



FYLDE BOROUGH COUNCIL

Meeting Agenda

**Development Control
Committee
Council Offices, Derby Road,
Wesham
4 January 2006, 9.30a.m.**

Membership

Development Control Committee

CHAIRMAN - Harold Butler
VICE-CHAIRMAN - Dr Trevor Fiddler

Councillors	John Bennett	Councillors	Linda Nulty
	George Caldwell		Barbara Pagett
	Kevin Eastham		Albert Pounder
	Richard Fulford-Brown		Heather Speak
	Peter Hardy		William Thompson
	Howard Henshaw (A.D.K		Colin Walton
	MALAYSIA)		
	Ray Norsworthy		Andrea Whittaker

Contact: Lyndsey Lacey, St. Annes (01253) 658504, Email: lyndseyl@fylde.gov.uk



CORPORATE OBJECTIVES

The Council's investment and activities are focused on achieving our five key objectives which aim to :

- Conserve, protect and enhance the quality of the Fylde natural and built environment
- Work with partners to help maintain safe communities in which individuals and businesses can thrive
- Stimulate strong economic prosperity and regeneration within a diverse and vibrant economic environment
- Improve access to good quality local housing and promote the health and wellbeing and equality of opportunity of all people in the Borough
- Ensure we are an efficient and effective council.

CORE VALUES

In striving to achieve these objectives we have adopted a number of key values which underpin everything we do :

- Provide equal access to services whether you live in town, village or countryside,
- Provide effective leadership for the community,
- Value our staff and create a 'can do' culture,
- Work effectively through partnerships,
- Strive to achieve 'more with less'.



A G E N D A

PART I - MATTERS DELEGATED TO COMMITTEE

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1. DECLARATIONS OF INTEREST: <i>In accordance with the Council's Code of Conduct, members are reminded that any personal/prejudicial interests should be declared as required by the Council's Code of Conduct adopted in accordance with the Local Government Act 2000.</i>	4
2. CONFIRMATION OF MINUTES: <i>To confirm as a correct record the minutes of the Development Control Committee meeting held on 14 December 2005 (previously circulated)</i>	4
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4. DEVELOPMENT CONTROL MATTERS	AS NUMBERED

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04 January 2006

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3	05/1015	HOLYROOD COTTAGE REAR 73, CLIFTON DRIVE, LYTHAM, LYTHAM ST ANNES, FY8 1BZ RE-SUBMISSION OF 05/824 FOR TWO STOREY EXTENSION	Grant	11
4	05/1044	WAREING, RIBBY ROAD, WREA GREEN, PRESTON RE-SUBMISSION OF 05/675 - RESERVED MATTERS APPLICATION FOR 30 DWELLINGS COMPRISING OF: 18 MEWS HOUSES, 6 APARTMENTS AND 6 AFFORDABLE PROPERTIES.	Grant	16
5	05/1052	CHURCH VIEW FARM, MOWBRECK LANE, TREALES, NR PRESTON RESUBMISSION OF APPLICATION 04/855 FOR PROPOSED AGRICULTURAL WORKERS DWELLING	Approve Subj 106	26

Development Control Committee Schedule

04 January 2006

Item Number: 1

Application Reference:	05/0938	Type of Application:	Full Planning Permission
Applicant:	Mr Brian Cowell	Agent :	Martin Smith
Location:	11 BALDERSTONE ROAD, FRECKLETON, PRESTON, PR4 1YL		
Proposal:	PROPOSED BOUNDARY WALL		
Parish:	Freckleton	Area Team:	Area Team 1
Weeks on Hand:	10	Case Officer:	Danielle Wilson
Reason for Delay:	Negotiations to resolve difficulties		

Summary of Recommended Decision: Refuse

Summary of Officer Recommendation

The proposed fence would enclose an area of land which is currently open and as such will detract from the open character of the existing estate layout. As such Members are recommended to refuse planning permission.

Reason for Reporting to Committee

The view of Freckleton Parish Council is contrary to the officer recommendation.

Site Description and Location

This semi-detached property is located within a street characterised by bungalows with low boundary walls, within the built up area of Freckleton.

Details of Proposal

This application proposes the erection of a 1.8 metre high boundary wall with infill timber panelling. The proposed wall is set back 6.2 metres from the front of the property, projects 4.2 metres from the side elevation to the highway, then 12.5 metres along the boundary line which abuts the highway and back in 3.9 metres to meet the existing detached garage.

The base of the wall is proposed to be composed of 1.2 metres of brick, with brick pillars every 1.9 metres reaching to 1.8 metres high. This brick structure would be in filled with timber panels measuring 0.55 metres in height.

Relevant Planning History

Application No	Development	Decision	Date
05/0383	PROPOSED 1800MM HIGH BOUNDARY WALL TO REAR	Withdrawn by Applicant	18/05/2005

Parish Council Observations

Freckleton Parish Council
Support the application

Statutory Consultees

N/A

Observations of Other Interested Parties

N/A

Neighbour Observations

One letter has been received making the following observations:

'whilst we agree to the boundary wall/fence in principal, we wish to object to the composition of the boundary fence/wall as it appears to be more brick than wooden fence. We wish to point out that we do not wish the planning application to be rejected but just modified in line with the above recommendations.'

Relevant Planning Policy

Fylde Borough Local Plan:
HL6: Layout of residential estates
SP1: Settlement Policy

Other Relevant Policy:
PPS1: Delivering Sustainable Development

Environmental Impact Assessment

This development does not fall within Schedule I or II of the Town and Country Planning (Control of Environmental impact) (England and Wales) Regulations 1999.

Comment and Analysis

Balderstone Road is characterised in the main by bungalows with very low front boundary walls and boundary fencing between the properties which steps up gradually towards the properties. The area of land which is proposed to be enclosed by the proposed wall is currently open and adds to the character of this residential estate. The impact of a high wall along a boundary which abuts the highway would give the appearance of being built up and hemmed in and would alter the open characteristics of the streetscene.

Highway safety will also be prejudiced by the proposal, as when driving out of the garage either reversing, or in forward gear, the driver would have no visibility along the pavement until he is actually on the pavement, this would be a danger to oncoming pedestrians.

After consulting with the agent about this application, it was felt that a set back of the wall by at least 1 metre would go some way to alleviate the concern over highway safety as the driver would have more of a visibility splay and oncoming pedestrians would also see the vehicle before it emerged onto the pavement. It was also suggested that he change the composition of the wall so the amount of brick and timber panelling was reversed and to plant between the new boundary wall and the highway to soften the overall appearance.

This was not accepted by the applicant as he was not prepared to lose 1 metre of his garden. As such Members are recommended to refuse planning permission.

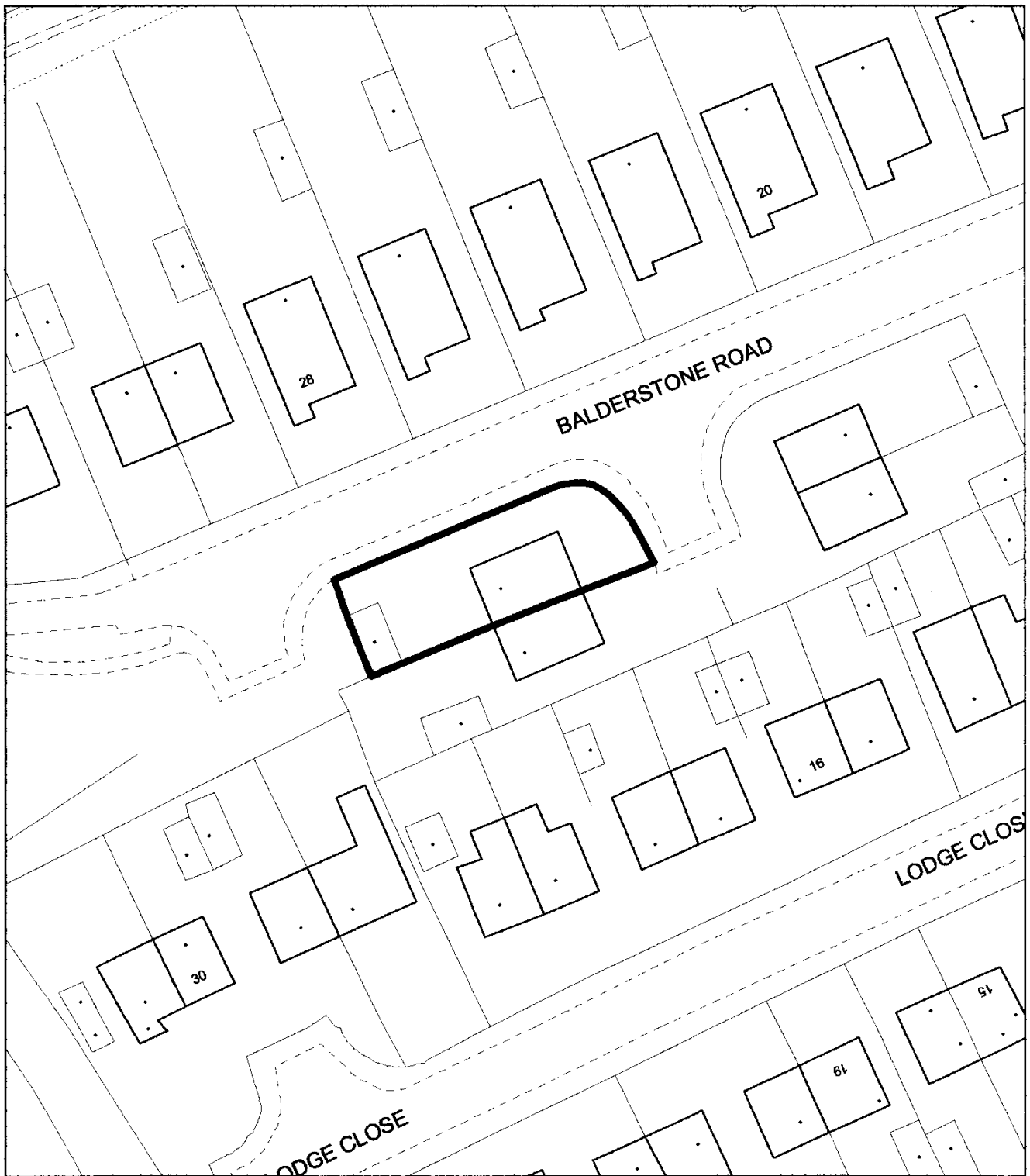
Conclusions

It is considered that the proposed wall will have an adverse impact on the overall streetscene and the open character of the area, and public safety will be unduly compromised.

Recommendation

That Planning Permission be REFUSED for the following reasons:

1. The proposed boundary treatment, in terms of its design and location, would have a detrimental impact on the character of this residential estate and prejudice public safety contrary to the provisions of Policy HL6 of the adopted Fylde Borough Local Plan.



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Application No. 5/05/0938	Address 11 Balderstone Road Freckleton	Grid Ref. E.3426 : N.4290	Scale N.T.S.	Item No. 1

Item Number: 2

Application Reference: 05/0979		Type of Application: Full Planning Permission	
Applicant:	Mitchells of Lancaster	Agent :	Tyler Design
Location:	THE WINDMILL TAVERN, CLIFTON LANE, CLIFTON, PRESTON, PR4 0Y		
Proposal:	OUTLINE APPLICATION FOR NEW BUNGALOW		
Parish:	Newton Clifton and Salwick	Area Team:	Area Team 2
Weeks on Hand:	7	Case Officer:	Mrs J Cary
Reason for Delay:	Not applicable		

Summary of Recommended Decision: Refuse

Summary of Officer Recommendation

The main issue is whether the proposal to create a new residential unit of accommodation falls within any of the exceptions to the housing policies and policies of restraint in respect of the countryside, together with any possible effect on the Listed Building. No evidence has been put forward in order to substantiate their need for a separate dwelling, and there is insufficient information in the form of an outline application to adequately assess whether there is any detriment to the architectural or historic merit of the listed building. The proposal therefore, fails to comply with Policy SP2, HL1 and EP4 of the Fylde Borough Local Plan and it is therefore, recommended that Members refuse the application.

