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## Appeal Decision

Hearing held on 13 June 2017

Site visit made on 13 June 2017

**by Alison Partington BA (Hons) MA MRTPI**

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

**Decision date: 29 June 2017**

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**Appeal Ref: APP/M2325/W/17/3166447**  
**29 Mains Lane, Singleton FY6 7LJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice with the prescribed period of a decision on an application for outline planning permission.
  - The appeal is made by Mr R Richardson against Fylde Borough Council.
  - The application Ref 16/0538, is dated 19 July 2016.
  - The development proposed is described as "the erection of 7 dwellings (6 x single storey, 1 x 1.5 storey) around existing dwelling with access, layout and scale applied for with appearance and landscaping reserved."
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### Decision

1. The appeal is allowed and outline planning permission is granted for the erection of 7 dwellings (6 x single storey, 1 x 1.5 storey) around the existing dwelling at 29 Mains Lane, Singleton FY6 7LJ in accordance with the terms of the application, Ref 16/0538, dated 19 July 2016, subject to the conditions set out in Annex A.

### Procedural Matters

2. The application was submitted in outline with the means of access, layout and scale to be determined at this stage. I have dealt with the appeal on this basis treating the plan which shows the landscaping of the site as indicative.
3. After the application was submitted to the Council, but before the appeal was lodged, the application was amended. The revised scheme reduces the total number of dwellings proposed on the site from 8 to 7, as described in the banner heading above.
4. The appeal was submitted due to the failure of the Council to give notice within the prescribed period of a decision on the application, and it is on this basis that the appeal has been determined.

### Main Issues

5. The main issues in the appeal are:
    - whether or not the proposed development would accord with the settlement pattern for the area;
    - whether or not the proposed development would have acceptable access to the range of services necessary to support new housing development; and
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- the effect of the proposed development on the character and appearance of the area.

## **Reasons**

6. The *National Planning Policy Framework* (the Framework) sets out in paragraph 47 that to boost significantly the supply of housing, local planning authorities should be able to demonstrate a 5 year supply of deliverable housing sites. It is accepted by the Council that it cannot do this, with the latest Housing Supply Statement (base date 31 March 2017) indicating that it has a 4.8 year supply.
7. Paragraph 49 of the Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development, and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
8. Paragraph 14 of the Framework states that where the development plan is absent, silent, or relevant policies are out of date, permission should be granted unless 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; or specific policies in the Framework indicate development should be restricted.

## *Settlement Pattern*

9. The appeal site comprises a detached bungalow and the land surrounding it that includes a former stable building. It is located in the open countryside as defined by the *Fylde Borough Local Plan As Altered (October 2005)* (FBLP). In order to help to focus development in the urban areas, and protect the character and appearance of the countryside the FBLP seeks to restrain new development in such areas. Policy SP2 of the FBLP sets out the circumstances when new development in the open countryside is acceptable. It is no part of the appellant's case that the proposal would meet the criteria in this policy, and thus the proposed development would be contrary to it.
10. The Council are currently preparing the *Fylde Council Local Plan to 2032*, and at the hearing it was stated that the examination into this plan was due to resume at the end of the month. Under the policies in this emerging plan, the appeal site would continue to be located in the open countryside where development would be restricted unless it meets the criteria set out in Policy GD4, which are similar to those in SP2.
11. Therefore, the proposed development would not accord with the adopted or the emerging settlement pattern for the area and would conflict with Policy SP2 of the FBLP.

