



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

Appeal Ref: APP/M2325/A/13/2196494

54 Bryning Lane, Wrea Green, Preston PR4 2NL

- 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 Tom Heywood against the decision of Fylde Borough Council.
- The application Ref 12/0456, dated 10 October 2012, was refused by notice dated 19 December 2012.
- The development proposed is construction of 25 dwellings including 5 retirement bungalows.

Summary of Decision: The appeal is allowed, and planning permission granted subject to conditions set out below in the Annex.

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) and 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.

Housing Land Supply

9. 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).'*
10. 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)¹. 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.
11. 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.
12. 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.
13. 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

¹ 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.

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.

14. 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.² 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 projections³ 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.
15. 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.
16. 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.
17. 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 NPPG 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

² 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)

³ 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>

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.

18. 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.
19. 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 NPPF. As such it is argued that the Council's estimated supply is exaggerated by at least 280 units.
20. 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.
21. 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.

22. 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.
23. 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

24. 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.
25. 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.
26. 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.
27. 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.
 28. 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.
 29. 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 they 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.
 30. 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.
 31. 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.
 32. The Appellant considers that there is good pedestrian connectivity to the village services using existing footpaths. In common with all four sites, the Council's committee report states that 'the site is on the edge of one of the larger villages in the Borough, where there is access to a range of social, economic, education, employment, recreational and transport services, and has

- connections to larger neighbouring settlements, where other services can be accessed. As such Wrea Green is a location where such development could be acceptable. It is also accepted that the 'footway from the village connects to the access point on the same side of the road and allows a good connection to the village, albeit these are at a distance'.
33. The nearest bus stop is some 800 m away. The optimal walking distance to a bus stop is considered to be 400 m. While a distance of 800 metres would not preclude bus usage it would be likely to make bus travel a less attractive option for regular commuting, or for shopping trips to larger centres with a greater range of facilities.
34. The Institute of Highways and Transportation guidelines consider that 1000 m is an acceptable walking distance for commuting, school and leisure trips, whilst for general retail trips the acceptable walking distance is 800 m. 800 m equates to approximately 10 minutes walking distance. There are a number of leisure, education, retail and other facilities, including bus stops within this distance. There are also opportunities for cycling to larger centres. The committee report applied a scoring system for accessibility which derives from the revoked RSS. While the RSS has no policy status, there is no reason to suppose that this did not provide a general indication of the relative accessibility of sites. A score above 35 represents a highly accessible site; a score of 20 – 35 represents low accessibility. The site was assessed as scoring 21 on the basis that a play area would be provided within the site. This would just fall within the category of medium accessibility. However, it has generally been regarded as providing an acceptable level of accessibility.
35. 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.
36. However I walked the route in the course of my site visits to Wrea Green, and it was less than 10 minutes walk, at a reasonable pace. The location of the site at the southern end of the village would make it slightly less convenient than land at Moss Side Lane and land off Ribby Road, but in the overall assessment I do not consider that the propensity for residents of any of the sites to use cars would be significantly different. Wrea Green having a limited range of services would mean that car use would be likely to remain important to many occupiers of developments on all sites.
37. 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 25 dwellings).

38. 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 some 33% (including existing commitments) if permission were to be granted for all four appeals.
39. 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

40. The appeal site, which lies outside the defined settlement boundary for Wrea Green, is a generally rectangular area of land that sits to the south of the dwellings on Bryning Avenue and to the west of 54 – 62 Bryning Lane, at the southern end of the village. It extends to some 1.9 hectares in total, including the detached dwelling on the frontage to Bryning Lane, along with its drive and garden. The majority of the site is a former horticultural nursery, with a number of buildings, including a former potting shed and storage building, and hardstandings remaining in place. The eastern and southern boundaries border agricultural land and have established hedgerows. Access would be from Bryning Lane. To achieve the necessary width and splays a side extension to the dwelling would be demolished, and a new garage would be built at the rear. The Council accepts that a 5.5 metre carriageway with 6 metre radii and visibility splays of 2.4 metres x 40 can be achieved, in accordance with drawing NW/DP/WRAE.1/01 dated 19 June 2013. A play area of 0.06 hectares is proposed within the site.
41. In common with the other three sites which are the subject of current appeals in Wrea Green, the development would extend residential development beyond the current settlement boundary into an area defined as Countryside. The previous use for horticulture involved various buildings and other structures such as greenhouses, most of which have been removed, but though a horticultural use is generally more intensive than field crops or grazing, it cannot be considered to be previously developed land.
42. The development would be visible in the landscape setting of Wrea Green, from the higher ground near the equestrian centre to the south. However I consider that it would be reasonably well related to the form of development in this part of the village, being to the rear of the existing residential development fronting Bryning Lane, and Bryning Avenue. While it would change the character of the site, it would be less prominent in the approach to Wrea Green from the south than the site at 53 Bryning Lane on the opposite side. There is an existing hedgerow on the southern site boundary, and the proposal for a landscape/ecological buffer would help to further assimilate new development

