

APPEALS LODGED AND DECIDED

Appeals Lodged between – 15 February – 15 March 2018

Application Number	Location	Proposal	Com/Del decision	Appeal Type	Date Lodged
17/00091/FUL	St Thomas Church Hall Church Street Garstang Lancashire PR3 1PA	Erection of one additional dwelling following demolition of existing outbuilding to former church hall and proposed alterations to car parking layout	Delegated	Written Representations	12 March 2018
17/00396/OUT	Land Rear Of Chequers And Wyresdale Smallwood Hey Road Pilling Preston Lancashire PR3 6HJ	Outline application for the erection of one detached dwelling (all matters reserved)	Delegated	Written Representations	12 March 2018

Appeals Decided between –15 February – 15 March 2018

Application Number	Location	Proposal	Com/Del decision	Decision	Date Decided
16/00650/OUTMAJ	Land East Of Copp Lane Great Eccleston	Outline application for the erection of up to 93 dwellings and up to 850sq m of D1 use (non-residential institution) with associated car parking, open space and landscaping (all matters reserved)	Committee	Allow	01 March 2018
17/00120/FUL	115 Carr Head Lane Poulton-Le-Fylde Lancashire FY6 8EG	Proposal for 2 no. additional plots - plot numbers 102 & 103 including change of alignment and position of the turning head at the end of the adoptable highway	Non determination	Allow	20 February 2018

14/00607/DIS2	Land Off Carr Head Lane Poulton-Le-Fylde Lancashire FY6 8EG	Discharge of conditions 5 (Crime report), Condition 6 (Affordable Housing Layout), Condition 8 (Drainage Layout), Condition 9 (Drainage Layout), Condition 13 (Tree Protection Plan), Condition 16 (Desk Study), Condition 17 (Construction Environment Management Plan), Condition 19 (Site access), Condition 21 (Landscape Management Plan), Condition 22 (Traffic Management) on planning application 14/00607/OUTMAJ.	Delegated	Allow	20 February 2018
16/01093/FUL	Bowses Hill Stud Neds Lane Stalmine-With-Staynall Lancashire	Retrospective application for the change of use of land for the siting of one residential caravan (for the occupation of one gypsy traveller family) and two touring caravans for leisure/cultural use	Delegated	Allow	20 February 2018
16/00978/OUTMAJ	Land South Of Rossllyn Ave Preesall Lancashire FY6 0HE	Outline application for the erection of up to 70 No dwellings, with associated access (all other matters reserved).	Delegated	Dismissed	26 February 2018
17/00807/FUL	7 Knowsley Gate Fleetwood Lancashire FY7 8AN	Proposed first floor side extension	Delegated	Dismissed	27 February 2018

arm/rg/pla/cr/18/0404nc1



Appeal Decision

Inquiry Held on 12, 13 and 14 December 2017

Site visit made on 15 December 2017

by Karen L Ridge LLB (Hons) MTPL Solicitor

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

Decision date: 1 March 2018

Appeal Ref: APP/U2370/W/17/3179744

Land east of Copp Lane, Great Ecclestone, Lancashire PR3

- 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 Metacre Limited against the decision of Wyre Borough Council.
 - The application Reference: 16/00650/OUTMAJ, dated 19 July 2016, was refused by notice dated 4 May 2017.
 - The development proposed is a residential development of up to 93 dwelling-houses and an area of land reserved for D1 uses, comprising the erection of a single storey building of between 750-850 square metres of D1 floorspace, with associated car parking, open space and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for a residential development of up to 93 dwelling-houses and an area of land reserved for D1 uses, comprising the erection of a single storey building of up to 850 square metres of D1 floorspace, with associated car parking, open space and landscaping on land east of Copp Lane, Great Ecclestone in accordance with the terms of the application, Reference: 16/00650/OUTMAJ, dated 19 July 2016, and the plans submitted with it, subject to the conditions in the annex at the end at this decision.

Procedural Matters

2. The planning application which led to this appeal was made in outline form with all matters reserved for future consideration. The submission contained a proposed illustrative site layout plan and a parameters plan¹. These plans were indicative only, with the parameters plan setting upper limits for the proposed development.
3. The description of development in the banner heading is taken from the application form. As agreed with the parties I have amended it in my decision paragraph to refer to '*up to 850 square metres of D1 floorspace*' rather than between 750 and 850 square metres of such floorspace. This change restricts the upper limits of development whilst retaining flexibility with no lower limit. I am satisfied that such an amendment would not prejudice the interests of any interested party. It was fully discussed and agreed upon at the Inquiry.

