
Appeal Decision

Site visit made on 29 May 2018

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 July 2018

Appeal Ref: APP/M2325/W/18/3194499

Land adjacent Hazelnut Cottage, Langtree Lane, Elswick PR4 3YD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Neil Hudson against the decision of Fylde Borough Council.
 - The application Ref 17/1005, dated 24 November 2017, was refused by notice dated 19 January 2018.
 - The development proposed is an outline application for the erection of 1 no. detached dwelling with access applied for.
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Decision

1. The appeal is allowed and planning permission is granted for an outline application for the erection of 1 no. detached dwelling with access applied for at land adjacent Hazelnut Cottage, Langtree Lane, Elswick PR4 3YD in accordance with the terms of the application, Ref 17/1005, dated 24 November 2017, subject to the conditions in the attached schedule.

Procedural Matters

2. The application was submitted in outline with all matters reserved for future consideration, except for access. Indicative plans have been submitted. These have formed part of my consideration of the appeal.
3. In response to a point of clarification about the Council's Housing Land Supply Statement, the appellant submitted further correspondence from a Borough Councillor. Although this was after the final comments stage, I accepted the evidence given the dispute between the main parties about whether the Council are currently able to demonstrate a five-year supply of deliverable housing sites in accordance with paragraph 49 of the National Planning Policy Framework (the Framework). As a result, I sought clarification from the Council, having regard to this correspondence. The appellant was given an opportunity comment on the Council's response. I have had regard to both parties' submissions in my decision.

Main Issues

4. The main issues are: (i) whether the proposal would result in a sustainable pattern of development, having regard to the site's countryside location and accessibility to facilities and services; and (ii) the effect of the proposal on the character and appearance of the area, including the setting of the countryside.

Reasons

5. The appeal site is to the side of Hazelnut Cottage, which is a semi-detached

dwelling. The other half of the pairing is Walnut Cottage. A shed once stood in the north-west corner of the site. This was burnt down, but hardstanding remains. A field access is between the hardstanding and the narrow lane which extends in front of the site. This provides vehicular and pedestrian access to the site. The lane joins Copp Lane to the east and it is lined by hedgerows on both sides. Hillberry, a detached residential dwelling, is at the junction of the lane and Copp Lane. To the south of the site and the lane is a stable and paddock. Residential properties line the eastern side of Copp Lane. Open fields lie to the north, south and west of the site. Langtree Farm is to the west.

6. The main parties agree that the appeal site lies within the open countryside as defined on the Fylde Borough Local Plan proposals map (2005).

Planning Policy

7. The development plan for the area consists of the saved policies of the Fylde Borough Local Plan, as altered in 2005 (FBLP). The FBLP was adopted before the Framework. This has implications for the weight to be afforded to its policies which I shall turn to later.
8. A new local plan for the Fylde is in course of preparation. The Submission Version of The Fylde Council Local Plan to 2032 (SLP) has been submitted for examination by an Inspector, and the hearing sessions have now been completed. The closure of the hearings enabled the Council to produce and consult on the proposed main modifications to the SLP and the proposed Proposals Map (SLP Proposals Map). This consultation has now ended, and the Council now await the Inspectors report about whether the plan is 'sound'. While the SLP does not form part of the development plan, and I do not know the extent of any unresolved objections, it is at an advanced stage. Having regard to Framework paragraph 216, I attach policies within the SLP moderate weight.
9. I understand as a result of the grant of planning permissions in the nearby area that the Neighbourhood Plan for Elswick (NP) has not been progressed by the Parish Council.

Location

10. Saved FBLP Policy SP2 restricts development in the countryside, other than for specified categories of development which do not include that under consideration in this appeal. However, the Council accept that this policy does not wholly accord with the approach taken in the Framework, as it seeks to restrict the types of development that may be acceptable in the countryside. As a result, the Council accept that this approach is outdated. I agree. Hence, the adopted settlement boundary for Elswick is also out of date.
11. To overcome this, the Council are proposing to 'update' their approach to development in the countryside through SLP Policy GD4, which says that development will be limited to: isolated new homes in the countryside which meet the criteria set out in Policy H6. These criteria broadly reflect the special circumstances in Framework paragraph 55, albeit with some greater detail. Regardless, the SLP promotes development in sustainable locations in accordance with the Framework. SLP Policy DLF1 identifies four Strategic Locations for Development relating to the Key Service Centres, but the

emerging policy also refers to an allowance within and adjacent to Tier 2: Smaller Rural Settlements for windfalls and small sites allowances. Elswick is a 'Tier 2 Smaller Rural Settlement' in SLP Policy S1. These settlements have fewer essential services and employment opportunities and tend to have limited transport connections with the Key Service Centres, Local Service Centres and the Strategic Locations for Development. Development that is appropriate to the scale and character of settlements at each level of the settlement hierarchy will be promoted in accordance with the development strategy.