Reason for Reporting to Committee

The recommendation is contrary to the views of the Parish Council who support the application.

Site Description and Location

The site is The Windmill Tavern, located on Clifton Lane, Salwick, opposite BNFL. The Windmill Tavern is a Grade 2 listed building, currently in use as a pub/restaurant. There is a brick built extension to the restaurant. There is a large open car park to the rear of the premises.

Details of Proposal

Proposed outline application for a bungalow, with siting applied for. The bungalow would be positioned to the rear of the Windmill and its associated buildings, within the existing car park area. The siting of the building appears to measure 13m by 7m, but with no other details specified.

Relevant Planning History

None Relevant

Parish Council Observations

Newton with Clifton Parish Council -

The Council support the proposal provided that:

1. The proposed dwelling is sympathetic with the character of existing development
2. Prohibiting the dwelling being sold off from the 'Windmill', Public House business or sub-let from the management of the public house.

Statutory Consultees

County Highway Authority -

No objections.

Observations of Other Interested Parties

N/A

Neighbour Observations

None received.

Relevant Planning Policy

Lancashire Structure Plan:
Policy 5

Fylde Borough Local Plan:
SP2,
HL1,
EP4

Other Relevant Policy:

PPS1: Delivering Sustainable Development
PPS7: Sustainable Development in Rural Areas
PPG15: Planning and the Historic Environment

Site Constraints: Within curtilage of listed building.

Environmental Impact Assessment

This development does not fall within Schedule I or II of the Town and Country Planning (Control of Environmental impact) (England and Wales) Regulations 1999.

Comment and Analysis

The main issue is whether the proposal meets any of the exceptions to the housing policies and any potential impact on the listed building as a result of a new dwelling.

The applicant has not submitted any evidence to substantiate their 'need' for a dwelling and how the

proposed dwelling falls within any of the exceptions to the housing policies. On that basis, the application fails to comply with Policy HL1 of the Fylde Borough Local Plan in respect of new residential developments.

In addition, given that the proposal is for a new dwelling adjacent to a Grade 2 Listed Building, insufficient information in the form of an outline application has been submitted in order to ascertain whether there would be any detrimental impact upon the character or setting of the listed building. As such, the proposal fails to meet the requirements of Policy EP4 of the Fylde Borough Local Plan and PPG15 in respect of the historic environment.

Conclusions

In the absence of sufficient information to adequately assess the above 2 points, the application is recommended for refusal.

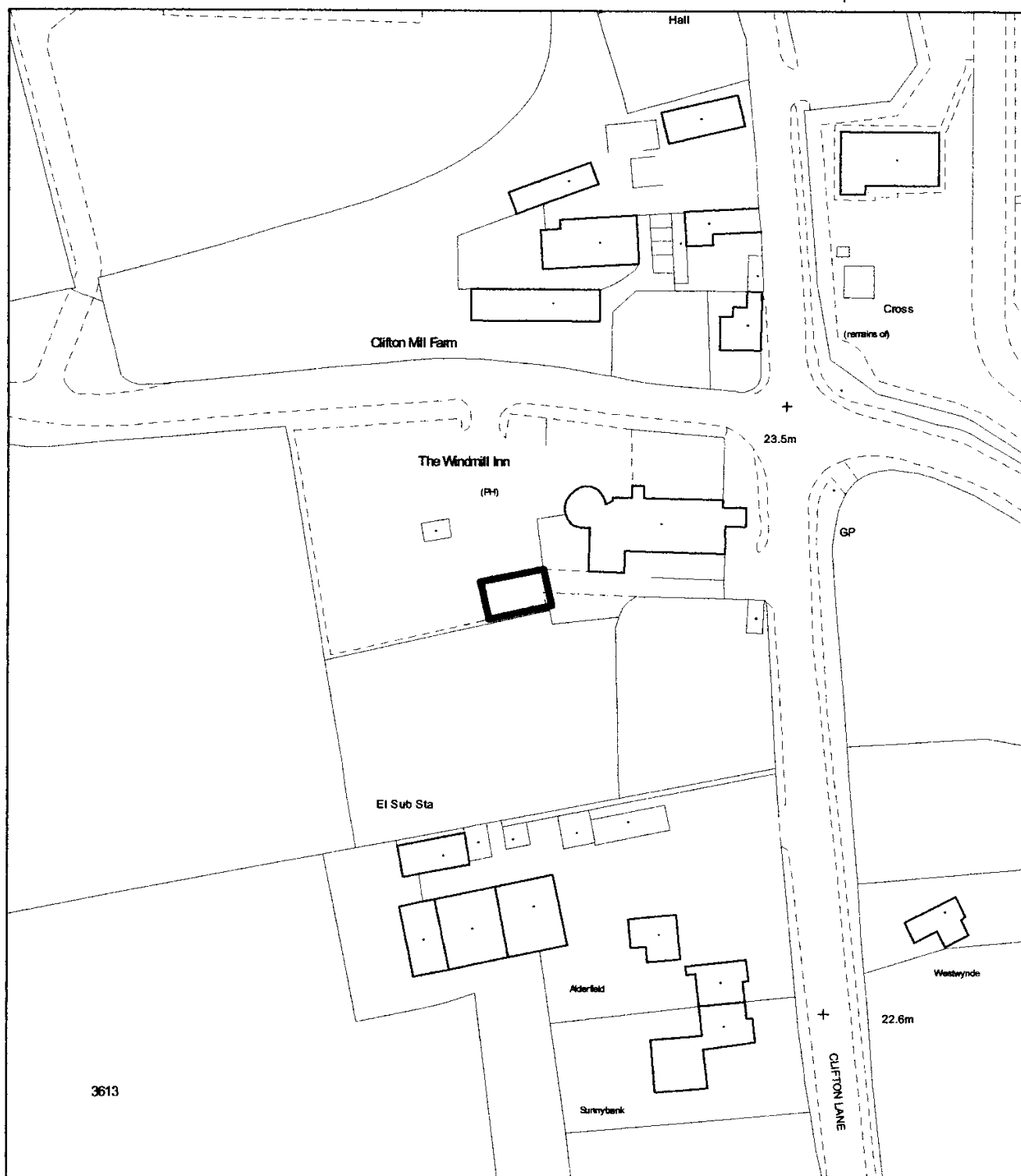
Recommendation

That Planning Permission be REFUSED for the following reasons:

1. The applicant has failed to demonstrate that the development of this brownfield site is necessary having regard to the housing requirement contained in the Joint Lancashire Structure Plan, the existing level of committed planning permissions for housing, and the availability of previously developed sites within the Borough to accommodate residential development. Accordingly the proposal is contrary to the provisions of Planning Policy Guidance Note 3: Housing, Draft Planning Policy Statement Note 3: Housing and the Adopted Joint Lancashire Structure Plan.
2. The development would prejudice the housing strategy for the North West of England as contained in policies UR7 and UR8 of RPG 13 (Regional Planning Guidance for the North West). In particular, if approved, the proposal would exacerbate an existing situation of potential over-supply of dwellings in the Borough, which would prejudice the ability of the Council to plan monitor and manage the release of land for housing development at the appropriate annualised rate.
3. The development would prejudice the housing strategy for Lancashire and Fylde Borough as contained in Policy 12 of the joint Lancashire Structure Plan in particular, if approved, the proposal would exacerbate an existing situation of potential over-supply of dwellings in the Borough, which would prejudice the ability of the Council to plan, monitor and manage the release of land for housing development at the appropriate annualised rate.
4. The proposed development would, by reason of its location within a designated countryside area in the Fylde Borough Local Plan be contrary to Policy SP2 of that Plan and Policy 5 of the Joint Lancashire Structure Plan which presumes against development in the open countryside outside defined settlements. The development does not fall within any of the exceptions to that Policy and would, if allowed, serve to consolidate that built development which does exist to the detriment of the character of this part of the countryside and would set a precedent for further similar development elsewhere in the countryside which would be difficult to resist.
5. The proposal fails to meet any of the exceptions laid down in Policy HL1 of the Fylde

Borough Local Plan. If approved, the proposal would exacerbate an existing situation of potential over-supply of dwellings in the Borough, which would prejudice the ability of the Council to plan, monitor and manage the release of land for housing development at the appropriate annualised rate.

6. There is insufficient information submitted with the application in order to adequately demonstrate that the proposal to develop a new dwelling, would not harm the architectural or historic setting of the Grade II Listed Building. The proposal, therefore fails to comply with Policy EP4 of the Fylde Borough Local Plan.



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Application No. 5/05/0979	Address The Windmill Tavern Clifton Lane, Clifton	Grid Ref. E.3464 : N.4312	Scale N.T.S.	Item No. 2

Item Number: 3

Application Reference: 05/1015		Type of Application:	Full Planning Permission
Applicant:	Holyrood Cottage	Agent :	
Location:	HOLYROOD COTTAGE REAR 73, CLIFTON DRIVE, LYTHAM, LYTHAM ST ANNES, FY8 1BZ		
Proposal:	RE-SUBMISSION OF 05/824 FOR TWO STOREY EXTENSION		
Parish:	Ansdel	Area Team:	Area Team 1
Weeks on Hand:	6	Case Officer:	Mr M Evans
Reason for Delay:	Not applicable		

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

This application is seeking revisions to a scheme previously approved under delegated powers. The scheme restricts the amount of parking over the previous scheme and the applicant has requested that a condition imposed on the previous planning permission requiring obscure glazing be relaxed. The proposed extension is considered acceptable in terms of its size and car parking arrangements, but the obscure glazing condition must be retained in order to avoid overlooking of neighbouring properties.

Reason for Reporting to Committee

Councillor Caldwell has requested that this application be determined by Committee.

Site Description and Location

This semi detached property is located between Clifton Drive and Kingsway being accessed via a narrow access road which serves a number of garage courts and provides rear access to the properties on the adjacent roads. The property is finished in white painted render and has a restricted curtilage providing garden space and parking and which also accommodates a detached single garage.

Details of Proposal

The proposal is to demolish a single storey extension and detached garage and erect a two storey side extension to provide additional kitchen and bedroom accommodation with an integral garage. The proposed extension would measure 8.4 metres by 4.2 (6.0 for the garage section). The eaves and ridge height would match those of the existing property at 4.4 and 5.9 metres respectively. The proposal would result in the parking for the property being provided by a single garage.

Relevant Planning History

Application No	Development	Decision	Date
05/0824	TWO STOREY EXTENSION	Granted	10/10/2005

Parish Council Observations

Not applicable

Statutory Consultees

County Highway Authority

No objections

Observations of Other Interested Parties

None received

Neighbour Observations

One letter has been received raising the following concerns:

Overlooking and overshadowing of our garden would occur

All new windows at first floor would overlook our property in the rear and compromise our privacy

The change from a 1 bed property to a 3 bed property would have a significant affect on the local utilities

Additional car parking could block the rear alleyway

The increase in bedrooms from 1 to 3 could mean more noise is generated at the house especially if windows are left open.

One letter on party wall act issues has also been received.

Relevant Planning Policy

Lancashire Structure Plan:

Policy 2

Fylde Borough Local Plan:

SP1: Settlement policy

HL5: Extensions to dwellings

Other Relevant Policy:

PPS1: Delivering Sustainable Development

Environmental Impact Assessment

This development does not fall within Schedule I or II of the Town and Country Planning (Control of Environmental impact) (England and Wales) Regulations 1999.