¹ Illustrative site layout 14.1032P(00)211 and proposed parameters plan 14.1032P(00)210 Revision A.

4. A local resident's group, the Great Eccleston Action Group (GEAG), applied for and was granted Rule 6² party status in the Inquiry.
5. The Council refused planning permission citing two reasons for refusal on its Decision Notice. The first reason related to the location of the development outside the settlement boundary and its visual impact upon the open countryside. The second reason related to highway safety concerns. The first reason for refusal was withdrawn early in the appeal proceedings when the Council served its Statement of Case. Later on in these proceedings the Council decided not to defend its second reason for refusal and the position was recorded in the Statement of Common Ground. As such, other than to make a short opening statement and to engage in the conditions and section 106 sessions, the Council did not play an active role in the Inquiry.
6. An executed unilateral undertaking (UU) made under section 106 of the Town and Country Planning Act 1990 (as amended) was submitted to the Inquiry. It secures financial contributions in relation to public transport, a travel plan and secondary education, as well as securing the provision of 30% of the dwellings as affordable housing. The Appellant contested the need for the public transport contribution. I shall return to this matter later.
7. At the Inquiry a query was raised about the method of execution of the undertaking by one of the parties acting under a power of attorney. Specifically the attestation clause did not reflect the position. In the circumstances I gave the Appellant an extension of time after the close of the Inquiry to submit an amended UU. This has been received, together with a certified copy of the Power of Attorney and confirmation that the Power of Attorney has not been revoked. I am satisfied that the UU has been duly and properly executed.
8. The Council and Appellant have submitted a Statement of Common Ground (SCG) indicating all areas of agreement between them and containing a schedule of recommended conditions.

Main Issues

9. Having regard to the Council's position and the withdrawal of its opposition, the two principal issues remaining in dispute between the GEAG and Appellant are the effects of the proposed development upon highway safety and its effects upon the character and appearance of the landscape and on the settlement pattern. There are also objections from others, in particular drainage matters, which I shall examine.
10. In addition there are a series of other material considerations to be taken into account. The National Planning Policy Framework (the Framework) is a material consideration of significant weight. It seeks to boost significantly the supply of housing and requires local authorities to identify, and update annually, a supply of specific deliverable sites sufficient to provide five years' worth of housing (the 5YHLS). Paragraph 49 confirms that housing applications should be considered in the context of the presumption in favour of sustainable development. In this appeal it is agreed that the Council do not have a 5YHLS for reasons which I shall come to.

² Rule 6(6) The Town and Country Planning (Inquiries Procedure)(England) Rules 2000.

Reasons

The development plan

11. Section 70(2) of the Town and Country Planning Act 1990 provides that, in dealing with proposals for planning permission, regard must be had to the provisions of the development plan, so far as material to the application, and to any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that, if regard is to be had to the development plan for any determination, then that determination must be made in accordance with the plan, unless material considerations indicate otherwise.
12. For the purposes of this appeal the most relevant development plan policies are those contained within the Wyre Borough Local Plan (LP) which was adopted in 1999. This set out housing requirements for the period 1991 to 2006 in accordance with the former Lancashire Structure Plan. On this basis the Council accepts that the relevant housing policies are out of date. Previous LP policies dealing with housing were not saved and therefore the development is silent as to the need to meet the district's full objectively assessed needs.
13. Relevant saved LP policies include Sp13 which provides that development in the countryside will generally not be permitted unless it falls within certain listed exceptions. The proposal does not fall within any of the exceptions and as such it is contrary to this policy. The objective behind policy Sp13 is to protect the countryside from unrestrained development which accords with national policy objectives in the Framework to protect the intrinsic character of the countryside.
14. Both the Council and Appellant are agreed that the settlement and countryside boundaries were adopted over 18 years ago and the LP was intended to cater for needs arising up to 2006. In addition the evidence base for the emerging development plan acknowledges that there are insufficient opportunities within existing settlement boundaries to cater for the housing needs of the borough. Taking all of the above into account the weight to be given to any conflict with policy Sp13 is substantially reduced.
15. Whilst the Council's refusal notice refers to policy Sp9 of the LP, this policy relates to the development of parcels of land within the small rural settlements and this is not the case here.
16. In addition the production of a replacement Wyre Local Plan (eLP) to cover the period 2011 to 2031 has commenced, with a publication draft open to consultation until 3 November 2017. Due to its early stage only limited weight can be attached to any policies. Policy SP1 of this emerging plan identified Great Eccleston as a Rural Service Centre where a sustainable extension to the settlement is proposed to deliver housing requirements. Allocation SA3/3 comprises around 33 hectares of land to the west of the village earmarked for up to 590 dwellings, with a link road from Copp Lane to the A586. The appeal site forms part of this allocation. I am informed that there have been a significant number of objections to the allocation. Given the very early stage and the objections I place very limited weight upon the site's allocation in the eLP.