12. SLP Policy SL5 does not make a specific allocation for Elswick, but alterations are also proposed to the SLP Proposals Map to include three sites; land north of Beech Road; land north of Mill Lane; and land north of High Gate and East of Copp Lane¹. The sites at Mill Lane² and Beech Road³ were subject of appeal decisions, which resulted in outline and full planning permissions being granted respectively. While I do not have full details before me, I note that a scheme for 24 no. dwellings was granted planning permission for the site East of Copp Lane⁴. They form the basis for the proposed alteration to the settlement boundary of Elswick and the reason why the NP has not been progressed. Despite these proposed changes, the site is physically separated from Elswick by fields and a country lane. Thus, the site is within the countryside and not adjacent to a settlement, even if the SLP Proposals Map is taken forward to adoption.
13. Framework paragraph 55 explains that housing should be located where it will enhance or maintain the vitality of rural communities, to promote sustainable development in rural areas. Where there are groups of smaller settlements, development in one village may support services in a village nearby. New isolated homes in the countryside should be avoided unless there are special circumstances.
14. The word 'isolated' is not defined in the Framework. Given the proximity of the proposed dwelling to two existing residential dwellings, along with those to the east and west, the new dwelling would not be far away from other buildings or people. As a result social sustainability would arise. However, there is still a need to consider whether the proposed development would be far away from other places. This includes consideration of whether the site is a suitable location for housing having regard to its location and accessibility.
15. Elswick has a number of facilities which are within its envelope. These include: a village store, Elswick Memorial United Reformed Church, two public houses, a Village Hall/Community Centre, an equipped play area, all weather pitches and a bowling club. The site is roughly 500 to 900 metres away from these facilities on foot. To the north of the site, between Elswick and Great Eccleston, is Great Eccleston Copp Church of England Primary School. This is within 700 metres of the site. A 40 mph speed limit applies to the section of Copp Lane between the lane and the school. This becomes 30 mph to the south-west of the appeal site. Copp lane has a one metre wide footway that extends from Elswick to the school. It is mainly lit. The centre of Great Eccleston is just over a mile from the site. The Council confirm that it offers a

¹ Council Appeal Statement, Appendix 4

² Appeal Decision Ref: APP/M2325/W/17/3172835

³ Appeal Decision Ref: APP/M2325/3172438

⁴ Council Application Ref: 16/0846

wider range of facilities and services than Elswick. These include: a medical centre, dental surgery, post office, pharmacy, three churches, three public houses, a café, a hairdressers, a convenience store, a market, a newsagent and off-licence, a takeaway and a fashion retailer.

16. Future occupants of the proposed dwelling, based on the range of facilities and services in Elswick, would need to travel to other centres for their day-to-day needs. Even so, the facilities and services that are there would assist with their day-to-day living, and they could be accessed without having to rely on a car. Hence, there would be some benefit linked to the proposal in terms of supporting local services and community facilities.
17. This is tempered by the footway width along Copp Lane which is not wide enough to allow two people to pass one another without stepping into the carriageway, or to accommodate wheelchair users or prams. Persons travelling to and from the school would need to cross Copp Lane twice in order to make use of the footway. Existing and potential parents and guardians are unlikely to consider it to be a safe route for their children to walk to school, due to the narrowness of the footway and the speed at which vehicles use the road. While the footway is to be widened to two metres as part of the Copp Lane scheme, I do not have details of the improvements before me. In any event, there is no evidence to suggest, based on the existing situation, that there have been incidents from people crossing the road or using the footway.
18. At the end of the lane there are bus stops on either side of Copp Lane. They are a short walk away. Despite the lack of a footway along the lane, the volume and speed of traffic is low. Three lights within the grounds of Hazelnut Cottage illuminate the lane for a short section. Even so, they do not illuminate the lane to the east. While two new street lights are proposed, there are no details before me. In any event, they would provide a limited localised benefit by making a section of the journey along the lane more appealing. They would not fully improve its attractiveness during the hours of darkness.
19. The 77 service operates every two hours on Monday to Fridays from Preston to Blackpool calling at Ashton, Catforth, Inskip, Elswick and Victoria Hospital. The first service from Elswick to Blackpool leaves at 0637 with the last service leaving Preston at 1835. In the opposite direction, services from Elswick starts at 0711 and run through to 1951. In-between each No 77, there is a 77A service that also operates every two hours between Preston and Myerscough Agricultural College. It stops at Great Eccleston, which is a 5 minute journey away. The first service runs from 0915 with the last at 1515. In the opposition direction, the first service is at 1015 and the last at 1715. The 76 service operates roughly every two hours between Lytham and Blackpool. The service starts at 0700, with the last service going all the way through to Blackpool finishing at 1315. The last two services go as far as Poulton. The service from Elswick to Lytham starts at 0816 and finishes at 1651. On Saturdays in both directions, the combination of the three services means that there is a bus service through Elswick and onto larger centres roughly every hour. I also note that children can catch the bus at the end of the lane to and from school.
20. Although the Council contend that the bus services have a limited frequency,