into the village framework. For those travelling south out of the village, the development would be visually contained by the houses on the frontage. This assessment reflects the analysis in the SHLAA⁴ which identifies the site as Site WG20, where the site is described as 'Countryside Area, natural extension to settlement boundary' and the effect on landscape/townscape is assessed as 'minimal'.

43. Saved Policy HL2 of the Fylde Local Plan sets out a number of criteria for the assessment of housing proposals. With regard to character and appearance, criteria 1 and 2 require that it should be compatible with adjacent land uses, and in keeping with the character of the locality in terms of scale, space about buildings, materials and design. The application is in outline only, and appearance is a reserved matter. Nevertheless the illustrative material indicates that the density would be generally similar to existing development, and the scale and design of the dwellings would reflect the character of nearby development. The Council's committee report considered that the development would not have any material impact on the scale of the village or the ability of available services to provide for the needs of additional residents. The separation distances and boundary treatment could be designed to ensure that there would be no adverse effects on the privacy or amenity of neighbouring properties. I accept that the outlook from some existing dwellings and rear gardens would change, and the present open character of the land would be lost. However, the planning system is intended to operate in the public interest, where private interests can be outweighed by important objectives of policy, such as promoting sustainable forms of development, including that needed to boost housing supply. Conditions can be imposed to ensure that bio-diversity is protected. There is no evidence of any harm to archaeological or historic features.
44. While the character of the site would clearly change, I consider that the harm to the character and appearance of Wrea Green would be very limited.

Other matters

Agricultural land quality

45. While the Appellant suggests that the site should be considered as previously developed land, and therefore given priority over other sites where permission is sought, the principle use was for horticulture, which is excluded from the definition of agricultural land. The site was originally considered to be Grade II agricultural land. However the Appellant has submitted a report by a specialist consultant which reports on soil examinations undertaken in 2013, including a number of hand auger borings and pit excavations, following a recognised assessment procedure. The conclusion reached is that the poor drainage of the site and the moist local climate are such that the land should be categorised 3b, and not as best and most versatile. The Council now accepts that the report provides a sufficiently robust analysis of land quality. In the light of this I conclude that the agricultural land quality should not be treated as a factor weighing against the proposal.

Unilateral undertaking

46. A unilateral undertaking has been entered into by the Appellant. The owner covenants to pay a commuted sum of £150,000 to provide a contribution to

⁴ Strategic Housing Land Availability Assessment.

off-site provision of affordable housing, being a contribution of broadly equivalent value to the provision of 10% of the dwellings as affordable housing on the site. The developer further covenants to provide 20% of the dwellings on the site as affordable housing, of which 80% shall be social rented units and 20% of a tenure to be agreed in writing by the Council. In the event of the owners being unable to identify a registered provider there is an option to pay the Council a sum equivalent to the number of affordable housing units multiplied by £50,000 (the total not to exceed £250,000). This would satisfy the requirement to provide for affordable housing in the Borough in accordance with the Council's policies. I consider that it would be necessary to make the development acceptable and would comply with the requirements of the CIL⁵ regulations. It therefore attracts significant weight.

