Accordingly, any loss of BMV is not an overriding consideration against the development. The same issue is addressed in paragraph 13 of the Inspector's decision on application 16/0087 which identifies that "the appeal site is not part of an existing agricultural holding. Therefore, it cannot be considered to be important for agricultural purposes and this matter is not a significant consideration in assessing the proposal."

#### ***Ecology:***

The land does not form part of any designated nature conservation site, nor are there any nearby. The application is accompanied by an ecological survey which includes the following conclusions:

- The plant species assemblages recorded at the site are all common in the local area and are considered to be of low ecological value. Domestic gardens and sympathetically landscaped open space is considered to offer habitat of equal or greater ecological value.
- None of the hedgerows around the site perimeter are considered important under the Hedgerow Regulations (1997).
- Birds are likely to utilise hedgerows, scattered trees and scrub on site for nesting between March and September. Any vegetation clearance should therefore be undertaken outside this period.
- No other notable or protected species were recorded on the site during the 9<sup>th</sup> September 2019 visit.

GMEU have been consulted on the application and note that this submitted ecology survey is the same as that which accompanied application 19/0807. Accordingly, their comments are unchanged. GMEU have not raised any objections to the application on ecology grounds, with the site considered to have limited ecological value. Conditions are, however, recommended to avoid any clearance of vegetation during the bird breeding season and requiring a scheme for the provision of biodiversity enhancement measures. Appropriate conditions have been imposed in this regard in order to ensure compliance with FLP policy ENV2 and paragraph 170 d) of the NPPF.

#### ***Flood risk:***

The site falls within Flood Zone 1 as indicated on the Flood Map for Planning and is, therefore, within the area at lowest risk from fluvial and tidal flooding. The proposed development represents an appropriate use of land within flood zone 1. United Utilities have indicated that the site should be drained on separate systems for foul and surface water, with foul water disposed of to the public sewer and surface water draining in the most sustainable way in accordance with the drainage hierarchy set out in the NPPG. The application is accompanied by an indicative drainage plan which indicates that foul water is to be drained to a package treatment plant located within the rear

garden, with surface water draining to an existing sump with soakaway beyond the southern boundary. However, no details concerning the rate of surface water discharge have been provided and so it is appropriate to require further details of drainage through condition in order to ensure compliance with the requirements of FLP policy CL2.

## **Conclusions**

The application relates to a rectangular parcel of land located in the Countryside Area on the south side of Kirkham Road between Primrose House and White Hall, Treales. The site benefits from an extant outline planning permission (with all matters reserved) for the construction of a single dwelling (19/0807) which followed an earlier outline permission allowed at appeal (16/0087 & APP/M2325/W/16/3157346). This application seeks full planning permission for the erection of a single dwelling on the site.

Extant outline planning permission 19/0807 establishes the principle of development for a single dwelling on the site on the basis that such a scheme would satisfy the limitation in Fylde Local Plan to 2032 policy GD4 f) which makes an allowance for minor infill development within the countryside. The land is located between existing two storey dwellings to the east (Primrose House) and west (a group of 6 houses at White Hall) and forms a relatively narrow gap in an otherwise continuous, built-up frontage along this southerly stretch of Kirkham Road. The siting, layout and scale of the proposed dwelling in relation to surrounding buildings and the frontage of Kirkham Road would ensure that, as with 19/0807, this scheme also appears as minor infill development within a relatively small gap between existing buildings and so the same principle applied in granting 19/0807 remains applicable in this case.

The layout of the scheme would follow the established pattern of roadside development along the southern frontage of Kirkham Road with the building set back centrally within the site behind a deep, landscaped garden frontage and running in broad alignment with the neighbouring property at Primrose House. Access would be taken via a central crossing from Kirkham Road which achieves visibility splays of 2.4m x 43m in both directions at the junction. The proposed dwelling would be two storeys in height, with a protruding gable to the northwest corner forming the focal point of the façade alongside a recessive wall set back behind and flanked by a protruding monopitch canopy over a central entrance and integral garage to the ground floor. Window proportions would be regular and complement those of surrounding dwellings, with stone cill and header detailing adding character, along with an external chimney to the west side. The external walls of the dwelling would be faced in red brick, with a Spanish slate covering to the roof.

A total of 5 existing trees scattered across the northern, eastern and western boundaries of the site would be removed to allow the development, along with the roadside hedge fronting Kirkham Road. However, none of these specimens are protected by a Tree Preservation Order and new planting would be introduced across the site in the form of 6 replacement trees and a continuous, L-shaped hedgerow to the western and part of the northern boundary to compensate for the loss of existing vegetation. The dwelling's positioning and separation in relation to surrounding properties would ensure that it has no undue effects on the privacy and amenity of surrounding occupiers through loss of outlook, overlooking or overshadowing.

The scheme would not result in any significant loss of the Borough's best and most versatile agricultural land and there are no other landscape designations to restrict the site's development for housing. The development would not give rise to any other adverse effects in terms of ecology or flood risk. Therefore, the proposal is considered to represent sustainable development in accordance with the relevant policies of the Fylde Local Plan to 2032 and the National Planning Policy Framework.

## **Recommendation**

That Planning Permission be GRANTED subject to the following conditions:

1. The development must be begun not later than the expiration of three years from the date of this permission.

Reason: To comply with the requirements of section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. This permission relates to the following plans:

Drawing no. 1002-001 – Location plan.

Drawing no. LF/CE/3530 – Proposed floor plans and elevations.

Drawing no. 1002-004 Rev E (amended version received 18.08.2020) – Proposed landscaping plan.

Drawing no. 1002-005 Rev D – Proposed street scene & sightlines.

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans in the interests of proper planning in accordance with the policies contained within the Fylde Local Plan to 2032 and National Planning Policy Framework.

3. No above ground works shall take place until full details of the finished levels, above ordnance datum, for the proposed building and external areas of the site in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall thereafter be implemented in accordance with the duly approved details.

Reason: To ensure a satisfactory relationship between the dwellinghouse and surrounding buildings before any ground works take place to establish site levels in the interests of residential and visual amenity in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

4. Notwithstanding any description of materials in the application and the requirements of condition 2 of this permission, no above ground works shall take place until samples or full details of all materials to be used on the external surfaces of the dwelling have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. The development shall thereafter be implemented in accordance with the duly approved details.

Reason: To ensure use of appropriate materials which are sympathetic to the character of surrounding buildings and the street scene in the interests of visual amenity in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

5. Notwithstanding any details shown on the approved plans and the requirements of condition 2 of this permission, before the dwelling hereby approved is first occupied details of the siting, height, design, materials and finish of all boundary treatments to the site shall be submitted to and approved in writing by the Local Planning Authority. The duly approved boundary treatments shall be constructed in full accordance with the approved details before the dwelling is first occupied, and shall be retained as such thereafter.

Reason: To achieve clear demarcation of public and private areas and to ensure that the design of boundary treatments is sympathetic to the character and appearance of the area in accordance

with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

6. No development shall take place until a scheme for the protection of all retained trees and hedgerows (which are identified on drawing no. 1002-004 Rev E) during the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
- (i) Details of a construction exclusion zone (including protective fencing of a height and design which accords with the requirements BS 5837: 2012) to be formed around the root protection areas of the retained trees and hedgerows.
  - (ii) Details of any excavation to take place within the root protection areas of the retained trees and hedgerows.
  - (iii) Details of the foundations of any building, hardstandings and/or boundary treatments to be constructed within the root protection areas of the retained trees and hedgerows.

The protective fencing required by (i) shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority. The details in (ii) and (iii) shall be implemented in accordance with the duly approved scheme.

Reason: To ensure that adequate measures are put in place to protect existing trees and hedgerows which are to be retained as part of the development before any construction commences in accordance with the requirements of Fylde Local Plan to 2032 policies GD7 and ENV1.

7. With the exception of those specimens identified on drawing no. 1002-004 Rev E, no other trees or hedgerows shall be lopped, topped or felled unless details of those works and provisions for compensatory planting pursuant to condition 8 of this permission have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to protect the existing trees and hedgerows on the site that are shown to be retained and to ensure appropriate compensatory planting is introduced to offset any additional tree and hedgerow removal required as part of the development in the interests of visual amenity in accordance with the requirements of Fylde Local Plan to 2032 policies GD7 and ENV1.

8. Notwithstanding any details shown on the approved plans and the requirements of condition 2 of this permission, before the dwelling hereby approved is first occupied a soft landscaping scheme for the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall follow the landscaping principles shown on drawing no. 1002-004 Rev E with respect to the siting, number and species of new tree and hedge planting, and shall include precise details of the size, type, species, siting, planting distances and the programme of planting of all trees, hedges and shrubs. The duly approved soft landscaping scheme shall be carried out during the first planting season after the dwelling is first occupied and the areas which are landscaped shall be retained as landscaped areas thereafter. Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within 10 years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure appropriate compensatory planting is introduced to offset the tree and hedgerow removal required as part of the development in the interests of visual amenity, to enhance the character of the street scene and to provide biodiversity enhancements in accordance with the requirements of Fylde Local Plan to 2032 policies GD7, ENV1 and ENV2, and the National Planning Policy Framework.

9. No clearance of any vegetation (either in preparation for or during the course of development)



shall take place during the bird nesting season (between 1st March and 31st August inclusive) unless a survey conducted by a suitably qualified ecologist which demonstrates that the vegetation to be cleared does not accommodate any active bird nests has first been submitted to and approved in writing by the Local Planning Authority. Should the survey reveal the presence of any active bird nests then no clearance of any vegetation shall take place during the bird nesting season until a scheme for protecting nest sites during the course of the development has been submitted to and approved in writing by the Local Planning Authority. Nest site protection shall thereafter be provided in accordance with the duly approved scheme.

Reason: In order to prevent any habitat disturbance to nesting birds in accordance with the requirements of Fylde Local Plan to 2032 policy ENV2, the provisions of the Wildlife and Countryside Act 1981 (as amended) and the National Planning Policy Framework.

10. No above ground works shall take place until a scheme for the design and construction of the development's access (the layout and position of which is shown on drawing no. 1002-005 Rev D) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall make provisions for:

- (i) minimum visibility splays of 2.4 metres x 43 metres (measured along the centre line of the proposed new driveway from the continuation of the nearer edge of the existing carriageway of Kirkham Road) in both directions at its junction with Kirkham Road.
- (ii) that part of the access extending from the highway boundary for a minimum distance of 5 metres into the site to be appropriately paved in tarmacadam, concrete, block pavements, or other approved materials.
- (iii) any gates erected across the access to be positioned at least 5 metres behind the back edge of the footway and for the gates to open away from the highway.

The site access and any associated gates shall be constructed in accordance with the duly approved details and made available for use before the dwelling hereby approved is first occupied. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent order following the revocation or re-enactment thereof (with or without modification), the visibility splay in (i) shall thereafter be kept free of any obstructions (including buildings, walls, fences, hedges, trees, shrubs or any other obstruction) over 1 metre in height.

Reason: To ensure a suitable and safe means of access to the site for vehicular traffic and to achieve a satisfactory standard of engineering works in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

11. The vehicle parking and manoeuvring areas for the dwelling shown on drawing no. 1002-004 Rev E shall be laid out and made available for use in accordance with the details shown on the approved plan before the dwelling hereby approved is first occupied, and shall be retained as such thereafter.

Reason: In order that there is adequate provision for vehicles to be parked clear of the highway and for vehicles entering and exiting the site to do so in forward gear in the interests of road safety, and to ensure appropriate surface treatment of parking areas in the interests of visual amenity in accordance with the requirements of Fylde Local Plan to 2032 policies T5 and GD7, and the National Planning Policy Framework.

12. No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The CMS shall include:

- a) hours of work for site preparation, delivery of materials and construction;
- b) arrangements for the parking of vehicles for site operatives and visitors off the highway;
- c) details of areas designated for the loading, unloading and storage of plant and

- materials off the highway;
- d) measures to ensure that construction and delivery vehicles do not impede access to surrounding properties;
- e) measures to control the emission of dust and dirt during construction;

Development shall thereafter be carried out in full accordance with the duly approved CMS.

Reason: In order to ensure that appropriate measures are put in place before any development commences to limit the potential for noise, nuisance and disturbance to the occupiers of neighbouring properties and to avoid obstruction of the surrounding highway network during the construction of the development in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

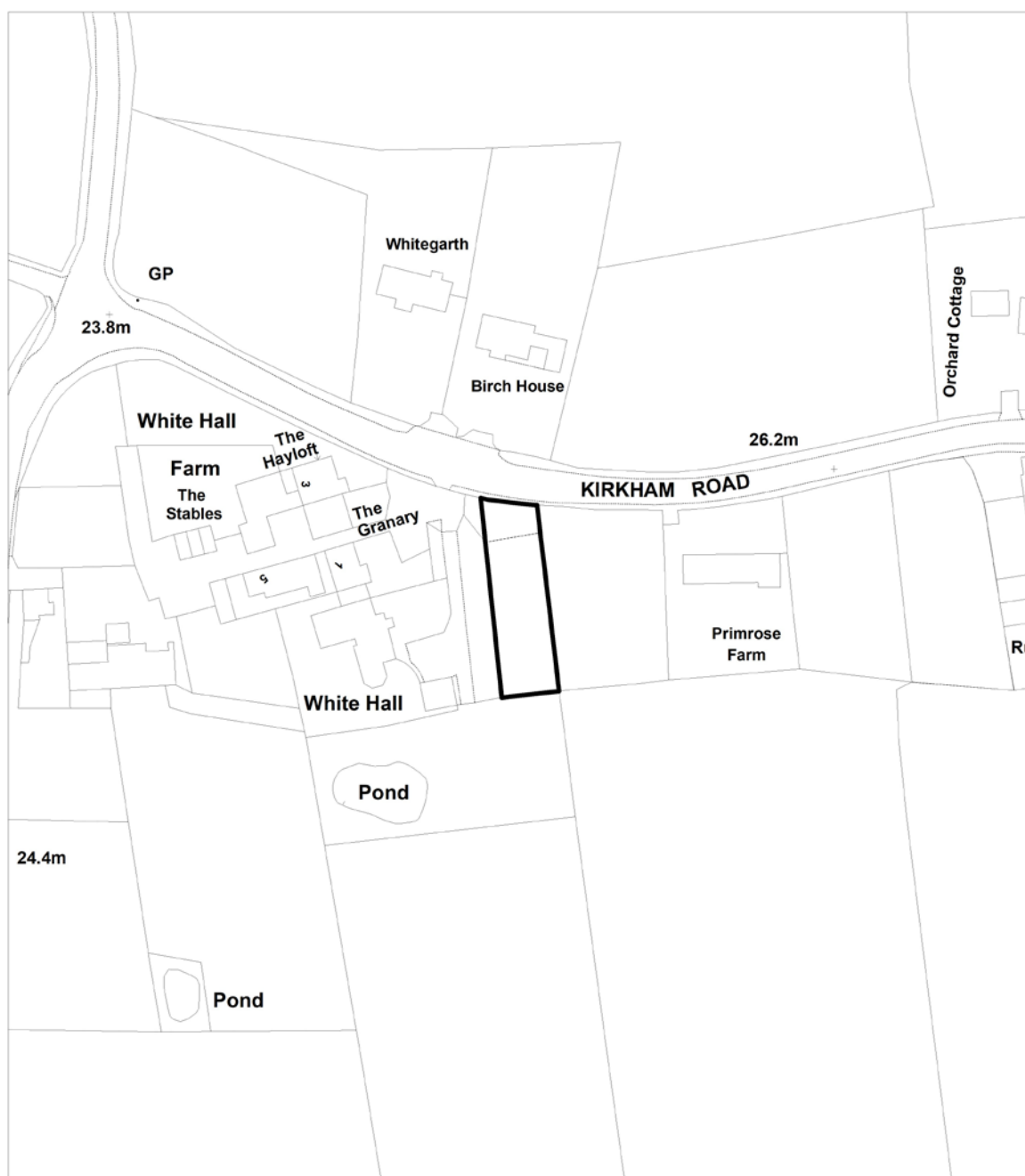
13. No above ground works shall take place until a scheme for the disposal of foul and surface water from the development has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall include:
  - a) separate systems for the disposal of foul and surface water;
  - b) an investigation of surface water drainage options which follow the hierarchy set out in the Planning Practice Guidance, including evidence of an assessment of ground conditions and the potential for surface water to be disposed of through infiltration;
  - c) details of the rate of surface water discharge from the site to any soakaway, watercourse or sewer, including provisions to ensure that the post-development discharge rate does not exceed the pre-development rate (including an appropriate allowance for climate change);
  - d) details of any necessary flow attenuation measures, including the use of SUDS where appropriate; and
  - e) details of how the scheme will be maintained and managed after completion.


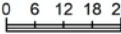
The duly approved scheme shall be implemented before the dwelling is first occupied and shall be managed and maintained as such thereafter.

Reason: To ensure that the development is not at risk of flooding and does not increase flood risk elsewhere, and that adequate measures are put in place for the disposal of foul and surface water in accordance with the requirements of Fylde Local Plan to 2032 policies CL1 and CL2 and the National Planning Policy Framework.

14. Before the dwelling hereby approved is first occupied the first floor bathroom (and en-suite bathroom) windows on the east and west facing (side) elevations of the dwellinghouse shall be obscurely glazed to a minimum of level 3 on the Pilkington Scale (where 1 is the lowest and 5 the greatest level of obscurity) and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor level of the room in which the window is installed. The duly installed windows shall be retained as such thereafter.

Reason: To ensure that appropriate measures are put in place to limit the potential for overlooking between the development and adjacent properties in order to preserve the privacy of existing and future occupiers in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.



		(c) Crown Copyright and database right (2020). Ordnance Survey (100006084).	
Application No. 5/20/0361	Address Land adjacent to White Hall, Kirkham Road, Treales	Grid Ref. E.3437 : N.4328	Scale 0 6 12 18 24 m 

**Item Number:** 2

**Committee Date:** 02 September 2020

<b>Application Reference:</b>	20/0385	<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	Mr Boyle	<b>Agent :</b>	
<b>Location:</b>	ALLOTMENT GARDENS, MYTHOP ROAD, LYTHAM ST ANNES		
<b>Proposal:</b>	SITING OF SHIPPING CONTAINER TO OPERATE AS SHOP FOR ALLOTMENT HOLDERS AND CONSTRUCTION OF TIMBER FOOTBRIDGE OVER DYKE		
<b>Ward:</b>	ST JOHNS	<b>Parish:</b>	
<b>Weeks on Hand:</b>	9	<b>Case Officer:</b>	Celine Houghton
<b>Reason for Delay:</b>	Need to determine at Committee		
<a href="#">Click Here</a> for application site on Google Maps		<a href="#">Click here</a> for application on FBC website	

**Summary of Recommended Decision:** Grant

**Summary of Officer Recommendation**

The application site is part of the Mythop Road allotments, which is an extensive area of council owned allotments to the southern side of Mythop Road opposite the YMCA sports facilities. The application under consideration proposes the construction of a pedestrian bridge across Donkey Dyke to improve access within the site, in addition to the siting of a sea freight container which would operate as a shop selling products that support the needs of the allotment holders.

