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## Appeal Decision

Site visit made on 22 June 2020

**by J Hunter BA (Hons) Msc MRTPI**

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

**Decision date: 29 June 2020**

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**Appeal Ref: APP/M2325/W/19/3242506**

**Land on Vicarage Lane, Newton with Scales, Fylde, Lancashire PR4 3RU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
  - The appeal is made by Mr Chris Finch against the decision of Fylde Borough Council.
  - The application Ref 19/0427, dated 22 May 2019, was refused by notice dated 1 July 2019.
  - The development proposed is described as Stage 1 Permission in Principle: Application for one self-build dwelling.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. As explained in the Planning Practice Guidance (PPG), the Town and Country Planning (Permission in Principle) (Amendment) Order 2017 (the Order) is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for the proposed development from the technical detail. The scope of the first stage, that is to establish whether a site is suitable in principle for development, is limited to location, land use and the amount of development.
3. In respect of residential development, an applicant can apply for permission in principle (PIP) for a range of dwellings by expressing a minimum and maximum number of net dwellings as part of the application. In this instance, permission in principle has been sought for the erection of one self build dwelling at the appeal site. For the avoidance of doubt, I have determined the appeal on that basis, having regard to the requirements of the above referenced Order and the PPG.
4. I have been provided with a copy of an Inspector's Report dated May 2020 into the Fylde Borough Council Annual Position Statement July 2019. The report confirms that the Council are able to demonstrate a five-year supply of deliverable housing sites. The Council's current housing land supply position has not been disputed by the appellant. Consequently, the presumption in favour of sustainable development contained in paragraph 11(d) of the Framework is not engaged.

## **Main Issues**

5. The main issues are (i) whether the proposal would accord with the strategic housing objectives of the adopted Fylde Local Plan 2018 in terms of location and (ii) the effect of the density of the proposed development taking into account local and national planning policies.

## **Reasons**

### *Location of development*

6. The appeal site is a heavily wooded parcel of land accessed off Vicarage Lane. To the south of the site there is a single storey village hall and carpark which sit immediately north of a large sports field. To the west there is an open field which bounds a fishing lake and to the north, there is an open field and woodland surrounding a residential dwelling. To the east, beyond Vicarage Lane, there are agricultural fields. The site and its surrounding uses are separated from the settlement of Newton with Scales (Newton) By the A583 (Blackpool Road) which lies approximately 170metres south of the appeal site.
7. Policy DLF 1 of the Fylde Local Plan to 2032 adopted 2018 (FLP) outlines the Council's development strategy. The policy supports development which accords with the four-tier settlement hierarchy of Policy S1 of (1) Key Service Centres, (2) Local Service Centres, (3) Tier 1- Larger Rural Settlements and (4) Tier 2- Smaller Rural Settlements. The village of Newton with Scales is classified as a Tier 1 settlement where proposed development would in the context of Policy INF 1 make the most of existing infrastructure.
8. There is no dispute between the main parties that the appeal site lies outside the defined settlement boundary. However, the appellant considers that due to the presence of the Village Hall, Sports Field and Fishery on the northern side of Blackpool Road and adjacent to the appeal site, the extent of the village does not end at the settlement boundary and in this regard the site 'functionally' forms part of the village.
9. Although there are some very limited services and facilities are north of the settlement boundary, the compact suburban development pattern of the village changes to a more distinctly rural character north of Blackpool Road. Whilst Vicarage Lane has streetlighting, the single sided footpath ends at the Village Hall and the road, for the most part, is bounded by open fields interspersed with very sparse development. Indeed, there are just five residential properties along Vicarage Lane between its junctions with Blackpool Road and Moor Hall Lane, a distance of some 550metres. Therefore, and notwithstanding that it is close to the settlement boundary, I consider that the appeal site forms part of the open countryside that is physically, functionally and visually separate from the settlement of Newton with Scales.
10. Policy S1 of the Fylde Local Plan to 2032 adopted 2018 (FLP) makes provision for development in such locations provided that proposals meet the requirements of other applicable development plan policies including Policy GD4 which the parties agree is most relevant in this case.
11. Policy GD4 of the FLP restricts development in the open countryside into categories of which (a) to (d) are not relevant to this proposal. The main parties agree that due to its proximity to other buildings and the settlement boundary of Newton with Scales it would not constitute an isolated dwelling

and consequently criterion (e) would not apply. I do not disagree with this view.