Effect upon the settlement pattern and the character and appearance of the landscape

17. The Appellant's Landscape and Visual Impact Assessment (LVIA) confirms that the site falls within National Character Area 32: *Lancashire and Amounderness Plain* which is characterised by a rich patchwork of fields and watercourses in a flat or gently undulating landscape. At county level the site is within the Lancashire Landscape Character Assessment Area 15d: *Coastal Plain: The Fylde* which is characterised by gently undulating farmland.
18. The appeal site comprises some 5.4 hectares of open, agricultural land located on the east side of Copp Lane when travelling north into the village of Great Eccleston. This site itself consists of two fields of unremarkable grassland, separated by a hedge which runs parallel to the main road. A pond sits in the middle of the site. The fields are generally open, with views from Copp Lane across the site. However within the wider landscape, its lower lying topography means that it is not part of any sweeping or longer distance views. It is typical of the two landscape character types set out above and as such it makes a positive contribution to each.
19. To the immediate north of the site is another field which lies adjacent to existing development on the edge of the village. This site has been granted planning permission³ for up to 90 dwellings and is currently under development by Rowland Homes. As such I agree that it is appropriate to take it into account as part of any baseline assessment and I shall have regard to it as part of the immediate context of the appeal site.
20. Development of the appeal site would result in the loss of the green fields and a significant visual change to the appearance of the land. The LVIA assessed the effect on landscape character as moderate, with a minor to insignificant effect upon the landscape character types as a whole. Due to its location, its lower lying topography which limits longer distance views and its size relative to the whole character area I agree with that assessment. I now turn to consider the visual effects of the proposal.
21. The outline proposal is for up to 93 dwellings, together with up to 850 square metres of D1 use (non-residential institution) on a parcel of land depicted on the road frontage in the south-western corner of the appeal site. At the Inquiry I raised the question of the height of the D1 building with the parties. Given that the description of development specifically refers to a single storey building and this was the development consulted upon I took the view that the form of development under consideration was restricted to single storey. The parties agreed. I shall assess the proposal on this basis.
22. Views into, and of, the appeal site are relatively localised. The development would predominantly be seen from public vantage points along the highway on Copp Lane and from residential properties opposite and to the south of the site. Residents of some of the properties on the opposite side of the road, further into the village would have some glimpsed views but these would be in the context of the Rowland Homes site in the foreground. Some partial views would be obtained from a short length of the public right of way to the east where again the development would be visible in conjunction with the housing

³ Reference 15/00576/OUTMAJ and 16/00973/REMMAJ

- on the Rowland Homes scheme. Other views from further distances would be partial and glimpsed and would be in the context of the existing development.
23. I appreciate that for some of the immediate residential occupiers there would be a significant change to the views out from their properties. In the case of the occupiers at Thorne Bank I note that the illustrated scheme depicts development set back from the common boundary, with planting along this boundary to supplement the existing and somewhat intermittent hedgerows. This would be acceptable in terms of visual impacts. I shall deal with other concerns in terms of overlooking and loss of privacy later in my decision.
24. With landscaping in place, the scheme would start to soften around the edges as boundary planting became established. The development would be viewed as part of the continuation of development along Copp Lane on the edge of the settlement and in the context of sporadic roadside development along this length of Copp Lane. Housing on the site would be assimilated reasonably well with the existing development, including the new houses on the adjacent site, and would represent a respectful addition to the character of the settlement. In other words it would not appear unduly incongruous or out of kilter. I conclude that there would be limited harm to the character and appearance of the area upon maturity of an appropriate planting scheme.