The location of the development is within Mythop road allotments, which is approximately 3 hectares in size, and holds around 150 plots of differing sizes. The site of the new bridge would be relatively central within the allotment and would not be seen from surrounding streets. The freight container would be positioned adjacent to the existing container on the south-east side of the site and would be visible from Ribchester Road.

The prefabricated wooden bridge would be 3.5 metres in length and 1.2 metres wide. The container would measure 6.058 metres in length and would have a width of 2.438 metres, covering a footprint area of 14.77 square metres. The container would measure 2.591 metres in height.

Neither element of the application would conflict with the Local Plan policy that applies to the site, Policy ENV3, as that is supportive of works that assist with the continued recreational use of the land. Nor will they cause harmful impacts on any surrounding neighbours to the allotment due to the siting and size of the proposed structures. On this basis, officers recommend this application for approval.

### **Reason for Reporting to Committee**

The application site is owned by Fylde Council and so the Scheme of Delegation requires that the application is to be determined by the Planning Committee.

### **Site Description and Location**

The application site forms two separate parcels within the Mythop Road Allotment site which is located to the south of Mythop Road in Lytham. The site is council-owned, extending to around 3 Hectares and holding around allotment 150 plots. The site is surrounded by residential properties and the YMCA playing fields on the opposite side of Mythop Road. The Allotment gardens can be either accessed from the Mythop Road north-side entrance or from the south-east-side entrance via Ribchester Road.

### **Details of Proposal**

The application under consideration is proposing the construction of a bridge across Donkey Dyke and a sea freight container which would operate as a shop for allotment holders. The details of the development would be as follows:

- The prefabricated wooden bridge would be 3.5 metres in length and 1.2 metres wide.
- The site of the new bridge would be relatively central within the allotment and spans the dyke to provide improved pedestrian routes though the site for allotment holders
- The sea freight container would measure 6.058 metres in length and would have a width of 2.438 metres, covering a footprint area of 14.77 square metres. The container would measure 2.591 metres in height. The container would be Colour RAL6020 (Verde Cromo-Chrome Green) which would match the colour of an existing container.
- The freight container would be positioned adjacent to the existing container along the south-east edge of the site.

### **Relevant Planning History**

Application No.	Development	Decision	Date
19/0475	ERECTION OF SINGLE STOREY PRE-FABRICATED WOODEN CABIN TO PROVIDE MEETING ROOM AND RELOCATION OF EXISTING SEA FREIGHT CONTAINER ADJACENT TO CABIN.	Granted	02/08/2019
15/0115	PROPOSED SITING OF STORAGE CONTAINER FOR GENERAL ALLOTMENT STORAGE PURPOSES, AND INSTALLATION OF 2 NO. ECO-TOILETS.	Granted	29/04/2015

### **Relevant Planning Appeals History**

None

### **Parish/Town Council Observations**

None

## **Statutory Consultees and Observations of Other Interested Parties**

### **United Utilities**

They have reviewed the submitted Flood Risk Assessment and raise no objection. They recommend that any drainage should be implemented in accordance with the drainage hierarchy.

### **Environment Agency**

Comments: We have no objection to the application, but we wish to make the following comments:

#### **Flood risk**

- The application site is located within Flood Zone 3 (high probability of flooding) on the Environment Agency Flood Map for Planning. Part of the site is in an area which benefits from defences.
- In accordance with paragraph 163 (footnote 3) of the National Planning Policy Framework (NPPF), the planning application is accompanied by a flood risk assessment (FRA) prepared by the applicant.
- We have reviewed the FRA and accompanying plans insofar as it relates to our remit. The FRA does not identify that the site is on land which is considered to be at a high risk of flooding (Flood Zone 3) or consider the associated fluvial and/or tidal flood impacts. However, given the nature and scale of the proposal, we are satisfied that it would not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere.
- As the shipping container is in an area of Flood Zone 3 which does not benefit from defences, we would strongly recommend that it is securely anchored to the ground (together with the existing container) to prevent it becoming mobile and causing a hazard in a flood.
- Given the above, the applicant should be aware of the flood risk and frequency and should be satisfied that the impact of any flooding will not adversely affect their proposals.
- The proposed footbridge is over a non-main river watercourse and therefore may require the prior consent of the Lead Local Flood Authority (see advice to applicant below).
- Further guidance for the applicant from the Environment Agency has been attached as an Informative within the decision.

### **Neighbour Observations**

**Neighbours notified:** 03 July 2020

**Site Notice Date:** 10 July 2020

**Number of Responses:** 1

**Summary of Comments:**

- The new container would be in close proximity to our house (within 10 metres) and would appear overbearing and unattractive.
- Allotment holders park their cars next to the existing container, and to site an additional container next to it would mean a loss of at least two car park spaces. This would lead to further parking issues along Ribchester Road.
- It is not clear why the new container, holding the shop, will not be sited in the position of the existing shop.

- If the container will be used as a public shop, we strongly object as Ribchester Road is a residential area and is not designated for retail use.
- The container shop could generate food waste and attract vermin.
- Introducing a shop would exacerbate the existing insufficient provision of parking.

### **Relevant Planning Policy**

#### **Fylde Local Plan to 2032:**

ENV3	Protecting Existing Open Space
GD1	Settlement Boundaries
GD7	Achieving Good Design in Development

#### **Other Relevant Policy:**

NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance

### **Environmental Impact Assessment**

This development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

### **Comment and Analysis**

The main issues to consider with this application are the compliance with the land use designation the Fylde Local Plan to 2032, the visual impact of the works, any flooding concerns, and any impacts on neighbouring amenity.

#### **Principle of Development and Policy Compliance**

With regards to the Local Plan designation, the site is designated as Existing Open Space under Policy ENV3, which highlights the importance of these areas and protects them from inappropriate development. The works involved are to enhance the operational facilities and access options available to those using the allotments and so are clearly in accordance with this Policy.

#### **Design and Appearance:**

The site of the new bridge would be relatively central within the allotment, in the location of a previous bridge which no longer exists, and would not be seen from surrounding streets. It is a modest structure that provides pedestrian access only over the dyke and is a wooden structure that will not stand out within the setting, given the popular use of this material throughout the Allotments.

The freight container would be positioned adjacent to the existing container on the south-east side of the site and would be visible from Ribchester Road, though not prominently. This is of a standard size with a height of 2.6m and is to be finished in dark green which allows it to fit in with the surrounding environment and match the existing adjacent container. For this reason, the container would integrate with its setting also.

Taken together, the design and scale of the bridge and container accord with the requirements of criteria b), d), h) and i) of Policy GD7.

#### Relationship with Neighbours:

The only neighbours within any close proximity to the proposed development would be Numbers 34 and 49 Ribchester Road. It is considered that no other neighbours could potentially be impacted by the works.

The site of the new bridge would be relatively central within the allotment and would not be easily seen from any surrounding neighbouring properties, meaning that the bridge would not harm from any aspect of neighbouring amenity.

The sea freight container would be situated away from the boundary of Number 49's curtilage such that it is considered there would be no impact to this neighbour in terms of loss of outlook, light or privacy. The container would be located to the north of Number 34's side boundary. The container would not feature any glazing and would be used relatively infrequently given that the shop would be used exclusively by the Allotment Holders. For these reasons, there would be no potential chance of overlooking or disturbing Number 34.

The container is 2.6m high and so when placed adjacent to Number 34's 3-metre-high fence alongside their rear garden, the container would be concealed from view from this neighbour's curtilage and would also be distanced away from Number 34's dwelling. Therefore, the container would not appear overbearing when seen from Number 34, nor would not obstruct their outlook, light, or unduly harm their amenity.

As such, the proposal has an acceptable relationship to its neighbours in all regards and complies with criteria c), d) and h) of Policy GD7.

#### Parking and Access Arrangements

Whilst a neighbouring resident notated that Allotment Holders currently park their cars next to the existing container, meaning that the siting of an additional container next to it would result in a loss of at least two car park spaces, it is not the case that the site area of the proposed container is designated for parking provision. Furthermore, the Gardens accommodate over 150 Allotments, meaning that the loss of approximately 2 unofficial parking spaces would be insignificant and would not unduly harm the parking arrangements for this site. It should also be noted that the container would be located such that an adequate width of the Ribchester Road access would remain unrestricted. For these reasons, it is considered that the proposal retains an appropriate level and location of parking for the site and does not compromise the access provisions or highway safety. As such, it complies with criteria j) and q) of Policy GD7.

#### Flood Risk

The application site is located within Flood Zone 3 (high probability of flooding) on the Environment Agency Flood Map for Planning. Whilst many forms of development are inappropriate in such areas, the low level recreational uses proposed here are acceptable. The bridge will be constructed at a height above the dyke to minimise the potential for it to impede flows other than when the dyke is overflowing, and the shipping contained has a negligible impact on flood storage capacity in the area. Accordingly there are no flooding concerns raised by the development.



## Other Matters

Whilst a neighbouring resident commented on the potential harm generated by the container being used as a public shop, it is incorrect that the container would be used publicly as its use would exclusively serve the Allotment Holders as it is to sell compost, seeds and other such products to support the allotment use along with produce grown on the site which is traded between allotment holders. This also means that the shop would not generate the need for any additional parking. Furthermore, the shop would not generate food waste and there would be no risk of the container's contents attracting vermin.

There are no other material considerations of note to influence the decision.

## Conclusion

The application relates to the construction of a freight container and a bridge within the Allotment Gardens on Mythop Road in the settlement of Lytham St Annes. Having viewed the proposal and assessed the issues raised, it is considered that the proposal accords with Policy EP3 and GD7 of the Fylde Local Plan to 2032 and other relevant development plan policies. Accordingly, the application is recommended for approval.

## Recommendation

That Planning Permission be GRANTED subject to the following conditions:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: To comply with the requirements of section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. This permission relates to the following plans:

- Location Plan - Drawing no. Site Location Plan
- Proposed Plans - Drawing no. Bridge Location Plan, Container Location Plan
- Proposed Elevations - Drawing no. Bridge Elevations, Container Elevations

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings.

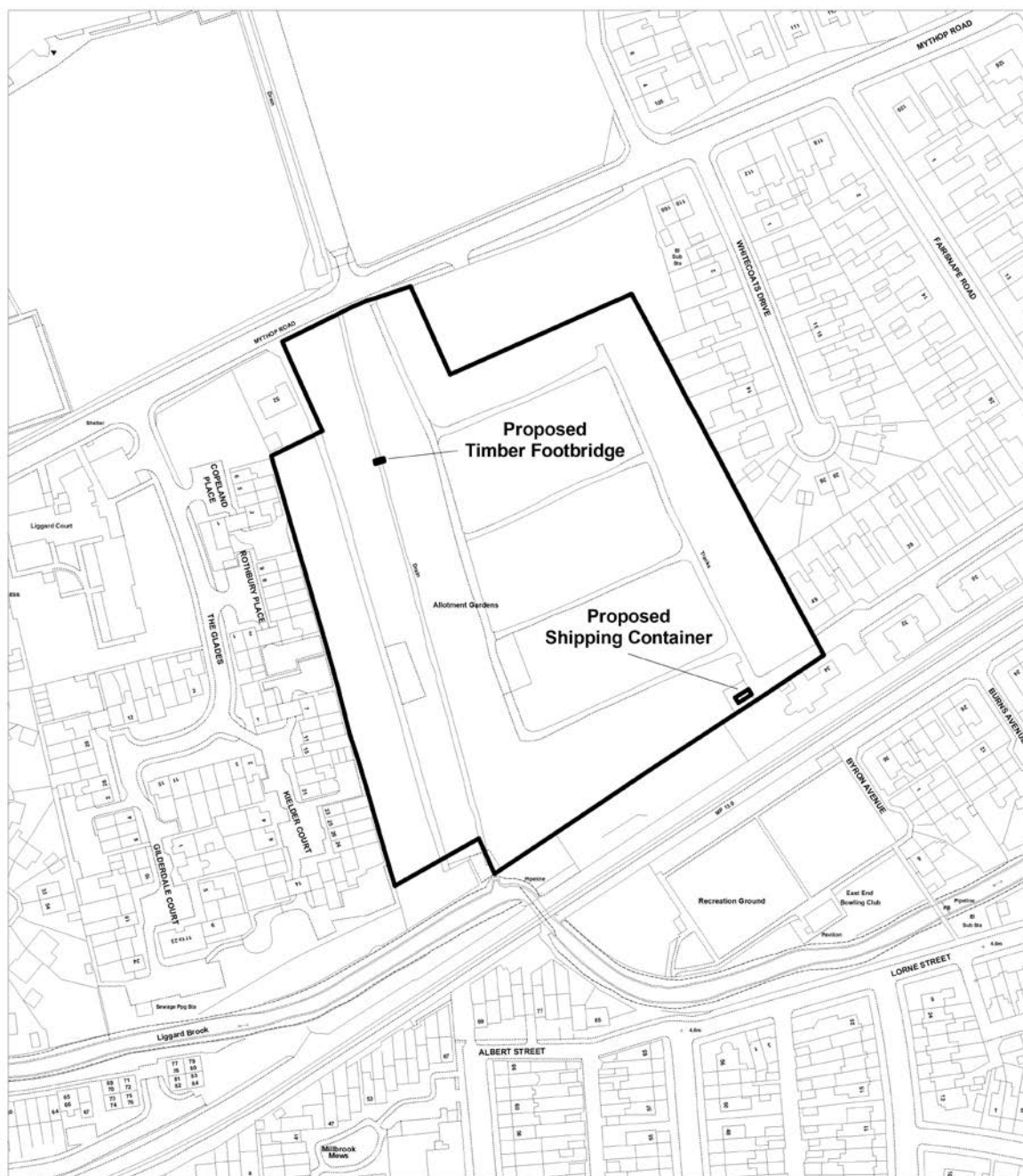
Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans in the interests of proper planning in accordance with the policies contained within the Fylde Local Plan to 2032 and National Planning Policy Framework


3. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the development shall be constructed in accordance with the materials detailed on the application form and / or approved plans listed in condition 2 to this planning permission.

Reason: To ensure use of appropriate materials which are sympathetic to the character of surrounding buildings and the street scene in the interests of visual amenity in accordance with Policy GD7 of the Fylde Local Plan to 2032.

4. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Flood Risk Assessment with no surface water to drain directly or indirectly into the public sewer.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.



		(c) Crown Copyright and database right (2020). Ordnance Survey (100006084).	
Application No. 5/20/0385	Address Allotment Gardens, Mythop Road, Lytham St Annes	Grid Ref. E.3374 : N.4277	Scale 0 10 20 30 40 m

**Item Number:** 3

**Committee Date:** 02 September 2020

<b>Application Reference:</b> 20/0404		<b>Type of Application:</b> Full Planning Permission	
<b>Applicant:</b>	Home Farm Lytham Limited	<b>Agent :</b>	Shepherd Planning
<b>Location:</b>	HOME FARM, WATCHWOOD DRIVE, LYTHAM, LYTHAM ST ANNES, FY8 4NP		
<b>Proposal:</b>	ERECTION OF 2.5 STOREY DETACHED DWELLING WITH ATTACHED SINGLE STOREY SWIMMING POOL ANNEX AND DETACHED GARAGE / OUTBUILDING IN WALLED GARDEN WITH NEW ACCESS DRIVEWAYS FROM WATCHWOOD DRIVE AND ASSOCIATED LANDSCAPING		
<b>Ward:</b>	CLIFTON	<b>Parish:</b>	
<b>Weeks on Hand:</b>	11	<b>Case Officer:</b>	Andrew Stell
<b>Reason for Delay:</b>	Need to determine at Committee		
<a href="#">Click Here</a> for application site on Google Maps		<a href="#">Click here</a> for application on FBC website	

**Summary of Recommended Decision:** Refuse

#### **Summary of Officer Recommendation**

The application site is a rectangular area of land extending to 1.6 hectares that is located to the immediate north of the dwellings and brick outbuildings at Home Farm and until recently was occupied by a series of portal framed agricultural buildings associated with the agricultural activity based at the site. Home Farm and the surrounding land are part of the Lytham Hall estate and are recognised as such as a Grade II Registered Park and Garden which ensures they are a designated heritage asset. The whole of the Park, and so the area of the application site also, is designated as Countryside under Policy GD4 of the Fylde Local Plan to 2032.

The proposal relates to the erection of a detached dwelling that provides extensive living accommodation over three floors, with an ancillary leisure annex and detached garage outbuilding to the rear. The dwelling is situated within a manicured formal garden setting which is defined by a brick wall that is designed to replicate the routeing and general design of a walled kitchen garden. This kitchen garden was established as part of the initial use of Home Farm as the estate farm for Lytham Hall but has fallen into disuse and significant disrepair over the years and so there are now very few sections of the wall remaining, and those which do are generally in a poor condition.

The application documents explain that the proposal brings heritage benefits through the replacement of the wall that formed the previous kitchen garden. It is also the case that the erection of a dwelling will provide additional housing for the borough, and provides the opportunity to bring some ecological habitat onto the site which currently has no value.

However these benefits are extremely limited and do not offset the clear and significant harms that arise from the development. Firstly, the proposal involves the erection of a dwelling in the Countryside that does not meet any of the forms of development which are

acceptable in such areas as set out in Policy GD4 of the Fylde Local Plan to 2032. Legislation and guidance is clear that planning applications should be determined in accordance with the development plan unless there are material considerations to outweigh the benefits of complying with the Plan policies, and in this case there are no real considerations that could justify not determining the application in accordance with the requirements of Policy GD4 and so the application is recommended for refusal.

Furthermore the dwelling is of a significant scale, is prominently sited and is surrounded by a substantial brick wall. This will provide a dominating feature in the Registered Park and Garden that conflicts with the established hierarchy of buildings in that area that has Lytham Hall at the top but with all other elements of a clearly subservient scale and design. The scale and prominence of this building will be seen as the dominant building in views across the agricultural land that provides the setting to Lytham Hall Park in views from the east and so conflicts harmfully with that hierarchy.

