
Appeal Decision

Site visit made on 28 January 2020

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 19th February 2020

Appeal Ref: APP/M2325/W/19/3241054

Land adjacent to Windmill Farm, Back Lane, Weeton, Lancashire PR4 3HS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mr Nigel Bennett against the decision of Fylde Borough Council.
 - The application Ref 19/0772, dated 20 September 2019, was refused by notice dated 28 October 2019.
 - The development proposed is planning in principle application for 1 no dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. As explained in the Planning Practice Guidance (the PPG), the Town and Country Planning (Permission in Principle) (Amendment) Order 2017 (the Order) is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for the proposed development from the technical detail. The scope of the first stage, that is to establish whether a site is suitable in principle for development, is limited to location, land use and amount of development.

Main Issues

3. The main issues in this appeal are:
 - i) Whether the appeal site is in a suitable location for new residential development, having regard to local and national planning policy for the delivery of housing; and
 - ii) The effect of the proposal on the character and appearance of the area.

Reasons

Whether or not the location is suitable for new residential development

4. The appeal site includes the site of a former windmill and part of an agricultural field between Windmill Farm and Weatheroak Farm. It is in the countryside. Back Lane is a typically narrow rural road, largely enclosed by mature hedgerows and with no footway or street lighting. There is sporadic and widely spaced built development along the road, including detached dwellings in large plots and groups of functionally related buildings such as farmsteads.

5. Policy DLF1 of the Fylde Local Plan to 2032 Adopted October 2018 (the LP) sets out the Council's locational strategy for new development. It is based on the hierarchy of settlements and it aims to focus development in the more accessible locations that have a good range of services and facilities. Away from the identified settlements, small housing sites may be supported provided they accord with other policies in the LP, including Policy GD4 which sets out the types of development that may be acceptable in the countryside.
6. The appeal site is not in an identified settlement. Moreover, the proposal would not meet any of the listed criteria for housing in the countryside, with the possible exception of minor infill development.
7. Although minor infill is not defined in the LP, the Council considers that it would be of a scale and use that does not have a material impact on the rural character of the area. Furthermore, in the absence of a specific interpretation of the meaning of infill in the LP, a recent appeal decision (ref APP/M2325/W/19/2119376) relating to minor infill development referred to the normal interpretation of infill, for the purposes of planning, as being a gap in an otherwise built up frontage. On this basis, I will go on to consider whether the appeal site constitutes a modest gap between buildings in a built up frontage.
8. There is a dog kennel building within the grounds of Weatheroak Farm in close proximity to the appeal site. However, the long road frontage of that property is formed from a dense mature hedgerow which screens the buildings from view. To the other side of the appeal site, the buildings at Windmill Farm are widely separated from the site by the garden of that property, which is predominantly comprised of lawns with scattered trees and mature hedgerows, including to the road frontage. The appeal site is separated from the road by a post and rail fence with an agricultural gate and it is clearly separated from the adjacent garden by a mature hedgerow. While there is a pedestrian gate in the hedgerow that allows access from the garden, the appeal site does not appear to form functional domestic outdoor space. As a result, the site is not visually or functionally well-related to the garden or, by implication, the buildings at Windmill Farm.
9. Furthermore, the 2 properties to either side are physically, functionally and visually separated from one another by the wide green gap that includes the appeal site and the garden of Windmill Farm. There are no properties on the other side of Weatheroak Farm from the appeal site. Windmill Farm is widely separated from the next nearest neighbouring property by agricultural land. Consequently, by virtue of the sparsely developed and traditional rural appearance of the countryside, including the characteristically rural boundary treatments, the appeal site is not a modest gap between buildings and it does not form part of a built up frontage. Therefore, although only one dwelling is proposed, it would not be minor infill for the purposes of the development plan.
10. The proposal would not be an isolated dwelling in the countryside, which the National Planning Policy Framework (the Framework) seeks to avoid. However, it would be remote from local services and facilities. In this respect, the site is approximately 800m from Weeton, which is a smaller rural settlement and it would be approximately 3.5km away from Wesham, which is the closest Local Service Centre.