Highway considerations

Background and policy

25. As part of the evidence base for the eLP, the Council worked with the County Council and Highways England to assess the capacity of the strategic road network to accommodate new housing⁴. The County Council recommended a maximum of 500 additional homes in Great Eccleston and promoted a new vehicular route connecting Copp Lane and the A586. Planning permission has now been granted for some 130 additional units on the sites identified in that document. However all statutory consultees and the Council are agreed that this appeal proposal does not trigger the need for the route to be in place.⁵
26. LP policy Sp14 criterion E requires traffic associated with developments not to have an adverse impact upon the local highway network. A Transport Statement was submitted with the application and the Highways Authority and Highways England have agreed the trip generation figures and the distribution of additional trips across the local highway network and the wider strategic road network. The concerns of GEAG fall broadly into three categories, namely: issues about the methodology and trip rates; concerns about pedestrian safety and the local highway network; and finally concerns about the cumulative impact upon the wider strategic network.
27. Whilst access is a reserved matter I need to be convinced that, as a matter of principle, a satisfactory access from the site onto Copp Lane could be achieved. The frontage of the appeal site onto the lane is some 300 metres long and for this type of road visibility splays of 2.4 metres by 102 metres are generally required. The road is generally straight along the length of the frontage and the illustrative plan provides one indication of how a satisfactory access, incorporating the required visibility splays, could be achieved. I conclude that,

⁴ Document CD8 'Implications for housing developments within the proposed Wyre Local Plan'

⁵ SCG §7.12

in principle, a satisfactory access from the site onto the main road could be achieved.

Methodology

28. The Appellant's Transport Statement (TS) used the TRICS database to estimate the number of trips which would be generated per dwelling⁶ in the AM and PM peak hours. Use of the database requires the selection of various filters and Mr Wallbank confirmed that the sample included 18 sites comprising 'suburban: out of centre sites' and 'edge of town' sites with an average of 99 dwellings. The trip generation figures were accepted by the Council, Lancashire County Council and Highways England and were the same figures as those assumed in the traffic assessment for the neighbouring site.
29. GEAG challenged the trip generation figures because the full TRICS outputs were not available and other information was lacking which made auditing difficult. The TS and the first proof of Mr Wallbank did not contain the usual printouts of TRICS data for the residential element of the proposal. The TS essentially adopted the generation rates which had already been accepted for the neighbouring site and inputted these into the assessment. TRICS data for the D1 element was included in the TS based upon an interrogation of the TRICS database for GP surgeries.
30. The GEAG produced a paper on vehicle trip generation by Dr O'Conneide and R Grealy of University College, Cork. This was a study aimed at testing the TRICS rate predictions of development by comparing the data with observed trip rates. However the study mainly measured trip rates in Cork City and County Cork and acknowledges that the most common types of dwellings in Ireland are single family, isolated dwellings in rural areas. The study further acknowledges that there is lower public transport use in Ireland than in the United Kingdom. The paper sounds a note of caution about traffic impact assessments potentially underestimating trip generation because of assumptions made about developments⁷. However the situation in Ireland, and nature of residential development there, is different to the situation in England for the reasons above. I conclude therefore that the contents of this paper do not render any material assistance in my assessment as to the robustness of the figures in this case.
31. Mr Wallbank then provided the TRICS output figures in his rebuttal statement and they were the subject of scrutiny at the Inquiry. Having regard to the selection parameters, I am satisfied that they broadly correlate with the scale and nature of the current proposal and the context in which it would be located.

Adequacy of bus services and trip rates

32. Mr McCarthy has provided evidence of the current level of bus services to and from Great Eccleston⁸. He estimates that there are some 50 buses⁹ daily from Great Eccleston to Blackpool, Lancaster, Preston, Fleetwood and Myerscough. This is a significant level of provision and would afford opportunities for travel by public transport to other larger centres. I appreciate that opportunities to

⁶ 0.551 trips per dwelling

⁷ Ibid §7 Conclusions

⁸ Inquiry document 4, page 16.