Comment and Analysis

The main issues for consideration in the determination of this application are compliance with Policy HL 5 of the revised local plan, including any impact on neighbours by loss of amenity or privacy and the restricted car parking provision.

A similar scheme was previously approved under delegated powers. The overall volume of that

scheme was the same as the current proposal. However, that scheme retained vehicular access to the rear garden courtyard through the incorporation of a "drive through". The revised scheme now provides additional living accommodation at ground floor level. As such the "drive through" has been omitted and the car parking in the revised proposal consists of a single integral garage. The County Highway Authority have raised no objection to the proposal, despite its restricted parking provision, given the quiet access road upon which the property stands.

Like the previous scheme, the revised proposal includes additional first floor windows that could result in the overlooking of properties on Kingsway. The applicant has requested that the previously imposed condition requiring these windows to be glazed in obscured glass be relaxed. Your officers are concerned that any relaxation of the condition would result in overlooking and Members are, therefore, recommended to impose the condition once again. Officers have suggested to the applicant that he reconsider the internal arrangement of the property in order to relocate an ensuite bathroom. In so doing the ensuite would be served by an obscurely glazed window and the bedroom could take advantage of the views to the rear courtyard. As there are existing first floor windows in the rear elevation, overlooking of the properties to the rear would be no worse than the current situation. Overlooking in this direction is also restricted by the presence of a tall conifer hedgerow.

Conclusions

Subject to the imposition of suitable conditions, the revised scheme is considered acceptable.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

1. The development hereby permitted must be begun not later than the expiration of 3 years commencing upon the date of this permission, and where applicable should be undertaken in strict accordance with the plan(s) comprising all aspects of the approved development accompanying the decision notice.

This standard time limit is required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004, while compliance with approved plans is required to ensure the approved standard of development is achieved.

2. Notwithstanding any denotation on the approved plans the materials of construction to be used on the external elevations and roof must match those of the existing building[s] in the terms of colour and texture and samples of the materials shall be submitted to and approved by the Local Planning Authority prior to the commencement of building operations and thereafter only those approved materials shall be used in the development unless otherwise agreed in writing with the Authority.

To ensure a consistency in the use of materials in the interest of visual amenity.

3. The proposed window[s] shown coloured Green on the approved plan shall be glazed with obscure glass of a type to be agreed with the Local Planning Authority and shall thereafter be retained or if replaced the glass shall be of the same type as previously agreed.

To safeguard the amenities of the occupants of adjoining residential premises.

4. The integral garage shall be retained for the purpose of housing a motor vehicle only and shall not be modified or converted for any other purpose without the prior approval of the Local Planning Authority.

To ensure that there is adequate parking provision retained within the dwelling curtilage.

REASON FOR APPROVAL

The proposal complies with the relevant development plan policies and guidance and does not have an undue impact on the amenities of nearby residents or the visual amenity of the area.

SUMMARY OF RELEVANT POLICIES

This decision has been made having regard to:
the policies contained within the adopted Development Plan which
comprises of the:

The Fylde Borough Local Plan.

The Joint Lancashire Structure Plan.

and all other relevant planning guidance
and in particular Policies:

Fylde Borough Local Plan:SP 1 and HL 5 (Revisions to the Housing Chapter)

Joint Lancashire Structure Plan:Policy 2

PPG's/PPS's: PPS1



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Application No. 5/05/1015	Address Holyrood House, rear 73 Clifton Drive, Lytham	Grid Ref. E.3344 : N.4275	Scale N.T.S.	Item No. 3

Item Number: 4

Application Reference: 05/1044		Type of Application:	Full Planning Permission
Applicant:	Kensington Developments Ltd	Agent :	
Location:	WAREING, RIBBY ROAD, WREA GREEN, PRESTON		
Proposal:	RE-SUBMISSION OF 05/675 - RESERVED MATTERS APPLICATION FOR 30 DWELLINGS COMPRISING OF: 18 MEWS HOUSES, 6 APARTMENTS AND 6 AFFORDABLE PROPERTIES.		
Parish:	Ribby with Wrea	Area Team:	Area Team 1
Weeks on Hand:	5	Case Officer:	Mr M Evans
Reason for Delay:	Not applicable		

Summary of Recommended Decision: Approve Subj 106

Summary of Officer Recommendation

This application was deferred at the previous meeting to enable the press notice to expire and in order to receive the Parish Council's comments.

The application is a resubmission of a previously refused, reserved matters application for the following: Siting, design and external appearance for the erection of 30 dwellings. The previous refusal related to the erection of 38 dwellings. Access was approved at outline stage and the final reserved matter, landscaping, would be subject of a separate application if this matter is approved. The proposals have been the subject of a number of revisions following the recent refusal.

The application before members now, is considered to be acceptable and to overcome the Committee's concerns in relation to the proposal and the reasons for refusal and is again, recommended for approval with conditions and a S 106 Agreement to secure the affordable housing both for future occupants as well as the initial occupants of the 6no affordable units, together with the securement of a commuted sum in relation to TREC 17 and public open space.

Reason for Reporting to Committee

The application is a 'major' application and does not therefore, fall within the scheme of delegation. The proposal has also been the subject of significant public interest in the development. The applicant has submitted a supporting statement in connection with the application, which is appended to this report.

Site Description and Location

The application site is the current Wareings site in the centre of the village. The site is surrounded on all sides by residential development. This is, in the main, of dormer bungalow form. There is also the Church Row terrace of small thatched cottages. In the Smithy Fold area are more traditional two

storey properties and there is a pair of semi-detached dwellings adjacent to the entrance of the site. The Smithy Cottage is within the Conservation Area.

Details of Proposal

The application is for reserved matters and proposes a total of 30no dwellings (a reduction of 8 from the previous refused application), and incorporates 18no mews houses, and 6no apartments and 6 no. affordable dwellings. The proposals are in the style of the Arts and Crafts movement.

The form of development is a mixture of terraces (of varying sizes) of two and a half storey buildings.

The scheme proposed would provide underground car parking for all dwelling units on the site and the "ground level" has been designed to be pedestrian priority reducing the visual presence of the motor car.

Relevant Planning History

Application No	Development	Decision	Date
01/0390	OUTLINE APPLICATION FOR RESIDENTIAL USE	Granted	05/02/2003
02/0749	CONSERVATION AREA CONSENT TO DEMOLISH SINGLE STOREY REAR EXTENSIONS	Withdrawn by Applicant	19/11/2002
04/0336	RENEWAL OF TEMP PLANNING CONSENT 99/0186 FOR TEMP OFFICE ACCOMMODATION	Granted	17/05/2004
05/0675	RESERVED MATTERS FOR RESIDENTIAL DEVELOPMENT OF 38 DWELLINGS COMPRISING OF 18 HOUSES, 12 SHELTERED APARTMENTS AND 8 AFFORDABLE UNITS.	Refused	19/10/2005
90/0741	ERECT FIRST FLOOR OFFICE EXTENSION	Granted	05/12/1990
99/0186	MODULAR BUILDING FOR USE AS TEMPORARY OFFICE ACCOMMODATION.	Granted	21/04/1999

Parish Council Observations

Ribby with Wrea Parish Council - The Parish Council wish to make the observations as follows:

The Parish Council is very pleased that Kensington Developments Ltd. has appreciably improved the proposed development, and subject to the two following concerns being resolved, considers that full support would then be forthcoming.

The two aspects of concern are :-

The ridge height of plots 19/20 is much higher than the adjacent conservation area. It is considered that this will adversely affect the roof top view in this special area of the village.

The properties on Ribby Road, particularly numbers 1 and 3 will be directly overseen through clear glass windows by the close new developed dwellings. Neither of these problems is considered insurmountable and Kensington Developments is already looking to overcome these issues. Consequently, to allow the Parish Council to give further consideration after additional resident contact,

and in the knowledge that this application cannot, in any case, be resolved on the 14 December, it would be appreciated if this case could be deferred until the January 2006 Development Control meeting. At that stage, it is expected that full Parish Council support would be forthcoming.

Statutory Consultees

County Highway Authority. (comments in relation to the previous proposal) - The application is a reserved matters application, the access having being applied for at outline stage. The applicant has agreed to construct a footway cross over at the entrance to the site and a rumble strip within the site. I am happy with these amendments to the scheme.

Any further views on this current application will be reported.

United Utilities - No further views to make on the application other than the comments made previously, which are as follows: - No objections providing that the site is drained on a separate system, with only foul drainage connected into the foul sewer.

Several public sewers cross the site and we will not permit building over them. We will require an access strip of no less than 6 metres wide. Therefore, modification of the site layout, or, a diversion of the affected public sewer at the applicants expense may be necessary.

Observations of Other Interested Parties

CPRE (comments in relation to the previous proposal) - We object to the development. We note that the application proposes the demolition of a dwelling that is within the Conservation Area.. The violation of the conservation area has not been justified. We note the scheme involves 2 and 3 storey development and would suggest that only 2 storey is acceptable.

Design Panel - This is a pleasant and well-designed scheme clearly influenced by the arts and crafts movement. There is a mixture of types of dwelling but there are clear and identifiable characteristics which link the dwellings together to provide a design hierarchy of development which is individual but fits in with the wider character of Wrea Green. The narrow roads and use of underground car parking provides the scheme with a welcomed traditional charm, all too absent on most housing schemes, that will enhance this part of the village.

Previous concerns, with regard to the height of some of the 3 storey houses previously proposed have been overcome in the revised scheme, but the interesting variations in roof heights, which from a pure design perspective is good, have been retained.

In conclusion, the proposal is considered to be a highly acceptable form of development which is appropriate to this village location.

Neighbour Observations

3 letters received in respect of the application on the following grounds:

1. privacy eroded by no. of windows
2. some properties still too high
3. still too dense
4. have reservations regarding the commuted sum in lieu of open space
5. still too close to some properties
6. possible damage during construction

7. still out of keeping with character of the conservation area
8. should ensure high quality design

OTHER INTERESTED PARTIES

Defend Lytham - welcomes the changes that have been made to this proposal, however, we still have a number of reservations regarding the detailed design of the current re-submission:

1. proposal remains out of character with the Conservation Area
2. Integrity of Smithy Cottage needs to be respected
3. Would open up the proposed development to view from The Green
4. Still too many dwellings
5. Still no play area
6. Defend Lytham objects to blackmail tactics employed by the developer.

Relevant Planning Policy

Lancashire Structure Plan:

- Policy 2: Main Development Locations,
- Policy 12: Housing Provision.
- Policy 2: Lancashire Natural and man made heritage

Fylde Borough Local Plan:

- SP 1, EP 3 ,TREC 17 and
- HL 2 of the Post Inspectors Revisions, (Housing Chapter)

Other Relevant Policy:

- PPS1: Delivering Sustainable Development
- PPG 3: Housing
- PPG 15: Planning and the Historic Environment

Environmental Impact Assessment

This development does not fall within Schedule I or II of the Town and Country Planning (Control of Environmental impact) (England and Wales) Regulations 1999.

Comment and Analysis

As stated earlier in the report, this application is a reserved matters application for siting, design and external appearance. Means of access was approved at outline stage and landscaping remains to be submitted. The proposal has been amended from the previous application in a number of significant areas, with a view to addressing the concerns of the committee, neighbours and the subsequent reasons for refusal.

No numbers of units were mentioned in the description of residential development at outline stage, nor was there a condition imposed in terms of dwelling numbers. There was a condition imposed on the outline approval to the effect that 20% of the site (in terms of numbers) should be for affordable housing, hence the 6no units out of the 30 for affordable use.

The site consists of a terrace of 10 units, two terraces of 4no units each, and a block of 4 apartments and a block of 8 apartments.