The application puts forward that the reconstruction of the brick wall is a significant benefit that would accrue from the development, but this is not a view that is shared by your officers. The wall itself does not have any heritage status, and whilst the kitchen garden is mentioned in the listing description for the Registered Park and Garden this scheme does not re-create that garden but simply utilises the route of the kitchen garden wall to provide a boundary wall for the new dwelling. It is in effect a defining and security feature for the dwelling rather than a kitchen garden which was the largely open area that provided for horticultural and other elements to support Home Farm and so Lytham Hall.

The applicant has undertaken refurbishment and enhancement works to Home Farm and the surrounding properties and is actively constructing new agricultural buildings to replace those demolished to clear the site for this application. These will undoubtedly enhance the quality of these buildings and facilitate the continuation of active agricultural activity on the site, but it is not clear how they provide any support to this dwelling and the strong policy conflict that the erection of an unjustified dwelling in Countryside location would bring.

Having considered the various other elements that are relevant to the determination of an application of this scale and nature, such as access, ecology, drainage, etc it is considered that there are no matters of particular concern. The conflict with the development plan policy relating to development in the Countryside and the harmful impact that the development of the property would have on the heritage value of the Registered Park and Garden are significant failings of the development proposal and justify the refusal of the application for the reasons set out below. The Planning Committee are therefore advised to refuse planning permission for this application.

#### **Reason for Reporting to Committee**

The Head of Planning and Housing has agreed to a request from a ward councillor that the application be determined by the Planning Committee. The request was made by Cllr Anthony and in it he refers to the works undertaken by the applicant elsewhere on the Home Farm site, and that the Planning Committee would be the appropriate forum to assess the weighting to be applied to any conflict with Policy GD4 in the light of other material considerations created by the proposal.

## **Site Description and Location**

The application site is a rectangular area of land that measures 185m x 90m and so extends to 1.66 hectares. It is situated immediately to the north of Home Farm which is the farm that sits in the grounds of Lytham Hall, being established as the estate farm for that property in order to provide food and other produce for the Hall. The application site is a flat area that contains the concrete bases that are remnants of agricultural buildings dating from the 1960s onwards that stood on the site until their demolition in 2019. The application also contains the remnants of a brick wall that appears to have been between 3m and 4m tall and initially formed a square 'walled garden' to Home Farm. This is now incomplete and whilst there is a large section remaining on the southern boundary, there are only limited sections to the east and west boundary, and no evidence remaining to the north.

Around the site to the south are the dwellings at Home Farm and the attached cottage which are now in residential accommodation unrelated to any agricultural activity at the site and have been the subject of extensive recent refurbishment. There is also a pair of farm cottages from the mid-20th century that have similarly been recently refurbished with those works not quite complete at the time of the officer site visit. A series of brick stables and other outbuildings are also located to the south and are now in use for some limited horse accommodation or are vacant. These have also been the subject of recent refurbishment. Finally, to the south is an area of woodland protected by TPO 1951 No. 7 which is an Order that covers many of the historic woodland areas around Lytham. There have been some recent works in this woodland with the construction of surfaced path and some clearance with a programme of replanting apparently planned for the coming months.

To the north and west are a series of modern agricultural buildings, including some still under construction, used to house cattle that graze the farmland surrounding the farm. The farmland beyond the buildings to the north and to the east and are rented by a local farmer.

Lytham Hall stands some 400m to the south west and is a Grade I listed building. There are also other listed buildings within the grounds of Lytham Hall in the form of the statue of Diana the Huntress which lies to the south of the Hall, the stable block which lies immediately to the rear of the Hall, a dovecote which lies to the north of the Hall, the main entrance gates to the east, and a section of railings to the south. These are all similarly separated from the application site as they are more closely related to Lytham Hall.

The application site and wider area is designated as a Registered Park and Garden which affords it the status of a designated heritage asset. The dwelling at Home Farm is included in the local list of heritage assets.

The site is accessed via Watchwood Drive which is a private road that joins Ballam Road opposite its junction with Park View Road and the public right of way known as Green Drive. A second access exists to the north and connects to Ballam Road some 1200m north of Watchwood Drive. This has a lawful use for agricultural purposes and is the subject of an undetermined application for its use to support the stables and other uses on the site.

The application site and the whole of the wider Registered Park and Garden is located within the Countryside under Policy GD4 of the Fylde Local Plan to 2032.

## **Details of Proposal**

The application seeks planning permission for the erection of a dwelling within the centre of the application site with a detached garage building, the formation of a spur from Watchwood Drive to serve the new dwelling to both the front and rear, the construction of a wall around the site to replicate the position and height of the previous 'walled garden', and landscaping works within and outside the wall.

The dwelling is extensive in its scale, and the accommodation provided essentially has three elements: the dwelling, a leisure annex and an outbuilding. The main dwelling offers accommodation over 3 floors with the upper floor in the roofspace. This has a generally rectangular footprint with a width of 25m and depth of 20m and is sited centrally within the walled garden with its front elevation facing east. It provides 6 bedrooms around the perimeter of the building at first and second floor with each having ensuite bathrooms and dressing rooms and the master suite also having a lounge area. At ground floor there are a series of lounges, dining room, kitchen, snug, games room, etc. The central core of the building is open through the building with a central rooflight providing light into the centre of the building at all floors.

Attached to the north eastern corner of the main dwelling is a leisure facility providing a 12m long swimming pool, gym, sauna, steam room and associated changing facilities in a single storey addition. Alongside this are other single storey features providing a utility annex and an orangery.

The garage is a detached building in the north east corner of the site that provides space for 4 vehicles.

Around this area is a brick wall which is constructed in a square with each side being 75m long and at a height that varies between around 3m and 4.5m in height. This effectively extends the wall that is retained to the southern part of the site and retains its central opening on that side, with a further main entrance provided centrally on the eastern side of the wall to line up with the centre of the dwelling, and a further entrance provided to the north eastern corner to provide an access to the garage area. These access points are each connected to Watchwood Drive through the formation of a central double width driveway to the front, a similarly sized opening to the rear, and the retention of the existing opening in the southern wall to the side.

The landscaping elements include a series of ponds and formal paths/planting beds to the eastern part of the area within the wall which are to the front of the house, a lawn and associated terrace to the west which are to the rear of the dwelling, and a series of tree planting areas alongside the front drive and around the edges of the site outside the walled element.

The property is to be constructed in brick with a symmetrical and formal arrangement of windows and doors with these having a vertical emphasis and wrapping around all elevations at ground and first floor in an ordered and aligned manner. The roof is to be slated with a hipped appearance from each side and a large flat area in the centre with a domed central rooflight. The leisure annex and garage follow this form with the leisure annex having a flat roof and the garage a gabled pitched roof.

The supporting information provided with the submission is extensive and includes ecological appraisals of the site with specialist reports for Great Crested Newts, Archaeological and Heritage information, a planning statement which accepts the policy conflict but contends that the other material considerations generated by the scheme should outweigh that, and a detailed Design and Access Statement.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
19/1040	ERECTION OF ENTRANCE GATES AND BRICK GATE POSTS TO FRONT ENTRANCE POINT ALONG WATCHWOOD DRIVE	Granted	23/06/2020
19/0857	APPLICATION FOR PRIOR NOTIFICATION FOR PROPOSED DEMOLITION OF 21NO MODERN AGRICULTURAL BUILDINGS AND 2NO WATER STORAGE TANKS LOCATED ON SITE OF FORMER WALLED GARDEN PURSUANT TO SCHEDULE 2, PART 11 OF THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015	Approve Prior Determination	30/01/2020
15/0755	PRIOR NOTIFICATION FOR CHANGE OF USE OF AGRICULTURAL BUILDING TO THREE DWELLINGS INCLUDING ASSOCIATED BUILDING OPERATIONS UNDER SCHEDULE 2, PART 3, CLASS Q	Approve Prior Determination	21/12/2015
14/0015	NOTIFICATION OF WORKS INTENDED TO CLEAR FALLEN TREES, MAKE SAFE WINDBLOWN TREES, CUT DOWN UNSAFE TREES AND CARRY OUT TREE LOPPING.	Granted	03/02/2014
10/0852	PROPOSED FORMATION OF NEW AGRICULTURAL ACCESS TO BALLAM ROAD WITH NEW TRACK TO CONNECT TO EXISTING INTERNAL AGRICULTURAL ACCESS TRACKS INCLUDING NEW BRIDGE OVER LIGGARD BROOK	Granted	27/01/2012

### **Relevant Planning Appeals History**

None

### **Parish/Town Council Observations**

Not in a parished area.

### **Statutory Consultees and Observations of Other Interested Parties**

#### **Regeneration Team (Trees)**

The proposal does not impact directly upon the neighbouring area of woodland and so there are no issues arising from the proposed development.

#### **Lancashire Garden Trust (for Garden History Society)**

As the site is located in the Registered Park and Garden that surrounds Lytham Hall the council is obliged to consult with this organisation on the heritage merits of the submission. Their comments are reported in full here:



*“Thank you for consulting The Gardens Trust (GT) in its role as Statutory Consultee with regard to proposed development affecting a site listed by Historic England (HE) on their Register of Parks and Gardens. The Lancashire Gardens Trust (LGT) is a member organisation of the GT and works in partnership with it to protect and conserve registered sites, and is authorised by the GT to respond on GT’s behalf in respect of such consultations.*

*The current application lies entirely within the Grade II Registered Park and Garden (RPG) at Lytham Park which provides the setting for Grade I listed Lytham Hall. We are pleased that Home Farm itself has been assigned a Historic Asset Record (HAR) which has wide coverage:*

*“This includes the Farm House and some of its rear appendages, cobble walls within the stabling, the perimeter wall of the kitchen garden and its crested entrance gate piers. All these structures merit Non Designated Heritage Asset status”.*

*Over the last 60 years the former walled garden has been operating as a farm with almost the entire area covered with concrete yards and buildings. Only half of the former walls remain, mostly in an advanced state of disrepair. We have reviewed the documentation supporting this application and welcome the thorough archaeological report and the comprehensive details of the intended reconstruction of the walls. We note the removal of recent agricultural buildings and the sensitive renovation of the Home Farmhouse, as well as intended improvements to the neglected wider estate. The resolution of drainage problems which had impacted adversely on the Lytham Hall parkland is welcomed. Although outside the current application boundary, we hope for the removal of further intrusive industrial scale buildings and agricultural detritus.*

*The Design and Access Statement recognises the decades of neglect which the estate has suffered and sets out high aspirations to improve and secure its long term future. We support the restoration works and recognise that without a significant source of funds such investment would not be possible. We therefore accept the ‘re-purposing’ of the Victorian walled garden and have no objection to the creation of a new house within the site. We welcome the proposals for creation of the new formal garden and note the innovative details and features which are proposed, and not least the intention to allow some public opening opportunities.*

*We have no comments on the new road access being created at Ballam Road.”*

**Lancashire County Council - Highway Authority**

Raise no objections to the development and confirm that it will not have a significant impact on the highway safety, capacity or amenity in the immediate vicinity of the site.

They refer to the outstanding application that authorises the use of the northern access to Ballam Road for non-agricultural purposes (20/0216) and suggest that this should be used for construction works providing the visibility splays are improved as set out in their comments on that application.

**Heritage Trust for the North West**

No comments have been received from this consultee

## Historic England

*"Thank you for your letter of 16 July 2020 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.*

*It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request."*

## Lancashire County Archaeologist

*"The above application is comprehensively documented, with a Heritage Statement (Shepherd Planning, June 2020), Archaeological Record and Written Scheme of Investigation (Neil Archaeological Services, June 2020), a Design and Access Statement (Creative Sparc Architects, June 2020) and a Structural Appraisal Report (Hermolle Associates, November 2019). It is clear from that documentation that the walled garden is a significant element of the Home Farm complex and thus of the Lytham Hall estate but that only around half of the former enclosing walls still stand and only a few traces of the associated buildings still survive above ground. There is also potential within the site for buried remains of 18th and earlier 19th century buildings as well as elements of the walled garden and its buildings to survive under the present ground surfaces. The state of the existing walls is such that many sections will need to be taken down and rebuilt and that without significant intervention most of these would collapse in the short to medium term.*

*The development proposal includes the careful dismantling of the unstable sections of the walls and their rebuilding, along with the now-missing sections, in appropriate materials and style, but incorporating some new openings and coping details. The resulting enclosure would be used as the perimeter for a new country house and associated gardens in a Georgian style, to be used as a private dwelling.*

*The levels of impact of the proposed works on the standing walls and potential buried archaeological remains may be considered to be substantial, but given the damage that has already occurred the significance of this impact can only be considered to be low to medium. This impact has already been mitigated to a significant degree by the compilation of the present record and the proposals include a further scheme of mitigation works. Given the implementation of this mitigation (below) we would not consider that the proposals would have an unacceptable direct impact on the heritage of the site.*

*There will also be some impact on the setting of the various designated and non-designated heritage assets here. Whilst we would defer to the expertise of the Council's own Conservation Team, given the improvements resulting from the demolition of the modern farm buildings, clearance of dumping and proposed reconstruction of the garden walls, the impact of the new build within the garden would also appear not to have an unacceptable impact. The Council may, however, wish to see a formal visual impact assessment and/or to obtain an opinion from Historic England on potential impacts on the Registered Park and Garden.*

*The scheme of mitigation proposed by Neil Archaeological Service would appear to be an appropriate and adequate response to the archaeological impacts and its*

*implementation should be required as part of any consent granted to the application.*

*We would also note that whilst the surviving buttresses to the garden walls would appear to be of triangular cross section (e.g. Wall 1 and Wall 2, east external elevation, Archaeological Record), these do not appear on the drawings as proposed or some of the visualisations (plan 20-05 PL 11, 20-05 PL 13), with a different pattern of rectangular buttresses being illustrated and this point could do with clarification. Finally, it is noted that the specifications for the repair and rebuilding of the garden walls are noted as 'to be agreed with Lancashire County Council's Historic Environment Team' (e.g. plan 20-05 PL 11). We consider that it would be better for this specification to be agreed with the Council's Conservation Team, although we would be happy to be consulted."*

### **United Utilities**

With regards to the site drainage they raise no objections but highlight the legislative obligations on discharging water from new development through the drainage hierarchy. They also highlight the potential for a development of this nature and location requiring new wastewater infrastructure that will need to be provided at the developers cost.

With regards water supply they highlight that the nearest water main is over 1km away and so there will be issues should it be necessary to extend the network to serve the development, with that likely to require a developer contribution.

### **Neighbour Observations**

<b>Neighbours notified:</b>	16 June 2020
<b>Site Notice Date:</b>	N/A
<b>Press Notice Date:</b>	02 July 2020
<b>Number of Responses</b>	9
<b>Summary of Comments</b>	<p>The comments are all from residents of Lytham and support the development with the points made being briefly summarised as:</p> <ul style="list-style-type: none"><li>• Welcome the work that the applicant has undertaken around the Home Farm site, and how this has been improved after years of neglect</li><li>• Highlight that the applicant has contributed positively to Lytham in Bloom and other such worthy local causes</li><li>• Consider that the proposed dwelling is appropriate for the area and has an elegant design that is in keeping with its surroundings</li><li>• Support the reconstruction of the walled garden and see that the inevitable loss of this feature of this application were to be refused would be unfortunate</li></ul>

### **Relevant Planning Policy**

#### **Fylde Local Plan to 2032:**

GD4	Development in the Countryside
GD7	Achieving Good Design in Development
ENV2	Biodiversity
ENV5	Historic Environment

**Other Relevant Policy:**

NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance

**Environmental Impact Assessment**

This development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

**Comment and Analysis****Policy Background**

The application site is located within the Countryside where Policy GD4 applies and is restrictive of new development unless it complies with one of a series of limited exceptions to that policy of restraint. Those which relate to new dwellings and so could assist in the determination of this application are:

*e) isolated new homes in the countryside which meet the criteria set out in Policy H6*

*f) minor infill development*

The compliance with this development plan designation will be assessed in the next section of this report.

The site's designation as part of a Registered Historic Park and Garden ensures that the heritage implications of the development are to be assessed as set out in Policy ENV5, with that policy also addressing the archaeological implications.

The development also raises potential ecological issues that require assessment against Policy ENV2 and then general housing and design matters that are assessed under Policy H2 and GD7.

All of these are assessed in detail in the sections of the report below as is appropriate.

**Principle of Development**

The starting point for this assessment is the compliance with the policies of the development plan which, for this part of Fylde, is the Fylde Local Plan to 2032 (FLP32) adopted in October 2018. With the scheme involving new housing it is important to consider if the Plan's policies for housing delivery are up-to-date as otherwise they are to be given reduced weight. To demonstrate this the council produces an Annual Position Statement (APS) which is examined by the Planning Inspectorate. The 2019 APS was finally accepted by the Planning Inspectorate in May 2020 and so confirms that as there is a demonstrable and deliverable 5-year housing supply the policies of the Fylde Local Plan to 2032 are up-to-date until at least the end of October 2020. The 2020 Annual Position Statement was presented to the Planning Inspectorate in July and is currently under consideration, but it is the council's position that the council continues to be able to demonstrate an adequate supply of deliverable dwellings. Accordingly, the policies of the Fylde Local Plan to 2032 which provide and regulate housing land should be afforded full weight in any decision on a residential proposal such as this one.

The development strategy of the FLP32 directs development to a series of Strategic Locations for Development across the borough with other allocations in some of the rural settlements. There is also an allowance for windfall and other development to come forward on un-allocated sites where appropriate. With that in mind Policy GD4 is generally restrictive of new development to preserve

the rural character of the countryside areas of the borough but does allow for development where it meets one of a limited number of exceptions to that restraint.

Exception e) relates to isolated homes in the countryside and refers to Policy H6 for further guidance on what they could comprise. This highlights several elements which are:

1. Where the home is required to meet the essential needs of a rural worker, with guidance provided on what that comprises.
2. Where the exceptional quality of design of the building helps to raise standards of design in the countryside, with guidance provided on what comprises with that echoing the guidance in para 79 of the NPPF.
3. Where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets.
4. Where the development would re-use redundant or disused buildings and lead to enhancement in the immediate setting.

In this case the home is not needed for a rural worker (1) does not involve the use of a heritage asset (3) and is not a conversion (4) and so these elements clearly don't apply.