⁹ In total in both directions, see table.

travel by bus to work places may not be practicable for all workers given that the majority of the services run during the daytime hours and journey times are generally longer than by the private motor car.

33. The GEAG submitted the transport statements supporting two other, unconnected residential schemes. Whilst the DPTC Assessment applied a trips rate of 0.8 vehicles, the author of that document has confirmed that a very robust estimate was applied because the site had a fallback position and that such an approach was not usual. I accept therefore that this is not representative.
34. The second assessment was prepared for Redrow Homes in relation to a site on the edge of the Maghull built-up area. The trip rate applied in that scenario was 0.549 which is not dissimilar to the rates assumed here. Mr McCarthy has calculated the availability of public transport and compared it with the situation in Great Eccleston. He estimates that there are 182 buses per day to and from Maghull and a train station within 25 minutes' walk of the Redrow site. In addition he highlights that the buses to Maghull start earlier in the day and run later at night. Notwithstanding this I accept that the level of bus service in Great Eccleston is good for a rural village as reflected in the Council's Settlement Study confirming that Great Eccleston has a high degree of bus connectivity. I am satisfied that the trip rates assumed have been adequately justified.
35. The final methodological criticism related to the lack of a scatterplot as referred to in the TRICS Good Practice Guide. Mr Wallbank confirmed that it was unusual to provide scatterplots but in his rebuttal he provided a 'cross test' which essentially compares the mean trip rate with the median trip rate. I accept that the variation of 7.2% indicates that the data set has not been unduly influenced by data at one site (an outlier).

Pedestrian safety and the local highway network

36. For the reasons already set out I have accepted that the development on the adjacent site should form part of the baseline assessment. This development was subject to a condition requiring a scheme of improvement works including the provision of new/improved bus stops in the vicinity of Copp Lane, an upgrade of two bus stops on the High Street in the village, the provision of a footway link and improvements between the existing bus stops and the local schools and village centre and traffic calming measures on Copp Lane¹⁰. This scheme has now been approved and I have seen a plan of the works to the public highway¹¹ which includes a narrowing of the junction of South Street with Copp Lane/Leckonby Street and relocation of the existing 20 miles per hour speed limit on Copp Lane to a point further south-west. I shall take all of these matters into my account in my assessment.
37. The historic village of Great Eccleston is centred upon the High Street and a series of charming squares and narrow roads with limited footways. The northern end of Copp Lane connects into Leckonby Street¹², accessed via a sharp bend, at the 3-way junction with South Street. The narrow width of the carriageway, the acute bend and the lack of forward visibility, combined with

¹⁰ §2.4 SCG

¹¹ Appendix 1 Mr Wallbank, drawing 16039/19/1.

¹² Also referred to as Leckonby Bank.

- an absence of footways around the corner, all ensure that drivers must proceed with caution.
38. One of the GEAG concerns with regard to the local highway network relates to the nature of the pedestrian routes from the appeal site, along Copp Lane into the village. In particular Mr McCarthy gave evidence about the blind bend into Leckonby Street from Copp Lane where there is a private drive on the western side of the bend opposite the South Street junction. The roads are narrow and without pavements and bounded by stone walls in some instances, which means that pedestrians walking into and out of the village along this route must walk on the highway edge.
 39. Traffic surveys undertaken as part of the Rowland Homes application counted two-way traffic flows on Copp Lane in the order of 2000 each weekday¹³. Mr Wallbank therefore applies a rate of 220 vehicles per hour for the peak hourly flow rate. The Rowland Homes application data predicted 45 additional trips from Copp Lane to South Street in the peak hour and this must be added onto the surveyed levels. The TS predicted that the appeal proposal would generate an additional 60 trips in the peak hour along this stretch of road. GEAG estimates that the traffic for each development has been underestimated to the tune of 30 vehicles which would add another 60 vehicles to the post-development scenario. This would take the post-development traffic levels from 295 (pre-development) to 385 (post-development).
 40. Mr Wallbank has assessed the capacity of Copp Lane and the surrounding roads having regard to advice in Design Manual for Roads and Bridges which confirms that a single carriageway road of this type, with frontage access, side roads, bus stops and pedestrian crossings, would be 900 vehicles per hour in each direction or 1,500 2-way capacity. Mr Wallbank adjusts this capacity downwards to 1250 in the case of the route between Leckonby Street to South Street to The Square and the routes along South Street and Chesham Street. This is to make an allowance for the narrower carriageways and higher levels of on-street parking.
 41. The situation in Great Eccleston is heavily constrained for all of the reasons previously set out. I consider that the adjustment made by Mr Wallbank to maximum urban road capacity is on the conservative side. In other words, given the constrained nature of the local highway network as one travels through the village, I would estimate that 2-way capacity is likely to be lower than 1250. Notwithstanding this and even with a lower capacity, I am satisfied that even on the higher GEAG predicted figures, the position post-development would be acceptable and that the local highway network would be able to amply cope with the additional traffic generated.
 42. The Appellant's evidence also contains data relating to pedestrian activity along Copp Lane and from Copp Lane into the village. There have been no recorded personal injury accidents in Leckonby Street, South Street or Chesham Street in the last 5 years. Improvements to the public highway as part of the Rowland Homes scheme will entail extending the footway provision and reconfiguring the South Street junction by revised road markings. I note that Leckonby Street is subject to 20 miles per hour speed restriction and has street lighting. The footway provision is intermittent which means that pedestrians rounding the corner must walk in the highway.

