
Appeal Decision

Site visit made on 23 January 2018

by Debbie Moore BSc (HONS) MCD MRTPI PGDip

an Inspector appointed by the Secretary of State

Decision date: 9th February 2018.

Appeal Ref: APP/M2325/W/17/3185249

Land West of West View, West View, Elswick, Preston PR4 3UA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr David Hollingworth against the decision of Fylde Borough Council.
 - The application Ref 16/1038, dated 16 December 2016, was refused by notice dated 24 May 2017.
 - The development proposed is described as "outline application for erection of up to 9 dwellings (all matters reserved)".
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr David Hollingworth against Fylde Borough Council. This application is the subject of a separate Decision.

Procedural Matters

3. The application was made in outline, with all matters reserved for subsequent approval. I have dealt with the appeal on this basis, treating the site plan (Ref SP01 Rev A) as illustrative.
4. I note that revisions were made to the application to reduce the number of dwellings to nine, whilst retaining the original site area. It is clear that the Council based its decision on the amended proposal. I have therefore dealt with the proposal as amended, and I have taken the description of development from the appeal form.
5. The Council has confirmed that the request for a financial contribution towards affordable housing and public open space is no longer being sought. Consequently, I have not considered the Council's second reason for refusal in my determination of this appeal.

Main Issue

6. Therefore, the main issue is the effect of the development on the character and appearance of the area.

Reasons

The Development Plan

7. The most relevant development plan policies are saved policies from the Fylde Borough Local Plan (as altered) dated October 2005. The appeal site is within the designated countryside area and the proposal would be contrary to Policy SP2, which seeks to restrict development in the countryside.
8. I understand that the emerging Fylde Local Plan has been submitted to the Secretary of State for examination. This includes an updated five-year housing land supply position. The Council acknowledges that the housing land supply position is currently subject to scrutiny, and it appears that there are outstanding objections. Moreover, the Council originally determined the application on the basis that it was unable to demonstrate a five-year supply of deliverable housing sites. I accept that the position has moved on since the application was determined, but the information submitted by the Council remains inconclusive.¹ Therefore, in the light of paragraphs 14 and 49 of the National Planning Policy Framework (the Framework), I consider that the relevant policies for the supply of housing should not be considered up-to-date and the proposal should be determined in the context of the presumption in favour of sustainable development.
9. The appellant refers to the Supreme Court Judgement² in the context of policies for the supply of housing, which I have considered in my assessment of the relevant policies. The settlement boundaries were established several years before the Framework was published and the application of Policy SP2 is not achieving a five-year supply of deliverable housing in accordance with the objectives of paragraph 47 of the Framework. Consequently, Policy SP2 carries limited weight.
10. Policy HL2 is partially concerned with the supply of housing, and in this respect it cannot be considered up-to-date. However, the policy also addresses the social and environment impacts of development and establishes a series of criteria against which proposals for new housing development will be assessed. The policy is consistent with the Framework insofar as it seeks to direct development towards sustainable locations, take account of the different roles and character of different areas, and ensure a good standard of amenity for existing residents. Overall, I find that Policy HL2 carries significant weight.
11. Paragraph 215 of the Framework states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. Policy EP10 seeks to protect the distinct character and important habitats of the Borough. The use of the word protected is restrictive and there is no scope to weigh any benefits against the harm. Similarly, Policy EP11 states that new development in rural areas should be sited in keeping with the distinct landscape character types identified in the Landscape Strategy for Lancashire and the characteristic landscape features defined in Policy EP10. It is worded in such a way that leaves no room to accommodate harm without breaching the policy. However, EP11 also seeks to secure development of a high quality design that reflects the local vernacular style, which is consistent

¹ Housing Land Supply Statement, March 2017 (Dec)

² *Suffolk Coastal DC v Hopkins Homes Ltd & another and Richborough Estates & another v Cheshire East BC* [2017] UKSC 37

with the design objectives of the Framework. Nevertheless, I consider that there is a degree of conflict with the Framework, due to the absence of any scope to weigh benefits against harm. This reduces the weight I attach to Policies EP10 and EP11.

12. In the decision notice, the Council also cites conflict with emerging Policies ENV1 and GD7. Policies S1, GD4, DLF1 and SL5 have been referenced subsequently. Paragraph 216 of the Framework states that decision-takers may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan, the extent to which there are unresolved objections and the degree of consistency of the relevant policies in the emerging plan to the policies in the Framework.
13. Policy ENV1 requires development to have regard to its visual impact within its landscape context and landscape type in which it is situated, and Policy GD7 seeks to achieve good design in development. The Council explains that only minor alteration is proposed to these policies as set out in its Schedule of Proposed Main Modifications. However, I understand that this document will be subject to public consultation, which limits the weight I can give to Policies GD7 and ENV1.
14. Policies S1 and GD4 seek to direct development towards the most sustainable locations, and restrict development in the countryside. Policy DLF1 is concerned with the location and distribution of development and is supported by the settlement hierarchy set out in Policy SL5. Despite the relatively advanced stage of the emerging Local Plan, the extent and significance of any objections to these policies is unclear and, consequently, I afford the emerging policies limited weight.
15. I am aware that Elswick Parish Council is preparing a Neighbourhood Plan for the Parish Area. However, this is only at a relatively early stage of preparation and carries no weight.