The design of the dwelling is assessed later in this report, and whilst there is reference made in the submission that the scheme offers a development of this quality, the officer view is that it is not of the outstanding or innovative design required to satisfy the requirements of element 2. The design of the dwelling that is proposed takes its architectural cues from the Georgian form, styling and materials of Lytham Hall as is recognised in the Design and Access Statement that supports the application which states that *"The proposed new dwelling includes many of the features typically associated with classic Georgian style, with symmetry and proportion being of upmost importance. The proposed exterior design is deliberately restrained, with a focus on elegance rather than grand architectural gestures or excess ornamentation. Asymmetric features such as box and circle bay windows and the single storey extensions accommodating the ground floor ancillary accommodation are intended to lend the house a more relaxed and less formal style."* This is carried through into the details of the development of the main dwelling and the other elements of the scheme with further references to the traditional Georgian architectural style in that supporting document.

All of these elements result in a dwelling that is not unattractive, but cannot meet the requirements of para 79 which are that a dwelling is to be *"truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas;"* Essentially the property will be well-designed, conceived and constructed, but will be a pastiche of the Georgian development style and so fails to be truly outstanding or innovative, and would not raise design standards in rural areas of the country. The scheme is not supplied with any independent architectural critique, such as a 'Places Matter' review, to assess this aspect, but it is clearly the case that it would not meet the exceptionally high standards required to satisfy para 79. As such the proposal cannot satisfy the requirement of section 3 to Policy H6 either.

As the proposal therefore does not satisfy any of the elements of Policy H6 it cannot comply with exception e) of Policy GD4.

Exception f) relates to minor infill development and so requires that the development is both minor and infill, with the supporting text to the policy requiring that it will also *'... be of a scale and use that does not have a material impact on the rural character of the area'*. In this case the scheme is for a single dwelling and so is minor in scale, but it is not infill as it is not situated in a gap in an otherwise built frontage, and will certainly have a material impact on the rural character of the area by virtue

of its size. As such the proposal does not comply with exception f) of Policy GD4.

The erection of a dwelling as proposed in this application is therefore in a conflict with the up-to-date development plan policy relating to Countryside sites as set out in Policy GD4 of the Fylde Local Plan to 2032. Legislation dictates that applications should be determined in accordance with the development plan unless there are other material considerations that outweigh this policy conflict. These possible considerations are assessed in the following section of this report.

#### Assessment of Material Considerations

##### **Restoration of Walled Garden**

As with the whole application site, the walled garden element lies within the Registered Park and Garden and so has a status as part of that designated heritage asset. However, it is not listed itself, either nationally or locally, and so the heritage benefits from its restoration are limited as a consequence. Moreover, the restoration will not restore the walled garden in a sympathetic manner. Firstly, the wall element of the walled garden will be rebuilt using largely new materials as there is a very limited extent of the existing structure remaining. Secondly, the wall is rebuilt with different opening locations and styles to the structure as existed in the early 20<sup>th</sup> century according to the documentation reproduced in the Design and Access Statement with this application. That confirms that the wall featured a single opening to the south of the garden area with the reproduction in the current application having an additional large central opening to line through with the front of the dwelling, and a second additional access serving the garage to the rear.

More significantly, the function of the wall is entirely different. The original walled garden was to provide an open space within which the horticultural crops and other produce could be grown for the farm and Lytham Hall. That is clearly not the case under this proposal which will simply involve the wall being constructed as a perimeter security and containing feature to the dwelling without any of the previous horticultural elements of the garden being retained. Rather the landscaping details with the submission confirm that the garden element of the scheme is to comprise a formal garden area with ponds, planters, paths and terraces which would be entirely unsympathetic to the original arrangement of the garden area. Finally, the application site is to form a separate residential unit that has no relationship to Home Farm beyond current ownership which could obviously be separated at any time. Whereas the original purpose of the walled garden was as a supporting feature to the farm that was intrinsically linked to that property and its use, the proposal here would have no direct link.

Accordingly, it is considered that the construction of the wall around the property is of no real architectural or historical benefit and so has very limited positive weight as a material consideration in the assessment of this application. It is clear from the listing in the Lytham Hall Park and Garden that it is the 'Kitchen Garden' that is the important feature with the wall simply the defining feature to that area and so of consequentially reduced importance in its own right. This reference confirms that it is the walled garden as a complete entity, rather than the wall itself, that holds any real heritage value. As proposed, the wall would surround a large detached residence that would tower above the wall, rather than as a walled garden.

##### **Other works to the wider site**

The supporting statement and some of the correspondence from residents elsewhere in Lytham and councillors refers to the benefits that the current landowner has brought to the wider area through the restoration of Home Farm itself and other buildings within its grounds, and his charity and other works in the wider area.

From officer site visit it was clear that there have been extensive refurbishment works around the site including the improvement of site drainage and tree planting / replacement. It is accepted that the works to Home Farm and the associated buildings and grounds are a significant improvement to that neglected property, and its restoration to an active residential use is obviously welcomed. However, those works have been undertaken and it is unclear what possible link they could have to this proposal. Similarly, wider works on the site that have been undertaken, or are proposed such as additional landscaping works that are referred to, are not part of this application and so can be given no real weight in its determination. Any acts of benevolence that are of benefit to the wider community are not material to the determination of this application and cannot be taken into consideration in decision making.

### **Removal of dilapidated buildings**

At the time of the officer site visit for this application the whole of the application site had been cleared of structures with only elements of the wall standing and the concrete bases of the former agricultural buildings remaining as evidence of their earlier presence. However, the case officer has visited previously and so is aware of the existence of a number of large agricultural buildings of a functional design and a deteriorated quality. These clearly had a visual impact on the landscape and did not add to the heritage value of the site, other than providing a link to its agricultural use.

The removal of these buildings has brought visual benefits by opening up the site, although it was noted at site visit that work was well advanced on the erection of replacement buildings elsewhere on the site to support the ongoing cattle farming activities undertaken on land rented to a local farmer. A retrospective planning application has been invited to assess the planning merits of these works.

The removal of the untidy buildings brings some benefit to the landscape, but this is limited by both the replacement of these buildings elsewhere, and then the impact that the proposed dwelling will have on the landscape.

### **Housing Supply**

The additional single dwelling that the scheme delivers is of negligible benefit given that the council is currently able to demonstrate a five-year housing supply.

### Summary to principle of development

Whilst the documentation provided in the application supporting the development is particularly extensive, the actual material considerations that are presented are limited in their significance. The NPPF provides guidance on this in para 12 which states: *"Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed"*

In this case the proposal to erect a dwelling in the Countryside conflicts with Policy GD4, and as there are very limited heritage related or other benefits from the scheme these are not sufficient to outweigh the benefits of determining the application in accordance with the development plan. As such the principle of development is unacceptable and a reason for refusal is appropriate based on the conflict with Policy GD4.

### Heritage Implications

The proposal is to construct a property and associated outbuildings, access and boundary wall within the Lytham Hall Registered Park and Garden. This is a Grade II listed park and garden and so is a

designated heritage asset. The NPPF provides guidance on this in para 193 which states that: *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be).”*

The listing statement for Lytham Hall Park provides an extensive description of the history of the Park and the elements of it which have the most heritage importance. The principal building is recognised as Lytham Hall with the gardens and pleasure grounds around the Hall also described, as is the Park itself and the Kitchen Garden (i.e. the current application site). Lytham Hall is individually listed as a Grade 1 listed building, and there are a number of other buildings and structures within the Park and Garden which benefit from the lower quality Grade II listing. These include a number of statues, outbuildings, sections of the boundary wall, and a dovecote.

This confirms that there are a series of historical structures that are located within the Park that have heritage importance, but the primary one of these is Lytham Hall itself as the Grade 1 listed building and the property that gives the Park its name, with the other features all be secondary in their scale and subservient in their use (stables, gate lodge, cottage, etc). This reflects the hierarchy of the buildings in the Park and maintains Lytham Hall as the building of primary status and heritage importance within the Registered Park and Garden.

Like Lytham Hall, the dwelling proposed in this application will be three storeys in height, and will be extensive in its scale. Its prominence within the Park and Garden will be exacerbated by the sizable and clearly defined curtilage provided by the perimeter wall, and it is located in a commanding position on the approach to the site with this emphasised by the landscaped driveway approach and series of gateway openings to the wall.

These factors will result in a building that competes with Lytham Hall as the most prominent feature in the Registered Park and Garden which has been designated around the Hall, and with the grandeur provided by the enclosed walls and other outbuildings to the proposed dwelling it clearly is designed to be statement piece of architecture within the park and garden.

It is considered that the construction of a building of this scale, prominence and grandeur will compete with Lytham Hall to a degree that is harmful to the hierarchy of structures within the Park and Garden as a whole. This harm will be the ‘less than substantial harm’ described in para 96 of the NPPF. However that paragraph also requires that such harm is weighed against the public benefits of the proposal, and as the proposal is to construct a private dwelling it is not clear that any public benefits will accrue from its development. Accordingly, the proposal conflicts with para 196 of the NPPF.

Policy ENV5 of the FLP32 states that Proposals that result in harm to the significance of a Registered Historic Park and Garden or its setting will not be permitted. If it is found that the erection of a dwelling of this scale does compromise the hierarchy of buildings within the Park and Garden then this must harm its significance and so also be contrary to this requirement of Policy ENV5. This justifies a reason for the refusal of the application.

#### Landscape Impact

The parkland landscape is flat and open with a belt of trees around Lytham Hall and other woodland copses. Whilst there have been a series of modern agricultural buildings on the application site that have been recently cleared, these were clearly functional in their form and so sat more comfortably in the rural landscape of the site as a result. In contrast the proposal is a large and ornately designed dwelling with extensive outbuildings enclosed within a tall wall.



There are limited public vantage points of the site as it is well separated from public highways, and there are no public rights of way passing through the site. However, the development is of a scale that ensures it will be seen in approaches to Lytham from Ballam Road and possibly from some parts of the grounds to Lytham Hall which are open to the public throughout the year. Whilst the development will urbanise the appearance of the site in these views, at the distances involved and with the filtering of the views that is provided by the existing landscaping it is not considered that these views will be harmfully changed to a degree that could justify a reason for refusal on that basis. The landscaping that is proposed in this application will reduce views of the building further as it becomes established and matures.

This lack of clear views of the dwelling means that the kitchen garden wall replacement, which is set out to be a key benefit from the development in the supporting documentation, will not be readily appreciated by anyone other than the private visitors to the site so limiting its value further. It is also the case that the development overall does not enhance the landscape views either given its scale and inappropriateness for a rural landscape that is agricultural in its nature. Nevertheless these landscape impacts are not so harmful that a reason for refusal could be justified.

#### Design of Dwelling

Whilst the principle of the erection of a dwelling on the site is a fundamental issue with the scheme due to its conflict with the land use allocation in the FLP32, and its scale and prominence is an issue with respect to its impact on the Registered Park and Garden as a heritage asset, it is also necessary to consider the merits of the detailed design of the dwelling.

The supporting information with the application includes a lengthy Design and Access Statement which sets out the design approach taken by the architect and how that has sought to examine the historical situation on the site, the condition of the site as it was around 12 months ago when the project was seemingly first conceived, and how the dwelling could be scaled, located, orientated and designed to reflect those and the desires of the applicant.

The result is a dwelling with a largely rectangular main element that provides accommodation over 3 floors with a single storey 'leisure' annex leading from one corner and a detached garage / outbuilding to the rear of that. The dwelling itself displays an attractive symmetry on the site and in its form. It employs a clearly defined use of window position, prominence of the entrance door on the front elevation, and fine detailing with the use of sandstone surrounds to the windows and to turn the corners, the presence of large chimneys to give an order to the roof, the overhang to the roof eaves to mask closer views of the flat topped central roof section, and the design and opening style of windows. The more functional elements are positioned in more 'out of sight' locations to the rear yet continue the same quality of design and materials that are shown in the main house. Finally the landscaping around the property is well ordered with different parts of the extensive curtilage being provided with distinctive uses that will allow some areas to provide a setting for views of the building whilst others serve for the needs of the occupiers as a practical dwelling.

Notwithstanding that the principle of the development is unacceptable, and that the design is not of the innovative and ground-breaking quality needed to satisfy para 79 of the NPPF, there are no adverse comments raised about the details of the design of the dwelling and so in that respect it accords with Policy GD7.

#### Ecological Implications

A recent application to demolish the agricultural buildings that stood on the site highlighted the potential for matters of ecological importance to be present on site and so these were assessed in

some detail at that time. The submission here takes that assessment further to relate to the implications of the development of a dwelling and provides an assessment of all key ecological aspects in a series of reports that also include mitigation and enhancement strategies. These cover the following elements:

- Great Crested Newts – There are a series of 6 ponds within the wider Home Farm site that lie within such a proximity of this application site that the possibility of great crested newts to be using them needs to be explored. This has been undertaken initially through the undertaking of a Habitat Suitability survey to establish if they have the potential to support newts, with 3 of the ponds providing suitable habitat. These were then surveyed through a ‘eDNA’ test which involves a scientific analysis of the pond water to establish if there has been any recent newt activity within it. The results of these surveys are presented with the application and confirm that each of the three ponds tested ‘negative’ for great crested newt presence. As such it is accepted that this protected species is not present at the site.
- Bats – There are no buildings or trees present on the site and so there are no opportunities for a bat colony to roost or nest at the site. The land surrounding the site contains farmland, ponds and trees and so there is a high potential for it to provide foraging habitat for bats and so any development in the site should provide suitable arrangements for bat habitat features to be built into that development.
- Birds – The lack of buildings and other structures on site following the recent removal of the former agricultural buildings ensures that there is no prospect of birds making use of the site for nesting, although a precautionary condition would be usual to ensure that any works that are undertaken during the breeding season do not disturb any birds that may have colonised the site. As with bats, the development provides the opportunity to build features into the buildings to support nesting opportunities for birds such as barn owls, swallows, etc which thrive in agricultural landscapes, and for the landscaping of the site to utilise species that are to be attractive to a wider range of bird species.
- Invasive Species – The walkover survey found that Giant Hogweed and Japanese Knotweed were not present, but that Himalayan Balsam was common across the site. This is an invasive non-native species and so the application is supported with a specific report that identifies how this species should be removed as part of any development of the site, and how the removed plants are to be disposed of, and how the work of contractors should be undertaken to minimise potential transmission elsewhere.
- Habitat - The gardens for the dwelling contained within the perimeter wall, and the landscaping alongside the access ways that lead to it provide opportunities for a range of habitat planting to be undertaken.

The Ecological Appraisal that supports the application confirms that the site is not within an area subject to any ecological designations, nor is it in close proximity to any. It concludes that there is no evidence of the presence of any mammals, nesting birds, reptiles or other species on the site that could be harmed by the development. This is considered to be a valid assessment and so there are no ecological implications expected from the development and so no conflict with Policy ENV2. As with most large application sites the development presents an opportunity to enhance biodiversity and so it would be expected that any approval includes requirements to bring forward such measures.

#### Access considerations

The closest direct access to the site is via Watchwood Drive which leads to Ballam Road opposite the northern end of Park View Road and the western end of Green Drive. This junction has a restricted visibility due to its position on the inside of a bend and has the potential for a conflict of manoeuvres due to the presence of the Park View Road junction opposite. It also has a limited width due to a

pair of historic, but not listed, gateposts close to the junction that prevent vehicles from passing in the entrance. However, the use of this access to serve the additional dwelling proposed in this application is not likely to lead to a 'severe' impacts on highway safety and so there can be no conflict with para 109 of the NPPF that could lead to a reason for refusal of the application.

That is not the case with the construction phase as this will inevitably require substantial numbers of vehicle movements with many of these being large vehicles that would not be able to utilise the Watchwood Drive junction safely. The site does have a secondary access to the north which runs through the agricultural land to join Ballam Road around 1.2km north of the Watchwood Drive access. This access road has consent for use by agricultural vehicles associated with Home Farm, and its use for the stables is subject to a current planning application.

In their comments on this application the local highway authority advise that they have no concerns over its use for construction traffic associated with this development subject to an improvement in the visibility splay over that which is currently available. These can be secured by condition to require the repositioning of the hedge without undue harm to the rural character of the road, and will ensure that this access can provide a safe and viable access for the construction traffic associated with this development.

The internal access and parking arrangements are clearly adequate to provide for the needs of a dwelling, and as such there are no issues with the access considerations of the development.

#### Neighbour Relationships

The only neighbours that could be impacted by the development are the residential occupiers of Home Farm and the attached cottage, the occupiers of the semi-detached properties that sit between Home Farm and this site, and the dwellings that sit at the junction of Watchwood Drive and Ballam Road who will see an increase in traffic utilising that route if the property is constructed.

Whilst the property is clearly sizeable in scale at the closest point it is around 50m distant from these dwellings and at this distance, and with the intervening perimeter wall there will be no loss of privacy, massing or other amenity impacts from the proposal to the dwellings around Home Farm. The level of additional use of the access road at this location and at the junction with Ballam Road will also be modest and well below a level that could create any amenity harm to those occupiers. As such the development will not lead to any harmful impacts on neighbouring residential amenity.

#### Drainage

Liggard Brook defines the eastern boundary of the Lytham Hall Park and runs in a north to south direction around 650m to the east of the proposed application site. In that intervening area the land is in Flood Zone 3 and then Flood Zone 2 which are areas at a higher risk of flooding. However, the application site is entirely located in Flood Zone 1 which is the area that is at the lowest risk of flooding and so the area that new development is directed to in preference to the higher flood risk areas. As such there is no concern over the proposed development on flood risk grounds, with the applicant having undertaken a range of drainage improvements around the wide Home Farm site in recent months to assist with some of the historic localised issues in that regard.

The drainage arrangements for the development are not well developed, and with the distance of the property from the existing water supply and sewer systems in Lytham it is likely that some infrastructure works will be required to deliver these to the property. This is set out in the application form which confirms the intention to drain surface water by a soakaway and to install a treatment plant to address foul water requirements. These are appropriate solutions and if the scheme were to be acceptable in principle then a planning condition would be imposed to ensure

that they are implemented in the development of the scheme.

#### Decision on the Application

Where a development is in conflict with the development plan policy, and the council is minded to support it despite that conflict, then there is a need to highlight this in the publicity undertaken on the application. In certain cases, such as where there is a departure from green belt policy or the development is in a higher flood risk zone, there is a need to refer that decision to the Secretary of State. That referral obligation does not apply here but the requirement to advertise the development as a departure does.