¹³ § 4.0.31 Mr Wallbank's proof. Westbound 1002 vehicles per day and eastbound 1070 vehicles per day.

43. The Appellant's pedestrian count recorded 11 pedestrian movements in the peak hour in the section of road south of South Street. Higher numbers of pedestrians were recorded at this time between Chesham Street and The Square. I have walked these routes during peak hours and from my own observations it was evident that drivers were exercising caution as they entered the village from the south. Given the constrained layout, shared surfaces and sharp bends I conclude that it is likely that the 20 mph speed limit is being adhered to by the vast majority of motorists.
44. The County Council and Highways Authority removed their objections to the proposal subject to, amongst other things, the provision of a footway improvement scheme along the site frontage and a traffic calming scheme and gateway feature. The traffic calming scheme is intended to extend the 20 mph limit to the southwest corner of the appeal site and the introduction of a 'gateway feature' would signal to drivers that they were entering the village and that speeds needed to be adjusted downwards.
45. Having regard to the above I draw two conclusions. Firstly that the local highway network is operating satisfactorily. There is nothing to persuade me that there is a particular safety problem along the routes into the village for either drivers or pedestrians. My second conclusion is that, given the existing levels of traffic and pedestrians, the appeal development would result in a noticeable but acceptable increase in the levels of cars at peak hours. In addition there would be a modest increase in the level of pedestrians walking between the site and the village. There is nothing to suggest that this could not be accommodated on the local highway network or that it would result in unacceptable harm to highway or pedestrian safety.
46. Another concern of the GEAG relates to the distribution of additional trips from the D1 use on the local highway network. The Appellant had anticipated that the D1 use may come forward as a result of the relocation of the medical centre currently located in the village. There is some doubt about that. Leaving that matter aside, traffic generated as a result of the D1 use was assumed to affect only the local highway network rather than the wider strategic network. This is a reasonable assumption. Mr McCarthy points out that patients travelling in from Inskip, Little Eccleston, Over Wayre and St Michaels would all have to travel via South Street/Leckonby Street and Copp Lane to the centre. This would result in additional trips along these roads.
47. The Appellant's trip generation figures for a GP surgery of 850 square metres shows that a total of 56 2-way movements would be made in the AM peak. Not all of these would be travelling by car from the village south along Copp Lane. If a medical centre were redeveloped on the site, I would anticipate that it would serve many of the residents of the appeal site and the Rowland Homes site, most of whom would be likely to walk to the centre. In addition patients travelling in from the south would not have to travel into the village centre. For the remainder, the relocation of the medical centre would result in an additional journey along Leckonby Street, South Street and Copp Lane. Taking into account the trip generation figures I am satisfied that, adding these to the post-development scenario above would not cause such an increase in local traffic so as to cause any concerns in relation to capacity or highway safety issues for the reasons given above.