## *Accessibility*

12. A core planning principle of the Framework is to focus development in locations which are, or can be made, sustainable. With the aim of promoting sustainable development in rural areas, paragraph 55 directs housing to areas where it will enhance, or maintain, the vitality of rural communities, and isolated new homes are to be avoided, unless there are special circumstances. In general, the pattern of development should seek to minimise the length of journeys to

- work, schools and other services, facilitating the use of alternative modes of transport to the private car (paragraph 30 and 37).
13. Policy HL2 of the FBLP which, amongst other things, indicates that new housing should be located where there is good accessibility to shops, schools, employment sources, public transport and other community facilities, is broadly consistent with the Framework.
  14. It is accepted that the site is not within a defined settlement. The nearest such settlement being Singleton which is around 2km from the site, and includes a primary school. Poulton, which has a much larger range of services and facilities, is approximately 2.5km from the site. In the immediate vicinity of the site, the nearby petrol filling station has a small convenience store, and a coffee shop at the adjacent garden centre. Further along Garstang Road East, on the edge of Poulton lies a large industrial estate and a Lidl store. Whilst these are not within walking distance of the site, they would be within cycling distance, and the roads to both Poulton and Singleton have pavements along them.
  15. In previous appeals and applications in the locality, it has been concluded that the area is within a reasonable and accessible distance of services. However, the Council considers this is no longer the case as a bus service no longer runs along Mains Lane. Nevertheless, the site is still within walking distance of the bus stops on Garstang Road East which provides services not only to Poulton but also further afield including Blackpool and Lancaster. As such, I consider the site would still have reasonable access to public transport.
  16. The Framework acknowledges that the opportunities to travel by sustainable means, and to minimise journey lengths, will vary from urban to rural areas. Despite not being within a settlement, future occupiers would not have to travel a significant distance to be able to meet the majority of their day to day needs, and would not be entirely dependent on the private car to do so.
  17. Consequently, I consider that the proposed development would have acceptable access to the range of services necessary to support new housing development. Thus, in this regard, there would be no conflict with Policy HL2 of the FBLP, and it would accord with paragraph 55 of the Framework.

#### *Character and Appearance*

18. The appeal site relates to the extensive area of land that wraps around the host property. To one side of the site lies a small commercial laboratory site and housing, and to the other there is a garden centre and 2 bungalows. To the rear of the site are dwellings and open land, whilst to the other side of Mains Lane is a caravan and camping site, located behind a row of high coniferous trees. The site forms part of a cluster of houses that spread out along the roads that converge at the Five Lane Ends Junction. On both Garstang Road East and Mains Lane, between this area of housing and housing on the edge of Poulton is an area of open countryside. On this side of Mains Lane, it is my view that this open gap starts after the adjacent garden centre and Nos 35 and 37.
19. When travelling along Mains Lane in either direction, the high hedge along the site frontage, together with adjacent buildings, and the vegetation around these buildings limits views of the site to the short range. Similarly, views of

the site when travelling from Poulton along Garstang Road East are limited to places where there are breaks in the roadside vegetation. As such, whilst the open nature of much of the site may mark the start of a transition between the residential area and the open countryside, it does not make a prominent contribution to this transition.

20. The development of the site would inevitably erode its open nature, but the relatively enclosed nature of the site means that the scheme would be able to be accommodated without any significant impact on the landscape, character, and setting of the area. As the site is largely bordered on all sides by development, where views of the scheme would be possible it would be seen against the backdrop of this surrounding development, and would form a natural extension to the buildings located on the triangle of land between Mains Lane and Garstang Road East. As a result, it would not be seen as physically or visually isolated.
21. Although many of the dwellings on this side of Mains Lane are bungalows, the wider cluster of housing has a mix of single and two storey properties that vary considerably in age and design. The proposed development would consist largely of bungalows with one 1.5 storey dwelling. Whilst all the proposed properties would in fact be higher than the host property, their ridge height would be lower than the adjacent 2 storey laboratory building, and to No 25 located to the rear of the site. In addition, elsewhere in the area bungalows and houses are located adjacent to each other. In the light of the variety in the type and height of properties in the area, I am satisfied that the proposed dwellings would not appear an incongruous, or overly dominant, feature in the street scene. In addition, the plot sizes would be similar to others in the locality, and so the site would not appear cramped or over-developed.
22. The host property, and all the new houses, would be accessed via a cul-de-sac that would run to the side and rear of No 29. Whilst the majority of the houses in the vicinity front onto the road, there are a number of houses which are set back behind other dwellings and accessed by long driveways. This includes both Brook Cottage and No 23a and No 25 Mains Lane that are situated immediately adjacent to the site. Given this, the depth of development to either side of the site, and limited views that would be possible of the scheme, I consider that the layout of the proposed dwellings would not appear an alien or discordant feature.
23. Although some of the hedge to the frontage of the site would need to be removed to create the new access, the majority would be retained and the indicative landscaping plan indicates that there would be considerable new planting within and around the site. This includes a significant area of planting to the south west corner. Whilst this is only indicative at this stage, I note the concerns of Council that this amount of planting would unacceptably harm the landscape character of the area. However, I observed that significant groups of trees are in fact common in the surrounding countryside, and consider that the planting would complement that which already exists around the adjacent garden centre.
24. Overall, I consider that the proposed development would not have an unacceptable impact on the character and appearance of the area. Accordingly there would be no conflict with Policies HL2, EP10 and EP11 of the FBLP which seek to ensure developments have a high standard of design that would be in