Given the clear recommendation from officers that this application is one that should be refused planning permission, and that this is consistent with the advice provided at pre-application stage, the advertisement and referral of the decision has not been undertaken. However, officers are mindful that some councillors, albeit those not on the planning committee, have shown levels of support for the application and so it is accepted that the Committee may apply a different weighting to the issues and support the scheme. If that were to be the case then Committee would not be able to grant planning permission, but would need to either defer a decision to a future meeting to allow the advertisement to take place, or to delegate the authority to officers to grant planning permission with appropriate conditions on completion of that advertisement and consideration of any comments that are received.

#### Conclusions

The application site is a rectangular area of land extending to 1.6 hectares that is located to the immediate north of the dwellings and brick outbuildings at Home Farm and until recently was occupied by a series of portal framed agricultural buildings associated with the agricultural activity based at the site. Home Farm and the surrounding land are part of the Lytham Hall estate and are recognised as such as a Grade II Registered Park and Garden which ensures they are a designated heritage asset. The whole of the Park, and so the area of the application site also, is designated as Countryside under Policy GD4 of the Fylde Local Plan to 2032.

The proposal relates to the erection of a detached dwelling that provides extensive living accommodation over three floors, with an ancillary leisure annex and detached garage outbuilding to the rear. The dwelling is situated within a manicured formal garden setting which is defined by a brick wall that is designed to replicate the routeing and general design of a walled kitchen garden. This kitchen garden was established as part of the initial use of Home Farm as the estate farm for Lytham Hall but has fallen into disuse and significant disrepair over the years and so there are now very few sections of the wall remaining, and those which do are generally in a poor condition.

The application documents explain that the proposal brings heritage benefits through the replacement of the wall that formed the previous kitchen garden. It is also the case that the erection of a dwelling will provide additional housing for the borough, and provides the opportunity to bring some ecological habitat onto the site which currently has no value.

However these benefits are extremely limited and do not offset the clear and significant harms that arise from the development. Firstly, the proposal involves the erection of a dwelling in the Countryside that does not meet any of the forms of development which are acceptable in such areas as set out in Policy GD4 of the Fylde Local Plan to 2032. Legislation and guidance is clear that planning applications should be determined in accordance with the development plan unless there are material considerations to outweigh the benefits of complying with the Plan policies, and in this case there are no real considerations that could justify not determining the application in

accordance with the requirements of Policy GD4 and so the application is recommended for refusal.

Furthermore the dwelling is of a significant scale, is prominently sited and is surrounded by a substantial brick wall. This will provide a dominating feature in the Registered Park and Garden that conflicts with the established hierarchy of buildings in that area that has Lytham Hall at the top but with all other elements of a clearly subservient scale and design. The scale and prominence of this building will be seen as the dominant building in views across the agricultural land that provides the setting to Lytham Hall Park in views from the east and so conflicts harmfully with that hierarchy.

The application puts forward that the reconstruction of the brick wall is a significant benefit that would accrue from the development, but this is not a view that is shared by your officers. The wall itself does not have any heritage status, and whilst the kitchen garden is mentioned in the listing description for the Registered Park and Garden this scheme does not re-create that garden but simply utilises the route of the kitchen garden wall to provide a boundary wall for the new dwelling. It is in effect a defining and security feature for the dwelling rather than a kitchen garden which was the largely open area that provided for horticultural and other elements to support Home Farm and so Lytham Hall.

The applicant has undertaken refurbishment and enhancement works to Home Farm and the surrounding properties and is actively constructing new agricultural buildings to replace those demolished to clear the site for this application. These will undoubtedly enhance the quality of these buildings and facilitate the continuation of active agricultural activity on the site, but it is not clear how they provide any support to this dwelling and the strong policy conflict that the erection of an unjustified dwelling in Countryside location would bring.

Having considered the various other elements that are relevant to the determination of an application of this scale and nature, such as access, ecology, drainage, etc it is considered that there are no matters of particular concern. The conflict with the development plan policy relating to development in the Countryside and the harmful impact that the development of the property would have on the heritage value of the Registered Park and Garden are significant failings of the development proposal and justify the refusal of the application for the reasons set out below. The Planning Committee are therefore advised to refuse planning permission for this application.

### **Recommendation**

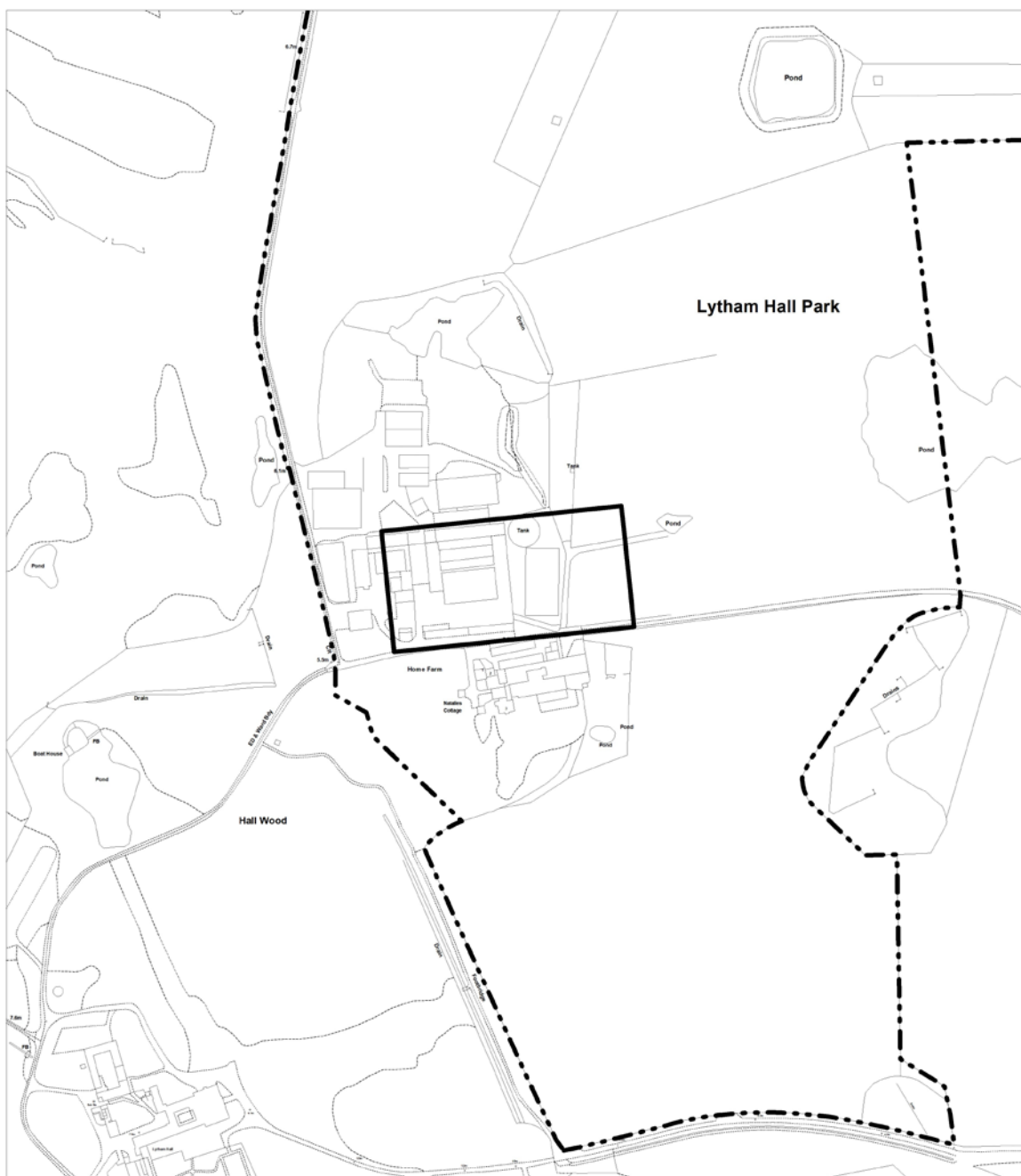
That Planning Permission be REFUSED for the following reasons:


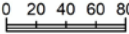
1. The site is located within the Countryside Area as designated on the Fylde Local Plan to 2032 Policies Map. The proposal does not meet any of the exceptions in Fylde Local Plan to 2032 policy GD4 where development can be permitted in the countryside and, accordingly, does not fall properly within any of the categories of development that are appropriate in that designation. As policies within the Fylde Local Plan to 2032 which relate to the supply of housing are not out-of-date, the approach set out in the countryside protection policies of the local plan which restricts the type and scale of residential development that can take place within the countryside is also up-to-date. This does not represent a material considerations to indicate that the development plan should not be followed, and there are no other such considerations presented in the application that indicate it will bring any other planning benefits that could be a material consideration in favour of the development.

The proposal's failure to meet any of the exceptions where development can be permitted in the countryside is contrary to the development strategy of the local plan taken as a whole and conflicts with the requirements of policies S1, DLF1, GD4 and H1 c) of the Fylde Local Plan to 2032, and paragraphs 2, 12 and 15 of the National Planning Policy Framework which require developments to

come forward in accordance with a genuinely plan-led system.

2. The application site is a 1.6 hectare parcel of land located within the Grade II listed Lytham Hall Park Registered Park and Garden that formerly contained buildings in agricultural use associated with the farm. The application proposes the erection of a large dwelling that is surrounded by a substantial wall feature and which is prominently sited and designed with a grandeur of setting and landscaping. This is considered to harmfully compete with the established hierarchy of buildings and other structures located within Lytham Hall Park as that historically and architecturally has Lytham Hall as its centre piece. The development will be harmful as it involves the erection of a modern and competing building to the established hierarchy within Lytham Hall Park. There are no public benefits from the development, and as such the less than substantial harm that the development has on the Registered Park and Garden is such that it is contrary to the guidance in para 196 of the NPPF and the requirement in Policy ENV5 of the NPPF for development in Registered Parks and Gardens to not harm their significance.



		(c) Crown Copyright and database right (2020). Ordnance Survey (100006084).	
Application No. 5/20/0404	Address Home Farm, Watchwood Drive, Lytham St Annes	Grid Ref. E.3359 : N.4283	Scale 0 20 40 60 80 m 

<b>Application Reference:</b>	20/0439	<b>Type of Application:</b>	Variation of Condition
<b>Applicant:</b>	Mr Young	<b>Agent :</b>	Gary Hoerty Associates
<b>Location:</b>	STANLEY VILLA FARM FISHING AND CAMPING, BACK LANE, WEETON WITH PREESE, PRESTON, PR4 3HN		
<b>Proposal:</b>	VARIATION OF CONDITIONS OF PLANNING PERMISSION 17/0572 TO ALLOW USE OF PART OF SITE AS TENTING FIELD. CONDITION 2 TO BE VARIED TO ENABLE TENT CAMPING, CONDITION 3 TO BE VARIED TO ENSURE TENT CAMPING IS FOR HOLIDAY PURPOSES ONLY, AND CONDITION 6 TO BE VARIED TO ENSURE SITE MANAGEMENT PLAN RELATES TO TENT CAMPING		
<b>Ward:</b>	STAINING AND WEETON	<b>Parish:</b>	Weeton with Preese
<b>Weeks on Hand:</b>	8	<b>Case Officer:</b>	Ruth Thow
<b>Reason for Delay:</b>	Not applicable		
<a href="#">Click Here</a> for application site on Google Maps		<a href="#">Click here</a> for application on FBC website	

**Summary of Recommended Decision:** Refuse

#### **Summary of Officer Recommendation**

The application site is a relatively recently established camping and fishing operation within a rural location between Weeton and Greenhalgh where there are other holiday and fishing operations in the area but the majority of surrounding land is in agricultural use.

The principle of establishing the camping use in pods and the expansion of the fishing operation through the construction of an additional lake was allowed on appeal in 2019 following the council's refusal of application 17/0572 and the serving of an enforcement notice. This application proposes amendments to the conditions set out in that decision to allow the siting of 10 bell tents on the land, and so effectively double the potential occupancy of the site.

The determination of the application relies on an assessment of whether the proposed additional activity will create any harmful impacts that are not outweighed by benefits from the development, and which cannot be mitigated by planning conditions. The key issue in this is the level of additional activity that the expansion of the accommodation on site will inevitably generate, and how this could harm the tranquil nature of the rural area and the amenity of neighbouring residents.

When allowing the camping pod use the Inspector concluded in para 31 of the decision that the use in that scheme *"should be able to co-exist with its neighbouring uses without unacceptable harm by way of noise and disturbance".* To ensure that was the case he imposed several conditions including a restriction on the level of accommodation on site and that this did not include any tents.



The current scheme will conflict with this by increasing the number of guests that can visit the site and by providing their accommodation in tents which inherently offer limited space and entertainment opportunities leading to a reliance on outdoor space for this, and offer no effective acoustic protection from noise generated within the tents.

Having considered the implications of this proposal carefully, officers are of the view that the changes to the operation of the site that are set out in this application create an undue risk that the increased visitor numbers and the nature of the accommodation provided will lead to unacceptable levels of noise and disturbance. This is beyond the level which the neighbours should expect to endure and will harm the quiet enjoyment of the countryside to a level that conflicts with the Fylde Local Plan to 2032 and NPPF policies which seek to protect these aspects. Accordingly the application is recommended for refusal.

### **Reason for Reporting to Committee**

The application site is one where there have been previous applications for holiday accommodation considered by the Planning Committee, and with that history the Head of Planning and Housing considers it appropriate that this application should also be determined by Committee. There has also been a request for Committee consideration by a ward councillor.

### **Site Description and Location**

The application site is Stanley Villa Farm Fishing and Camping, formerly known as Fylde Trout Fishery, Back Lane, Weeton which is situated on the west side of Back Lane to the north of its junction with Greenhalgh Lane.

The site was originally granted permission for a leisure fishing lake in 1993 with further permission granted for a 'facilities' building in March 2010. Most pertinently planning permission was granted on appeal for application 17/0572 which allowed for *'use of the land for camping, including mobile pod accommodation for use both associated with and un-associated with the use of the existing fishery; the general use of the facilities building for use associated with the camping and fishery uses, along with ancillary facilities including office buildings, mobile toilet, car parking and footpaths; formation of a new fishing lake'*. This camping use is established in a series of timber pods, and in recent months the additional fishing lake approved under this permission has been excavated and work was underway at site visit on the formation of the bunds and landscaping works that are requirements of that permission.

The area around the site is generally flat although several bunds have been constructed following the excavation to form the lake and there are wooded areas in the wider countryside. Surrounding land uses are predominantly in agricultural use with the Little Orchard Caravan Park located adjacent to the southern boundary of the site which provides touring and static caravan pitches. In addition there are a small number of other residential properties in the immediate vicinity.

The site is within designated countryside on the Fylde Local Plan to 2032.

### **Details of Proposal**

This application is submitted under Section 73 of the Town and Country Planning Act 1990. In this case the applicant seeks to vary conditions attached to planning permission 17/0572 to allow use of part of site as tenting field. Condition 2 is proposed to be varied to enable tent camping, condition

3 to be varied to ensure tent camping is for holiday purposes only, and condition 6 to be varied to ensure site management plan relates to tent camping.

The application includes a site plan to define the area where tenting would be undertaken. This is an area to the south side of the larger of the two fishing lakes and to the west side of the camping pods measuring approximately 3,000 square metres. This is to be used for the siting of 10 no. 'bell' tents with space for parking.

Supporting documentation submitted with the application indicate that the tents would be 5 metres at the widest point and have an estimated sleeping capacity of 4 persons each.

#### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
19/0611	APPLICATION TO DISCHARGE DETAILS ASSOCIATED WITH CONDITIONS ON PLANNING PERMISSION 17/0572 CONDITION 4 ( LANDSCAPING) AND CONDITION NO. 5 (DISPOSAL OF SPOIL).	Advice Issued	14/02/2020
19/0446	APPLICATION TO DISCHARGE DETAILS ASSOCIATED WITH CONDITIONS ON PLANNING PERMISSION 17/0572 - CONDITION 12 (SUDS MAINTENANCE SCHEDULE)	Advice Issued	28/08/2019
17/0572	RETROSPECTIVE APPLICATION FOR THE CHANGE OF USE OF THE LAND FOR CAMPING AND SITING OF 25 CAMPING PODS FOR EITHER HOLIDAY USE OR USE ASSOCIATED WITH THE EXISTING FISHERY, THE GENERAL USE OF THE FACILITIES BUILDING TO SUPPORT THE FISHING AND HOLIDAY USES, AND THE USE OF ANCILLARY FACILITIES ON SITE (CAR PARKING AREAS, OFFICE BUILDING, TOILET) TO SUPPORT THE FISHING AND HOLIDAY USES. EXCAVATION OF ADDITIONAL FISHING LAKE AND PROVISION OF LANDSCAPING TO SITE.	Refused	12/01/2018
15/0593	CHANGE OF USE OF LAND AND EXISTING POD ACCOMMODATION FOR CAMPING USE, WITH USE OF FACILITIES BUILDING, CAR PARK AND OTHER ANCILLARY ELEMENTS TO SUPPORT THAT USE - RETROSPECTIVE APPLICATION.	Refused	06/11/2015
14/0190	RESUBMISSION OF APPLICATION 13/0197 FOR PROPOSED CHANGE OF USE FOR SITING OF LODGE TO PROVIDE MANAGERS ACCOMMODATION (TEMPORARY FOR ONE YEAR)	Withdrawn by Applicant	24/11/2014
14/0191	RESUBMISSION OF APPLICATION 13/0198 FOR PROPOSED CHANGE OF USE OF LAND FOR SITING OF TWO HOLIDAY LODGES	Withdrawn by Applicant	24/11/2014

13/0198	PROPOSED CHANGE OF USE OF LAND FOR SITING OF TWO HOLIDAY LODGES	Refused	11/02/2014
13/0197	PROPOSED CHANGE OF USE FOR SITING OF LODGE TO PROVIDE MANAGERS ACCOMMODATION (TEMPORARY FOR ONE YEAR)	Refused	11/02/2014
12/0247	CHANGE OF USE OF LAND FOR SITING OF 25 UNITS OF MOBILE "POD" ACCOMMODATION ALONG WITH COOKING AREA, FOR USE ASSOCIATED WITH FISHERY- (PART RETROSPECTIVE).	Granted	10/10/2012
09/0839	PROPOSED FACILITIES BUILDING, OVERFLOW CAR PARK AREA AND WATER TREATMENT WORKS.	Granted	17/03/2010

### **Relevant Planning Appeals History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
17/0572	RETROSPECTIVE APPLICATION FOR THE CHANGE OF USE OF THE LAND FOR CAMPING AND SITING OF 25 CAMPING PODS FOR EITHER HOLIDAY USE OR USE ASSOCIATED WITH THE EXISTING FISHERY, THE GENERAL USE OF THE FACILITIES BUILDING TO SUPPORT THE FISHING AND HOLIDAY USES, AND THE USE OF ANCILLARY FACILITIES ON SITE (CAR PARKING AREAS, OFFICE BUILDING, TOILET) TO SUPPORT THE FISHING AND HOLIDAY USES. EXCAVATION OF ADDITIONAL FISHING LAKE AND PROVISION OF LANDSCAPING TO SITE.	Allowed	04/04/2019
15/0593	CHANGE OF USE OF LAND AND EXISTING POD ACCOMMODATION FOR CAMPING USE, WITH USE OF FACILITIES BUILDING, CAR PARK AND OTHER ANCILLARY ELEMENTS TO SUPPORT THAT USE - RETROSPECTIVE APPLICATION.	Dismiss	12/05/2016
13/0197	PROPOSED CHANGE OF USE FOR SITING OF LODGE TO PROVIDE MANAGERS ACCOMMODATION (TEMPORARY FOR ONE YEAR)	Dismiss	19/08/2014
13/0198	PROPOSED CHANGE OF USE OF LAND FOR SITING OF TWO HOLIDAY LODGES	Dismiss	19/08/2014

### **Parish/Town Council Observations**

**Weeton with Preese Parish Council** notified on 09 July 2020 and comment:

*Offer no objection.*

**Singleton Parish Council** notified on 09 July 2020 and comment:

*The Parish Council objects to this kind of camping development in the countryside. Because of the short term rental arrangements for these sites and the large capacity of these bell tents, there will be a considerable increase in the number of cars and the frequency of travel to and from them. This increase in traffic not only increases the noise and pollution in a rural setting but causes traffic problems for farm vehicles and residents along the narrow country roads.*

*The Parish Council is also concerned about the increase in noise levels from the occupants of these sites as there has already been many complaints about noise and parties in the existing camping.*

**Greenhalgh with Thistleton Parish Council** notified on 09 July 2020 and comment:

*The concerns of the PC related to the type of accommodation which, due to their size will accommodate multiple occupancy. Therefore, there is an evident issue with probable noise pollution plus there will be a marked increase in traffic on an already over-utilised and sub-standard highway.*

#### **Statutory Consultees and Observations of Other Interested Parties**

##### **Cllr Singleton**

Expresses concerns in respect of additional traffic 'on a narrow country road more used to accommodating farm machinery' and the potential for noise and pollution arising from that increase.