The site density is at approximately 42 units per hectare. Central Government Planning Guidance in

PPG 3 advises that local planning authorities should seek minimum densities of between 30 to 50 dwellings per hectare. The figure of 50 is not prescribed as a maximum, a pertinent factor in determining such factors, is the existing densities in the area in the vicinity of the site and also, in terms of design, the variety of styles and design in the village. As the village encompasses many styles ranging from traditional thatched cottages, an array of styles around the Green, to more traditional Victorian dwellings and more recently dormer bungalows, there is no one dominant style. The proposal in that regard, cannot therefore be deemed to be unacceptable, nor can it be relied upon in respect of a reason for refusal.

Whilst no neighbour objections have been received at the time of writing the report, the previous neighbour objections received, paid great concern to the development, including some three-storey elements, together with a number of other issues, which contributed to the application being refused.

On that basis, the applicant has sought to address the concerns of the committee, neighbours and the resultant reasons for refusal, which has culminated in the following amendments to the proposal. These include:

- the reduction of the number of dwellings from 38 to 30
- removed the 3 storey elements
- removed the central group of dwellings
- deleted the proposal to demolish Smithy Cottage
- moved the new dwellings away from the boundaries of existing properties
- the payment of £30,000 in the way of a commuted sum in lieu of providing on-site public open space.

In addressing those points, the reduction from 38 to 30 dwellings reduces the density of the development, thereby improving the visual context of the development. The removal of the 3 storey elements results in a more domestic scale of development, however, the roof spaces are utilised in a number of properties by way of the introduction of dormers and veluxes, which did form part of the proposal previously. The removal of the central group of dwellings, improves the spacing around the properties, and the opens up the central area of the development to provide a more spacious feeling and a more pleasing form of development. Concern was previously expressed with regards to the proximity of various points of the development and its potential impact on neighbouring properties. Improved distances between the proposed development and existing properties on Woodlands Close, Manor Road and Orchard Close have also been achieved in this amended scheme. Members also raised concern with regards to the loss of Smithy Cottage, notwithstanding the fact that the dwelling was not 'listed'. As such, the applicant has deleted the replacement of this dwelling from the development and insofar as this application is concerned, the dwelling will remain. The final reason for refusal was the lack of public open space. Policy TREC17 of the local plan refers to the provision of public open space in new housing developments. However, TREC 17 states that ***'where the standards would require the provision of an open space of less than 0.2 ha or where for other reasons it is agreed between the developer and the council that the open space would be better provided off site, payment of a commuted sum will be sought to help provide additional or improved open space or other recreational facilities nearby where the benefits would serve the occupiers of the new development'***. On assessing this revised application, the provision of open space IS less than the requisite 0.2 ha, and therefore, the provision on-site IS NOT REQUIRED and should be met by way of a commuted sum. Discussions have taken place between the application and the Parks Manager, where it has been agreed that a figure of £30,000 be paid for improvements to be made to existing public open space within the Parish. This is wholly in accordance with TREC 17.

Conclusions

It is your officers opinion that the proposal in its revised format, addresses the concerns of the committee and the subsequent refusal of permission, in that, 1) Smithy Cottage is no longer proposed

for demolition, 2) the 3 storey elements of the proposal have been deleted, 3) the central form of development has been deleted from the proposal, 4) agreement has been reached with the Park's Manager with regards to the payment of a commuted sum in relation to Policy TREC17, and 5) the there are improved distances between the proposed development and existing properties on Woodlands Close, Manor Road and Orchard Close, which exceed the Council's spacing standards as normally applied. On that basis, it is recommended that there is no compelling argument that the reasons for refusal have not been overcome, and it is considered that there would be no adverse impact on either the nearby residential properties or the character of the conservation area. The application is considered to comply with adopted development plan policies, central government planning guidance and all other planning issues, and the application is again, recommended for approval.

Recommendation

That Planning Permission be GRANTED subject to the applicant entering into a S 106 Agreement under the 1990 Town & Country Planning Act, to ensure the benefits of affordable housing are retained for future occupants of the 6no units, that a commuted sum of £30,000 be paid to the Parish Council in relation to the provision of public open space, and the following conditions:

1. Notwithstanding any denotation on the approved plans Samples of facing materials [including details of mortar colour as appropriate], and roof treatment, including colour, shall be submitted to and approved by the Local Planning Authority no later than 21 days prior to the commencement of any built development works on site. Thereafter only those approved materials shall be used in the development unless otherwise agreed in writing with the Authority.

In the interest of securing a satisfactory overall standard of development.

2. A full specification of all proposed surface materials shall be submitted to the Local Planning Authority for approval prior to the commencement of the development; thereafter only those approved materials shall be used upon the development unless otherwise agreed in writing with the Local Planning Authority.

In the interests of the overall quality of the finished development.

3. The proposed windows shown BLUE shall be permanently fixed shut and be obscurely glazed in a manner to be agreed in writing with the Local Planning Authority. Such works to said windows shall be retained permanently.

In the interests of the amenity of the occupants of neighbouring properties.

4. All window frames on the proposed dwelling(s) shall be set in 4 inch/100mm reveal and thereafter maintained as such to the satisfaction of the Local Planning Authority.

To ensure a satisfactory standard of development in the interests of the overall quality of the built development.

5. Details showing the design of all windows shall be submitted to and approved by the Local Planning Authority before development is commenced.

Such details are not clearly shown on the application and to secure an

overall satisfactory standard of development.

6. All windows and doors shall be of a timber construction and painted or stained in a colour to the satisfaction of the Local Planning Authority; they shall all be set in reveal within their openings.

In the interests of the overall appearance of the development.

7. A scheme for the external lighting of the building / premises / site curtilage [including degree of illumination] shall be submitted to and implemented to the satisfaction of the Local Planning Authority; any addition or alteration to the scheme shall be agreed in writing with the Authority.

In the interests of visual / residential amenity.

8. The car parking [and unloading and loading] area as indicated on the approved plan shall be constructed, drained, surfaced and laid out to the satisfaction of the Local Planning Authority concurrently with the remainder of the development and shall be made available for use prior to the first occupation of the premises, and shall thereafter be retained to the satisfaction of the Local Planning Authority solely for the purposes of car parking for residents on the site, their visitors or delivery / collection vehicles.

To provide satisfactory off-street parking in accordance with Council's adopted standards.

9. A scheme shall be submitted for any alterations to existing ground levels on site indicating existing and proposed levels and the nature of the proposed works in sectional detail. Such details shall also include proposed slab levels of the dwellings hereby approved, relative to the levels of dwellings outside of the site.

To ensure the safeguarding of amenities of residents of properties that surround the site.

10. Notwithstanding the provision of Article 3, Schedule 2, Part 1, Class(es) A to H (inclusive) of the Town and Country Planning General Permitted Development Order 1995 [or any Order revoking or re-enacting that Order], no further development of the dwelling[s] or curtilage(s) relevant to those classes shall be carried out without Planning Permission.

[CLASS VARIABLES

- | | |
|-----|-----------------------------|
| A | House Extensions. |
| B&C | Roof Extensions/alterations |
| D | Porches |
| E | Curtilage buildings |
| F | Hardstanding |
| G | Fuel containers |
| H | Satellite antenna] |

To ensure that the Local Planning Authority has control over any future development of the dwelling[s] which may adversely affect the character and appearance of the dwelling[s] and the surrounding area.

11. Notwithstanding the provision of Class(es) A, B & C of Part 2 to Schedule 2 in Article 3 of the Town and Country Planning General Permitted Development Order 1995 [or any Order revoking or re-enacting that Order], no further development of the dwelling[s] or curtilage(s) relevant to those classes shall be carried out without Planning Permission.

[CLASS VARIABLES

- A Gates, walls, fences
- B New access
- C Exterior treatment]

To ensure that the Local Planning Authority has control over any future development of the dwelling[s] which may adversely affect the character and appearance of the dwelling[s] and the surrounding area.

12. Prior to development commencing, details of all means of enclosure both to the site boundaries and within the site, shall be submitted to and approved by the Local Planning Authority. Only such agreed details shall be constructed/erected at the site unless written approval is granted to alternative details.

Reason; In the interest of visual amenity and to secure a satisfactory standard of development.

13. Prior to the commencement of development, a detailed schedule of finished floor levels shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in strictly accordance with the approved scheme.

In order to ensure a satisfactory form of development having regard to the undulating nature of the existing site.

REASON FOR APPROVAL

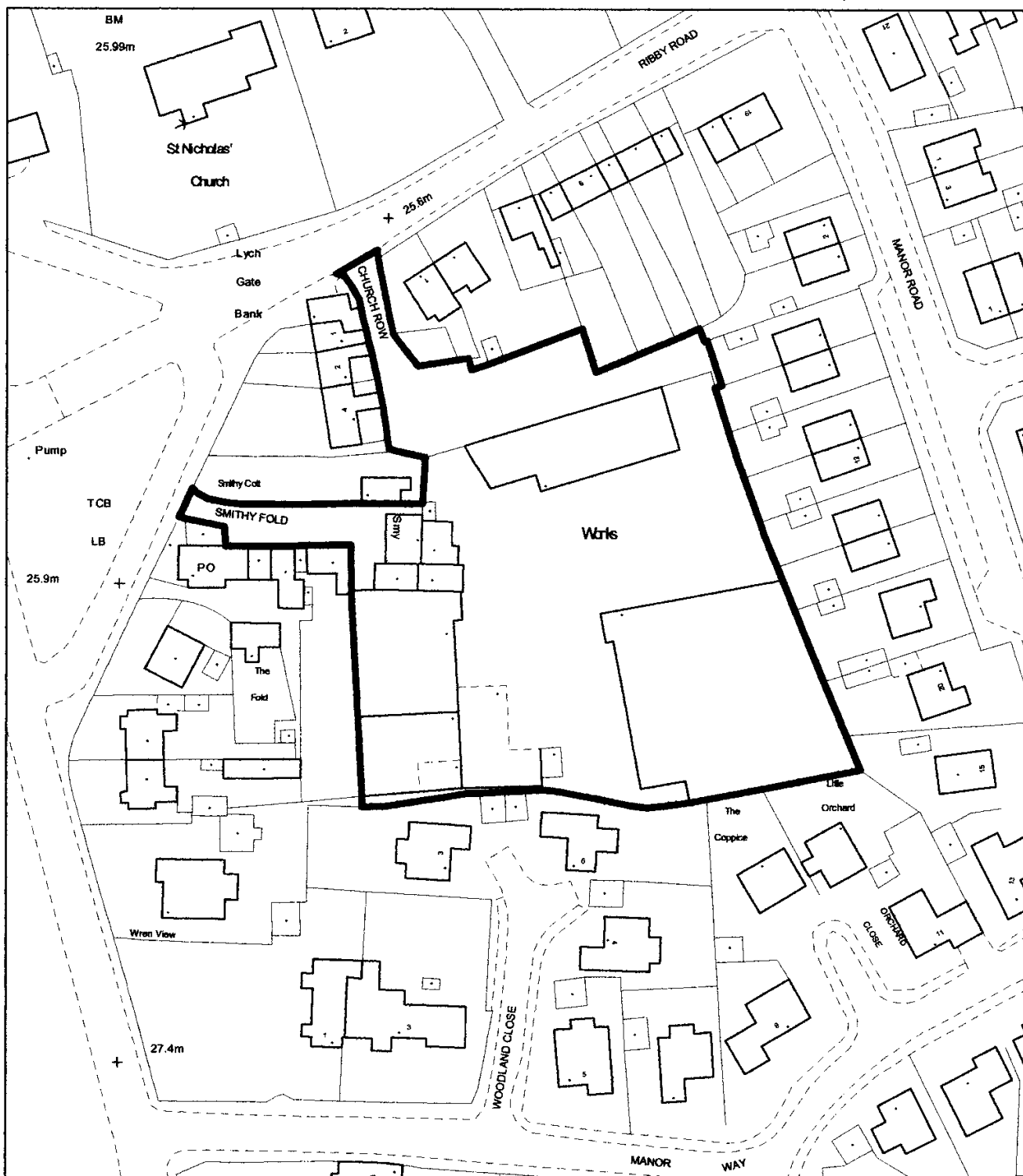
The proposal complies with the relevant development plan policies and guidance and does not have an undue impact on the amenities of nearby residents or the visual amenity of the area.