The wider strategic highway network

48. The A586, Garstang Road, is located to the north of the village and provides a link to the M55 motorway which runs to the south of the appeal site. This route would take traffic from the site along the A586 to the signal controlled junction at Windy Harbour and either west to Poulton-le-Fylde and Blackpool or south, down the A585 direct to the motorway network. An alternative route would take traffic south on Copp Lane and cross country to connect onto the A585 via the Thistleton junction.
49. Highways England (HE) and Lancashire County Council jointly requested further investigative work on the cumulative impact of the proposed development and committed developments upon the operation of the wider strategic highway network. Their requirements and the additional work undertaken are explained in a series of four Technical Notes submitted by the Appellant. The works look at the operation of the wider highway network taking into account committed development.
50. The requirements arose because HE confirmed that there are 'known issues' with the Thistleton junction, with congestion arising due to vehicles (especially right turning vehicles) finding it difficult to enter onto the A585 main road or to cross over it, at peak times. This has resulted in concerns about road safety given that drivers may attempt to enter the mainline traffic flow in small, inappropriate gaps. HE acknowledges, in its December response, that an increased number of vehicles using this junction would be likely to exacerbate these issues.
51. Manual traffic surveys were undertaken at two key junctions: the Thistleton Crossroads¹⁴ and the Windy Harbour junction¹⁵. These surveys established baseline traffic flows which were then factored forward using standard methodology to provide forecast baseline traffic flows for 2021 which is the forecast opening year of the development. An agreed list of committed developments was then taken into account and their predicted traffic generation rates calculated. These rates were then added to the baseline flows to provide a without development flow as at 2021 with all commitments in place.
52. Councillor Heyhurst and others raised concerns about any increase in the use of the Thistleton junction and in particular gave evidence about a planning application by Cuadrilla which would result in an increase in the number of trucks going through the junction. I have set out above the methodology used in the assessment; it was designed to take account of the increase in traffic from all committed development. Any future or current applications under consideration will stand to be determined on their own merits having regard to the circumstances at the date of assessment.
53. I have already looked at the trip generation figures for the housing element of the proposal. The TS had estimated how these trips would be distributed upon the wider strategic network. It was forecast that the largest proportion of trips (42%) would be via Copp Lane SW to the Thistleton junction, adding some 21 cars per hour to the peak hour traffic through this junction. Some 27% of trips generated would go through the Windy Harbour junction adding 14 cars to the

¹⁴ B5269/A585 junction

¹⁵ A585/A586 signal controlled junction.

- peak hour trips. However these existing junctions already carry large volumes of traffic and the proposal would add only 0.4% to the Windy Harbour junction and 0.8% to the Thistleton junction over and above the predicted baseline traffic.
54. The conclusions set out above were recorded in the Appellant's second Technical Note. They were provided to HE and a high level review conducted. HE were not satisfied with the information for a number of reasons. Additional traffic flows forecast to 2026 (10 years post application) were required and a directional distribution assessment was required. This second requirement was to test the number of right turning movements at both junctions which had identified issues with heavy flows and congestion with limited gaps for such manoeuvres.
55. The above work was carried out and the results recorded in Technical Note 4 which also records the accident records for a 5 year period for the Thistleton junction. Some 11 personal injury accidents were recorded, 4 of which related to driver error and 5 accidents involved right turning vehicles. At the Inquiry Mr Tattington gave evidence that he had personally witnessed a serious accident involving 4 vehicles at the Thistleton junction in the few days before the start of the Inquiry. Two other objectors gave evidence of accidents at the crossroads, including a fatal accident some 7 or 8 years ago.
56. The HE consultation response records that there has '*clearly been a marked increase in the number of accidents in 2016*' but that '*it cannot be ascertained.....whether this represents a statistical anomaly or the start of a trend*'. If the 2016 accidents are included in the data, the estimated accident rate at the junction is not considered to be above average for a staggered crossroads on a single carriageway road.
57. The final response of HE¹⁶ is dated 23 December 2016 and runs to 19 pages. It represents a comprehensive analysis of the TS and all of the technical data. A recent review of the junction by HE Managing Agents has concluded that the junction is acceptable in terms of layout, visibility and markings. In any event, I note that the traffic travelling through the Thistleton junction, from the appeal site, is unlikely to involve any right turning movements out of Thistleton Road and only one right turning movement out of Mile Road in each of the peak hours.
58. Mr McCarthy raised a concern about different trip distribution rates used by the Appellant in two parts of its evidence. The original TS analysis estimated some 42% of AM trips would be down Copp Lane SW and travel thereafter through the Thistleton junction. When further work was requested through the series of technical notes the Appellant sought to align their assumed trip distribution rates with another development analysis. The Croft analysis for a development in Elswich has assumed that of the 42% trips down Copp Lane SW, only 20% would go on to travel through the Thistleton junction. This explains the adjustment of trips rates in Mr Wallbank's table 4 specifying a trip distribution of 20% through Thistleton junction, with the trip generation of 27% of Windy Harbour remaining the same.
59. Mr McCarthy is concerned that the figures at either Thistleton junction or the Windy Harbour junction have been underestimated. If the Appellant's adjusted

