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# Appeal Decision

Site visit made on 25 February 2014

by **David Richards BSocSci Dip TP MRTPI**

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

Decision date: 16 April 2014

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**Appeal Ref: APP/M2325/A/13/2200856**

**Land south of Moss Side Lane (opposite Martindale), Ribby with Wrea**

- 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 McTaggart and Mickel Homes Ltd against the decision of Fylde Borough Council.
- The application Ref 12/0720, dated 28 November 2012, was refused by notice dated 13 March 2013.
- The development proposed is outline application for approximately 50 dwellings accessed from Moss Side Lane, with associated open space and landscaping.

**Summary of Decision: The appeal is dismissed.**

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## Procedural matters

1. This is one of four appeals which concern proposals for housing development on sites outside the settlement boundary of Wrea Green. The references of the four appeals are as follows:

APP/M2325/A/13/2196494	54 Bryning Lane
APP/M2325/A/13/2200215	Land adjacent 53 Bryning Lane
APP/M2325/A/13/2200856	Land south of Moss Side Road (opposite Martindale)
APP/M2325/A/13/2209839	Land off Ribby Road, Wrea Green

2. While each proposal has site unique site specific considerations, a number of issues are common to all four appeals, including the policy and land availability context of the appeals. Due to the elapse of time between the first three appeals listed above and the fourth appeal, the local planning authority's position on land availability was updated in respect of the fourth appeal.
3. The Planning Policy Guidance, which is an important material consideration in the determination of the appeals, was issued on 6 March 2014. The main parties to all four appeals and others with an interest in the appeals were given an opportunity to comment on the implications of the planning policy guidance for the outcome of the appeals. At the same time, parties and others with an interest were given an opportunity to comment on the revised land availability position statement presented by the Council in respect of Appeal Ref: APP/M2325/A/13/2209839. I have taken all responses received to these

requests into account in determining the appeals. Given that all parties have had an opportunity to make representations in respect of Fylde Borough Council's latest housing land availability position statement as at 31 December 2013 it is appropriate for me to consider land availability issues in respect of each appeal on a consistent basis.

### **Main Issues**

4. The main issues are whether the proposal would be sustainable development in the light of the Advice in the National Planning Policy Framework (the Framework) the effect of the proposal on the character and appearance of Wrea Green and its setting in the countryside.

### **Reasons**

#### *Policy*

5. The application site is outside the current limits of development as set out in the Fylde Local Plan (LP), and the development would be in conflict with Policy SP2 of the LP. While the development plan remains the starting point for decision making, paragraph 49 of the Framework advises that housing applications should be considered in the context of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
6. The replacement Fylde Local Plan to 2030 is at an early stage and attracts little weight at present. The Council has published a preferred options document which identifies four strategic locations for development which are intended to provide for 69% of the Borough's residential development needs. These do not include any locations within or around Wrea Green, or any other rural village or settlement within Fylde. It is intended that any allocations in these areas are intended to be addressed in part 2 of the plan. The estimated adoption date for part 2 of the plan is 2016.
7. Saved policy HL2 of the Fylde Borough Local Plan identifies criteria against which development proposals will be considered, including that development should be of a scale that is in keeping with the character of the locality, and should be in a sustainable location. The policy is consistent with two of the core planning principles set out in paragraph 17 of the Framework namely: taking account of 'the different roles and character of different areas, promoting the vitality of our main urban areas ... recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it'; and 'active management of patterns of growth to make the fullest possible use of public transport, walking and cycling, and focusing development in locations which are or can be made sustainable'. I therefore accord it considerable weight.
8. Ribby with Wrea Parish Council has initiated the process of preparing a neighbourhood plan, and a draft document has been produced and consulted on. The opinion of the steering group was that any development within the parish of Ribby with Wrea must meet the needs of current residents. With regard to housing it identifies a limited need for retirement accommodation and affordable housing to meet local needs. It considers that the potential for major growth is limited by lack of supporting utilities, access and sustainability.