##### **Lancashire County Council - Highway Authority**

*LCC Highways does not have any objections regarding the proposed variation of conditions of planning permission 17/0572 to allow use of part of site as tenting field. Condition 2 to be varied to enable tent camping, condition 3 to be varied to ensure tent camping is for holiday purposes only, and condition 6 to be varied to ensure site management plan relates to tent camping, and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.*

##### **Environmental Protection (Pollution)**

*With reference to your memorandum dated 09/07/2020, there are no objections to the above proposals in principle. However, I must highlight that there is a history of noise complaints which have been received by this department in the past regarding the above site along with concerns over the management's ability to address those concerns.*

*A number of noise complaints have been received as recently as July and August 2020, with reference to noise from children playing, shouting, screaming and generally disturbing the peace of the local countryside environment. It must be borne in mind that an increase in the scale of the operations as set out in the proposed development is likely to add to this type of complaint, and may well be judged as a detrimental change to the current countryside setting.*

*In an attempt to mitigate these I request that the following conditions are included:*

*1. The applicant should extend the current management arrangements relating to booking controls, 22.30 curfew, etc that are in place for the rest of the site, to the*

*proposed development. The planning authority needs to ensure that these arrangements, and the mechanism to enforce them effectively, is robust for the extended use of the site that will result from the approval of this application. The increased use, particularly with it being tent based, creates a significant potential for increased disturbance to the occupiers and visitors in the wider area that the planning decision needs to ensure these can be controlled to avoid that disturbance being at an unacceptable level.*

*2. The surrounding area is tranquil in nature and as a result any amplified entertainment/music taking place on site would not be in keeping with the locale and should be prevented through a planning condition. It is possible that such noise could also lead to a statutory nuisance. A condition is requested that no amplified entertainment/music should take place on site either formally as part of an event or from individual guests who bring their own entertainment.*

#### **Regeneration Team (Landscape and Urban Design)**

No comments have been received.

#### **Commercial & Licensing (Caravans)**

Do not raise any objections but highlight the need for the applicant to apply to the council for a tent site licence as per section 269 of the Public Health Act 1936. They also highlight that it would be beneficial for the site owner to carry out a fire risk assessment in accordance with the Regulatory Reform (Fire Safety) Order 2005, and a copy made available to the Local Authority. these points would be appropriate notes to add to any planning permission that is granted.

#### **Neighbour Observations**

<b>Neighbours notified:</b>	09 July 2020
<b>Site Notice Date:</b>	24 July 2020
<b>Number of Responses</b>	9 letters received which all raise objection
<b>Summary of Comments</b>	<p>The bullet points reported have been taken from neighbour letters and refer to those matters that relate to the development sought in this application:</p> <ul style="list-style-type: none"><li>• their last permission to extend the site only started a matter of weeks ago</li><li>• another example of Stanley Villa Farm shot-gunning planning applications</li><li>• about time that Fylde Council took back planning control from Stanley Villa Farm to prevent countryside being overdeveloped</li><li>• current management plan already failed</li><li>• further increasing the number of people on the site and using the facilities will further damage my family's caravan park business</li><li>• increase in occupancy that would give rise to increased people noise</li><li>• a further large area of the Fylde Countryside will be lost to a change of use</li><li>• the immediate road network in Greenhalgh and Weeton will not be able to cope with the further increased road traffic</li><li>• the owners simply want to permanently expand their operation to increase the value of the site and then exploit it at whatever</li></ul>

cost

- being opportunistic in citing the impact of global pandemic to help force it through
- proposed expansion would even be viewed and heard from the public footpath to the South that runs East to West
- planning inspector bans any form of camping other than pods
- no opportunity to assess noise from additional lake closer to our homes and caravan site
- field and the lake have become additional playgrounds
- children riding bikes around and into the lake
- bunds not of the required 2-3m height
- bunds being used as elevated play area
- management can't control existing occupant of pods less chance with larger numbers
- thought this should be a planning application and not just a change of condition
- wrong location for the size and operation of a glamping business
- double the occupancy of people will further dramatically and permanently change the characteristic of this part of the countryside
- planning inspector only permitted use of camping pods
- Stanley Villa stolen characteristics of countryside
- noise in evenings and weekends almost at anti-social level
- Bell Tents and the inclusion of a wood burning stove will result in further noise disturbance later into the night
- facilities on the site are not suitable for the proposed expansion
- noise and disturbance worse than its ever been
- increasing occupancy only make worse
- developer wanting to take as many booking as can not sustainable
- grants were provide during Covid19 to support tourism
- no direction to further expand
- shouting and screaming of children unpleasant
- Bottle, cans and rubbish is often littered along Back Lane and Greenhalgh Lane.
- countryside should be protected by the council and the character of the area should be maintained.

### **Relevant Planning Policy**

#### **Fylde Local Plan to 2032:**

GD4	Development in the Countryside
GD7	Achieving Good Design in Development
EC6	Leisure, Culture and Tourism Development
ENV1	Landscape
ENV2	Biodiversity
CL1	Flood Alleviation, Water Quality and Water Efficiency
CL2	Surface Water Run-Off and Sustainable Drainage

**Other Relevant Policy:**

NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance

**Environmental Impact Assessment**

This development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

**Comment and Analysis****Background**

Members will recall planning application 17/0572 which was presented to committee on 10 January 2018. The application sought permission for *'change of use of the land for camping and siting of 25 camping pods for either holiday use or use associated with the existing fishery, the general use of the facilities building to support the fishing and holiday uses, and the use of ancillary facilities on site (car parking areas, office building, toilet) to support the fishing and holiday uses, excavation of additional fishing lake and provision of landscaping to site.'*

The application was refused by committee with the reason stated being:

*That the levels of noise and disturbance that are likely to be generated by the general camping use of this site will detract from the enjoyment of this part of the Fylde countryside by its occupiers, by visitors to neighbouring recreational enterprises, and by other users of the site. This impact is exacerbated in this location due to the quiet and tranquil nature of the countryside area within which the application site is located. This impact is considered to be harmful to the quiet enjoyment of the countryside to a degree that would conflict with Policy TREC10, and criteria 2 and 6 of Policy TREC7 of the Fylde Borough Local Plan, with criteria b and g of Policy GD7 of the Submission Version of the Fylde Local Plan to 2032, and with guidance in paragraphs 28 and 123 of the National Planning Policy Framework.*

As this application was retrospective and the site continued to operate after the refusal of the application an enforcement notice was served that required the use to cease. This was appealed alongside the planning decision and a joint appeal hearing held to assist the Inspector in determining the appeals. He resolved to allow the appeals and so granted planning permission and quashed the enforcement notice.

The decision letter refers to the *'use of the land for camping, including mobile pod accommodation for use both associated with and un-associated with the use of the existing fishery; the general use of the facilities building for use associated with the camping and fishery uses, along with ancillary facilities including office building, mobile toilet, car parking and footpaths; formation of a new fishing lake'*.

The Inspector's Decision letter included several conditions to define and control the development. Of those conditions no.s 2, 3 and 6 are proposed to be varied in this application.

**Scope of Decision**

This application has been submitted to amend the above conditions under Section 73 of the Town

and Country Planning Act 1990. The effect of an application under this section is the issue of a new planning permission, sitting alongside the original permission, which remains intact.

In this case the use of the site for the camping pods is established and unchanged by this proposal, as is the supporting use of the facilities building and the development of the additional fishing lake that was recently excavated. The scope of the council's decision on this application relates solely to the acceptability of the use of the site to permit the siting of 10 bell tents, and the benefits and harms that could arise from that.

### The proposal

Condition no. 2 of the appeal decision 17/0572 requires that:

*'The use of the site for camping hereby approved shall be limited to the area annotated as camping pods as detailed on drawing number You/708/2178/01 Amendment B. Overnight stays shall only be undertaken within the 25 camping 'pods' within this area. No additional forms of camping in the form of tents, caravans, caravettes or any other form of motorhome will be allowed'.*

Condition 3: *'No 'pods' or other building/structure on the site shall be occupied as a person's permanent, sole or main place of residence.'*

Condition 6: *'The development hereby approved shall be managed in strict accordance with the submitted Stanley Villa Farm Camping - Camping Management Plan of 19 March 2019 (CMP), or any revision of the CMP subsequently agreed in writing by the Local Planning Authority.'*

The application proposes that an additional 10 no. bell tents and associated parking is permitted within the red edge site and the applicant proposes that the current wording of condition no. 2 is replaced with the following wording to include that use and to define the location within the overall site where the tenting is permitted:

*'The use of the site for camping hereby approved shall be limited to the area annotated as camping pods as detailed on drawing number You/708/2178/01 Amendment B and the area annotated as bell tents as detailed on drawing number You/708/2766/02. Overnight stays shall only be undertaken within the 25 camping 'pods' and tents within these areas. No additional forms of camping in the form of caravans, caravettes or any other form of motorhome will be allowed'.*

The wording in condition no. 3 should be replaced with wording to include the proposed bell tents and condition no. 6 is replaced with:

*'The development hereby approved shall be managed in strict accordance with the submitted Stanley Villa Farm Camping - Camping Management Plan of 21 June 2020 (CMP), or any revision of the CMP subsequently agreed in writing by the Local Planning Authority'.*

During the course of this application amended plans have been received which include detail of the nature of the car parking materials and so any approval of this application would need to include a confirmation that these materials are to be used in the development.

Whilst conditions in an appeal decision do not include a reason for each of the conditions imposed the Inspector discussed the impact of the development, in particular on the character and appearance of the countryside and neighbouring amenity, in the decision letter and these issues are relevant to this proposal.



## Key Issues

The following are considered to be the key areas that are raised by the application, and so are assessed in the remainder of this report:

- Visual impact of the development
- Level of disturbance and noise implications
- Highway implications
- Economic or other benefits

## Impact on character and appearance of the area

Policy GD7 of the Fylde Local Plan to 2032 refers to the general principles of good design and includes various criteria that development needs to comply with. These are extensive and not all are relevant for every application, however the following criteria are appropriate in this instance:

- c) Ensuring that amenity will not be adversely affected by neighbouring uses, both existing and proposed.*
- h) Being sympathetic to surrounding land uses and occupiers, and avoiding demonstrable harm to the visual amenities of the local area.*
- j) Ensuring parking areas for cars, bicycles and motorcycles are safe, accessible and sympathetic to the character of the surrounding area and that highway safety is not compromised*
- t) The development should not prejudice or prevent the operation of existing land uses.*

Policy ENV1 refers to landscape. *'Development will have regard to its visual impact within its landscape context and the landscape type in which it is situated. Development will be assessed to consider whether it is appropriate to the landscape character, amenity and tranquillity within which it is situated, as identified in the Lancashire Landscape Character Assessment, December 2000 or any subsequent update. Development will also need to have regard to any impact on valued landscapes.* The policy then sets out a series of requirements for development relating to ensuring that appropriate landscaping is implemented in new developments.

Policy EC6 refers to rural tourism and states *'The promotion and enhancement of rural tourism will be encouraged through rural diversification to create small-scale, sensitively designed visitor attractions'*. Despite its title it is considered that this policy is not relevant to this scheme as it relates to 'visitor attractions' rather than visitor accommodation' and the policy wording is directed at tourism activity as a result.

In this case the application site is situated on the west side of Back Lane in flat and generally open countryside with several wooded areas. The existing camping pods are arranged in a 'kidney shape' and situated to the south of the access track with the facilities and other associated buildings around, and the fishing lakes are to the north, west and south of the main access.

The area proposed for camping is to south side of the largest of the lakes and to the west of the camping pods. There is an area of woodland to the south and further landscaping situated to the west side of the proposed area.

The proposed tenting area is intended to accommodate 10 'bell tents' of 5 metres in width which are canvas covered and have a height of 3m. This means that they are slightly taller than the pods, which are 2.75m tall, but are within an area that has good screening formed by the trees and mature

hedge planting. The tents would be located on a part of the site which is well separated from the highway and public footpaths.

The submitted plan confirms the scale and location of the tents and so would be confirmed if permission was to be granted for this scheme. Given their scale and siting within the wider Fylde Fishery site it is considered that the proposal will have a limited impact on the visual amenity and character of the countryside. There is existing landscaping from the woodland which presents as a screen or backdrop to the tents themselves and the parking and other activity that would be associated with their use for camping. On that basis the scheme does not create any conflicts with the visual impact elements of Policy GD7 or with Policy ENV1.

#### Level of disturbance and noise impacts

##### **Policy Background**

There are no policies in the Fylde Local Plan to 2032 that relate specifically to noise and other nuisances, but there is NPPF guidance on this in para 180 which states:

*"Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*

- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;*
- b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and*
- c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation."*

Further guidance is provided in para 170 which relates to all planning decisions and requires that they contribute to and enhance the natural and local environment in a number of ways including:

*"e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability."*

The final NPPF reference is in para 127 which deals with the design requirements of planning decision and imposes a series of criteria including:

*"f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."*

At the local level there is a clear reference to the need to respect the tranquil nature of countryside in Policy ENV1 as quoted above, and there is a requirement for development to be avoid affecting the amenity of neighbouring uses in criteria c) of Policy GD7, and to be sympathetic to surrounding land uses and occupiers in criterion h).

Accordingly there is a local and national policy basis to ensure that new development in a rural area does not detract from its quiet and tranquil character or harm the amenity of its existing occupiers and visitors.

### **Existing Character of Area**

The surrounding area is rural in character and whilst there are background noise levels from Fleetwood Road / M55 and agricultural activity, the area is one that is generally a peaceful and tranquil one. The occasional activities at the gun club on Back Lane clearly change that ambiance, but these are infrequent and limited in duration. This general tranquillity was accepted in the 2017 appeal where the majority of the discussion focussed on the level of noise caused by activity on the site and how that could cause undue disturbance to the area if it was at an excessive level. The noise types discussed related to amplified music and large groups attending events, which can be prevented by condition, and the more generalised noise from activities such as children playing and guests singing and shouting, which is inherent in a holiday scenario and is much more difficult to control.

The nearest receptors to any noise would be the guests at 'Little Orchard Caravan Park' situated to the south side of the site at a 90m separation at the closest point, with residential neighbours at 'Kirby's Farm', 'Shorrocks Barn', 'Swallows Rest', 'The Old Shippon' and 'Derby Granary' beyond that and around 250m distant from the proposed tenting location.

### **Appeal Decision assessment on Noise**

In his assessment of the noise issue in the 2017 appeal the Inspector noted that the area was not formally designated a tranquil area, but concluded in para 14 of the decision letter concerning the Fylde Fishery site: *"I agree it is, for the most part, a generally quiet site, there is clearly scope for some activity to take place on the appeal site without unduly disturbing neighbouring residents or caravan occupants. However, that should not be taken to detract from the reasonable expectation of neighbourliness and particularly the avoidance of disturbance in the late evenings."*

His conclusion on the implications of the pod development proposed at that time is set out in para 27 of the decision letter where he comments : *"To my mind, [the camp management plan] terms require the site operator to take all reasonable steps to ensure the site is operated in a neighbourly manner. There are control and monitoring provisions in place and draft planning conditions have been submitted to require compliance with this plan. I particularly note that no 'events' may take place, no combined bookings of more than 3 pods, no outdoor music and a noise curfew would be imposed. I am satisfied that compliance with the plan, and with the planning conditions to which I refer below, would ensure that the use would not give rise to undue noise and disturbance to nearby residents and to users of the neighbouring caravan site."*

This confirms that the decision to grant planning permission for the camping pod use was based on that use being controlled, with one of the key controls being an exclusion on tents from the site. This is set out in condition 2 which says: *"..... Overnight stays shall only be undertaken within the 25 camping 'pods' within this area. No additional forms of camping in the form of tents, caravans, caravettes or any other form of motorhome will be allowed."*

### **Assessment of this application**

Having established that the area is a tranquil one, that there are policy requirements in maintaining that tranquillity, and that the previous decision imposed controls that prevented tents to deliver that requirement, the test with this application must be whether the use now proposed will undermine that and what mitigation is possible if there is likely to be harm.