SUMMARY OF RELEVANT POLICIES

This decision has been made having regard to:
the policies contained within the adopted Development Plan which comprises of the:
The Fylde Borough Local Plan.
The Joint Lancashire Structure Plan.
and all other relevant planning guidance
and in particular Policies:

Fylde Borough Local Plan:SP 1,EP 3 and HL 2 of the changes to the Housing chapter of

the Local Plan
Joint Lancashire Structure Plan:Policies 2, 12 and 21
PPG's/PPS's: PPS1,PPG 3



The Built Environment Unit Fylde Borough Council		This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. (C) Crown copyright Licence No. 100006084 Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.		
Application No. 5/05/1044	Address Wareings Ribby Road, Wrea Green	Grid Ref. E.3398 : N.4315	Scale N.T.S.	Item No. 4

Item Number: 5

Application Reference: 05/1052		Type of Application:	Full Planning Permission
Applicant:	Mr W Salisbury	Agent :	
Location:	CHURCH VIEW FARM, MOWBRECK LANE, TREALES, NR PRESTON		
Proposal:	RESUBMISSION OF APPLICATION 04/855 FOR PROPOSED AGRICULTURAL WORKERS DWELLING		
Parish:	Treales, Roseacre and Wharles	Area Team:	Area Team 2
Weeks on Hand:	4	Case Officer:	Mrs J Cary
Reason for Delay:	Not applicable		

Summary of Recommended Decision: Approve Subj 106

Summary of Officer Recommendation

There have been previous applications refused on this site and subsequently 2 appeals dismissed, for the erection of a second agricultural workers dwelling. Discussions have taken place between officers and the agent, with a view to securing amendments to the previously dismissed proposal, in order to overcome the Inspectors comments in the latest appeal decision. These amendments include a relocation of the dwelling further rearwards into the site and rotated by 90 degrees, the lowering of the dwelling in height by 0.7m and the deletion of the detached double garage. The design has also been modified slightly by bringing the first floor windows partially into the roof space, thereby reducing the eaves and overall height. It is now considered that the amendments overcome the Inspector's comments in relation to the latest appeal and members are therefore recommended to grant planning permission, subject to a Section 106 Agreement to rescind the previous outline permission.

Reason for Reporting to Committee

Due to the history of the site and recent decisions.

Site Description and Location

The site is the corner of an agricultural field on the opposite side of Mowbreck Lane to the farming complex of Church View Farm. The site is at the junction of Moorside and Mowbreck Lane, Treales.

Details of Proposal

This application is a resubmission of a recently refused application and subsequently dismissed at appeal, for the erection of an agricultural workers dwelling, a copy of the inspectors letter is appended to this report for members information.

The application proposes a 2 storey agricultural dwelling of a traditional style measuring 10.6m by

8.05m by 7.3m high.. The curtilage would measure 28m at its greatest width, reducing to 23m at its narrowest point, by 34m. An area of tree planting is proposed to surround the curtilage in order to screen the property and create a visual link to the farmstead on the opposite side of Mowbreck Lane. Should planning permission be granted, this would be subject to a section 106 agreement to rescind the previous outline permission for a second agricultural workers dwelling within the farmstead. As such, therefore, this application must be considered as an application for a 2nd, not a 3rd agricultural workers dwelling for this agricultural unit.

The applicant has submitted a supporting statement in connection with the application, which reads as follows:

Supporting Planning Statement with reference to Appeal Decision APP/M2325/A/04/1171182

1. **Agricultural Justification.** The inspector concluded in his decision notice that the proposal satisfied both the functional and financial tests.
(Para. 13-24)
2. **Siting.** This was the main concern of the inspector, with reference to the views of the dwelling from Kirkham Road. Concern was expressed with regard to there being enough space to create adequate landscaping to Moorside. Applicant's response has been to set the dwelling back from Kirkham Road allowing additional space for a landscaped cushion to be created. Also the dwelling has been turned through 90 degrees to face Mowbreck Lane to further reduce the visual impact from the east.
3. **Design,** the inspector considered that the design was sympathetic to other nearby development. He also considered the site was close enough to the existing farmstead and that the access was also acceptable (Para 6). He noted the height of the dwelling was 0.6 m higher than a former design and that there was an additional double garage. Applicant's response has been to delete the garage from the scheme, and to reduce the ridge height by 0.6m.

In conclusion we feel the resubmitted scheme satisfies all the concerns raised at the recent Public Inquiry. The proposal satisfies the development plan for the site

Graham Anthony Associates

Date: 21/11/05

Relevant Planning History

Application No	Development	Decision	Date
01/0122	VARIOUS ALTERATIONS TO FARMHOUSE AND GARDEN INCLUDING SINGLE STOREY SIDE	Granted	23/05/2001
01/0330	AGRICULTURAL BUILDING TO HOUSE LIVESTOCK	Granted	18/07/2001
02/0007	EXTENSION TO EXISTING LIVESTOCK	Granted	27/02/2002

02/0083	BUILDING CHANGE OF USE OF AGRICULTURAL STORE TO USE AS FARM SHOP	Granted	27/03/2002
02/0303	PROPOSED TWO STOREY EXTENSION AND ALTERATIONS TO DWELLING	Refused	05/02/2003
02/0707	OUTLINE APPLICATION OF ERECTION OF AGRICULTURAL WORKERS DWELLING	Refused	27/11/2002
02/0788	PROPOSED SINGLE STOREY BUILDING TO PROVIDE WELFARE FACILITIES FOR	Refused	05/03/2003
03/0032	RESUBMISSION OF OUTLINE APPLICATION 5/02/707 FOR ERECTION OF AGRICULTURAL WORKERS DWELLING	Granted	25/02/2003
03/0301	RESUBMISSION OF APPLICATION 02/303 FOR TWO STOREY EXTENSION AND ALTERATIONS (RETROSPECTIVE)	Granted	28/05/2003
03/0343	RE-SUB. OF APP. 02/788 FOR SINGLE STOREY BUILDING TO PROVIDE WELFARE	Refused	23/07/2003
03/0464	PROPOSED ERECTION OF AGRICULTURAL WORKERS DWELLING	Refused	23/07/2003
03/0905	RE-SUBMISSION OF 03/464 FOR AGRICULTURAL WORKERS DWELLING	Refused	12/11/2003
04/0070	PROPOSED EXTENSIONS TO AGRICULTURAL BUILDINGS	Granted	25/06/2004
04/0402	ERECTION OF AGRICULTURAL WORKERS DWELLING	Appeal dismissed	
04/0855	RESUBMISSION OF APPLICATION 04/402 FOR AGRICULTURAL WORKERS DWELLING	Refused Appeal dismissed	10/11/2004
A/97/0002	AGRICULTURAL DETERMINATION FOR ERECTION OF GRAIN DRYER BUILDING	Permission not required	27/06/1997

Parish Council Observations

Treales, Roseacre and Wharles Parish Council

The Council object to the proposal on the following grounds:

a) In accordance with the requirements of the Fylde Local Plan and PPS 7, the Council requires up to date information which provides evidence that the independently collected current data relating to Church View Farm, complies with all the National and Fylde's Local Planning Policies for the assessment of Agricultural Worker's Dwellings. This will enable the Parish Council to provide applicable local knowledge on planning grounds.

We note that the previous data presented by the County Land Agent was considered insufficient for the DCC to use in support of their defence of the recent Appeal relating to the site of this application. This incomplete quality of work by the CLA should not be allowed to continue.

We ask that the County Land Agent expands and clarifies :-

i) the financial evidence to justify the financial test, in particular in regard to the enterprise being able to be profitable with little degree of indebtedness of Church View Farm which exists today and in the future to fund the second house and other required facilities.

ii) The evidence to show at what point in the expansion plans will a 2nd Agricultural Worker's dwelling be required and how that relates to the present level of rearing activity at the farm.

If the BEU or CLA do not have sufficient financial evaluation expertise, they should call upon those that do in the finance and economic development departments of their respective Councils.

b) In the absence of the above information, Treales, Roseacre & Wharles Parish Council objects to the above proposal on the following planning grounds:

1. This proposed development would form an unnecessary visual intrusion and waste of this particularly beautiful, open aspect 'Greenfield-site' amenity for parishioners and visitors to the Parish, which would be lost to all of us in the Fylde forever.

2. That this application is not 'essentially required for the purposes of agriculture', in conflict with the Fylde Borough Local Plan (FBLP) Policy SP2.

This is because the applicant already has planning permission as a result of a previous application for a second agricultural worker's dwelling. This was approved in February 2003 by the BEU Manager, without referral to the DCC.

This valuable permission has now been extant for 35 months, however the applicant has elected not to implement this means to meet the functional need perceived at that time, despite animal welfare concerns raised by his veterinary surgeon.

The applicant has now made 7 further applications for this proposed site. Since he was granted his unimplemented planning permission for a 2nd Agricultural, Worker's Dwelling.. The first of these was 3 months after the granting of the existing permission.

The site with planning permission would be more affordable to develop, because it would benefit from the existing access way, utility supplies, infrastructure; and

3. This application is in breach of ODPM PPS7 objective ii), which states the Government objective of 'discouraging the development of 'greenfield land' and where such land must be used, ensuring that it is not used wastefully.

The applicant already has planning permission for development on a 'brownfield' site of his choice.

Security of the adjacent existing agricultural worker's dwelling, rather than the proposed isolated, greenfield site requiring illegal vehicular access across a bridleway.

4. The application is in breach of National Policy ODPM PPS7 and Local FBLP Policy SP10 as there has been no evidence suitable for an ODPM Planning Inquiry presented by the Fylde BEU's officers to demonstrate that the conditions at the farming enterprise at the time of this application are compliant with all the tests required. There are no National or Fylde Borough Council planning policies that allow discretion to officers to subjectively, incompletely, or inconsistently apply these tests.

5. In particular there has been no evidence of an up to date financial test, as mandated by ODPM PPS7, which needs 'to provide evidence of the size of the dwelling which the unit can sustain'. Neither has there been evidence presented to address Fylde Borough Local Plan para 2.62, which states 'it is important that the scale of the dwelling is appropriate not only to the countryside setting but that a relationship is maintained between the size of the dwelling and the ability of an agricultural worker to acquire or rent it'.

6. This application proposes a property of some 141m2 of living accommodation., which is in breach of the County Land Agent's advice of 23rd July 2003, in which he recommended a reference size for a second and subsequent agricultural workers' dwellings on a site, of 100m2 . In addition New Fylde Housing has a design for a comparable 3 bedroom 'affordable house' of 92m2. The property is

therefore less affordable and 50% larger than it needs to be in conflict with PPS7.

7. The size of the proposed curtilage is stated in the application as 0.11 hectares. According to the Borough's officers' proposed Modifications to the Revised Fylde Borough Local Plan as adopted on 19m May 2003 para 3.4, such an area should accommodate over 3 affordable homes. This is therefore further evidence that the application exceeds the policy requirements for a functional requirement as well as being an unnecessary waste of greenfield land and forming an unnecessary visual intrusion.

8. The immediately adjacent barn conversions at White Hall Farm have now started to be sold and a comparable property to that being proposed is near completion. This proposal is therefore in conflict with the tests of National Planning Policy PPS 7.

9. For avoidance of doubt, this proposed development is not compliant 'with the requirements of National and Fylde Planning policies and would form an unnecessary visual intrusion and waste of this particularly beautiful open aspect 'Greenfield-site' amenity for parishioners and visitors to the Parish, which would be lost to all of us in the Fylde forever.