the Framework recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas. While the services may not be suitable for everyday use, they do offer a reasonable alternative for journeys to Great Eccleston, Poulton-le-Fylde or Preston where there are wider range of facilities and services available.

21. Having regard to the circumstances applicable to this case, the site is not far away from places with day-to-day facilities and services. Thus, on the whole, the site is not remote. Thus, the proposal would not be a new isolated home in the countryside. It is not therefore necessary for me to consider whether the special circumstances listed in Framework paragraph 55 and SLP Policy H6 apply to this case.
22. The SLP, though at an advanced stage, is not yet adopted, and the weight to be attached to it is moderate. While the proposed strategy for directing most development to the more sustainable locations is in accordance with guidance in the Framework, with regards to the development plan, I conclude, on this issue, that the proposal would not result in a sustainable pattern of development, having regard to the site's countryside location. Conflict would arise with FBLP Policies SP2 and HL2 as the development does not fit into one of the listed categories, and it is thus not acceptable in principle. The proposal would also conflict with SLP Policies S1 and DLF1 in that it would not accord with the proposed locations for development.

Character and appearance

23. A dwelling on the site would respect the linear strip of development and the rectangular shaped plots on the northern side of the lane. A scheme could be design to maintain a spacious relationship to Hazelnut and Walnut Cottages, so that views through to the fields to the north and south are maintained. Although a dwelling is likely to be visible above the roadside hedgerows along Copp Lane and Langtree Lane, this type and form of development is not uncharacteristic for the stretch of road to the north of Elswick. I accept that a new dwelling would urbanise the site and thus the landscape, but it would not reduce the spacing to Langtree Farm, as this is well screened by mature hedgerows on approach from the south.
24. By introducing a new dwelling on the land there would be domestic paraphernalia, but the majority of the site currently forms part of the garden to Hazelnut Cottage. As such, in terms of character, having regard to the Lancashire Landscape Strategy (LLS), there would not be a significant change to the coastal plain landscape which the site forms part of. Any noticeable effect would have a very limited impact on the openness of the land.
25. I acknowledge the need to recognise the intrinsic character and beauty of the countryside, but in this case, the character of the countryside does include dwellings. As such, a single new dwelling would not harm the character or beauty of the countryside or the landscape character of the area.
26. For these reasons, on this issue, I conclude that the proposal would accord with saved FBLP Policies HL2, HL6, EP11, the LLS, SLP Policies ENV1 and GD7 and Framework paragraphs 17 and 58 as the proposal would respect the intrinsic character and beauty of the countryside in this locality.

Conditions

27. I have had regard to the conditions that have been suggested by the Council in light of the guidance in the Framework. Where necessary I have amended the wording to ensure consistency with Framework paragraph 206.
28. A condition specifying the approved plans and documents is necessary as this provides certainty. In the interests of highway safety and to provide a safe means of access to the from the site, conditions are necessary to secure details of visibility splays together with the layout, design and construction of the access and manoeuvring areas. A condition is necessary about ground levels in the interests of the character and appearance of the area. A condition addressing foul and surface water is necessary to avoid pollution and the risk of downstream flooding. So that nearby residents living conditions are upheld, a condition for a construction method statement is necessary.