However it has not been through all the requirements set out in part 5 of the Localism Act, and so attracts no weight at present.

9. The application was made in outline, with all matters except access reserved for subsequent consideration.

#### *Housing Land Supply*

10. DCLG's Planning Policy Guidance ('the planning policy guidance') was published on 6 March 2014. Paragraph 030 provides advice on the starting point for the five-year housing supply. It advises that considerable weight should be given to the housing requirement in adopted local plans which have successfully passed through the examination process. That does not apply currently in Fylde. It should also be borne in mind that evidence which dates back several years, such as that drawn from revoked regional strategies, may not adequately reflect current needs. *'Where there is no robust recent assessment of full housing needs, the household projections published by the Department for Communities and Local Government (DCLG), should be used as the starting point, but the weight to be given to these should take account of the fact that they have not been tested (which could evidence a different housing requirement to the projection, for example because past events that affect the projection are unlikely to occur again or because of market signals), or moderated against relevant constraints (for example environmental or infrastructure).'*
11. The Council's position is that it is unable to demonstrate a five year supply of housing as required by the Framework. The Council's latest annual position statement on housing supply gives a figure of 4.5 years as at 31 December 2013 (Housing Supply Statement)<sup>1</sup>. This assessment uses Policy L4 of the Regional Spatial Strategy for the Northwest (RSS) which has now been revoked. Work is proceeding on the Fylde Local Plan to 2030, but it has not reached the stage where a replacement figure has been decided. In the circumstances, the Council has used the annual requirement of 306 dwellings per annum from the RSS, along with a buffer of 20% to allow for historic under-delivery as required by the NPPF (para 47). This gives an adjusted five year requirement of 2,626 dwellings, an annual figure of 525 dwellings.
12. On the supply side the Council identifies a total supply of around 2,427 dwellings consisting of 2058 anticipated net commitments identified in the Housing Land Availability Schedule, as phased commitments with outline planning permission, other sites with planning permission subject to S106 (289 units) and all outstanding applications which the Council is minded to approve (80 units). To this has been added a windfall allowance of 200 units giving a projected supply of 2627 units. An allowance has been made for 10% of all sites not coming forward, giving a predicted supply of 2365 dwellings.
13. On this basis, the shortfall against supply would be some 262 dwellings, approximately 0.5 year's supply in relation to the adjusted five year requirement.

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<sup>1</sup> This figure reflects the Council's latest position in respect of Appeal Ref: APP/M2325/A/13/2209839. For the 3 earlier appeals, the figure adopted by the Council was 3.1 years (Appeal Refs: APP/M325/A/13/2196494 & 2200215 & 2200856). The revised position primarily reflects the grant of a number of planning permissions since the previous statement of land availability dated 31 March 2013.

