

Appeal Decision

Site visit made on 6 June 2017

by Darren Hendley BA(Hons) MA MRTPI

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

Decision date: 29th June 2017

Appeal Ref: APP/M2325/W/17/3169884

The Croft, 117 Mains Lane, Singleton FY6 7LD

- 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 and Mrs P McGovern against the decision of Fylde Borough Council.
 - The application Ref 16/0940, dated 23 November 2016, was refused by notice dated 9 February 2017.
 - The development proposed is an outline application for a single dwelling house (access applied for).
-

Decision

1. The appeal is allowed and an outline planning permission is granted for a single dwelling house (access applied for) at The Croft, 117 Mains Lane, Singleton FY6 7LD in accordance with the terms of the application, Ref 16/0940, dated 23 November 2016, subject to the attached schedule of conditions.

Procedural Matters

2. The application is in outline form with all matters reserved for future consideration except for the means of access. Drawings showing an indicative site layout plan and a site location plan were submitted with the application and I have had regard to these in determining this appeal.

Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the area, and the Council's housing land supply and related considerations.

Reasons

Character and Appearance

4. The appeal site comprises part of the garden area to the side of a residential property known as The Croft. The site forms a frontage onto Mains Lane, with an existing access in between mature trees. The side boundary with the neighbouring property and rear boundary are also defined by hedgerows and mature trees. The boundary with the remaining garden of The Croft is undefined. The site is located outside development limits and in a Countryside Area, under the Fylde Borough Local Plan As Altered (2005) (Local Plan).
 5. The immediate surroundings of the site comprises of mainly detached properties that form a linear pattern of development along Mains Lane, and
-

around the junction with Shard Road. To the rear of the site is found a large polytunnel structure. More broadly, the area comprises of groups of dwellings along Mains Lane interspersed with undeveloped land or fields. Land set further back from Mains Lane predominantly comprises farmland.

6. The site's contribution to semi-rural character is limited by its enclosed nature and its location within part of a more concentrated area of development along Mains Lane. It is also not typical of the Coastal Plain Landscape Character Type (LCT) of the Lancashire County Council A Lancashire Landscape Strategy (2000). The LCT is characterised by open landscapes and large open fields that allow for long views. As the site is an enclosed garden and the proposal would not be prominent, it would not detract from this open character or compromise openness, or views, into the open countryside.
7. The proposal would constitute an infill plot with its proximity to established dwelling plots on either side, and is located away from the larger undeveloped land or field gaps along Mains Lane that contribute more significantly to the semi-rural character. It would thus not result in the spread of built development along Mains Lane into the undeveloped countryside.
8. The density of the proposal would be similar to existing dwelling plots along this stretch of Mains Lane and around the Shard Road junction. It would appear coherent with this established pattern of development. None of the other approved dwelling schemes that have been referred to by the appellant and the Council are close enough to the site to have combined effects with the proposal in respect of character.
9. I conclude the proposal would not harm the character and appearance of the area and as such would comply with 'Saved' Policies HL2 criteria 1 and 2, HL6 and EP11 of the Local Plan that require that development is compatible with nearby and adjacent uses, is in keeping with local character, including landscape. In respect of whether the proposal would be well designed under these policies, this would be controlled through a reserved matters application.
10. I also conclude that the proposal would comply with paragraph 17 of the National Planning Policy Framework (Framework) because it does take account of different character of areas and would avoid harm to the intrinsic character and beauty of the countryside. It would also comply with paragraph 58 of the Framework because it would respond to local character. Whilst I attach limited weight to policies contained within the Fylde Council Fylde Local Plan Publication Version (2016) (Emerging Local Plan), as it is still undergoing examination and the policies may change, Policies ENV1 and GD7 provide a similar approach to the current Local Plan to the protection of character and appearance in countryside areas, and landscape. As such, the proposal would also comply with these draft policies.

Housing Land Supply and related Considerations

11. Policy SP2 of the Local Plan seeks to restrict the types of development in Countryside Areas. The site lies in the countryside and the proposal would not be a type of development that is acceptable under Policy SP2. The Council accepts however it cannot demonstrate a five year housing land supply in accordance with paragraph 47 of the Framework. Paragraph 49 states that relevant policies for the supply of housing cannot be considered up to date if a five year deliverable supply of sites cannot be demonstrated. The provision of

one additional dwelling is unlikely to make a meaningful difference to housing land supply, especially as the housing land supply at 4.8 years does not constitute a substantial shortfall. Nevertheless, Policy SP2 is relevant to the supply of housing, is out of date and has limited weight. Whilst Policy GD4 of the Emerging Local Plan continues protection of the countryside, I have previously also given the policies of the Emerging Local Plan limited weight.