Planning Balance

29. The development plan remains the starting point for determination of the appeal. However, notwithstanding the Council's ability to demonstrate a 5 year supply of housing land, the development plan policies relevant to the supply of housing, including the currently defined settlement boundary for Elswick, are out of date. This position is not influenced by the advanced stage of the SLP. Thus, Framework paragraph 14 is applicable, as the fourth bullet point applies in any situation where relevant policies are out of date. This means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
30. The development is not in accordance with FBLP Policies SP2 and HL2 in that it would not accord with the proposed locations for development. However, despite the site's location, the harm caused by the proposal to the countryside, and the environment would be very limited. The same applies to SLP Policies S1 and DLF1, but these policies do not carry development plan weight as there are unresolved objections relating to Elswick. As a result, while it is suggested that existing housing commitments in Elswick have already exceeded the identified growth for the settlement for the period up to 2032, the SLP has yet to be found sound.
31. Balanced against this are my conclusions on whether the proposed single dwelling would be isolated and its effect on the landscape character and appearance of the area. There would also be a modest social contribution through the scheme's contribution to the supply of housing in accordance with Framework paragraph 47. The scheme would result in a number of limited economic benefits during and after its construction by providing employment and support for local businesses. A single extra dwelling would not place undue pressure on existing local services. The scheme's effect on the highway, living conditions, drainage and ecology all carry a neutral weight in the planning balance. I note points by interested parties about the maintenance of the lane as it is a private road, but this is a civil matter.
32. Reference is made to a second dwelling on the appeal site, and I understand that this scheme was withdrawn. In any event, I have considered the proposal on its own planning merits, and it would be for the Council in the

first instance to assess any other development proposals put forward.

33. I conclude that the adverse impacts identified would not significantly and demonstrably outweigh the various environmental, economic and social benefits of the proposal. Thus, planning permission should be granted and the proposal would represent sustainable development when assessed against the policies in the Framework taken as a whole.

34. For the reasons set out above, I conclude that the appeal should be allowed.

Andrew McGlone

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 location plan; and LG/LT/3101.
- 5) No above ground works shall take place until details of finished floor levels for the dwelling and ground levels for the external areas of the site have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.
- 6) No above ground works shall take place until a scheme for the layout, design and construction of the site access at the junction with Langtree Lane (the position of which is shown on drawing no. LG/LT/3101) and other hardstanding areas within the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
 - (i) the provision of suitable visibility splays in both directions at the junction of the site access with Langtree Lane; and
 - (ii) details of the layout, design and construction of vehicle manoeuvring and parking areas to be provided within the site to allow vehicles to enter and exit the site onto Langtree Lane in forward gear.

The site access, manoeuvring and parking areas shall be constructed in accordance with the approved scheme and made available for use before the dwelling is first occupied. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent order following the revocation or re-enactment thereof (with or without modification), the visibility splay in (i) shall be kept free of any obstructions (including buildings, walls, fences, hedges, trees, shrubs or any other obstruction) over 0.6 metres in height.

- 7) No above ground works shall take place until a scheme for the disposal of foul and surface water from the development has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall include:
- (i) separate systems for the disposal of foul and surface water;
 - (ii) details of the rate of surface water discharge from the site to any soakaway, watercourse or sewer, with provision to ensure that the post-development discharge rate does not exceed the pre-development rate, including an appropriate allowance for climate change;
 - (iii) details of any necessary flow attenuation measures, including the use of SUDS where appropriate; and
 - (iv) details of how the scheme will be maintained and managed after completion.

The approved scheme shall be implemented before the dwelling is first occupied, and shall be maintained and managed as such thereafter.

- 8) No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The CMS shall include:
- a) hours of work for site preparation, delivery of materials and construction;
 - b) arrangements for the parking of vehicles for site operatives, contractors and other visitors within the site (off the public highway);
 - c) details of areas designated for the loading, unloading and storage of plant and materials;
 - d) arrangements for the provision of wheel washing facilities for vehicles accessing the site;
 - e) measures to control the emission of dust and dirt during construction;
 - f) a strategy to inform neighbouring occupiers (which as a minimum, shall include those adjoining the site boundaries) of the timing and duration of any piling operations, and contact details for the site operator during this period.

The development shall be carried out in accordance with the approved CMS.

END OFF SCHEDULE