14. The Council's approach to the assessment of land supply has been questioned by objectors and developers. Objectors consider that the Council is mistaken in relying on a requirement derived from the now revoked RSS, and has been over cautious in its assessment of the rate at which identified sites will be developed. Developers, on the other hand, draw attention to what they consider to be flaws in the methodology, and an over-optimistic approach to the rate at which large sites will be developed in practice.
15. The CPRE and others have raised doubts over the methodology used by the Council to calculate the 5 year supply, and provided a revised assessment which indicates a supply of 6.0 years.<sup>2</sup> CPRE refer to comments by the Inspector examining the West Lancashire Local Plan 2012 – 2027, which relate to the use of 2011 census data for household growth. Using this approach, the revised household projections<sup>3</sup> indicate a need within the Borough for 265 dwellings per annum, as opposed to the 306 dwellings per annum derived from the RSS and used in the Council's Five Year Housing Supply Statement – 31 December 2013. The West Lancashire LP Inspector also considered that, instead of making up for previous underdelivery over the remaining period of the RSS (i.e from the present until 2021), the shortfall should be made up across the whole of the new local plan period, which in the case of West Lancashire was to 2027. The end date for the forthcoming Fylde Local Plan is 2030. If the West Lancashire approach were to be taken in Fylde, the shortfall would be expected to be made up over the longer period to 2030, instead of assuming that it would be made up by 2021. On this basis, CPRE identify an annual requirement of 377 dwellings per year, as against the Council's figure of 525 dwellings per year.
16. Similar representations were addressed by an Inspector who determined an appeal at Wesham (Ref: APP/M2325/A/12/2186415 decision date 1 August 2013). He concluded that the RSS evidence base was relevant to that appeal. I acknowledge that the RSS evidence base is becoming dated, and therefore that the weight to be given to it is reduced. However the Interim Household projections have yet to be tested through the local plan examination process. In the circumstances I find that the evidence base that underpinned the RSS figures remains relevant due to the absence of any more up-to-date tested figures for Fylde. With regard to the CPRE representations, West Lancashire is a different Council area in Lancashire, where the recently adopted Local Plan has been through the examination process and been found sound. While Fylde Borough Council is working on a replacement local plan, it has yet to undergo examination and its evidence base has not been tested.
17. The Council's 31 December 2013 statement has taken account of further planning permissions granted between 31 March 2013 and 31 December 2013. It has made an assessment of the likely contribution of these sites. While there has been a significant improvement to the supply position, the Council's position remains that it is unable to demonstrate the required 5 year supply of housing. Site promoters have questioned the evidence base and methodology in respect of making up the shortfall.

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<sup>2</sup> This figure represents the CPRE's latest position, in respect of Appeal Ref: APP/M2325/A/13/2209839. For the 3 earlier appeals, the figure adopted by CPRE was 5.4 years (Appeal Refs: APP/M325/A/13/2196494 & 2200215 & 2200856)

<sup>3</sup> 2011-based Household Interim Projections for Fylde DCLG 9 Apr 2013

<https://www.gov.uk/government/statistical-data-sets/detailed-data-for-modelling-and-analytical-purposes>

18. The Council's revised position adopts the approach that the housing shortfall since 2003 has been rolled forward and evenly distributed over the period to 2021 (i.e the end of the RSS period). Site promoters argue that the Planning Policy Guidance requires the shortfall should be made up in the first five years of the plan period and not spread out over the life of the plan. However I am mindful that some of the backlog may have arisen as a result of an earlier moratorium on housing consequent upon excess provision in relation to the former Lancashire Structure Plan, and that the effects of the severe downturn in housebuilding activity after 2008 has also contributed to underdelivery. I therefore consider the Council's approach to be reasonable in this respect.
19. Particular criticism was made by site promoters is the Council's reliance on four Strategic Locations for development comprising 13 housing sites, which are proposed to provide for the majority (69%) of the Borough's residential development needs up to 2030, which were expected to deliver 1340 dwellings in the first five years (of the plan preferred options) in the period up to 2017. Given the scale of some of these sites due to the infrastructure required in the current economic climate the site promoters consider that the assumed delivery rates are unrealistic. A number of the larger sites relied on for delivery have yet to secure reserved matters approval, for example Queensway, St Annes; Pontins, St Annes; Kirkham Triangle; and Cropper Road, Whitehill's. Further concerns have been expressed regarding the contribution of sites subject to S106 obligations, with little evident progress having been made towards the signing of obligations on a number of sites, including Fairways, Heeley Road; Georges Garage, Warton; Kingsway Garage, St Annes; and Axa, Lytham. Taking account of the uncertainties around delivery on these sites it is suggested that the supply figure could in reality be as low as 1930, representing a supply of only 3.24 years.
20. Site promoters have also queried the inclusion of 80 units for which the Council is minded to grant permission in the absence of an actual resolution. It is also suggested that there is no compelling evidence to support the proposed reliance on the inclusion of windfall sites totalling 200 units, as required by paragraph 48 of the Framework. As such it is argued that the Council's estimated supply is exaggerated by at least 280 units.
21. I accept that the assumptions underlying the calculation of the five year supply in Fylde may change in the future. The interim household projections show a decline in the rate of household formation in comparison with the RSS evidence base, though as has been pointed out by site promoters, this may in part reflect past shortfalls in housing completions. However, while they are the starting point for the assessment of land supply, these figures have not been tested through the local plan examination process, which moderates the weight which can be given to them. Such matters are not capable of being addressed through the appeal process, and can only properly be carried out through the preparation of the replacement local plan.
22. The Council acknowledges that since 2003 there has been an underdelivery in Fylde of 1144 dwellings against the RSS requirement. In reaching its assessment that the deliverable supply is some 4.5 years, the Council has addressed the objectives of the Framework in relation to the identification of a supply of specific deliverable sites, including the advice in Footnote 11 of the document, and the SHLAA Practice Guidance. It has not been shown that there are sufficient deliverable sites available within the Borough at the present time

