



Appeal Decision

Site visit made on 5 February 2019

by S R G Baird BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th February 2019

Appeal Ref: APP/M2325/W/18/3210319

Wrea View, Westby Mills, Westby, Lancashire PR4 3PL

- 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 M Taylor against the decision of Fylde Borough Council.
- The application Ref 18/0517, dated 14 June 2018, was refused by notice dated 23 August 2018.
- The development proposed is the change of use of a building approved as ancillary to the use of Wrea View (application No. 14/0728) to use as a separate dwelling house.

Decision

1. The appeal is allowed and planning permission is granted for the change of use of a building approved as ancillary to the use of Wrea View (application No. 14/0728) to use as a separate dwelling house at Wrea View, Westby Mills, Westby, Lancashire PR4 3PL in accordance with the terms of the application, Ref 18/0517, dated 14 June 2018, and the plans submitted with it, 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: Location Plan; Drawing No. 1002-14-Rev B and Drawing No. 102-14-03.

Reasons

2. The Fylde Local Plan to 2032 has been adopted and is the development plan context for deciding this appeal. I have had regard to an appeal¹ decision issued in May 2018 so far as it is material.
3. Development plan Policies S1, GD4 and H3 are the most relevant to the determination of this appeal. In the rural area development will be restricted to identified settlements except where it is permitted by Policy GD4 (Policy S1). Policy GD4 (b) says that development involving the reuse of existing permanent and substantial buildings in the countryside will be permitted. When considering proposals for residential conversions careful attention should be paid to the character of the immediate area and access to services (Policy H3).
4. Westby Mills is a small group of dwellings located in the open countryside. The building is freestanding and located to the rear of Wrea View. The supporting text to Policy GD4, paragraph 7.15, says that the reuse of substantial brick or stone buildings that are structurally sound may be an appropriate way of preserving an important local feature in the landscape or providing for a rural use which otherwise may have required a new building. The lpa say that as the building does not fall within either of these descriptions the proposal conflicts with Policy GD4.

¹ APP/M2325/W/18/3195723.

However, Criterion b of the policy does not say that, and I read paragraph 7.15 as examples and not as a restrictive or closed list. Thus, this proposal which involves the reuse of a substantial and permanent free-standing building accords with Policy GD4.

5. As far as I am aware other than the building being used as part of the extended family unit occupying Wrea View, there are no restrictions on the age of the occupants, their ability to access to motor vehicles or how they use the external amenity space. Thus, in terms of journeys to and from the property, the use of the garden and the introduction of domestic paraphernalia there would be no material difference in the use of the building that would erode the rural character of the locality.
6. Other than a church, Westby Mills has no facilities and is located some 1.5km from Wrea Green, a Tier 1 settlement, and some 3.5km from Kirkham, a Key Service Centre. There are 2 bus stops within walking distance, which via a regular service links Westby Mills to the main settlements. Wrea Green has a variety of facilities and is well within the 2km distance that Manual for Streets² identifies where walking has the potential to replace short trips by car. There is a footpath on one side or the other of the road between Westby Mills and Wrea Green. Crossing Preston New Road, at the junction with Weeton Road, which is traffic light controlled and has central islands, to access the bus stops or Wrea Green on foot or by bicycle, would not, in my view, present any more of a challenge or level of danger than any other road/junction of this type. Accordingly, I consider that Westby Mills and the appeal property would not be isolated for the purposes of Policy GD4 and would not conflict with the objectives of Policy H3.
7. For the above reasons and having taken all other matters into consideration, this proposal would not conflict with the Fylde Borough Local Plan to 2032 when read as a whole. Accordingly, the appeal is allowed.

Conditions

8. In addition to the standard time limit and a condition specifying the plans, the lpa suggest conditions requiring details of fencing to be submitted and the removal of permitted development rights. There is sufficient detail on the submitted plans to indicate what fencing is to be erected. Moreover, given the proposed height and location of the fences they would largely be obscured from public view. Planning Practice Guidance indicates that a condition restricting future use of permitted development rights will rarely pass the test of necessity and should only be used in exceptional circumstances. Here, given the location of the building and the size of the plot, the lpa has not demonstrated the exceptional circumstances required for such a condition. I consider both conditions unnecessary and unreasonable.

George Baird

Inspector

² Paragraph 4.4.1.