



Appeal Decision

Site visit made on 11 March 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/13/2209839

Land off Ribby Road, Wrea Green, Preston PR4 2NA

- 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 Redrow Homes Ltd (Lancashire Division) against the decision of Fylde Borough Council.
- The application Ref 13/0507, dated 6 August 2013, was refused by notice dated 13 November 2013.
- The development proposed is outline application for up to 49 dwellings (access applied for with all other matters reserved).

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

5. The site is located on the north eastern end of Wrea Green village and is some 2.95 hectares in extent. It would be accessed off Ribby Road (B5259) and is generally surrounded by a mix of residential properties and open agricultural land. To the north of the site is the Wrea Brook with open agricultural land beyond the brook. To the east there is an access track that runs along the boundary of the site between Ribby Road and a public footpath which provides a route through to the fields to the north of the site. Beyond the access track to the east is Wray (sic) Crescent which consists of a group of semi-detached dwellings. Wray Crescent also includes the Wrea Green pre-school which provides childcare for children aged 2 – 5 years. Ribby Road forms the southern boundary of the site where there are a number of substantial properties including Highgate Cottage, September Cottage, Glebe Cottage and North View Farm.

Policy

6. 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.
7. 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.
8. 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.

9. 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

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)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 Framework (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

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.

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.
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.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.
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

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>

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.
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 of 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, and 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 some 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. I accept that the appeal site is within reasonable walking distance of the facilities in Wrea Green, including bus services. With regard to the travel dimension of sustainability, there is a bus stop some 130 metres to the east of the site's entrance which serves services 61 and 76, providing a public transport link to many of the main towns and settlements in this part of Lancashire. The site is within easy walking distance of the services and facilities available in the village.
35. 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 49 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 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 set back from Ribby Road behind the existing farmyard and other frontage development. The Vicarage to the west is set in large grounds with many mature trees, and is flanked on its western side by the modern development of St Nicholas Close and Vicarage Close to the north-west. An open field provides separation between the appeal site and the Vicarage.
39. Access to the development would require the demolition of agricultural buildings which, although characteristic of a village farmyard, are not listed or within the conservation area. The site itself is currently well maintained open pasture land which at first rises gently from the watercourse on the south western boundary and then falls away to the Wrea Brook, which forms the northern boundary. There are a number of existing trees and hedgerows on the boundaries and within the site, most of which would be retained. There is opportunity for landscaping to assimilate development and maintain and enhance habitat.
40. The sketch layout submitted with the application is indicative only, but provides an illustration of how the site could be developed. It shows a development of predominantly large detached houses, with an area of higher density housing in the south-western part of the site. The development would include buffers along the watercourses and a significant area of public open space. The buffer along the Wrea Brook would provide for a balancing feature as part of a sustainable urban drainage scheme.
41. A previous appeal for housing development was dismissed in 1990⁴. The Inspector concluded that the proposed development would not constitute rounding off but would instead result in a major extension of the existing built-up area of Wrea Green northwards into open countryside, harming the present rural character and appearance of the area because of the intrusive nature of building development. While the Inspector considered that a well-designed scheme could be prepared for the site with dwellings in keeping with the general appearance and character of other dwellings in this part of the village, he did not accept that that this would be sufficient to reduce the visual impact of the buildings to an acceptable level to what are at present pleasant open fields in agricultural use. The Inspector also found that, even with planting along Wrea Brook, the development would be visible as major extension when viewed from the higher ground of the Preston to Blackpool Road, because of the open and flat nature of the site and the adjoining countryside. With regard to the effect on Ribby Road, the Inspector concluded that the necessary removal of buildings to provide an access to the site would clearly open up the development to view from Ribby Road, introducing a significant area of suburban development into a part of Wrea Green that had retained its rural air because of the closeness of the fields and farm buildings to the frontage.
42. While that conclusion remains valid, the circumstances of this appeal are substantially different. In the 1990 appeal, the proposal was being considered as an individual development, in circumstances where the settlement boundary was considered up to date, and where there was no pressing need to identify further housing land. In the present case there is an acknowledged deficiency in housing land supply, and there are other proposals under consideration in related appeals. I acknowledge that there would be harm to the rural