that could secure an adequate supply of housing land. In the absence of an adequate supply of such land, the presumption in favour of sustainable development is engaged. Given the objective within the Framework to boost significantly the supply of housing, LP Policy SP2 is considered to be out of date and the weight attributed to it is significantly reduced. Adopting a lower annual requirement in the absence of a properly tested evidence base to justify it, as proposed by CPRE, would not secure the significant boost which the Framework aims to deliver. The Council does not seek to argue that the advice in Paragraphs 47 and 14 of the Framework is not applicable to the determination of these appeals.

23. I acknowledge the views of Appellants that the Council's assumptions on build rates and deliverability may be over-optimistic, given the scale of some of the developments and the infrastructure required. However I am also mindful that there are a number of recent cases in Fylde, referred to in the representations, of permissions being granted where sites have been promoted on the basis of their deliverability, which have subsequently encountered problems in respect of infrastructure provision or S106 requirements. In the circumstances it is understandable for objectors to feel that granting further permissions may not achieve the objective of an early increase in the supply of housing in sustainable locations, or make a significant immediate contribution to the achievement of a five-year supply.
24. Be that as it may, I conclude that, notwithstanding recent planning permissions, the Council remains unable to demonstrate a 5 year supply of housing in accordance with the advice in the Framework, and the appeals should be determined in accordance with the advice in paragraphs 47 and 14 of the Framework. The settlement boundary for Wrea Green and other settlements in Fylde District were drawn many years before the Framework was published, and do not take into account the current emphasis given to boosting the supply of housing significantly. As such the weight that can be attached to Policy SP2 is limited. Paragraph 14 of the Framework sets out the presumption in favour of sustainable development. For decision taking this means granting planning permission for development where relevant policies are out of date unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework taken as a whole, or specific policies in the Framework indicate that development should be restricted.

### *Sustainability*

25. Paragraph 7 of the Framework sets out the three dimensions to sustainable development. The economic role is concerned with building a strong, responsive and competitive economy. The development of the site would support prosperity through the creation of jobs in the construction sector during the construction period, and through ongoing maintenance and improvement. This would apply to any housing development in a sustainable location.
26. The development would also perform a social role by contributing to the provision of housing required to meet the needs of present and future generations, including a reasonable proportion of affordable housing, some of which would be provided on-site, but the majority at some unspecified location elsewhere in the Borough. These needs are not directly related to the

community of Wrea Green itself, but would contribute to the housing needs of Fylde Borough, of which Wrea Green is an integral part.