47. The undertaking also includes a payment of £13,625.00 towards public realm improvements in Wrea Green. However, the Appellant disputes that the Public Realm contribution would be compliant with the Community Infrastructure Levy Regulations, and specifically requests that this issue is addressed in this appeal decision. The UU is worded so that the contribution will only be paid if it is found to be compliant. The Council relies on saved Policy EP 1 of Fylde local Plan. Policy EP1 states that the within the urban areas, environmental conditions will be maintained and improved through the development control process. It lists locations where environmental improvement schemes will be undertaken, including designated conservation areas, of which the area around the green is one. The site is some distance from the conservation area boundary, and the Council does not provide any information as to why the contribution would be necessary to make the development acceptable. In the circumstances, I do not consider that the contribution would be compliant with the CIL regulations, and therefore no weight can be attached to it in determining the appeal.

Drainage

48. Many objectors are concerned about the capacity of the sewerage system serving Wrea Green to accept further development, and the potential for surface water to exacerbate reported problems of flooding. The Appellant has submitted a Flood Risk assessment and drainage strategy. The strategy proposes to create a new pond to provide a balancing feature to store surface water which would then be released at rates not greater than equivalent surface water run-off. Such sustainable urban drainage systems (SUDS) are a common feature of development where flooding is an issue. The detailed design would be a matter for a reserved matters application. The site is in Flood Risk Zone 1. United Utilities, which is responsible for foul drainage, accepts that a satisfactory solution to the foul drainage can be achieved. Accordingly, I consider that these matters are capable of being addressed by the attachment of suitable worded conditions.

Ecology

49. There are many ponds in the area around Wrea Green, some of which may be capable of supporting Great Crested Newts (GCN), a protected species. Extensive surveys have been undertaken by competing developers of the ponds located to the east of Bryning Lane, where no evidence of use by GCNs was found. However, an assessment carried out in connection with the proposed

⁵ Community Infrastructure Levy

development at Moss Side (Appeal ref. M2325/A/13/2200856) concludes that there is a small population of GCN in one pond in the locality. The Appellant has now commissioned a mitigation strategy, involving the protection of existing ponds on the site and their integration into a proposed landscape buffer along the western and southern site boundaries some 5 – 10 metres wide that will provide additional suitable habitat and linkages to existing ponds outside of the. The mitigation proposals would also provide for the erection of exclusion fencing and trapping/translocation to prevent harm to GCNs during site works.

50. The Council now accepts that subject to the proposed mitigation strategy, any risk of harm to protected species has been addressed. I consider that this matter is capable of being dealt with by the attachment of appropriately worded conditions.

Conclusion

51. 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 emphasises the need for a significant upturn in housing delivery, particularly where a five year supply of housing land cannot be demonstrated. Accordingly, there is a balance to be struck between protecting the countryside and ensuring an adequate supply of housing. I have concluded above that the proposed development would cause very little harm to the setting of Wrea Green in the countryside.
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. I acknowledge that, 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. Nevertheless, having regard to the very limited harm which would result to the setting of Wrea Green in the countryside, and the absence of any other significant harm, I conclude that such harm would not significantly and demonstrably outweigh the benefits of the development when assessed against the policies in the Framework taken as a whole. Accordingly the benefits of the scheme, in terms of a useful if modest contribution to the housing needs of the Borough, including affordable housing, are sufficient to justify the grant of planning permission in this instance.

Conditions

56. The permission is in outline, so it is necessary to attach conditions relating to the submission of reserved matters. Conditions regarding the height of buildings, materials, boundary treatments, landscaping and site levels are necessary to secure a satisfactory appearance to the development. A construction plan is necessary to protect the amenity of neighbours. A condition requiring further details of the access arrangements to be submitted for approval is necessary in the interests of highway safety. Conditions addressing hedgerow retention, habitat protection, enhancement and mitigation measures are necessary in the interests of ecology. Conditions requiring details of drainage to be submitted are necessary to prevent flood risk and avoid pollution.

Formal decision

Appeal Ref: APP/M2325/A/13/2196494

57. The appeal is allowed and planning permission is granted for 25 dwellings including 5 retirement bungalows at 54 Bryning Lane, Wrea Green, Preston PR4 2NL in accordance with the terms of the application, Ref 12/0456, dated 10 October 2012, and subject to the conditions set out in the attached Annex.