A key consideration in this is the capacity of the site. The existing site has permission for 25 camping pods although 24 pods are currently on site. The Stanley Villa Camp website advises that the *'Pods sleep 2 Adults (max) and up to two children (or three small children if they can fit on a*

*double airbed - this is a squeeze).*' This gives a maximum capacity of between 50 and 100 visitors on site.

The proposal is for an additional 10 tents, with the submitted 'floor plan' confirming that these tents can easily accommodate up to 4 people in each, with ample space to allow additional sleeping beyond that to potentially double that number. With 10 tents this is potentially an increase of an additional 40 – 80 visitors to the site on top of the existing occupiers of the camping pods. In essence the proposal will roughly double the number of visitors able to be present at the site at any one time.

Moving from that to the nature of the accommodation. Both the existing pods and the proposed tents offer only basic accommodation which means that for much of the time the campers are/would be outdoors. Unlike with a caravan there is no real opportunity for guests to watch TV, play board games, cook inside, etc. which means that entertainment and other holiday activities are generally to be undertaken outdoors.

Furthermore, the facilities available on the site for this are limited. The main facilities building offers some cooking, washing and recreation space but this is limited in its extent and with the current social distancing obligations, and the potential doubling of the capacity of the site, it is difficult to imagine that this would successfully serve the guests that could be present on the site. It is also the case that one of the attractions of the holidaying at a site such as this is the ability for outdoor cooking and sitting around a 'camp fire' as part of the holiday experience.

Finally the nature of tents mean that they offer very limited acoustic protection and so any noise that is generated within them will be audible outside.

The conclusion of this is that the level and nature of accommodation that is proposed in this application is considered likely to present an unacceptable risk of generating noise to a degree that will create undue disturbance to the quiet and tranquil rural area, and impact on the amenity of occupiers of the nearby dwellings.

The application includes a proposal to revise the existing Camp Management Plan. However, that revision is limited to permitting tent camping to occur without any additional references to how the specific issues raised by such accommodation could be mitigated.

The mitigation against such impacts in the existing permission may be effective in controlling that operation (although complaints have been received), but the success of the camp management plan relies on an individual's general thoughtfulness and regard to the amenity of other guests and neighbours as there is no on-site warden. It is officer view that these factors were likely to have contributed to the Inspector's decision to prevent tent camping on the site when allowing the pod use, and having considered this aspect carefully it is not considered that there is justification for varying the condition to allow that form of accommodation.

As a consequence of the proposed increase in visitor numbers, the limited availability of indoor facilities for campers and the flimsy nature of the tent accommodation it is officer view that the proposal has the potential to result in an unacceptable level of noise and disturbance for the occupiers of neighbouring residential properties, particularly in the evenings, and to detract from the tranquil enjoyment of this part of the Fylde countryside. Accordingly, the proposal fails to comply with paragraphs 180, 127 and 170 of the NPPF, and the requirement of Policy ENV1 of the Fylde Local Plan to 2032 to protect tranquil rural locations and criteria c) and h) of Policy GD7 relating to protecting neighbour amenity.

### **Current Position**

A number of the residents comments reported on this application refer to complaints being raised about a failure to comply with elements of the existing planning permission, including the formation of bunds and the landscaping of the site, and with the effective operation of the management plan. The comments of the Environmental Protection team also confirm that they have received complaints about the activities at the site since holiday sites re-opened in early July, and that those are under investigation.

Members are advised that these complaints should not form a part of the decision on this application as it should be taken that the existing planning permission is being implemented properly and its obligations complied with. The issues that have been raised in part relate to elements of the scheme remaining under construction whilst the site has become operational post-lockdown and are the subject of a planning enforcement investigation which is securing compliance with the approved scheme.

### Economic Benefits

The application will increase the capacity at the site to a point that is likely to be around double that currently available. As such, assuming that it is fully utilised it will bring economic benefits to that business with likely benefits to the local and wider economy as a result of the additional levels of visitor spending at local shops, restaurants and other visitor attractions.

In times when there is recognised to be both a recession and a growth in domestic tourism this is clearly a benefit to be weighted in favour of the development in the overall planning balance, although there is no information provided with the application to allow that to be quantified. There is also a possibility that the growth of the business could have harmful impacts on other businesses in the area by drawing custom from them, but such competition is not a matter that the planning system is to regulate.

With the absence of any quantifiable benefits from the development it is difficult to ascribe any particular weight to this factor, but it is officer view that it does not outweigh the harms that have been set out in the above section concerning the noise implications of the development.

### Highway impact

Vehicular access to the new tenting area will remain as existing from Back Lane with an additional informal car parking provided alongside the proposed tenting field.

Letters have been received from neighbours raising concern over the impact on the highway network as a consequence of the increase in visitor numbers, with this raised as an issue by Parish Council's also.

Paragraph 109 of the NPPF states that '*Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*'

Policy GD7 in respect of highway matters requires that:

- j) Ensuring parking areas for cars, bicycles and motorcycles are safe, accessible and sympathetic to the character of the surrounding area and that highway safety is not compromised*
- q) The development should not prejudice highway safety, pedestrian safety, and the efficient and convenient movement of all highway users (including bus passengers, cyclists, pedestrians and horse*

*riders). The development should not reduce the number of on-site parking spaces available, unless there are other material considerations which justify the reduction.'*

In order to assess the proposal and the potential for highway impact the council consults with Lancashire County Council's Highway officers. In this instance they conclude that *"that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site."* This is considered to be a reasonable view as the level of trip generation by visitors associated with the development will be limited, and is also likely to be in private cars which can be accommodated on the rural roads that lead to the site much more easily than say the many farm vehicles that use them or a touring caravan.

According the development would not give rise to a detrimental impact on highway safety and complies with the requires of Policy GD7 and the aims of the NPPF in this regard.

#### Drainage

The site is located within Flood Zone 1. Policies CL1 and CL2 of the Fylde Local Plan seek to prevent the risk of flooding or create an unacceptable increase in the risk of flooding within the development site, or elsewhere, foul sewers and sewerage treatment encourage use of sustainable urban drainage systems.

A Flood Risk Assessment (FRA) was submitted with the 17/0572 application. The FRA concluded that the site is within Flood Zone 1 which is the lowest flood risk area and there is no increase in flood risk on the site or downstream resultant from the development. SuDS will be employed on the site to deal with surface water.

The LLFA at the time did not raise objection to the proposal, subject to conditions requiring implementation of the FRA and management/ maintenance of SuDS on the site. Therefore, adequate measures can be put in place in order to ensure that the development poses no unacceptable risk in terms of flooding in accordance with the requirements of Fylde Local Plan policies, and the aims of the NPPF.

#### Ecology

Paragraph 170 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment. Paragraph 175 provides the principles for protecting habitats and biodiversity.

The proposed tenting site is an area of flat grassland which has no specific nature conservation designation in the Local Plan. Policy ENV2 seeks to safeguard protected species and their habitats from development, requiring mitigation where appropriate, as well the retention/ enhancement of existing natural features and the introduction of additional features as part of the development in order to provide biodiversity enhancements.

The new elements of this proposal relates to the erection of the tents which will involve minimal disruption to install on site. The presence of amphibians on the site is deterred by the intervening land uses on the site including road, car park and camping pods. On this basis it is considered that the site has low biodiversity importance, the inclusion of a pond (granted under 17/0572) and increased landscaping on the site serve to enhance biodiversity value in accordance with the development plan and NPPF.

## Other Matters

A significant volume of correspondence has been received from residential neighbours to the site and the comments that specifically relate to the additional tenting field are reported above. Other comments are made that relate to enforcement of conditions imposed by the Inspector in the decision letter for application 17/0572. These are being investigated by the Planning Enforcement Team and the Environmental Protection Team and are not reported as they are not directly relevant to this decision.

## Conclusions

The application site is a relatively recently established camping and fishing operation within a rural location between Weeton and Greenhalgh where there are other holiday and fishing operations in the area but the majority of surrounding land is in agricultural use.

The principle of establishing the camping use in pods and the expansion of the fishing operation through the construction of an additional lake was allowed on appeal in 2019 following the council's refusal of application 17/0572 and the serving of an enforcement notice. This application proposes amendments to the conditions set out in that decision to allow the siting of 10 bell tents on the land, and so effectively double the potential occupancy of the site.

The determination of the application relies on an assessment of whether the proposed additional activity will create any harmful impacts that are not outweighed by benefits from the development, and which cannot be mitigated by planning conditions. The key issue in this is the level of additional activity that the expansion of the accommodation on site will inevitably generate, and how this could harm the tranquil nature of the rural area and the amenity of neighbouring residents.

When allowing the camping pod use the Inspector concluded in para 31 of the decision that the use in that scheme *"should be able to co-exist with its neighbouring uses without unacceptable harm by way of noise and disturbance".* To ensure that was the case he imposed several conditions including a restriction on the level of accommodation on site and that this did not include any tents.

The current scheme will conflict with this by increasing the potential number of guests that can visit the site and by providing their accommodation in tents which inherently offer limited space and entertainment opportunities leading to a reliance on outdoor space for this, and offer no effective acoustic protection from noise generated within the tents.

Having considered the implications of this proposal carefully officers are of the view that the changes to the operation of the site that are set out in this application create an undue risk that the increased visitor numbers and the nature of the accommodation provided will lead to unacceptable levels of noise and disturbance. This is beyond the level which the neighbours should expect to endure and will harm the quiet enjoyment of the countryside to a level that conflicts with the Fylde Local Plan to 2032 and NPPF policies which seek to protect these aspects. Accordingly the application is recommended for refusal.

## Recommendation

That Planning Permission be REFUSED for the following reasons:

1. The proposal relates to the variation of a series of conditions on planning permission 17/0572 to permit the siting of 10 'bell tents' on a part of the site, and the revisions to the management of the

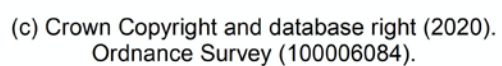
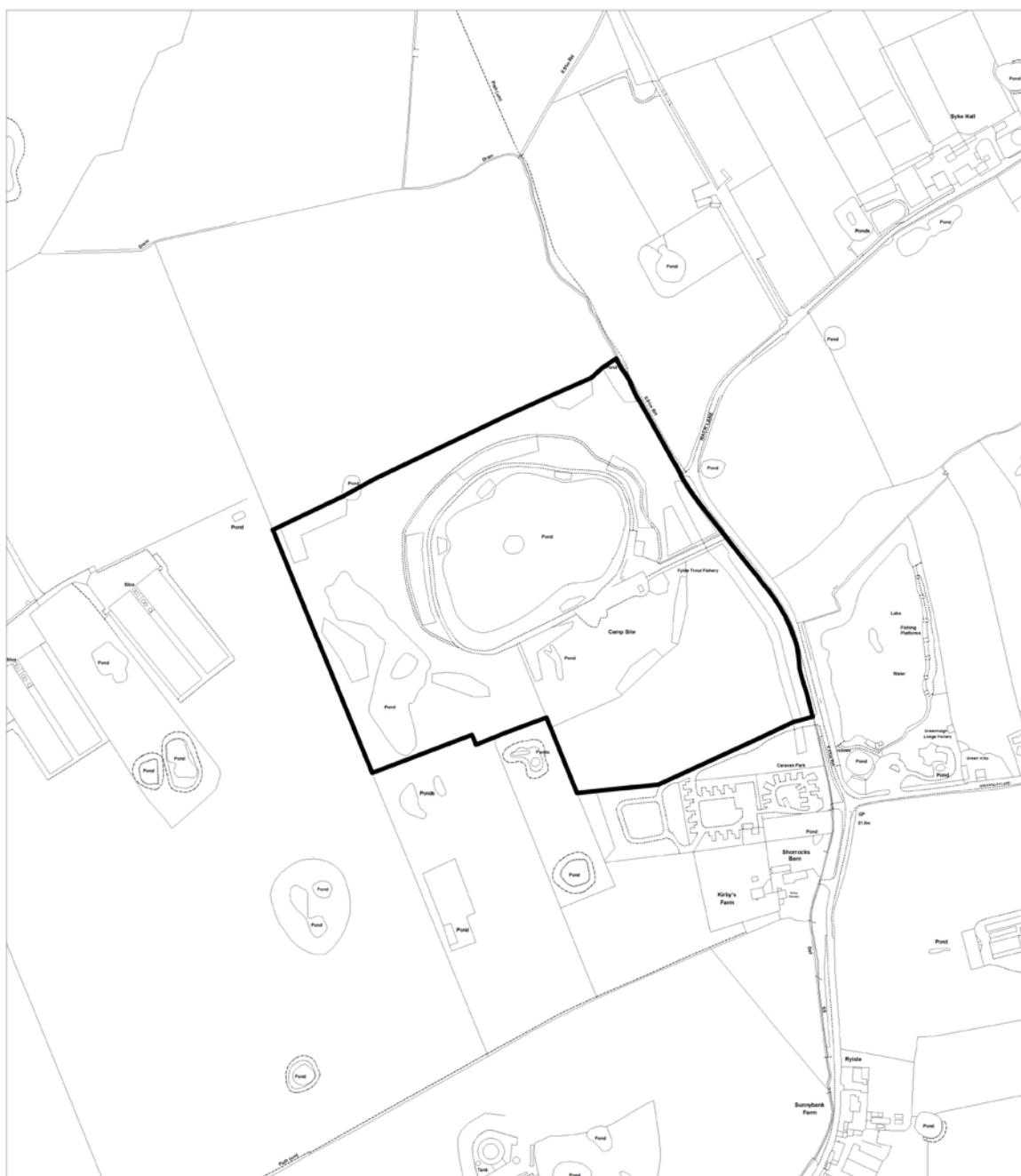
site as controlled by that permission to facilitate the tenting use.

The effect of this change is to introduce a significant increase in the overall capacity of the site, and to introduce accommodation that will inevitably necessitate its users being reliant on outdoor space for cooking, socialising and entertainment, with this compounded by the limited availability of alternative facilities within the site (and surrounding area) for those purposes.

The consequence of this is that the level of activity and noise generated by the site, particularly in the evening when background noise levels are at their lowest, is likely to lead to an undue risk of harm to the tranquil nature of the surrounding rural area, and the amenity enjoyed by neighbouring occupiers.

This impact is harmful to a degree that would conflict with criteria c) and h) of Policy GD7 relating to amenity and that part of Policy ENV1 relating to the protection of tranquil rural landscapes of the Fylde Local Plan to 2032; and the guidance in the NPPF in particular section f) of paragraph 127, section e) of paragraph 170, and section a) and b) of paragraph 180 relating to amenity considerations.





Scale  
0 25 50 75 100 m

## INFORMATION ITEM

REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE	PLANNING COMMITTEE	2 SEPTEMBER 2020	5
<b>LIST OF APPEALS DECIDED</b>			

### PUBLIC ITEM

This item is for consideration in the public part of the meeting.

### SUMMARY OF INFORMATION

The council received decision on the following appeals between 17 July and 21 August 2020.

### SOURCE OF INFORMATION

Development Services

### INFORMATION

List of Appeals Decided attached.

### WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE?

To inform members of the appeals that have been decided during the period.

### FURTHER INFORMATION

Contact Andrew Stell, Development Manager, 01253 658473

## Appeal Decisions

The council received decisions on the following appeals between 17 July 2020 and 21 August 2020. The decision notices are attached to the report as an appendix for reference.

Rec No: 1			
02 January 2020	19/0533	LAND BETWEEN TREE TOPS AND 1 BRADSHAW LANE, GREENHALGH WITH THISTLETON OUTLINE APPLICATION FOR THE ERECTION OF 6 NO. DWELLINGS (ACCESS APPLIED FOR ALL OTHER MATTERS RESERVED)	Written Representations Case Officer: AS
Fylde Dec. Level	DEL		
Appeal Decision:	Dismiss: 24 July 2020		
Rec No: 2			
03 February 2020	19/0402	LAND BETWEEN HILLBERY AND ELMWOOD, COPP LANE, ELSWICK OUTLINE APPLICATION FOR THE ERECTION OF 2 NO. DETACHED DWELLINGS (ACCESS, LAYOUT AND SCALE APPLIED ALL OTHER MATTERS RESERVED)	Written Representations Case Officer: AP
Fylde Dec. Level	DEL		
Appeal Decision:	Dismiss: 06 August 2020		
Rec No: 3			
02 March 2020	19/0633	17 SALT COTES ROAD, LYTHAM ST ANNES, FY8 4HN RETROSPECTIVE APPLICATION FOR A 1.8M FENCE	Householder Appeal Case Officer: KLH
Fylde Dec. Level	DEL		
Appeal Decision:	Allowed: 20 August 2020		
Rec No: 4			
01 June 2020	20/0063	ELSWICK LODGE, LODGE LANE, ELSWICK, PRESTON, PR4 3ZJ PRIOR NOTIFICATION FOR CHANGE OF USE OF AGRICULTURAL BUILDING TO ONE DWELLING TOGETHER WITH ASSOCIATED BUILDING OPERATIONS PURSUANT TO SCHEDULE 2, PART 3, CLASS Q OF THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015	Written Representations Case Officer: RT
Fylde Dec. Level	COMM		
Appeal Decision:	Dismiss: 29 July 2020		
Rec No: 5			
03 July 2020	20/0174	13 MITTON CRESCENT, KIRKHAM, PRESTON, PR4 2AZ RESUBMISSION OF APPLICATION 19/0961 FOR SINGLE STOREY SIDE EXTENSION	Householder Appeal Case Officer: BW
Fylde Dec. Level	DEL		
Appeal Decision:	Allowed: 10 August 2020		
Rec No: 6			
30 June 2020	20/0176	235 INNER PROMENADE, LYTHAM ST ANNES, FY8 1BB RETROSPECTIVE APPLICATION FOR ERECTION OF TIMBER FENCE ON TOP OF BOUNDARY WALL TO MILETAS PLACE (1.9M HIGH OVERALL) AND INNER PROMENADE (1.7M HIGH OVERALL) FRONTAGES	Householder Appeal Case Officer: RT
Fylde Dec. Level	DEL		
Appeal Decision:	Dismiss: 21 August 2020		

# 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.

## 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 case<sup>1</sup> 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.