keeping with the character of the locality and the distinctive character of the landscape.

### *Other Matters*

25. Whilst the appeal site is being used as the garden of No 29, given the planning history of the site, it is disputed between the parties whether this is the lawful use of the land, and therefore whether it can be considered to be previously developed land on the basis of being residential garden in a non-built up area. It is not for me to determine the lawful use of the land in this appeal. However, in order for me to establish whether the site is previously developed land, I must be confident that its lawful use is not one that is excluded in the definition of such land in Annex 2 of the Framework. In the absence of any planning permission for the change of use of the land to garden land, or a certificate of lawful use to show the use of the land, I am not persuaded that this is the case. Consequently, I cannot conclude that the site represents previously developed land. Nevertheless, whether or not the land is previously developed land or is not matter on which the appeal turns.

### **Planning Balance, Conclusion and Conditions**

26. The proposal does not accord with Policy SP2 of the FBLP. However, in that this policy seeks to restrict where housing can be located, I consider that it is a policy relevant to the supply of housing. Thus, in the absence of a five year housing land supply, it is out of date. This does not mean that it is irrelevant, but that the decision maker must determine the weight that it should be given. In this case, given the shortfall in the five year housing land supply is not substantial, and as the Framework recognises the intrinsic beauty and character of the countryside as a core planning principle, I consider that moderate weight can be given to it.
27. The Framework (paragraph 7) states that there are three dimensions to sustainable development. In terms of the economic role the proposal would enhance the economy of the locality by the creation of jobs associated with the construction phase, and spending by the new residents would be beneficial to the economy of the area. Whilst the modest scale of the development would limit these contributions, nonetheless, overall, the proposal would have positive economic benefits.
28. The scheme would provide new market housing in an accessible location, and future occupiers would help to maintain the vibrancy of local services. These represent social benefits that would arise from the proposal.
29. I have concluded above that, although the proposal would inevitably change the open nature of the site, it could be accommodated without causing unacceptable harm to the character and appearance of the area. In addition, the proposal would not be detrimental to biodiversity and wildlife, and depending on the exact nature of the landscaping, which is to be determined at a later stage, it may in fact be able to bring about enhancements in this respect.
30. Thus, although the proposed development would be contrary to the settlement pattern for the area, having considered the economic, social and environmental dimensions of the scheme, I consider that the adverse impacts of the development would not significantly and demonstrably outweigh the

benefits. So I consider that the proposal would be sustainable development. As such the presumption in favour of sustainable development set out in paragraph 14 of the Framework does apply, thus warranting a decision other than in accordance with the development plan.