Statutory Consultees

N/A

Other Interested Parties

CPRE - We have reviewed this planning application and our views are similar to those expressed in relation to previous applications for this farm, i.e. 01/0414, 02/0241, 02/0707,03/0464,03/0905,04/0402 and 04/0855.

Policy SP2 of the Local Plan seeks to prevent development in open countryside except where certain conditions are met. From the following we do not consider these conditions are met in this case and therefore maintain that the development would be contrary to policy.

The development is on agricultural land which is outside any settlement boundary and which is not designated for development in the Adopted Local Plan.

Policy SP10 only allows new permanent dwellings in connection with agriculture where there is an established need which could not be met by any existing dwelling.' In addition Policy HL1 of the Adopted Local Plan Alterations Review on housing also requires that there should be an established need. We do not know if an existing need has been established for an agricultural worker and would suggest you need to be satisfied on this point but we are aware that new houses are currently being built in Treales within easy walking distance of the farm in question.

The dwelling is not described as affordable and so does not qualify as an exception to the general restrictions on development outside settlements based on Policy HL3 of the Alterations Review on Housing.

Policy SP10 also requires that the scale of the dwelling be 'commensurate with the established functional requirement and could be sustained in the long term, ' and we consider that the large dwelling proposed here is neither appropriate to the needs of an agricultural worker nor could it be sustained in the long term by the enterprise.

Therefore CPRE sees no justification for this development, even to accommodate an agricultural worker. We trust that you will consider our comments and recommend refusal.

British Horse Society - I understand that another application for a dwelling on Mowbreck Lane has been submitted to your council.

I wish to repeat my submission to the Public Inquiry in September. Mowbreck Lane is the only bridleway in an area where horse riding is very popular. The Church View Farm end of the bridleway has been hard sealed i.e. tarmaced, and I understand there is a question as to whether this was done with the permission of the Highways Authority. The Highways Authority is responsible for bridleways. Anyone wishing to hard seal the surface must obtain permission and accept liability. Lawful authority is needed to take a vehicle onto a bridleway. I suggest that unless written evidence of lawful authority to create a vehicular access to the proposed dwelling is submitted to your council the plan cannot be approved.

Neighbour Observations

4 letters of objection. Object on the following grounds:

1. utilising the bridlepath as vehicular access
2. other dwellings in the vicinity available
3. does not meet the financial test
4. any dwelling will be visually intrusive
5. should develop existing dwelling with permission in the farmstead
6. questions whether 'David Wilkinson has a personal interest in ensuring that the applicant wins his case'
7. was concerned that 'David Wilkinson has spoken to everyone of those on the planning committee, explaining how they can overturn the Inspector's decision to dismiss Mr Salisbury's application....'
8. concerned about lack of notification
9. already been dismissed twice
10. site outside the permitted building line set by FBC

Relevant Planning Policy

Lancashire Structure Plan:

Policy 5 - Development in rural areas.

Fylde Borough Local Plan:

Policy HL1 - Housing

Policy SP2 - Development in the Countryside.

Policy SP10 - Agricultural workers dwelling (principle)

Policy SP12 - Agricultural workers dwelling (design)

Emerging Joint Lancashire Structure Plan:

Policy 5 - Development in rural areas.

Other Relevant Policy:

PPG1 - General Policy and principles.

PPS7 - Sustainable development in the Countryside.

Comment and Analysis

The main issue in relation to this re submitted application is whether the amendments to this application have overcome the Inspector's concerns in relation to the previously dismissed appeal.

In determining the appeal, the Inspector considered the main issues being, 1) the effect of the proposal on the character and appearance of the surrounding countryside; and 2) whether there is an agricultural justification for the proposed dwelling

1. The Effect on The Character and Appearance of the Surrounding Countryside

The Inspector considered that the design and materials proposed would be sympathetic to other nearby development and was also satisfied that the appeal site would be close enough to the existing farmstead to ensure that it would not be in an isolated location. As such, therefore, the Inspector concurred with the previous Inspector's findings that the proposal was in compliance with Policy SP12 of the Local Plan in respect of the siting of agricultural dwellings.

With regards to the siting of the dwelling, the Inspector opined that there would be limited impact on the intermittent views of the site from Moorside, looking south, due to screening that would be provided by the proposed belt of planting to the north, against the backdrop of the existing trees and buildings at the farm. Although the proposal would provide less planting to the west of the site, he was satisfied, that distant views of the site from Mowbreck Lane would not be significantly harmed, as they would include the existing houses and trees in Treales village.

However, the Inspector's main concern was regarding the siting of the dwelling with respect to views from Kirkham Road, outside the settlement boundaries of Treales. The previous dwelling was proposed to be set back some 14m from Mowbreck Lane, which in the Inspector's opinion, would cause a significant intrusion into the countryside when viewed from the east. He was not satisfied that sufficient landscaping would be able to be provided in between the dwelling and Moorside to adequately screen it.

In seeking to address the above points made by the Inspector, the applicant has sought to overcome these points in respect of a number of revisions to this application.

With regards to the siting of the dwelling, the Inspector noted the ***'limited impact on the intermittent views of the site from Moorside, looking southand was satisfied that distant views of the site from Mowbreck Lane would not be significantly harmed, as they would include the existing houses and trees in Treales village'***. However, notwithstanding the above, the Inspector's main concern was ***... 'the siting of the dwelling with respect to views from Kirkham Road, outside the settlement boundaries of Treales. The house would be about 8m high and about 10.5m wide, and the Appellant has stated that it would be set back some 14m from Mowbreck Lane. In my opinion, as a result, it would cause a significant intrusion into the countryside when viewed from the east. I am not satisfied that sufficient landscaping would be able to be provided in between the dwelling and Moorside to adequately screen it. Therefore, I consider that the proposal would have a detrimental impact on the character and appearance of the surrounding countryside.'*** In seeking to overcome these comments, the applicant has reduced the overall height of the dwelling by 0.7, with the eaves of the dwelling also being reduced by 0.5m. In addition, the siting of the dwelling has been amended to take account of the impact of the dwelling from Kirkham Road, by setting the dwelling back a further 33m from the boundary with Moorside. The benefit of this amendment is threefold, 1) being that the dwelling is obviously a substantial distance back from Moorside/Kirkham Road, thereby reducing its visual impact as the views of the dwelling are more distant, 2) the setting back of the dwelling by a further 33m, enables a substantial amount more of landscaping to be incorporated to the frontage of the dwelling, again, reducing its visual impact, and 3) the dwelling, being turned 90 degrees on its axis, means that only the gable end of the dwelling (approximately 8m in width), is visible from Moorside, as opposed to the full width of the dwelling (11m), as was proposed previously, in the last application/appeal. In addition, the design of the dwelling has been amended in respect of the front and rear elevations, now having their first floor windows partially projecting into the roofspace, as opposed to being within the external facade of the building. In effect therefore, the dwelling is more of a 1 1/2 storey dwelling, rather than a true, two storey dwelling, again, reducing its visual dominance.

Having considered all of the above amendments, your officers are of the opinion that the dwelling, being reduced in height, being set 33m further rearwards with a substantial element of landscaping proposed in front of the dwelling, together with the dwelling being turned 90 degrees on its axis and the removal of the double garage, cumulatively address the Inspector's concerns with regards to its

visual impact. Given these amendments, it is now considered that the proposal overcomes the Inspectors comments, would result in a dwelling less visually intrusive within the countryside and therefore the effect on the character and appearance of the surrounding countryside is significantly reduced to an acceptable level.

2. Agricultural Justification for the dwelling

Members will also be aware that planning permission was previously granted in outline for a second agricultural workers dwelling within the existing farming complex at Church View Farm. As such, it has been accepted that a second agricultural workers dwelling is justified, having regard to the previous comments made by the County Land Agent. Furthermore, the Inspectors in the previous two Public Inquiries, considered the issue of need, and concluded that a second dwelling was justified, both in terms of meeting the functional and financial test as set out in PPS7. In coming to this judgement, the latest Inspector made a comment with regards to the functional test that, ***'I am not satisfied that remote monitoring would ensure the necessary level of immediate attention required in an emergency. Also, I consider that the evidence provided regarding the need for supervision of animals for most of the year, but particularly during the possible 6 months of calving in spring and autumn, demonstrates that the introduction of contract labour and a shift rota pattern, or the use of temporary on-site accommodation, would not be practical.....With regard to alternative accommodation, the Parish Council provided at the inquiry details of a number of dwellings that have been available on the open market about 750m (half a mile) away in Kirkham. Based on the above, I am concerned that these houses would be too far away from the farm to satisfactorily fulfil the required need'***. The Inspector was also satisfied that ***'the expansion could not be satisfactorily completed without the second worker being available near at hand to the farm buildings. Also, I consider that such a worker would need to be housed on, or close to, the farmstead. Therefore, taking account of all the matters previously mentioned, it is my opinion that a functional need for the proposed second agricultural dwelling has been established'***.

With regards to the financial test, the Inspector stated that, ***'I consider that the proposed 3 bedroom dwelling, which the Appellant has stated would have a floorspace of 141m², would not be unusually large.....The Appellant provided evidence at the inquiry to show that an estimated £80,000 for the dwelling and garage could be sustained by the income from the business, and I consider that I have not been presented with anything to show that this would not be the case.....I am satisfied that the recent letter from the Appellant's accountants demonstrates that the farming enterprise is economically viable at present, and the forward projection shows that this could be sustained with the planned expansion. Therefore, I consider that the financial test has been met. In conclusion, taking the above into account, the appellant has demonstrated that there is an agricultural justification for the proposed dwelling in the countryside in terms of functional need and meeting the necessary financial test. The proposal would accord with local plan policies SP2 and SP10 in this respect.'***

Given the fairly concise comments made by the Inspector and noted above, it was considered that there was no need to reconsult with the land agent in respect of whether the proposal met those two tests, and the proposal is, therefore, assessed purely on whether the proposed dwelling in its submitted form, ie, its siting and design is acceptable and overcomes the previous two Inspector's comments. Whilst at the time of this current application, no legal undertaking had been submitted in order to rescind the earlier outline planning permission, should Members be minded to approve the application, this will be subject to an undertaking being submitted under Section 106, in order to rescind the previous outline permission.

The issue of utilising the bridlepath as vehicular access serving the dwelling has been raised by objectors and was addressed by the Inspector in the recent appeal. In that decision, the Inspector expressly stated that ***'I consider that the length of the Lane that would be used as an access has sufficient width to ensure that the relatively low number of additional vehicles that would be***

generated by the dwelling would not cause any significant harm to the safety of other users of the bridleway. Furthermore, the right of access over this bridleway is not a planning matter to be considered at this appeal'.

Conclusions

Having considered all of the relevant factors, your Officers are of the opinion, that both the size of the dwelling and its associated curtilage are acceptable, as is the design of the dwelling, and that all the matters have been overcome in relation to the recently dismissed appeal. It is therefore, recommended that Members approve the application subject to the completion of a Section 106 Agreement, rescinding the extant permission for the agricultural workers dwelling within the farmstead.

Recommendation

That subject to the signing of a Section 106 Agreement to rescind the existing outline permission granted under 03/0032 planning permission be GRANTED subject to the following conditions:

1. The development hereby permitted must be begun not later than the expiration of 3 years commencing upon the date of this permission, and where applicable should be undertaken in strict accordance with the plan(s) comprising all aspects of the approved development accompanying the decision notice.

This standard time limit is required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004, while compliance with approved plans is required to ensure the approved standard of development is achieved.

2. Notwithstanding any denotation on the approved plans Samples of facing brickwork [including details of mortar colour], and roof treatment, including colour, shall be submitted to and approved by the Local Planning Authority no later than 21 days prior to the commencement of any built development works on site. Thereafter only those approved materials shall be used in the development unless otherwise agreed in writing with the Authority.