11. The distances involved are further than could be considered a short or convenient walk. Moreover, the narrow road and the absence of footways and street lighting would not be conducive to walking. While the distances would be manageable by bicycle, the site is nevertheless not particularly accessible by sustainable modes of transport. The need to travel would not be minimised in this location and future occupiers would be heavily reliant on private car journeys to meet their reasonable daily needs. Notwithstanding provision in the development plan for smaller sites not allocated in the plan to come forward, it nevertheless seems likely that there would be more suitable locations elsewhere where housing growth could be delivered.
12. Therefore, the proposal would not be minor infill development and the appeal site is not in a suitable location for new residential development. It would conflict with the policies in the development plan, including Policies DLF1, S1 and GD4 of the LP. These require development to be located in accordance with the hierarchy of settlements and, outside of the settlements, to meet certain listed criteria. It would also conflict with the rural development aims of the Framework.

Character and appearance

13. Back Lane is a narrow rural road in the countryside. It is sparsely and sporadically developed with detached dwellings set in generous mature grounds and building complexes including farmhouses and barns. Built development is widely separated by open agricultural land with long views of the open countryside beyond the road. Consequently, the area has a traditional rural character and appearance.
14. Within the appeal site, the remains of the former windmill are visible. However, they are overgrown and they have been assimilated into the landscape. Consequently, in combination with the garden of Windmill Farm, the appeal site contributes to the appearance of an undeveloped gap between the properties to either side. In this respect, the site reinforces the distinctive pattern of development and it makes a positive contribution to the character and appearance of the countryside.
15. The appeal relates to a permission in principle application and the technical details would therefore be dealt with at a later stage. Nevertheless, and irrespective of the appearance of the dwelling, the proposal would increase the quantum of built development. It would also erode the characteristic spacing and traditional open pattern of development in the area. Moreover, by virtue of its elevated position on a brow in the road, a new dwelling in this location would be visually prominent. The increase in the hard built environment and the loss of the undeveloped gap would have an urbanising effect that would not relate well to the traditional rural surroundings.
16. Therefore, the proposal would result in significant harm to the rural character and appearance of the countryside. It would conflict with Policies GD4 f), GD7 and ENV1 of the LP. These require, among other things, that development in the countryside is appropriate to the rural character of the area, having regard to visual impact and landscape context, and making a positive contribution to local distinctiveness. It would also conflict with policies in the Framework that relate to the intrinsic character and beauty of the countryside.

Other Matters

17. Weatheroak Farm operates a commercial dog boarding and day care facility and I have therefore had regard to the concerns of interested parties in this respect. Given the close proximity of the kennel building to the appeal site, it seems likely that the noise of barking dogs would be detrimental to the living conditions of future occupiers. Consequently, future occupation of the proposed dwelling would be likely to result in noise complaints, thereby placing an unreasonable burden on the neighbouring business.
18. The proposal would be likely to result in harm to non-designated heritage assets, including the surface and buried remains of the former Weeton windmill and any earlier mills or buildings. The Framework advises that effects on the significance of non-designated heritage assets should be taken into account in decision-making, having regard to the scale of any harm or loss and the significance of the asset.
19. However, the PPG is clear that the permission in principle consent route is a 2 stage process that separates the consideration of matters of principle from the technical details. Therefore, potential impacts on matters including living conditions, neighbouring businesses and non-designated heritage assets do not fall within the scope of consideration at this first stage. Accordingly, I have not taken them into account in reaching my decision.

Planning Balance

20. Paragraph 11 d) of the Framework sets out that permission should be granted where the policies which are most important for determining the application are out-of-date, including situations where the council cannot demonstrate a five year supply of deliverable housing sites (5YHLS). In this case, there is evidence before me that the Council is able to demonstrate in excess of a 5YHLS and therefore the provisions of paragraph 11 d) do not apply.
21. One dwelling would make a minimal contribution to the supply of housing. There would be minimal economic benefits, primarily in the short-term during the construction phase. The social benefits would be severely limited by the inaccessible location, and the reliance of future occupiers on private car journeys. The appeal site is not in a suitable location for new residential development and there would be harm as result of the conflict with the Council's locational development strategy. The proposal would result in harm to the character and appearance of the countryside. These harms would outweigh the very limited economic and social benefits of the proposal.

Conclusion

22. I have found that the proposal would conflict with the development plan and there are no other considerations that would outweigh that conflict. For this reason, the appeal should therefore be dismissed.

Sarah Manchester

INSPECTOR