David Richards

INSPECTOR

ANNEX

Appeal Ref: APP/M2325/A/13/2196494

- 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 begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) No building on any part of the development shall exceed two storeys in height.
- 5) Prior to the commencement of development details of an on-site Local Area of Play, including maintenance details and a timetable for implementation, shall be submitted to and approved in writing by the local planning authority. The provision, retention and maintenance of this Local Area of Play shall thereafter be carried out in accordance with the approved details.
- 6) No development shall take place until details of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 7) Prior to the construction of any dwellings hereby approved a detailed schedule of the materials to be used for any external surfaced areas to the dwellings, roadways and other external surfaces areas to the communal parts of the site shall be submitted to and approved in writing by local planning authority. The development shall be carried out in accordance with this agreed schedule.
- 8) Prior to the commencement of any of the dwellings hereby approved, a schedule of boundary treatments around the site perimeter, between individual neighbouring plots and the internal roadways shall be submitted to and approved in writing by the local planning authority. The approved boundary treatments shall be constructed in accordance with the approved details concurrent with the erection of the dwellings and thereafter retained.
- 9) No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of programmed landscaping for the area of residential development. The scheme shall include details of: all existing trees and hedgerows and those that are to be retained, together with measures for their protection during the course of the development; all planting and seeding; hard surfacing and the materials to be used; means of enclosure; and programme of implementation. All hard and soft landscape works shall be carried out in accordance with the approved programme and details. Any trees or plants which within a period of 5 years commencing with

the date of their planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 10) Prior to the commencement of any on-site demolition or other development associated with this permission a construction plan shall be submitted to the local planning authority and approved in writing. The plan shall include methods and details of demolition and construction; vehicle routing to the site; construction traffic parking; any temporary traffic management measures; and times of construction, access and deliveries. The construction plan shall be adhered to during demolition and the construction of the development.
- 11) Prior to the commencement of any development a detailed design for the access to the site shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be implemented in accordance with the approved details. The drawing shall provide for a carriageway width, pedestrian footway width and location, junction radii and visibility splays that are at least equivalent in standard to those shown on Mayer Brown drawing NW-DP-WRAE.1.01. The access shall be provided to that specification to at least base course level prior to the commencement of the construction of any dwelling hereby approved.
- 12) The development hereby permitted shall be implemented in full accordance with the Great Crested Newt Mitigation method Statement prepared by Cameron S. Crook & Associates and dated July 2013.
- 13) No works shall be undertaken between the months of March and July inclusive until a walkover survey of the site and its boundary hedges has taken place in order to establish the presence of any breeding birds and the results submitted in writing to the local planning authority. Should the presence of any breeding birds be identified, a mitigation and phasing scheme for demolition and construction work in the vicinity of their nesting sites shall be submitted to and approved in writing by the local planning authority and implemented throughout demolition and construction of the dwellings.
- 14) All existing lengths of hedgerow within the proposed residential development area shall be retained, except for where their removal is required for the formation of access points or visibility splays, or in other limited circumstances where an equivalent or greater length of hedge is provided as a replacement and has been previously agreed in writing by the local planning authority. No removal, relaying or works to existing hedgerows shall be carried out between March and August inclusive in any one year unless otherwise agreed in writing by the local planning authority.
- 15) Prior to the commencement of development a detailed levels plan indicating the existing and proposed ground levels and proposed finished floor levels throughout the site shall be submitted to and approved in writing by the local planning authority. The development thereafter be implemented in full accordance with the approved plan.
- 16) No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme for surface water drainage, in general accordance with the Drainage Assessment and

Future Drainage Strategy prepared by Hamilton Technical Services and dated 13 June 2013. Such details shall include:

- (i) Information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and (including details of any onsite balancing pond);
- (ii) details of improvements to off-site drainage works, and the measures taken to prevent pollution of the receiving groundwater and/or surface waters.

The scheme shall also specify a timetable for its implementation, and provide a management and maintenance plan for the lifetime of the development, and shall be implemented/maintained in accordance with these details.

- 17) No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme for foul water drainage. The scheme shall ensure that the development is drained on a separate system with only foul drainage connected to the foul sewer and shall include details of any on-site pumping station and ongoing maintenance of the foul drainage system. Development shall be implemented in accordance with the approved scheme.

Richborough Estates