27. Support for accessible local services that reflect the community's needs and support its health, social and cultural well-being is a further aspect of the social role. This reflects the advice set out in Section 3 of the Framework, which is concerned with promoting the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship. In rural areas, the Framework advises that local authorities should be responsive to local circumstances and plan housing development to meet local needs, particularly for affordable housing.
28. Objectors to the development, including the Borough Council, consider that there is a risk of development overwhelming key local services, for example the primary school and other community facilities.
29. Wrea Green is one of the rural villages of Fylde Borough. It is located at the junction of four roads that provide connections to other settlements and has grown around that meeting point, and around the large village green that gives the village its name. The village is set in the countryside which separates it from the nearest settlements, with Kirkham 1.5 km to the east, Warton 2.5 km to the south and Lytham 4 km to the west.
30. There were 627 dwellings in the village in 2001 and 651 in 2011. When completed the development which the local planning authority has permitted at Richmond Avenue will increase the number of dwellings by some 9%. The Council considers that further growth in addition to this will exceed the capacity of existing services, meaning that residents will be more likely to travel outside of the village. If all four schemes currently at appeal were granted planning permission (in addition to the 55 at Richmond Avenue) that would amount to an additional 212 dwellings or 33% of the current number of dwellings in the village. It is argued that the central location of existing services within the conservation area offers little scope for these facilities to expand to cater for increased demand. There are particular locational constraints on the capacity of the primary school and employment area to expand.
31. There are a range of services available in Wrea Green, including a shop with post office service, primary school, church, pub, village hall, dentist, hairdressers and a café. There is a play facility as well as the Green itself, which is used for recreation. There is also a small employment area near the station. The Council accepts that there is a need for some growth in the village, to ensure it continues to thrive as a rural community. However it is argued that the scale of growth which would result from any one of the appeal schemes, let alone all four, would be excessive and beyond the needs of the community.
32. Commercial businesses would no doubt welcome the additional custom from further residential development, which would support their profitability and viability. However, the range and diversity of services available is limited. On the other hand there is no evidence any significant threat to the vitality and viability of Wrea Green in the absence of additional development. The recently commenced development at Richmond Avenue will in any event provide early support for village services and contribute significantly towards any local needs for housing arising in the village.

33. In my estimation the range of services currently available in Wrea Green are commensurate with the character and function of a village of this size. While a good range of basic local services are available, existing residents already need to travel to larger settlements to access a full range of services. There are bus services which provide a valuable link to other communities including the larger towns and centres nearby. The village is currently served by two bus routes, No 61 which runs between Preston and Blackpool via Kirkham and operates a half hourly service on weekdays and Saturdays and an hourly service in Sundays, and No 76 which runs between Blackpool and St Annes through Poulton and the rural villages of the Borough on an hourly service Monday to Saturday only. Nevertheless it is highly unlikely that the majority of new residents would use the bus services as their preferred means of transport, and there would be an increase in private car use by residents travelling to other locations to access services and for recreation and other uses.
34. With regard to the travel dimension of sustainability, I walked the route in the course of my site visits to Wrea Green. The Appeal site is within some 400 metres of the location of the majority of existing services in the village to the east of the Green, which I consider to be reasonable walking distance. The scheme includes a proposal for a new bus stop which would enhance the convenience of the site for bus users, and would be of benefit in terms of accessibility. The proposals also include provision for a footpath linking the development to the existing footpath on the east side of Moss Side Lane adjacent to 'Five Oaks'. Ownership of the verge was disputed, and currently a beech hedge on the boundary with 'Five Oaks' overhangs it. Despite extensive correspondence between the Appellant and the Highway Authority the position regarding ownership of the hedge remains uncertain. The Highway Authority considered that the verge was indeed part of the highway, and that the hedge on site today 'is the old extent of highway hedge line and is on private land at the extent of the of highway width'<sup>4</sup>. However, the width available within the highway has not been confirmed. In the absence of confirmation that a sufficient width is available to construct the footway as shown in the proposed site access plan, I cannot be confident that the access proposals are within the control of the Appellant. If delivery of the footpath connection cannot be guaranteed then serious concerns would remain in respect of pedestrian safety.
35. I accept that the appeal site is within reasonable walking distance of the facilities in Wrea Green, including bus services. There is no compelling evidence that granting permission for any one of the four proposals under consideration would be likely to overwhelm the current services available within the village (the current appeal proposal is for up to 50 dwellings). I acknowledge that the nature of the settlement is such that residents of the development would still be substantially reliant on car travel to higher order settlements for many services.
36. Having regard to the Framework advice that planning should take account of the different roles and character of different areas, recognise the intrinsic character and beauty of the countryside and support thriving rural communities within it, I do not consider that there is any pressing local justification in terms of a demonstrable need for housing to be provided specifically in Wrea Green which would justify an increase in the number of dwellings in the village of