31. Therefore, for the reasons set out above, I conclude the appeal should be allowed.
32. In addition to the standard implementation and reserved matters conditions, I have imposed conditions specifying the relevant plans, and indicating what needs to be submitted in the landscaping scheme as this provides certainty. In the interest of the character and appearance of the area and the living conditions of nearby residents, a condition is required to control the finished floor levels of the dwellings and the ground levels of the external areas.
33. For reasons of highway safety conditions are needed to ensure the submission of a construction management plan, and the provision of the proposed access and the visibility splays before any dwelling is occupied. To protect the living conditions of nearby residents a condition controlling the hours of operation and deliveries is necessary. For ecological reasons a conditions is required to protect protected species.
34. The Planning Practice Guidance indicates that conditions to restrict permitted development rights should only be used in exceptional circumstances. Given the generous plot sizes, the separation distances to surrounding houses, and the fact that dormer windows are commonly found on dwellings in the area, I am not persuaded that it is necessary to remove the permitted development rights as suggested by the Council. As the other conditions suggested by the Council relate to matters that are reserved for future consideration, I consider that it is not necessary to apply them at this stage.

*Alison Partington*

INSPECTOR

## **APPEARANCES**

### **FOR THE APPELLANT:**

Jane Fox	Fox Planning Consultancy
Ron Richardson	Appellant

### **FOR THE LOCAL PLANNING AUTHORITY:**

Claire Booth	Fylde Borough Council
Rob Buffham	Fylde Borough Council

## **DOCUMENTS SUBMITTED AT THE HEARING**

1. Appeal Notification Letter submitted by the Council
2. Statement of Common Ground
3. Settlement Hierarchy Background Paper March 2016 submitted by the Council
4. Five Year Housing Supply Statement, base dated 31<sup>st</sup> March 2017 submitted by the Council
5. A Landscape Strategy for Lancashire December 200 submitted by the Council

## **Annex A**

### **Conditions**

- 1) Details of the appearance and landscaping, (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 three years from the date of this permission.
- 3) The development hereby permitted shall commence not later than two 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; Existing Site Plan Drg No F/16/35/01 Rev A; Proposed Site Plan Drg No F/16/35/02 Rev B; Strip Elevations Drg No F/16/35/03; Access Layout Drg No J746/Access/ Fig 1 Rev C.
- 5) No above ground works shall take place until details of the finished ground floor levels for the building and the ground levels for the external areas of the site, above ordnance datum, have been submitted to, and approved in writing by, the local planning authority. The development shall thereafter be implemented in accordance with the approved details.
- 6) Any application which seeks approval for the reserved matter of landscaping pursuant to condition 1 of this permission shall include a landscaping scheme for the site which contains details of:
  - Any trees, hedgerows and other vegetation on / overhanging the site to be retained;
  - Compensatory planting to replace any trees or hedgerows to be removed;
  - The introduction of additional planting within the site which forms part of the internal development and does not fall within the above two bullet points; and
  - The type, size, species, siting, planting distances and the programme of planting trees, hedges and shrubs.
- 7) No development shall take place until a Construction Management Statement has been submitted to, and approved in writing by, the local planning authority. The Statement shall provide for:
  - The parking of vehicles of site operatives and visitors;
  - The loading and unloading of plant and materials;
  - The storage of plant and materials used in constructing the development;
  - Wheel washing facilities; and
  - Measures to control the emissions of dust and dirt during construction.



The development should proceed in accordance with the approved plan.

- 8) No dwelling shall be occupied until the access shown on the plan approved pursuant to condition 4 of this permission has been fully laid out and surfaced.
- 9) No dwelling shall be occupied until the visibility splays shown on the plan approved pursuant to condition 4 of this permission, have been provided either side of the new access. No structure, object, plant or tree exceeding 1m in height shall subsequently be erected or allowed to grow within the visibility splays permitted.
- 10) No site preparation, delivery of materials or construction works other than quiet internal building works such as plastering and electrical installation, shall take place other than between 08:00 hours and 18:00 hours Monday to Friday and 08:00 hours and 13:00 hours on Saturdays.
- 11) No vegetation clearance in preparation for, or during the course of development, shall be carried out on the site between the 1<sup>st</sup> March and 31<sup>st</sup> August inclusive, unless an ecological survey which demonstrates that the vegetation to be cleared is not utilised for bird nesting, has first been submitted to, and approved in writing by, the local planning authority. The development shall thereafter be carried out in accordance with the approved scheme.