12. In these circumstances, following the Supreme Court judgment of 10 May 2017¹, paragraph 14 of the Framework is to be applied, which means that where relevant policies are out of date, granting planning permission unless an adverse impact of doing so would significantly and demonstrably outweigh the benefits assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate that development should be restricted.
13. In respect of the roles of sustainable development under paragraph 7 of the Framework, there would be minor economic benefits arising from the construction and maintenance of the single dwelling, and the contribution to housing land supply would constitute a small social benefit. As the proposal would not harm the character and appearance of the area, it would also not conflict with protecting and enhancing the natural environment, under the environmental role.
14. With regard to paragraph 55 of the Framework, the proposal's accessibility to public transport, local services and facilities, which are limited although include two petrol stations with retail space and two public houses within two kilometres of the site, affords it a slight benefit in respect of enhancing or maintaining the vitality of rural communities. My findings on the accessibility of the site are also consistent with the Koi Pool appeal decision (ref: APP/M2325/W/16/3143716) and the site is nearer to the full range of services in Poulton than the Koi Pool site. I consider the proposal does not constitute a new isolated home in the countryside, with its proximity to other dwellings, and therefore special circumstances do not need to be justified.
15. I therefore conclude that there are no adverse impacts that would significantly and demonstrably outweigh the benefits. The proposal would constitute a sustainable form of development and would comply with the Local Plan in all other respects, with the exception of Policy SP2, to which I have given limited weight. It would also comply with Policy NP1 of the Emerging Local Plan which reflects national policy on sustainable development.

Other Matters

16. The previous appeal (ref: APP/M2325/A/03/1128994) for a similar development on the site was determined some time ago in January 2004, and effects on the character and appearance of an area can readily change over a prolonged time period. The policy framework has also changed considerably since then, in particular with the introduction of the Framework and the approach to decision making that results from the lack of a demonstrable five year housing land supply. I therefore consider there are clear reasons why my decision departs from that of the previous appeal.

¹ Suffolk Coastal District Council v Hopkins Homes Ltd and SSCLG; Richborough Estates Partnership LLP and SSCLG v Cheshire East Borough Council [2017] UKSC 37

Conditions

17. I have imposed conditions necessary for reserved matters, timescales and plans, in the interests of certainty and the avoidance of doubt; require details to be submitted prior to commencement of development to provide for the proper drainage of the site, that protect and maintain trees that are to be retained, in the interests of character and appearance, for highways safety and deal with construction, as these matters needs to be addressed at the start of the implementation of the permission; and to protect nesting birds. I have not imposed a condition concerning landscaping as this is a matter reserved for future consideration.

Conclusion

18. I conclude the appeal should be allowed.

Darren Hendley

INSPECTOR

CONDITIONS SCHEDULE

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan OS 1:1250 and C281/1 Proposed Dwelling Nov 2016 but only in respect of those matters not reserved for later approval.
- 5) Development shall not commence until drainage works for the dwelling hereby permitted shall have been carried out in accordance with details which shall have been submitted to and approved in writing by the local planning authority. The dwelling shall not be occupied until the drainage works shall have been completed in accordance with the submitted and approved plans.
- 6) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.
- 7) No development shall commence until a schedule of maintenance of the trees that are to be retained has been submitted to and approved in writing by the local planning authority, and the schedule shall be implemented as approved.
- 8) Development shall not take place until details of the junction between the proposed access road and the highway shall have been submitted to and approved in writing by the local planning authority; and the development shall not be occupied until that junction has been constructed in accordance with the approved details. The junction shall thereafter be retained.
- 9) No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;

- iii) storage of plant and materials used in constructing the development;
- iv) delivery, demolition and construction working hours; and
- v) wheel washing facilities.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 10) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floor of the proposed building, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 11) No clearance of trees and shrubs in preparation for or during the course of development shall take place during the bird nesting season (1st March - 31st August inclusive) unless a survey has first been submitted to and approved in writing by the Local Planning Authority which demonstrates that the vegetation to be cleared is not utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no clearance of trees and shrubs shall take place 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 approved scheme.