⁴ T/APP/M2325/A/89/130804/P2

character of Wrea Green, as identified by the previous Inspector, which would be particularly apparent to users of the public right of way which passes to the east of the site, and links to the open countryside north of Wrea Green. However I consider that the degree of harm would be very limited. I note that, while maintaining a clear objection to the development, the Council's Committee report states that 'the harm to the form of the village is less of a concern than has been raised by other recent development proposals.' Wray Crescent projects a considerable distance to the north of Ribby Road, and would provide visual containment to the east of the development. Similarly the development around Vicarage Close, to the north-west, would ensure that the development would not appear unduly intrusive in views from that direction. The set back of built development from Ribby Road, the retention of existing boundary trees and the potential for landscaping including an extensive open area on the northern boundary, would provide some scope for mitigation of the visual impact of the development, and assist in the integration of the development in the setting of Wrea Green. The harm to character and appearance is a matter to balance against housing need in the absence of an identified 5 year supply of housing.

Other matters

Section 106

43. An executed unilateral undertaking dated 20 March 2014 has been submitted by the Appellant. It requires the developer to make a financial contribution of £225,729 to the County Council as education authority towards the provision of primary school places in the locality of the site. The contribution has been calculated in accordance with the formula set out in the County Council's methodology: 'Contribution towards education places – Update December 2012' for calculating a contribution for additional places within 3 miles of the centre of the site. It is subject to a conditional clause which states that 'the educational contribution as aforesaid shall be reduced to take into account the expected availability of places in existing and any proposed primary schools for the final year for which the forecasts are available following a review of the most recent annual pupil forecasts and the expected number of pupils in local schools resulting from the implementation of any extant planning permissions and the number of pupil places to be funded by any such extant planning permissions such review to be undertaken as part of the consideration of any reserved matters planning application submitted pursuant to planning permission.'
44. The Council's position in respect of the need for the four development sites under consideration in these appeals to make a contribution to the provision of educational places has evolved over time. No requirement was sought in respect of the appeals at 53 Bryning Lane, 54 Bryning Lane and Land off Moss Side Lane. However, in consequence of other developments which have been permitted, it is now considered by the County Council that a shortfall of primary school places could give rise to a requirement for additional places to be funded through appropriate contributions. I consider that the undertaking would address the concerns of the County Council and others in this respect.
45. The undertaking also provides for a public realm contribution of some £26,705 towards the enhancement of the public realm in the village. While the Appellant has not raised the issue of compliance with the Community Infrastructure Levy regulations, I do not consider that the Council has provided

the evidence to demonstrate that such a contribution would be necessary to make the development acceptable. Accordingly, I attach no weight to it in determining the appeal

46. The undertaking makes provision for 7 two bedroom units to be provided as affordable housing as part of the development, subject to a provision that if the affordable housing cannot be transferred to a registered provider, the developer will pay a commuted sum of £50,000 per dwelling for each affordable dwelling not provided on the site, together with a commuted sum of £8,333 per market dwelling permitted to be constructed on the site, intended for the provision of affordable housing elsewhere in the administrative district of Fylde. I consider that it would satisfy the requirement to provide for affordable housing in the Borough in accordance with the Council's policies, and with the requirements of the Community Infrastructure Levy regulations. I therefore accord it significant weight.

Ecology

47. Lancashire County Council's ecologist has outstanding concerns about the impact of the proposal on bats. It is considered that further surveys need to be carried out to establish the presence or absence of bat roosts in building 9 and any trees with potential for use as bat roosts which might be affected. The Appellant's ecology consultant accepts that, whilst it is recognised that the survey work carried out (one daylight survey and one nocturnal survey), does not conform to the 2012 guidelines⁵, such guidelines are informative but not prescriptive, and expect professional judgment to be applied for each structure or potential roost. With respect to building 9, features of potential value for bats were clearly identified and assessed by daylight. The survey was optimally timed for the detection of a maternity roost, but none was detected. The lack of field signs (particularly the absence of droppings) when the interior was searched is clear evidence that no bats use the interior roof space of the building. The Appellant considers that these results demonstrate that there is no roost of significant conservation status in Building 9. It is recognised by the Appellant's ecologist that the building displays low or moderate potential for roosting bats, and bats could be found to utilise features at other times of year, or that bats could colonise the building in future. In my view the survey effort carried out on behalf of the Appellant is proportionate and reasonable. It has demonstrated that there is no evidence at present of use of the building by protected species. While it is always possible that such colonisation will occur in future, I accept that further survey work at this time is unlikely to yield different results to that carried out by the Appellant in the peak breeding season.
48. With regard to trees, it is acknowledged that there has been no nocturnal survey of trees proposed for removal or pruning, and therefore the presence or absence of bats within any crevice feature or rot cannot be guaranteed. Further surveys would be required in order to inform management works and inform any requirements for mitigation and compensation. However the Appellant points out that, while the tree survey recommends limited removal and pruning works, the trees recommended for removal are boundary trees and could be retained in the event that they prove to have any value in respect of bat conservation. Similarly with pruning works, they are arboricultural recommendations, which could be modified or deleted if necessary. None of the