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<sup>4</sup> Letter from Lancashire County Council dated 23 October 2013.



some 33% (including existing commitments) if permission were to be granted for all four appeals.

37. Nevertheless, it is one of the larger villages in Fylde with a range of existing services, including relatively good public transport links. The Council acknowledges that it cannot meet projected housing requirements without some release of greenfield land in the countryside adjoining villages. Taking this into account, I do not consider that a development or developments for up to 100 dwellings in total (in addition to those already permitted at Richmond Avenue), would put undue pressure on existing infrastructure.

*Character and appearance of Wrea Green*

38. The site is agricultural land which lies on the south-western side of the village and south of Moss Side Lane. It lies for the most part outside the defined settlement boundary, in an area which is therefore considered to be part of the countryside. The village developed historically around the large Village Green from which its name is taken. The centre of the village focused around the Green is designated as a conservation area. The site lies immediately adjacent to the settlement boundary, separated from the village by residential properties along its south side and Cooksons Farm. The northern boundary of the site broadly follows the conservation area boundary.
39. The site extends to some 3.3 hectares currently in arable use. There are established mature trees along the northern boundary of the site. The eastern boundary is formed by a hedgerow, with a private track and agricultural fields beyond, which separate the site from the rear boundaries of housing along Bryning Lane. Much of the southern boundary comprises mature planting and woodland. The western boundary is formed by a hedgerow about 20 metres to the east of Moss Side Lane, which is bounded by a second hedgerow. The site generally slopes upwards to the east from Moss Side Lane, with lower levels in the south west corner of the site.
40. The site is included within the SHLAA<sup>5</sup> where it is identified as Site WG15a and identified as 'Developable/A potentially suitable settlement extensions site' which could potentially deliver 79 dwellings.
41. The Appellant's Landscape and Visual Impact Assessment (LVIA) assesses the landscape sensitivity of the site as 'Low-Medium', due to containment by the woodland to the south of the site, so that growth in this direction would only be perceptible from the immediate approaches to the village. It is argued that as most of the trees and woodland on the site are found around the edges they could be retained and used as a framework for new development, giving it an inherent degree of containment and thus capacity to accommodate change. Additional tree planting could be carried out to strengthen these boundaries.
42. I acknowledge that the development would have limited visual impact on the setting of the village when viewed from a distance, as illustrated in LVIA viewpoints 1 to 4. However, to my mind the critical views are from Moss Side Lane itself in the vicinity of the appeal site and from within the village, notably from the green itself looking out towards Moss Side Lane. The appeal site and existing trees and woodland on its boundaries make a very strong contribution to the rural setting of the village, which I consider to be particularly important to the setting of the conservation area, of which the Green is the focal point.

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<sup>5</sup> Strategic Housing Land Availability Assessment 2012

The retention of open countryside on this side of the village, where it can be appreciated from the Green, appears to me particularly important. While planting could mitigate the visual impact of built development to a limited degree, and it would be possible to lessen the impact by restricting development near to Moss Side Lane to single-storey, the proposal would nevertheless involve a substantial urban extension into a sensitive part of the setting of the village.

43. In addition to the urbanising influence of the dwellings themselves, the access arrangements would require substantial changes to the appearance of Moss Side Lane to accommodate visibility splays and a bus stop. The rural character of the locality would be eroded by the removal of a hedgerow and the construction of the new access. This would conflict with criterion 2 of LP Policy HL2 as it would be out of keeping with the character of the area. It would result in significant harm to the setting of the village and the conservation area. The harm to the heritage asset, while it would not amount to substantial harm in terms of the advice in Paragraph 134 of the Framework, would not be outweighed by the wider public benefits of the proposal in terms of the contribution to housing supply, including affordable housing.