In the interest of securing a satisfactory overall standard of development.

3. The occupation of the dwelling shall be limited to a person solely or mainly working, or last working in the locality in agriculture or in forestry [as defined in Section 336 [1] of the Town and Country Planning Act 1990] including any dependants of such a person residing with him / her, or a widow or widower of such a person.

The Local Planning Authority would not be prepared to permit the erection of a dwelling on the site unconnected with the use of the adjoining land for agriculture purposes and the condition is imposed in order to preserve the character and nature of this rural area.

4. Landscaping, including hard surface landscaping shall be carried out and preserved in accordance with a scheme and programme which shall be submitted to and approved by the Local Planning Authority before any development is commenced. Specific details shall include finished levels, means of enclosures, car parking [as applicable] hard surfacing materials, minor artefacts and street furniture, play equipment, refuse receptacles, lighting and services as applicable soft landscape works

shall include plans and written specifications noting species, plant size, number and densities and an implementation programme. The scheme and programme shall thereafter be varied only in accordance with proposals submitted to and approved by the Local Planning Authority and such variations shall be deemed to be incorporated in the approved scheme and programme. The approved landscaping scheme shall be implemented in a timetable of planting to be agreed in writing with the Local Planning Authority but which in any event shall be undertaken no later than the next available planting season. The developer shall advise the Local Planning Authority in writing of the date upon which landscaping works commence on site prior to the commencement of those works.

To enhance the quality of the development in the interests of the amenities of the locality.

5. The whole of the landscape works, as approved shall be implemented and subsequently maintained for a period of 10 years following the completion of the works. Maintenance shall comprise and include for the replacement of any trees, shrubs or hedges that are removed, dying, being seriously damaged or becoming seriously diseased within the above specified period, which shall be replaced by trees of a similar size and species. The whole of the planted areas shall be kept free of weeds, trees shall be pruned or thinned, at the appropriate times in accordance with current silvicultural practice. All tree stakes, ties, guys, guards and protective fencing shall be maintained in good repair and renewed as necessary. Mulching is required to a minimum layer of 75mm of spent mushroom compost or farm yard manure which should be applied around all tree and shrub planting after the initial watering. Weed growth over the whole of the planted area should be minimised. Any grassed area shall be kept mown to the appropriate height and managed in accordance with the approved scheme and programme.

To ensure a satisfactory standard of development and in the interest of visual amenity in the locality.

6. Samples of materials proposed for all hard surfaced areas of the site shall be submitted to the Local Planning Authority for approval 14 days prior to the commencement of any surfacing work on site, and thereafter only approved materials shall be used either during the initial works or subsequently in any repairs to the surfaces.

In the interests of visual amenity and to contribute to the overall quality of the development.

7. Prior to the commencement of development full details of the means of foul sewerage and surface water treatment and disposal shall be submitted to and approved by the Local Planning Authority; the facilities shall be fully installed on site to satisfactory working order prior to the occupation of the first dwelling on the development.

To ensure satisfactory sewage treatment and surface water disposal on the development site.

8. Notwithstanding the provision of Article 3, Schedule 2, Part 1, Classes A, B, C, E, F, G of

the Town and Country Planning General Permitted Development Order 1995 [or any Order revoking or re-enacting that Order], no further development of the dwelling or curtilage relevant to those classes shall be carried out without Planning Permission.

[CLASS VARIABLES]

- A House Extensions.
- B&C Roof Extensions/alterations
- D Porches
- E Curtilage buildings
- F Hardstanding
- G Fuel containers
- H Satellite antenna]

To ensure that the Local Planning Authority has control over any future development of the dwelling which may adversely affect the character and appearance of the dwelling and the surrounding area.

9. Notwithstanding the provision of Classes A, B, C of Part 2 to Schedule 2 in Article 3 of the Town and Country Planning General Permitted Development Order 1995 [or any Order revoking or re-enacting that Order], no further development of the dwelling or curtilage relevant to those classes shall be carried out without Planning Permission.

[CLASS VARIABLES]

- A Gates, walls, fences
- B New access
- C Exterior treatment]

To ensure that the Local Planning Authority has control over any future development of the dwelling which may adversely affect the character and appearance of the dwelling and the surrounding area.

10. The drive and accompanying turning area shall be laid out in accordance with the approved plans prior to the dwelling first being brought into use.

To ensure that vehicles enter and leave the site in forward gear.

REASON FOR APPROVAL

The proposal complies with the relevant development plan policies and guidance and does not have an undue impact on the amenities of nearby residents or the visual amenity of the area.

SUMMARY OF RELEVANT POLICIES

This decision has been made having regard to:
the policies contained within the adopted Development Plan which

comprises of the:
The Fylde Borough Local Plan.
The Joint Lancashire Structure Plan.
and all other relevant planning guidance
and in particular Policies:

Fylde Borough Local Plan: SP2, SP10, SP12
Joint Lancashire Structure Plan: Policy 5
PPG's/PPS's: PPS, PPS7



Appeal Decision

Inquiry held on 20 and 21 September 2005

Site visit made on 21 September 2005

by **Martin Whitehead LLB BSc CEng MICE**

an Inspector appointed by the First Secretary of State

The Planning Inspectorate
409 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-
inspectorate.gsi.gov.uk

Date

12 OCT 2005

Appeal Ref: APP/M2325/A/04/1171182

Church View, Mowbreck Lane, Treales, Kirkham, Lancashire PR4 3HU

- 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 W Salisbury against the decision of Fylde Borough Council.
- The application Ref 04/0855, dated 23 August 2004, was refused by notice dated 10 November 2004.
- The development proposed is the resubmission of application No 04/0402 for proposed one agricultural worker's dwelling.

Summary of Decision: The appeal is dismissed.

Procedural Matters

1. At the inquiry an application for costs was made by the Appellant against the Council. This application is the subject of a separate decision.
2. Church View Farm benefits from outline planning permission, ref 03/0032, granted on 25 February 2003, for the erection of an agricultural workers dwelling. At the inquiry, the Appellant submitted a signed unilateral planning obligation which provides an undertaking that this extant permission would not be implemented should planning permission for the appeal proposal be granted and implemented. The Council has confirmed that it is satisfied that this obligation would ensure that a third dwelling would not be permitted, and I accept this view. Consequently, I have determined this appeal on the basis of the proposal being for a second dwelling at Church View Farm.

Main Issues

3. I consider the main issues are:
 - (a) the effect of the proposal on the character and appearance of the surrounding countryside; and
 - (b) whether there is an agricultural justification for the proposed dwelling in the countryside in terms of functional need and meeting the necessary financial test.

Planning Policy

4. The development plan includes the Joint Lancashire Structure Plan 2001-2016, of 2005, and the Fylde Borough Local Plan 1996-2006, of 2003. Of the policies referred to, I consider the following to be most relevant to this appeal. Structure Plan Policy 5 seeks to ensure that new development outside the main settlements is of a scale and nature appropriate to its location. Local Plan Policy SP2 provides strict control over new development in the countryside other than in a number of specified exceptions, which include that essentially required for the purposes of agriculture. Local Plan Policy SP10 requires new permanent

dwelling in connection with agriculture, horticulture or forestry to be on existing well established units and subject to 6 criteria, which reflect those in Planning Policy Statement (PPS) 7: *Sustainable Development in Rural Areas*. Local Plan Policy SP12 seeks, amongst other things, to ensure that new agricultural dwellings are sited within, or close to, the existing farmstead, and access is taken from the existing farm drives.

Reasons

Character and Appearance

5. The appeal site is located at the junction of Moorside with Carr Lane, Kirkham Road, and a public bridleway, known as Mowbreck Lane. It consists of the corner of an open field, which has hedgerows along much of its boundary, and is set within rolling countryside. The farm buildings and main dwelling at Church View Farm are on the opposite side of Mowbreck Lane, and the houses in Treales village, to the east, are separated from the site by Moorside and an area of agricultural land. I consider that the character and appearance of the surrounding area is that of open countryside. It is not disputed that the site consists of greenfield land, outside the established settlement boundaries, where there is a presumption against new dwellings.
6. The proposal would include the erection of a new 2 storey dwelling with a pitched roof, which has been described as being of a traditional style. With regard to Policy SP12, I consider that its design, of which the materials could be suitably controlled by condition, would be sympathetic to other nearby development. Also, I am satisfied that the appeal site would be close enough to the existing farmstead, separated from it by Mowbreck Lane, to ensure that it would not be in an isolated location. In addition, the access to the proposed garage would be from part of Mowbreck Lane which currently serves as an access to the farm buildings.
7. The criteria for considering new permanent dwellings to support existing agricultural activities include, in paragraph 3 of Annex A to PPS7, the need to satisfy other planning requirements, such as the impact on the countryside. I consider that the appeal site is in a prominent location, at the corner of a road junction and near the top of a hill, where it would be clearly visible from the adjacent highway and across the surrounding countryside.
8. It is my opinion that there would be limited impact on the intermittent views of the site from Moorside, looking south, due to screening that would be provided by the proposed belt of planting to the north, which could be secured by condition, against the backdrop of the existing trees and buildings at the farm. Although the proposal would provide less planting to the west of the site, I am satisfied that distant views of the site from Mowbreck Lane would not be significantly harmed, as they would include the existing houses and trees in Treales village.
9. My main concern is regarding the siting of the dwelling with respect to views from Kirkham Road, outside the settlement boundaries of Treales. The house would be about 8m high and about 10.5m wide, and the Appellant has stated that it would be set back some 14m from Mowbreck Lane. In my opinion, as a result, it would cause a significant intrusion into the countryside when viewed from the east. I am not satisfied that sufficient landscaping would be able to be provided in between the dwelling and Moorside to adequately screen it. Therefore, I consider that the proposal would have a detrimental impact on the character and appearance of the surrounding countryside.

10. Reference has been made to a previous appeal decision, ref APP/M2325/A/03/1127968, regarding an agricultural worker's dwelling at a similar location to the appeal site. The present proposal would have a smaller curtilage, building footprint and dwelling floorspace than the previous proposal, and the design of the dwelling would be different. Nevertheless, it would include a double garage and, at the inquiry, the Appellant stated that the proposed dwelling would be about 0.61m higher than the dwelling considered by the previous Inspector.
11. I have noted that the Council's Officers' report recommended approval on the basis that they considered that the proposal would address the concerns of the previous Inspector. However, taking the above into account, I am not satisfied that the impact that it would have on the countryside would be sufficiently reduced from that of the previous appeal proposal to ensure that it would be acceptable in this respect. Furthermore, I have considered this appeal on its own individual planning merits in the light of prevailing policies and guidance.
12. I conclude that the proposal would have an adverse effect on the character and appearance of the surrounding countryside. It would also fail to accord with Structure Plan Policy 5 and the objectives of PPS7 in relation to this issue.

Agricultural Justification

13. At the inquiry, the Council confirmed that it was satisfied that the proposal would meet both the functional requirements and financial test specified in PPS7. However, the Parish Council submitted evidence in support of its claim that the proposal would not meet the required tests.
14. I understand that Church View Farm was established in 1990, and from the information provided and the relatively large number of recently constructed agricultural buildings, it appears to me that there has been a reasonably high investment in the business. The County Land Agent's (CLA's) letter, dated 12 July 2005, calculates that the agricultural unit farms about 245 hectares of land, which is divided between cereals and grass. The farm operates a pedigree and commercial beef breeding and rearing enterprise, with a herd of about 400 cattle, and at the inquiry the Appellant identified that this includes 116 suckler cows.
15. A letter from the Appellant's accountants, Jones Harris, dated 22 August 2005, confirms that the business recorded a net profit for the 21 month period ending on 30 July 2005 of £51748, and offers the opinion that its future profits are as assured as they can be in any commercial venture. Therefore, based on the information provided, I am satisfied that the unit and agricultural activity concerned have been established for at least 3 years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so.
16. A report by Agricultural Business Developments, prepared on behalf of the Appellant, a letter from the Appellant's veterinary surgeon, dated 18 August 2005, and DEFRA's code of recommendation for the welfare of livestock, all support the need for 24 hour supervision during calving. With regard to alternative methods of providing this supervision, put forward by the Parish Council, I am not satisfied that remote monitoring would ensure the necessary level of immediate attention required in an emergency. Also, I consider that the evidence provided regarding the need for supervision of animals for most of the year, but particularly during the possible 6 months of calving in spring and autumn, demonstrates that

the introduction of contract labour and a shift rota pattern, or the use of temporary on-site accommodation, would not be practical.