⁵ Bat Surveys: Good Practice Guidelines – 2nd edition (Bat Conservation Trust 2012)

trees proposed for removal or management are necessary to accommodate the development. If further survey work at the detailed stage indicates that bats would be affected, the works to affected trees could be reviewed and eliminated from the scheme.

49. Accordingly I consider that the level of survey effort carried out provides an adequate basis on which to determine that the application would not have a significant harmful effect on protected species.

Drainage

50. Many residents have expressed concerns about the capacity of sewerage in Wrea Green to accommodate further development, without causing pollution and increasing the risk of flooding. With regard to surface water drainage, the appeal site is located in Flood Zone 1, which is the least likely to suffer tidal or alluvial flooding. The Appellant has submitted a drainage management strategy which sets out a series of natural and artificial features to retain water on site and ensure that it is released at a slow rate after storm events. Such provisions are widely found in developments where flood risk is at issue. Following submission of a revised assessment the Environment Agency is satisfied that the scheme can be implemented without increasing downstream flood risk.
51. The nearest sewer is a combined sewer that runs along Ribby Road. While I understand that residents question the capacity of the network to accept further flows from new development, United Utilities which is responsible for foul drainage confirmed that the foul only discharge from any small to medium sized development will not have a significant impact on the existing network. Neither the Environment Agency nor United Utilities had any objection to the appeal scheme on drainage grounds, and I am satisfied that such matters are capable of being satisfactorily addressed by conditions. As such there would be no conflict with criterion 10 of Policy HL2 of the LP, nor Policy EP30 of the LP, nor with the provisions of paragraph 103 of the Framework.

Traffic

52. Many residents commented on the growth in traffic through Wrea Green in recent years, which they consider to be inappropriate in a rural area, and on the potential for congestion to increase as a result of the various developments proposed in Wrea Green and elsewhere, with adverse safety effects on road users and residents. I accept that traffic levels in Wrea Green are likely to be higher at peak times than at mid-late morning when my visits occurred. Evenso, I witnessed a number of incidents of congestion in various locations, including Ribby Road, Moss Side Lane and Bryning Lane caused in the main by inconsiderate (though not illegal) parking. Nevertheless the access arrangements proposed for the various developments were considered acceptable by the highways consultee at the County Council, and individual developments would only add marginally to existing problems experienced in Wrea Green. While additional traffic is a perhaps unwelcome consequence of development, I do not consider that the general traffic levels from the various developments, considered individually or collectively, would be a sufficient ground to refuse planning permission for development which would otherwise be acceptable.

Conclusion

53. 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 some, though very limited, harm to the rural setting and character of Wrea Green, which must be balanced against the need to provide additional housing land in the absence of a demonstrable five year supply.
54. 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.'
55. Whereas 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'.
56. 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 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.
57. Nevertheless I conclude that the harm to the countryside character and setting of Wrea Green in this instance would not be so great as to 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 contribution to the housing needs of the Borough, including affordable housing, are sufficient to justify the grant of planning permission in this instance.

Conditions

58. I have considered the suggested conditions and the comments made in response, and where necessary have made minor amendments to the wording in the interests of clarity. The application was made in outline and conditions requiring the submission of details of reserved matters are therefore necessary. Conditions addressing the height of dwellings, materials used in construction and surfacing, landscaping, boundary treatment and site levels are necessary to ensure a satisfactory appearance to the development. A Construction Plan is necessary to protect the amenity of neighbours during the construction period. Conditions requiring provision of appropriate visibility splays and radii, access arrangements within the site and for the access to be completed to base course level before building work commences on dwellings is necessary in the interests of highway safety and to avoid the transfer of mud onto the road network. A condition requiring improvement of the nearby bus shelter is necessary and reasonable, though I consider it would be unreasonable to require a mechanism for ongoing maintenance. Conditions regarding hedgerow retention, tree protection, ecological surveys, and the removal of non-native plant species are necessary in the interests of wildlife and habitat protection. Conditions requiring the submission of details of foul and surface water drainage are necessary to avoid flood risk and pollution of watercourses.