### **Other matters**

#### *Ecology*

44. In response to the refusal reason the Appellant provided additional information in the form of the Wrea Green – Great Crested Newt (GCN), Badger and Skylark Report by AECOM dated July 2013. The County ecologist has subsequently confirmed that the development was unlikely to impact on any Badger population in the area and that as no ground nesting birds were found there was unlikely to be an impact on those species. However she remained concerned about the potential for Great Crested Newts to travel to the appeal site from a pond where they are known to be present. The Appellant's discussed the situation directly with the County ecologist. Only one pond (Pond 15) some 230 metres from the site was found to contain GCN<sup>6</sup>.
45. The proposals would retain perimeter habitats which are more suitable for foraging, and the loss of the cultivated haylage field would not be considered to be optimal terrestrial habitat for newts. The mitigation proposals in the AECOM report recommend that a GCN development licence is obtained, and that the site is fenced off and trapped out for the duration of the construction period. Landscape planting of peripheral areas could be designed and managed to increase optimal habitat. This would not form part of gardens but would be managed under a long term management plan, which can be required by condition. On this basis the County ecologist concluded that the outline mitigation proposals may be adequate to form the basis of a mitigation method statement to address the issue of maintaining the population of the species at favourable conservation status. As such it was concluded that the application should not be refused on the grounds of impact on European protected species.

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<sup>6</sup> Surveys were also undertaken of a pond (Pond 7) just to the south of the appeal site prior to permission being withdrawn by the landowner, including bottle traps and egg searches. While acknowledging the survey was 'sub-optimal' the considered opinion of the Appellant's consultants was that GCN are highly unlikely to be present and even less likely to use the pond for breeding.

46. I therefore conclude that this matter would be capable of being addressed by the attachment of appropriate conditions in the event of permission being granted.

*S106*

47. There is an executed obligation dated 28 October 2013. The obligation would provide the following: 3 dwellings on the site as affordable social rented housing, with a commuted sum up to a maximum of £600,000 for off-site provision; a public realm contribution of up to a maximum of £27,250 towards the improvement of the Wrea Green Conservation Area. The affordable housing provisions are consistent with the Council's policies for the provision of affordable housing in the District and are compliant with the CIL<sup>7</sup> regulations. They should therefore be accorded significant weight. The policy basis for the public realm contribution is somewhat tenuous, and there is no indication of any specific projects on which the money might be spent. It is not clear to me from the evidence which the Council has submitted why the contribution would be necessary to make the development acceptable, and it would therefore be non-compliant with the regulations. As such, no weight can be attached to it in determining the outcome of the appeal.

*Drainage*

48. While objectors continue to express concern about the ability of the sewage and drainage systems in Wrea Green to accommodate further development, the Appellant has submitted a drainage strategy to address surface water flows from the site. The strategy demonstrates that surface water run-off would be stored on site before being released to an existing culverted water course at a rate no greater than greenfield run-off. The development would accordingly be acceptable in flood risk terms and would not exacerbate any existing problems encountered within and around the village. Existing problems of flooding in Moss Side Lane were found to be most likely to be attributable to private land which was outside the appeal site. However while it is clearly necessary that the proposed development should not make existing problems worse, it would be unreasonable to require that it alleviates existing problems that are unconnected with the site itself. Subject to the inclusion of appropriate conditions the Environment Agency has no objection to the development.
49. United Utilities, which is responsible for foul drainage, had no objection to the development subject to the provision of a separate system for surface water drainage based on sustainable drainage principles, as discussed above. While I understand the concerns of objectors over the capacity of existing drainage infrastructure, the evidence which has been presented leads me to conclude that these matters would be capable of being satisfactorily addressed by conditions.