17. The CLA's letter indicates that the enterprise intends to expand to run a scale of production of 200 suckler cows with young stock kept through to approximately 18 to 24 months of age. Whilst he considers that there would be sufficient land to run this intended scale of business, he is of the opinion that the existing buildings at Church View Farm could not accommodate the planned expansion. He concludes that, if the Appellant demonstrates his ability to sustain the planned expansion, then an agricultural justification would exist for a further dwelling.
18. At the inquiry, the Appellant presented evidence to suggest that additional space could be made available within the existing buildings to accommodate the intended expansion of the herd, which he stated had not been considered by the CLA. Therefore, in the absence of any other expert evidence to indicate the contrary, I am satisfied that the buildings would provide sufficient space to accommodate the planned expansion. Furthermore, should this take place, I consider that I have been given sufficient justification of the need for 2 workers to be readily available at most times for the essential care of animals at short notice.
19. With regard to alternative accommodation, the Parish Council provided at the inquiry details of a number of dwellings that have been available on the open market about 750m (half a mile) away in Kirkham. Based on the above, I am concerned that these houses would be too far away from the farm to satisfactorily fulfil the required need.
20. I am satisfied that the expansion could not be satisfactorily completed without the second worker being available near at hand to the farm buildings. Also, I consider that such a worker would need to be housed on, or close to, the farmstead. Therefore, taking account of all the matters previously mentioned, it is my opinion that a functional need for the proposed second agricultural dwelling has been established.
21. Turning to matters regarding the financial test, the Parish Council provided evidence at the inquiry to indicate that the business makes a loss, and the Appellant's accounts have not been made available. However, the CLA's letter suggests that, if the planned expansion occurred, the income from the enterprise could meet the costs of a second dwelling as well as sustain a livelihood for the 2 key workers of the business. The letter notes that the CLA was shown copies of the farm accounts in respect of the years ending 31 September 2003 and 31 December 2004. Also, Jones Harris states that they have had access to all of the Appellant's business financial information. The figures presented by the Appellant do not support the Parish Council's view and, based on the explanation given at the inquiry, I consider that I am not in a position to doubt their accuracy.
22. With regard to the size of the proposed dwelling, the Council confirmed at the inquiry that it has no guidance or policies that give any restrictions on the size. However, paragraph 9 of Annex A to PPS7 states that agricultural dwellings should be of a size commensurate with the established functional requirement. Dwellings that are unusually large in relation to the agricultural needs of the unit, or unusually expensive to construct in relation to the income it can sustain in the long-term, should not be permitted.
23. I consider that the proposed 3 bedroom dwelling, which the Appellant has stated would have a floorspace of 141m², would not be unusually large, even though a CLA's letter indicated in 2003 that another Council's guidance recommends a living area of 100m² for

subsequent houses to the principal dwelling. The Appellant provided evidence at the inquiry to show that an estimated cost of £80,000 for the dwelling and garage could be sustained by the income from the business, and I consider that I have not been presented with anything to show that this would not be the case.

24. I am satisfied that the recent letter from the Appellant's accountants demonstrates that the farming enterprise is economically viable at present, and the forward projection shows that this could be sustained with the planned expansion. Therefore, I consider that the financial test has been met. In conclusion, taking the above into account, the Appellant has demonstrated that there is an agricultural justification for the proposed dwelling in the countryside in terms of functional need and meeting the necessary financial test. The proposal would also accord with Local Plan policies SP2 and SP10 in this respect.

Other Matters

25. A number of local residents have expressed concern regarding the use of the public bridleway at Mowbreck Lane to access the proposed dwelling. I consider that the length of the Lane that would be used as an access has sufficient width to ensure that the relatively low number of additional vehicles that would be generated by the dwelling would not cause any significant harm to the safety of other users of the bridleway. Furthermore, the right of access over this bridleway is not a planning matter to be considered at this appeal.

Conclusions

26. Although I have found that the proposal would meet the requirements of PPS7 regarding an agricultural need for a second dwelling, I consider that the harm that it would cause to the character and appearance of the surrounding countryside provides me with a compelling reason why planning permission should not be granted. Therefore, for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should fail.

Formal Decision

27. I dismiss the appeal.

M. J. Whitehead

INSPECTOR

5 Meadow Court
Blue Moor
Treales
Preston
Lancashire
PR4 3XN
Tel: 01772 685781

The Planning Department
Fylde Borough Council Offices
Lytham St Annes

Dear Sir or Madam,

Reference: Planning application S / 2005 / 1052
Proposed agricultural worker's dwelling at Church View Farm, Mowbreck Lane, Treales

I am extremely unhappy to hear that there is yet another application for building on this same beautiful site, which has been refused time and time again, and has lost appeals, and yet both Mr Salisbury and your Planning Department are determined that he will get planning permission eventually, whatever it takes.

It worries me immensely that this is trying to be pushed through the back door.

Why, when you are very aware that so very many of the local residents are opposed to building **anything** on that site, regardless of size, shape, or what angle the house should stand, are you so determined to fight the very people who live in the area?

I am also concerned that you have not notified all the people, who have made such an effort to write to you, or to attend the application and appeal hearings, so that they are aware that yet another application has been made.

I have simply just heard about this and find I have just today to get any comments to you!

That simply is not good enough and makes me feel that it comes across as being secretly pushed through without giving a chance for anyone to complain.

I am also enclosing a copy of all the signatures of those who appealed against **any** building on that particular site, which thus affects **all** future applications on the area between Mowbreck Lane and Moorside.

Hence I request that you notify all the people on those lists, along with all the people who have opposed similar applications on this site.

I was even more concerned when I heard that David Wilkinson has spoken to each and every one of those on the planning committee, explaining how they can overturn the Inspector's decision to dismiss Mr Salisbury's appeal for such a house to be built on this same site!

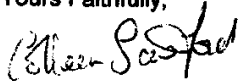
At the very previous meeting before the appeal, the planning committee voted 13 to 1 against Mr Salisbury's application. So why is Mr Wilkinson so determined to fight against the local residents and the Planning committee??

Does Mr Wilkinson have a personal interest in ensuring Mr Salisbury eventually wins his case and is allowed to build on the beautiful site at the very entrance of Treales, causing a visual intrusion to us all, and for generations to come?

I am so unhappy about this strange behaviour, that I have written to the Prime Minister and his Deputy, who I understand has also been involved in another area, this time in Lytham, where planning has been authorised by Mr Wilkinson against the wish of the local residents, and against the very planning objectives that your Department have set for yourselves!!

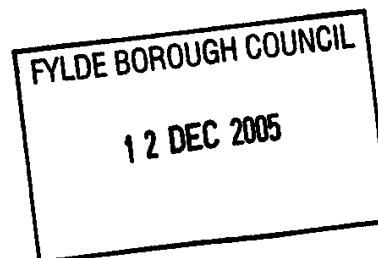
Please copy this letter and the petition for all the planning committee to see before the hearing for this planning application.

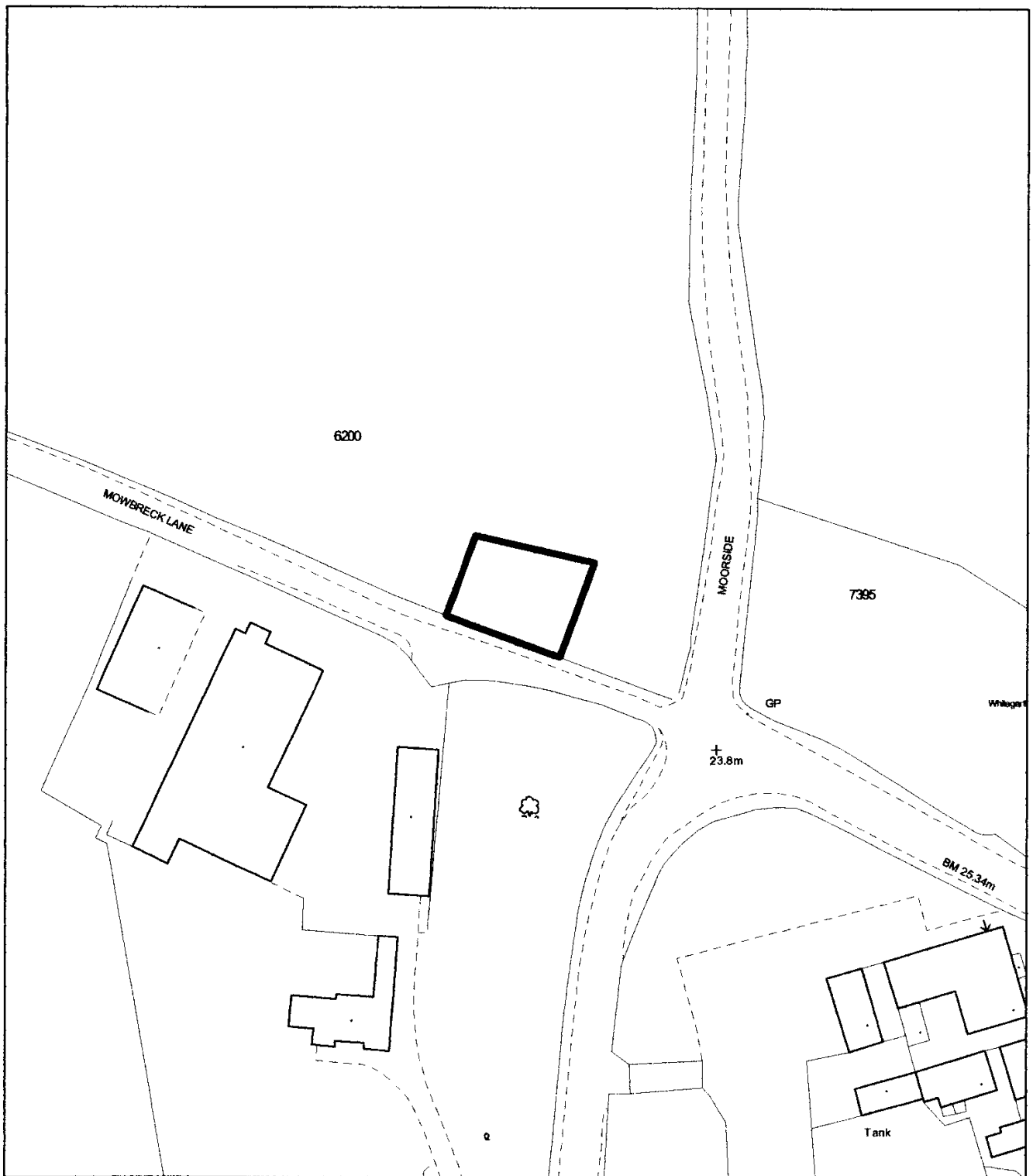
Yours Faithfully,



Colleen Sawford

12/12/05





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Application No. 5/05/1052	Address Church View Farm Mowbreck Lane, Treales	Grid Ref. E.3436 : N.4329	Scale 1:1000	Item No. 5