Decision

Appeal Ref: APP/M2325/A/13/2209839

59. The appeal is allowed and outline planning permission is granted for up to 49 dwellings (access applied for with all other matters reserved) at Land off Ribby Road, Wrea Green, Preston PR4 2NA in accordance with the terms of the application, Ref 13/0507, dated 6 August 2013, subject to the conditions set out in the Annex to this decision.

David Richards

INSPECTOR

ANNEX

Appeal Ref: APP/M2325/A/13/2209839

Conditions

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development 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) The reserved matters shall include details of dwellings in a range of scales and designs with no dwelling or residential building exceeding 2¹/₂ storeys in height.
- 5) The reserved matters shall include details of the provision, retention and ongoing maintenance of public open space in accordance with the standards set out in Policy TREC 17 of the Fylde Borough Local Plan, including a timetable for their provision. The provision, retention and maintenance of this open space shall thereafter be carried out in accordance with the approved details.
- 6) The development shall be carried out substantially in accordance with the illustrative layout and Landscape Structure Plan by MCK Associates Drawing NO: 13-048-MP01.
- 7) 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.
- 8) Prior to the construction of any dwellings hereby approved a detailed schedule of the materials to be used in the 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.
- 9) 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. 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; and,

means of enclosure. 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 routeing 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) Construction of the dwellings shall not commence until the access to the site from Ribby Road has been constructed to at least base course level in accordance with the design shown on the proposed access plan by SCP reference SCP/13004/F01. This shall include the position of the access, the 10 m radii at both sides, the 5.5 m wide carriageway with 2m wide footways, the 2.4 x 43 m visibility splays in both directions, and any necessary alterations to the highway and street lighting associated with the provision of this access.
- 12) Prior to the commencement of development a scheme for the improvement of the nearest bus stops to the site in both directions on Ribby Road to be improved to the Quality Bus Standard shall be submitted to and agreed in writing by the local planning authority. The scheme shall identify the stops in question, the works proposed to them and the phasing of those works. The scheme shall be implemented in accordance with the approved phasings.
- 13) Prior to the commencement of development the phasing of the construction of the highway access and internal estate roads and the application of their finished surfacing, road markings, street lighting, drainage and other such works shall be submitted to and agreed in writing by the local planning authority. The development shall thereafter be implemented in accordance with the agreed details.
- 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) No development shall take place until there has been submitted to and approved in writing by the local planning authority a fully detailed scheme for habitat creation and management, including details of bat habitat creation. The scheme shall include details of mitigation and compensation measures, the management of public access, and on-going monitoring regimes.
- 16) A tree protection scheme for all trees and retained hedges on the site shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. No work of any kind shall take place until the protective fences are erected around the retained trees in the

position and to the specification agreed by the local planning authority. Such fencing shall be retained throughout the development where work of any kind is undertaken in proximity to trees and hedging.

- 17) All trees currently on the site shall be retained. If any future management works or tree removal is proposed it should be detailed in any subsequent reserved matters application and supported by appropriate ecological survey assessments in order to assess the potential for bat roosts.
- 18) A further precautionary survey of Building 9 (as identified in the submitted Ecological Survey and Assessment) shall be carried out prior to commencement of demolition works. The survey report shall be submitted to the local planning authority for approval in writing prior to the commencement of demolition works, and the works shall be carried out in accordance with the methodology for any mitigation identified in the further Bat survey.
- 19) Prior to the commencement of the development a scheme for the removal of the invasive non-native plant species identified in the submitted Ecological Survey and Assessment (Montbretia and Himalayan Balsam) shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented prior to the occupation of the development.
- 20) Prior to the commencement of development a precautionary survey of water courses within and adjacent to the site for the presence of water voles shall be submitted to and approved in writing by the local planning authority. This survey shall identify suitable mitigation and preventative measures to be implemented to minimise the opportunity for disturbance or harm to this protected species, and shall be fully implemented in accordance with the scheme as approved.
- 21) 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.
- 22) 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 line with the details proposed in the Drainage Management Strategy document prepared by Betts Associates and dated July 2013. These details shall be based on sustainable drainage principles and 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 to the Wrea Brook to 16.3 l/sec (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.

- 23) 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