Character and Appearance

16. The appeal site is located on the western edge of the village of Elswick. It is bounded to the south by existing residential development and to the east by West View. To the north and west are open fields. The site is currently in use as grazing land, and there is a hedgerow along the northern and eastern boundaries.
17. Elswick is a relatively compact village, based around a central core. The village is bisected by the B5269, which runs east to west through the settlement. Elswick is surrounded by agricultural land, which is largely flat. The landscape is characterised by irregular shaped fields with boundary hedges, and crossed by rural lanes. There is limited evidence that the site has distinguishing characteristics or that the surrounding landscape is not typical of the wider area. I do not consider, therefore, that the landscape is valued in the context of the paragraph 109 of the Framework.
18. The existing ribbon development fronting onto Grange Road and West View forms the western limb of the settlement. Although this part of the village projects into the surrounding countryside, the residential development acts as a transition between the countryside and the denser village core further east.

19. At present the site is undeveloped and it makes a positive contribution to the village setting, as it softens the appearance of the ribbon development at the settlement edge. The development would result in the loss of the greenfield site, which would have a noticeable change to the local landscape and village character. The transition between the village and the countryside would be eroded as the development would square off the existing development, forming a hard edge. The development would also amount to encroachment into the countryside away from the settlement's core.
20. Due to the largely flat topography, the site is visible from a number of public viewpoints. The proposal would intensify the development on the western limb of the village, and its impact would extend beyond the immediate locality. There is little opportunity for effective mitigation by way of landscaping due to the restricted size of the site and its prominent location. Overall, I find that the development would have a significant adverse effect on the local landscape and the village character and setting.
21. The B5269, Thistleton Road, forms one of the primary routes into the village, running close to the northern boundary of the site. Despite the intervening hedgerows, the site is visible from a relatively long stretch of the B5269, before the road bends to the north-west. The development would have a moderate adverse effect on views towards the village as people using the B5269 would be more aware of the presence of development in this edge of settlement location. Similarly, the site is visible from views looking west along High Street and south from Meagles Lane, which is a pleasant rural lane. Although existing trees and boundary hedgerows provide some screening, the residential development would still be visible especially during the winter months when foliage is thinner.
22. The site would be less visible from Grange Road and the southern part of West View, due to the existing houses and boundary hedgerow. However, the development would still be evident, and residents on Grange Road and West View, in particular, would experience a significant degree of change to their outlook. Overall, I find that the development would result in a moderate amount of visual harm.

Planning Balance

23. The development would fall outside the settlement boundary of Elswick and would be in the countryside for development plan purposes. It would have a significant adverse effect on the local landscape and the village character and setting, and there would be a moderate amount of visual harm. Consequently, the development would be contrary to the development plan. Whilst I appreciate that the emerging Local Plan is progressing, it has not been conclusively demonstrated that the Council has a five-year supply of deliverable housing sites, and housing supply Policy SP2 is considered out-of-date. The weight attached to the conflict with the policies is reduced. Also, for the reasons set out above, Policies ENV10 and ENV11 have been found to be not entirely consistent with the Framework and their weight is reduced. I have also found that the policies of the emerging Local Plan carry limited weight. I have found, however, that Policy HL2 carries significant weight.
24. The development would provide up to nine additional homes and would make a modest contribution to local housing supply, but it is not clear whether this

development is likely to come forward within the next five years. Overall, I find that the provision of housing would be a moderate benefit.

25. The main parties agree that the site is in an accessible location. Also, there would be economic benefits in the form of jobs within the construction industry and the associated supply chain, and increased spending in local shops and businesses. I do not agree that the development would contribute to the strain on local goods and services, as evidence on this issue is limited.
26. I have noted the recent decisions for residential development in the locality referred to by both parties. However, the full balance of considerations that informed those decisions is not before me, and I am unable to judge whether the site-specific circumstances were similar to the appeal before me.
27. The balancing exercise in paragraph 14 of the Framework is a 'tilted balance' because planning permission must be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. In this case, I find that there would be significant harm to the local landscape and the village character and setting, and there would be a moderate amount of visual harm, weighed against the moderate benefit provided by the housing provision, and the associated, but more limited, economic and social benefits. Consequently, the adverse impacts identified would significantly and demonstrably outweigh the benefits.

Conclusion

28. Having regard to all that I have seen and read, and taking into account all matters raised, I conclude that the appeal should be dismissed.

Debbie Moore

Inspector