*Highway safety*

50. Moss Side Lane is a relatively busy road providing access to the village from the Lytham direction. The highways consultee nevertheless considered that the proposed junction arrangements would not give rise to any capacity issues. The Council raised no issue in respect of access arrangements for the site in its determination of the application. A subsequent concern relating to the ability to provide a footpath link is addressed above in the context of the sustainability

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<sup>7</sup> Community Infrastructure Levy

of the site. Nevertheless, residents and the Parish Council continue to express concerns over the ability of Moss Side Lane to accommodate additional traffic, particularly in respect of its location on a bend which restricts visibility for vehicles travelling towards the Green, and for drivers emerging from the accesses to existing dwellings on the west side of the lane. I saw that the driveways to two dwellings had particularly poor visibility to the right. Be that as it may, the highway consultee had no objection to the proposed access arrangement on safety grounds. The access would be within the 20 mph zone, though the visibility requirements have been assessed on what would be appropriate for a 30 mph zone. Visibility for drivers entering and leaving the site would be adequate. While I acknowledge some concern over the forward visibility for drivers approaching the village along Moss Side Lane of vehicles stopping or slowing to turn right into the site, this matter was addressed to the highway authority's satisfaction by a revision to the access plan which moved the access to the west towards the apex of the bend. I therefore conclude that the access proposals would be acceptable, subject to the ability to provide a safe footpath connection within the boundary of highway land.

## Conclusion

51. The proposed development would cause serious harm to the setting of Wrea Green. It would fail to preserve the setting of Wrea Green Conservation area. The Framework refers to recognising the intrinsic character and beauty of the countryside and recognising the different character and function of areas. However it also attaches emphasis to the need for a significant upturn in housing delivery. Accordingly, there is a balance to be struck between protecting the countryside and ensuring an adequate supply of housing.
52. The most recent policy guidance is set out in the Planning Policy Guidance released on 6 March 2014. The section 'rural housing' is linked with the relevant paragraphs of the Framework. It emphasises that a thriving rural community in a living, working countryside depends, in part, on retaining local services and community facilities such as schools, local shops, cultural venues, public houses and places of worship. Rural housing is essential to ensure viable use of these local facilities. It advises that assessing housing need and allocating sites should be considered at a strategic level and through the Local Plan and/or neighbourhood plan process, and continues 'However, all settlements can play a role in delivering sustainable development in rural areas – and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence.'
53. While it may be considered preferable for the allocation of sites in Wrea Green and elsewhere to be conducted through the replacement Fylde Local Plan, the Council has indicated that Part 2 of the review is unlikely to be adopted before 2016. With respect to housing land, the Planning Policy Guidance confirms at Paragraph 033 that 'demonstration of a five year supply is a key material consideration when determining housing applications and appeals. As set out in [the Framework], a five year supply is also essential to demonstrating that relevant policies for the supply of housing are up-to-date in applying the presumption in favour of sustainable development.
54. In recognition of the housing supply situation, the Council has been pro-active in seeking to improve the situation and increase the immediate supply. It has granted planning permission for approved a development of 55 dwellings at a

site off Richmond Avenue, on the east side of the village and accessed from Bryning Lane. Construction had recently started on the site at the time of my site visit. The scheme will provide a mixture of affordable and market dwellings, with a play facility and a contribution towards improved public transport provision. Permission has also been granted for 67 dwellings in the countryside on the edge of Warton in 2011 and further permissions on key strategic sites have been granted on appeal.

55. In conclusion, while the absence of a five-year supply in the Borough points to a pressing need to increase housing land supply, including provision for affordable housing, in accordance with the advice in the Framework and the planning policy guidance, I consider that the adverse effects of granting permission for the development, with specific reference to the harm to the countryside setting of Wrea Green and the setting of the conservation area, would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
56. Accordingly, the appeal is dismissed.

*David Richards*

INSPECTOR

Richborough Estates