---

<sup>1</sup> 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



# 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**

**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.

## 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

---

## Appeal Decision

Site visit made on 22 July 2020

**by R Morgan MCD MRTPI**

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

**Decision date: 20 August 2020**

---

**Appeal Ref: APP/M2325/D/20/3245223**

**17 Saltcotes Road, Lytham St Annes FY8 4HN**

- 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 James Lawton against the decision of Fylde Borough Council.
  - The application Ref 19/0633, dated 30 July 2019, was refused by notice dated 6 November 2019.
  - The development proposed is the installation of a boundary timber fence.
- 

### Decision

1. The appeal is allowed and planning permission is granted for a boundary timber fence at 17 Saltcotes Road, Lytham St Annes FY8 4HN, in accordance with the terms of the application, Ref 19/0633, dated 30 July 2019, and the plans submitted with it, and subject to the following condition:
  - Within two months of the date of this decision, the fence, in its entirety, shall be stained with a dark brown colour, and thereafter this stain shall be re-applied as necessary to maintain that appearance.

### Procedural Matter

2. The fence has already been erected and I am therefore considering this appeal retrospectively.

### Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

### Reasons

4. The appeal property is located in a predominately residential area. Along both Saltcotes Road and Mythop Road, most properties are set back behind front gardens or shared amenity space. Boundary treatments vary but are typically formed of hedges, or a combination of low brick walls with hedges or low fences. Trees, shrubs and hedges in many of the front gardens contribute positively to the character of the area.
5. Number 17 is the end property on this section of Saltcotes Road, and fronts onto a mini-roundabout at the junction with Mythop Road (B529). The front boundary of the property is long and curved, and is set back from the highway behind a grass verge, part of which has been planted with low shrubs.

6. The timber boarded fence which is the subject of this appeal has been erected above a low brick wall. In total, the height of the fence and wall is approximately 1.8m. Trees and shrubs have been left to grow up behind the fence, and at the time of my site visit had started to overhang it in some places, which helped to soften its appearance.
7. The fence is not in itself particularly unattractive, and although it is higher than those in the immediately surrounding area, the combination of the fence and wall, with vegetation above, breaks up the appearance of the front boundary. As a result, the fence does not appear overly dominant or overbearing in the streetscene. However, I note the suggestion that the untreated timber could be stained a darker colour, and agree that this would help it to blend into the surrounding area to a greater extent.
8. Although it is long, the curved nature of the front boundary significantly limits the extent to which the fence can be seen from vantage points on Saltcotes Road. From the mini roundabout, screening is provided by the landscaping on the verge. The fence does not appear as a significant feature in the street scene, and its location on a sweeping corner of a wide section of road prevents any undue feeling of enclosure.
9. Whilst the house and views across the corner are now largely screened from view, this screening is provided predominately by the boundary vegetation, rather than the fence alone. Other properties on Saltcotes Road are similarly screened by trees and shrubs along the frontage, and clear views of the houses is not a particular characteristic of the area.
10. I conclude that the fence does not cause undue harm to the character and appearance of the area. As such, I find no conflict with Policy GD7 of the Fylde Local Plan 2018 which requires, in criterion h), that development should avoid demonstrable harm to the visual amenities of the local area. Similarly, I find no conflict with the provisions of the National Planning Policy Framework concerning the achievement of well-designed places.

## Conclusion

11. For the reasons given, I conclude that the appeal be allowed, subject to a condition requiring the fence to be stained a dark colour, which is necessary to safeguard the character and appearance of the area.

*R Morgan*

INSPECTOR



# Appeal Decision

Site visit made on 14 July 2020

**by Robert Hitchcock BSc DipCD MRTPI**

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

**Decision date: 29 July 2020**

**Appeal Ref: APP/M2325/W/20/3252774**

**Elswick Lodge Farm, Lodge Lane, Elswick, Preston, Lancashire PR4 3ZJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class Q, Paragraph Q.2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- The appeal is made by Mr & Mrs Paul Metcalf against the decision of Fylde Borough Council.
- The application Ref 20/0063, dated 26 January 2020, was refused by notice dated 19 March 2020.
- The development proposed is the change of use of agricultural building to one dwelling together with associated building operations pursuant to Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

## Decision

1. The appeal is dismissed.

## Background and Main Issues

2. Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) permits development consisting of a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule of the Use Classes Order 1987 (as amended), and the building operations reasonably necessary to convert the building.
3. Schedule 2, Part 3, Section W of the GPDO sets out the prior approval process. It states that the local planning authority may refuse an application where, in its opinion, the proposed development does not comply with, or the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, any conditions, limitations or restrictions specified as being applicable to the development in question.
4. It was on this basis that the Council refused to grant prior approval for the scheme under Schedule 2, Part 3, Class Q1(i) of the GPDO as it relates to the degree of building operations necessary for the building to function as a dwellinghouse and Condition Q2 (1)(f) in relation to the design or external appearance of the property.

## Reasons

5. The GPDO states at paragraph Q.1(i) that development under Class Q(b) is not permitted if it would consist of building operations other than the installation or

- replacement of windows, doors, roofs or external walls or water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse. The permitted development rights also include partial demolition to the extent reasonably necessary to carry out such building operations.
6. The GPDO does not define what constitutes 'reasonably necessary'. However, in this regard the main parties have directed me to the findings in the Hibbitt judgment<sup>1</sup>. Here it was found that the building must be capable of conversion to residential use without operations that would amount either to complete or substantial re-building of the pre-existing structure or the effective creation of a new building. Whether the building operations go beyond the scope of conversion is a matter of planning judgement.
  7. The Planning Practice Guidance<sup>2</sup>(PPG) states that the permitted development right under Class Q assumes that the agricultural building is capable of functioning as a dwelling. In this respect, building operations which are reasonably necessary to convert the building, which may include those which would affect the external appearance of the building and would otherwise require planning permission, would be permitted. However, the PPG also clarifies that 'it is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. Therefore, it is only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right'. The nature and extent of the proposed building operations are therefore a relevant consideration in making that assessment.
  8. The appeal building is a typical modern portal framed agricultural storage building of substantial and permanent construction. At the time of my site inspection, the steel framework appeared in good condition, consistent with the findings of the structural report submitted with the planning application. The building has a concrete panel wall to the lower part of all four elevations with profiled sheeting to the upper walls and roof. The floor of the building appears as a single concrete slab incorporating the stanchion foundations and supporting a later mezzanine level at one end of the building.
  9. The works to facilitate the re-use of the building would require the removal of the entire roof covering and all of the cladding to the upper parts of each elevation. Additionally, several of the lower blockwork panels would be removed in whole or part. Only the framework and slab would remain in their entirety.
  10. Whilst Paragraph Q.1(i)(ii) of the GDPO provides for the partial demolition of the building to facilitate the specified building operations, the degree of removal of the existing façades and roof would constitute the significant majority of the existing external building surfaces to the extent that the degree of new-build would constitute the substantial re-building of the pre-existing structure.

---

<sup>1</sup> Hibbitt and another v Secretary of State for Communities and Local Government and Rushcliffe Borough Council [2016] EWHC 2853 (Admin)

<sup>2</sup> Reference ID: 13-105-20180615



11. The appellants reference the existing extent of enclosure on all four sides in order to distinguish it from the circumstances of the building considered in the Hibbitt case; however, as set out above, much of the existing elevations would be removed for replacement. Although I accept that the PPG does not prohibit internal works, it does not follow that the proposed development would constitute a 'conversion', as this is a matter of planning judgement depending on the nature and extent of the building operations proposed. In my view, when taken together, the works would be of such an extent that they would go beyond what would be reasonably necessary for the 'conversion' of the building to a residential use.
12. For the above reasons, I conclude that the proposed works would go beyond building operations reasonably necessary to convert the building into a dwellinghouse and accordingly, would not benefit from the permitted development rights under Schedule 2, Part 3, Class Q(b) of the Order.
13. In support of the appeal the appellants have referred me to an appeal decision<sup>3</sup>, however, in that case I note that the proportion of the walls to be replaced was much less than that proposed here and its roof was to be retained. The appellants also compare the proposal to one given prior approval<sup>4</sup> by another Council. However, precedent decisions are rarely an argument that should carry great weight in planning decisions which should be made on their own merits. Notwithstanding this, it is notable that the assessment with regard to the matters of reasonable necessity, suitability for conversion and extent of works are unqualified in that particular case. I therefore find it is not persuasive in respect to the case before me.
14. I have had regard to the comments of interested parties and the Council's other reason for refusal which contends that the proposed design of the building would harm character and appearance of the locality. However, in light of my findings that the proposal would not comprise permitted development under Class Q, it is not necessary for me to consider whether the scheme complies with the remaining provisions of Class Q. This is because even if I were to find that the proposal complied with these requirements, this could not alter my conclusion as to whether the appeal scheme constitutes permitted development.

## Conclusion

15. For the above reasons, I conclude that the proposal is not permitted development within Schedule 2, Part 3, Class Q(b) of the Order. The appeal, is therefore, dismissed.

*R Hitchcock*

INSPECTOR

---

<sup>3</sup> APP/L3245/W/18/3216271

<sup>4</sup> 19/00841/COUQ





## Appeal Decision

Site visit made on 4 August 2020

**by Robert Hitchcock BSc DipCD MRTPI**

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

**Decision date: 10 August 2020**

**Appeal Ref: APP/M2325/D/20/3253405**

**13 Mitton Crescent, Kirkham PR4 2AZ**

- 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 Craig Mitchell against the decision of Fylde Borough Council.
- The application Ref 20/0174, dated 24 November 2019, was refused by notice dated 28 April 2020.
- The development proposed is a northside extension.

### Decision

1. The appeal is allowed and planning permission is granted for a single storey side extension at 13 Mitton Crescent, Kirkham PR4 2AZ, in accordance with the terms of application ref. 20/0174, dated 24 November 2019, subject to the following conditions:
  - (1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - (2) The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Plans and Elevations – Drawing no. 1 of 3; Location Plan Drawing no. 2 of 3; and Site Block Plan – Drawing no.3 of 3.
  - (3) The external surfaces of the extension hereby permitted shall match those used in the construction of the existing building.

### Procedural Matter

2. The description of development shown on the banner heading above is taken from the planning application form. However, the Council have referred to a single storey side extension both in its notifications of the proposed development and its decision notice. I have used this description removing references to a previous planning application as it provides a more accurate description of the proposed development. It does not change the development for which planning permission was sought. The appellant uses a similar description on their appeal form and consequently I am satisfied that no party will be prejudiced by my use of it.

### Main Issues

3. The main issue is the effect of the development on the character and appearance of the locality.

---

**Reasons**

4. The site is located in an open plan residential estate of mainly semi-detached and detached two-storey dwellings. The buildings are set behind front gardens and benefit from private amenity spaces to the rear. The property is a corner plot fronting Mitton Crescent with enclosed gardens to the side and rear adjacent to Brooklands Avenue.
5. The proposal would provide additional ground floor accommodation utilising the full depth of the existing side elevation facing Brooklands Avenue. The front elevation of the extension would be set flush with the principal elevation to Mitton Crescent and, according to the Council's report, the extension would project sideways by about 3 metres with a 15° mono-pitched roof over. The extension would be finished in materials to match the existing building.
6. The scale and form of the extension would appear subordinate to the existing building on account of the single storey additive design. In the context of the variety of extensions, outbuildings and roof designs visible on the estate, the proposal would sit comfortably against the larger scale dwelling and integrate well with it through the use of matching materials.
7. The proposal would encroach towards the side boundary to Brooklands Avenue. At the time of my site inspection this boundary consisted of a dense high hedge to the front corner of the plot and close-board timber fences of a similar height to the rear and rear side. Unlike the regimented and open-fronted development on the northern side of Brooklands Avenue, the southern side consists of several end-of-row dwellings on the roads leading up to it, and a single pair of semi-detached dwellings which are skewed to the road frontage. Additionally, smaller garages, accessed from Brookfield Avenue, sit between the end houses of Flaxfield Way and Mitton Crescent.
8. Being substantially made up of corner plots, the southern side of the road has little of the open character and consistency of development elsewhere on the estate. The well-spaced dwellings along its length are interjected by staggered subordinate development including the garages, side extensions, sheds and screening boundary treatments of various forms and heights. As such, it lacks the openness created by the absence of enclosed frontage boundaries to properties elsewhere on the estate.
9. The position and scale of the extension would benefit from the screening effect of the existing high fence and hedge such that much of the side and rear elevations would not be readily visible from outside the site. Although the rear corner of the extension would lie close to the side boundary fence, the limited eaves height combined with the roof pitching away from the boundary would cause the development to have little visual consequence in the context of the Brookfield Avenue street scene.
10. Only the upper parts of the development would be easily visible on approach from Flaxfield Way and views would mainly be seen against the backdrop of 28 Mitton Crescent on account of the staggered positions of dwellings along that road. On approach along Mitton Crescent, the greater gap to the external boundary would maintain a sense of spaciousness at and about the nearby junction such that the proposal would not visibly impose upon it.

11. Accordingly, I find that the development would not be unduly prominent or discordant in its setting. Furthermore, the subordinate scale and simple design of the proposal would be consistent with the pattern and form of local development such that, when taken with the existing level of screening, any impact on the Mitton Crescent and Brookfield Avenue street scenes would be very limited.
12. For the above reasons, I conclude that the proposal would meet the requirements of Policy GD7 of the Fylde Local Plan to 2032 (2018) and the National Planning Policy Framework (the Framework) as they seek to secure high quality design for new development that takes account of the character and appearance of its locality.

**Conditions**

13. I have considered the suggested conditions from the Council and had regard to Paragraph 55 of the Framework and the National Planning Practice Guidance in terms of the use of planning conditions. In addition to the standard condition limiting the lifespan of the planning permission, I have imposed a condition specifying the relevant drawings as this provides certainty. A condition requiring the use of matching external surfaces is necessary and reasonable in the interest of the character and appearance of the area.

**Conclusion**

14. For the above reasons, the appeal should be allowed.

*R Hitchcock*

INSPECTOR

## Appeal Decision

Site visit made on 27 July 2020 by Hilary Senior BA (Hons) MCD MRTPI

**by Susan Ashworth BA (Hons) BPL MRTPI**

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

**Decision date: 21 August 2020**

**Appeal Ref: APP/M2325/D/20/3253854**

**235, Inner Promenade, Lytham St Annes FY8 1BB**

- 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 G Broughton McCabe against the decision of Fylde Borough Council.
- The application Ref 20/0176, dated 3 March 2020, was refused by notice dated 22 April 2020.
- The development proposed is "retrospective application for the erection of timber fencing on top of boundary wall facing public highways."

### Decision

1. The appeal is dismissed.

### Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### Preliminary Matter

3. The timber fence has been erected and the application was made retrospectively. I have dealt with the appeal in that basis.

### Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

### Reasons

5. 235 Inner Promenade is a detached two storey property located at the corner of Inner Promenade and Miletas Place within a residential area opposite to Fairhaven Lake with the seafront beyond. The area is characterised by large detached and semi-detached dwellings, set back in their plots with generally open and landscaped areas fronting the highway. There is a mix of architectural styles and materials to the dwellings. Historically, low brick walls with taller gateposts and pillars were the predominant boundary treatment much of which, particularly along Miletas Place still exists. In some cases low walls are topped with fences of a limited height or ornamental railings or are backed by planting to provide a greater degree of enclosure but nevertheless the area has retained a generally open and verdant character.

6. The appeal proposal is for the erection of a vertical feather edge, stained timber fence approximately 0.9m high along both Inner Promenade and Miletas Place frontages, on top of the existing low brick wall giving an overall height of approximately 1.65m. According to the appellant's calculations, on the Inner Parade frontage the fence extends for approximately 4.7m from the corner with Miletas Place to the brick pillars denoting the pedestrian access to the property. Along the Miletas Place frontage the fence measures approximately 27.9m in length and runs from the corner to the vehicular access. There are existing fences along the site frontage to Inner Promenade, from the pedestrian gateway to the boundary with 237 Inner Promenade, and beyond the vehicular access to the boundary with 3 Miletus Place which were allowed on appeal in January 2018.<sup>1</sup>
7. I note from the previous appeal decision (para 8) that the retention of the landscaping at the corner of Inner Promenade and Miletas Place was an important consideration in allowing the appeal as it reflected the substantial landscaping on the opposite corner. Whilst I do not have evidence of the amount or height of the landscaping removed for the erection of the fence, from the site visit it was noted that the landscaping had been removed from the corner, along the full length of Miletas Place to the vehicular access.
8. The resultant boundary treatment, due to its solid form, height on top of an existing wall and substantial length when considered alongside the existing fencing, appears as a harsh and starkly discordant feature that is not in keeping with the more open and/or softer boundary treatments in the area. Whilst I acknowledge the appellant's contention that the fence is backed by trees and shrubs there are no details of such planting before me. Only a limited amount of planting is now evident from the street such that it is insufficient to soften the appearance of the fencing, particularly along the Miletas Place frontage. Due to its corner location and proximity to tourist attractions opposite, the fencing is highly visible in the public realm and harms the spacious and open, verdant character of the area.
9. My attention has been drawn to examples of other corner properties in the vicinity which are enclosed by fencing. These developments appear to pre-date the current development plan policies and the introduction of the National Planning Policy Framework in 2012. Nevertheless, that at No 163, which is softened by planting behind, is lower in height than the appeal proposal and appears less stark. I do not know the full circumstances in which the fencing at No 201 was granted permission and moreover, this type of boundary treatment is not the predominant form of boundary treatment in the area. I am not therefore persuaded that it justifies the proposal before me.
10. For the above reasons, the development harms the character and appearance of the area and conflicts with Policy GD7 of the Fylde Local Plan to 2032 (2018) which amongst other things seeks to ensure that development relates well to the surrounding context, is sympathetic to surrounding land uses and avoids demonstrable harm to the visual amenities of the local area. It would also conflict with the policies in the National Planning Policy Framework (the Framework) that require development to add to the overall quality of the area and sense of place.

## Other Matters

---

<sup>1</sup> APP/M2325/D/18/3192787

11. The Council is satisfied that the proposal does not harm the living conditions of neighbouring occupiers or compromise highway and pedestrian safety. From all I have seen and read I have no reason to disagree. This however does not reduce the harm I have found to character and appearance.
12. I acknowledge that the proposal would reduce the problems with litter and vandalism and give privacy for the occupiers. These are benefits of the scheme to which I give limited weight in support of the proposal. However, given that the development would not respect the character and appearance of the area for the above reasons, it would not constitute the sustainable development which the government seeks to promote. Consequently, these benefits would not outweigh the harm I have identified.

### **Conclusion and Recommendation**

13. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

*Hilary Senior*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

*Susan Ashworth*

INSPECTOR