12. The appellant argues that the proposal would be minor infill that would assist in the rounding off of the functional settlement boundary and it would therefore fall within criterion (f) which provides for minor infill development of a scale that does not have a material impact on the rural character of the area.
13. There is no definition in the National Planning Policy Framework (the Framework) or the FLP of "minor infill" and therefore, it is a matter of planning judgement for the decision maker. However, I take the view that it is reasonable to consider that infill development is the filling of a modest gap in an otherwise continuous built up frontage. The appeal site sits immediately to the north of the Village Hall, beyond the site there is a large open field before the wooded area which screens the nearest residential property, The Lund. Overall, the gap that is formed by the existing built form is around 100 metres: I do not consider this to be a modest gap. Furthermore, this pattern of sparse development is repeated along the length of Vicarage Lane and accordingly there is not a continuous built up frontage.
14. I do not consider that the proposed development would constitute minor infilling because it would not fill a small gap between development or nearby properties. Furthermore, by virtue of its location, which is about 170 metres north of the settlement boundary, it would not constitute a "rounding off" of the settlement as suggested by the appellant.
15. For the reasons set out above, I conclude that the proposal would not constitute minor infill development and would therefore fail to meet any of the exceptions set out within Policy GD4. As a consequence, the proposal would be contrary to the locational requirements of Policies DLF 1 and S1 of the FLP and the Framework. It would therefore fail to provide a suitable location for residential development.

#### *Efficient use of land*

16. Policy H2 of the FLP requires, amongst other things, that proposals make efficient use of land by ensuring the density of the development does not fall below a minimum density of 30dph. The supporting policy wording, however, recognises that in certain circumstances there will be justification for lower residential densities where it reflects and enhances the local character of the surrounding area, providing development also makes efficient use of land. This principle is echoed within paragraph 122 (d) of the Framework which discusses the desirability of maintaining an area's prevailing character.
17. The main parties do not dispute that the proposal would amount to a density of approximately 6dph but the appellant submits that the proposed density would be commensurate with the densities of existing development within the vicinity. Acknowledging the prevailing character of low density, sparsely developed individual properties within the location, I would agree that a single dwelling as indicated by the proposal would be appropriate in terms of density.
18. There is some technical conflict with the development plan in the context that the density of the proposed development would fall short of the required minimum 30dph. However, I consider that this is outweighed because the proposed development would make efficient use of land in accordance with the

average density of the area, thus reflecting and maintaining the prevailing character of the area. In this regard, I consider that the proposal complies with the requirements of FLP Policy H2 and the Framework which require development to make efficient use of land whilst avoiding detrimental impact on amenity, character, appearance, distinctiveness and environmental character.

### **Other Matters**

19. Policy H2 of the FLP makes provision for proposals for self-build homes on small sites of fewer than 10 dwellings, where the location accords with Policy DLF1 and the proposal complies with other policies. In this case, however, the location does not accord with Policy DLF1 and the proposal conflicts with other policies.
20. The appellant has highlighted the Council's responsibility under the Self Build and Custom Housebuilding Act 2015 to provide enough suitable permissions to meet identified demand. The Council has confirmed that there was an identified demand for 18 self-build and custom build housing in the year 2018-2019, although the appellant states that the demand was 19.
21. The Council submit that the demand was met through the granting of 42 suitable development permissions. The appellant suggests that there is doubt over whether some, if not any of these permissions will ultimately deliver self or custom build housing because there is no evidence to suggest that they have been secured via a legal agreement. Neither party has provided any substantive evidence that persuades me either way.
22. Even if I were to assume the worst case scenario that the existing permissions would not meet the demand, the proposal would provide only one self-build dwelling. Whilst the provision of a self-build dwelling would certainly be a positive matter to weigh in the overall planning balance as a material planning consideration, this would not outweigh the very clear identified conflict with the development plan which is a matter of overriding concern.
23. I acknowledge that the appellant suggests that Policy H2 is out of date because it does not provide specific policy requirements or exemptions in relation to self-build and custom housing. However, the National Planning Policy Framework (the Framework) does not indicate that self-build/ custom housing should be automatically be approved in instances when there is identified conflict with the development plan for the area. Indeed, paragraph 11 of the framework is very clear in its direction that presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.
24. I have considered references from both parties in relation to other planning appeals and a Counsel opinion in relation to the weight to be attributed to self-build housing. I consider that given the various different circumstances including the location, 5YHLS positions and type of application they are not directly comparable to the appeal proposal. In any event, I have determined this appeal on its individual planning merits and based on the evidence that is before me.
25. The proposal would make a small contribution to the provision of self-build housing and there would be some limited economic and social benefits

associated with the construction and subsequent occupation of the dwelling. These benefits are tempered by the limited amount of development proposed. Nevertheless, in the overall planning balance, they carry moderate weight in favour of the proposal.

### **Planning Balance and Conclusion**

26. I have found that the proposed development would make efficient use of land in accordance with the average density of the area. However, I have found that the site is in an unsuitable location for residential development and therefore it follows that it would not constitute a sustainable form of development. I consider that adverse effects of permitting development in such a location which is contrary to the strategic housing aims of the development plan would significantly and demonstrably outweigh the identified benefits when assessed against the relevant policies of the Framework as a whole. Furthermore, there would also be conflict with policies GD4, S1 and DLF.1 of the FLP.
27. For the reasons set out above, and taking into account all other matters raised, I therefore conclude the appeal should be dismissed.

*J Hunter*

INSPECTOR