¹⁶ CD B5

distribution is incorrect and all of the 42% of trips travelling down Copp Lane SW materialise at the Thistleton junction, then this would result in an additional 11 vehicles travelling through the junction in the AM peak. The original TS had assumed a higher trip rate of 21 vehicles (42%) but concluded it was not material given that it would represent an overall 0.8% increase in the traffic through that junction. On the other hand, if as Mr McCarthy advocates, the 20% traffic generation through the Windy Harbour junction should be increased to assume the 22% (or 10 cars) removed from the Thistleton junction figures¹⁷, this would only take the Windy Harbour trip rates from 13 to 23. It would represent an increase of only around 0.8% in the volume of traffic going through that junction.

60. In terms of the local network I am satisfied that these additional 10 vehicles travelling through the village would not materially affect the operation of the local highway network if added to the local trip generation figures considered earlier and combined with the D1 trip figures.
61. HE formally recommends that it has no objection to the proposals on the basis that a robust travel plan is implemented for the site but it goes on to express concerns that *'the incremental development is cumulatively and significantly increasing the number of turning movements at this junction with a corresponding significant increase in risk to safety'*. It sets out that, in the absence of a valid local plan, developments have to be considered on a case by case approach. On its own, the appeal proposal is too small to have any significant/severe impact so as to justify a recommendation for refusal.
62. It is evident that there are continuing issues with the Thistleton junction. However I must assess the effect of the current proposal on the operation of the junction having regard to all of the development which has already been sanctioned. The National Planning Policy Framework confirms that development should only be prevented on transport grounds when there residual cumulative impacts, after improvements, are severe.
63. Having regard to the above I conclude that the effects of the development on the wider strategic highway network have been fully tested. The findings are robust and they indicate that there would be no materially unacceptable effects upon the operational safety of either of the two junctions such as to justify withholding planning permission.

Car parking issues

64. Some local residents pointed to parking issues and congestion in the village. Given the location of the appeal site I would anticipate that many of the trips to the village would be on foot. In addition I note that the Rowland Homes site will provide a 26 space car park to help to alleviate parking congestion in the square at busy times. As requested I walked and drove around the village during lunchtimes and at other peak times including the end of the school day. At lunchtime and after school closing the square and adjoining streets were busy with limited parking spaces available. The above is indicative of a vibrant and bustling village centre at key times and is not unusual. I conclude that the proposal would not place any material additional demand on car parking so as to be detrimental.

¹⁷ As was done in table 3 and 4.

Other objections

Surface water run-off

65. The GEAG, local Councillors and others all raised concerns about the effect of additional houses on drainage both locally and in the wider area. The River Wyre runs through the borough some 1.2 km to the north of the site with Thistleton Brook a short distance to the east and Raikes Brook to the west of the site. I was informed that two flood storage basins at Catterall and Garstang are not to be renewed at the end of their working lives. The appeal site lies in flood zone 1 which means it is assessed as having the lowest probability of flooding. The Environment Agency Surface Water Flood Map indicates a high risk of surface water flooding around the pond area and a medium risk along the northern boundary of the site.
66. Mr Thistlethwaite, the chairman of the local cricket club, gave evidence about drainage issues. He, and others, confirmed that flooding occurred in the village on the 23 November 2017. The cricket ground shares part of a boundary with the appeal site at its north-eastern corner. The land levels fall from the appeal site, down through the cricket ground to Hall Lane which results in surface water run-off travelling through the cricket ground site. A main drain is located just beyond the rear boundary of the club and the club have made extensive efforts to clear the dyke which connects into the drain and keep it unblocked so as to maintain drainage.
67. The application was accompanied by a Flood Risk Assessment and Surface Water Drainage Strategy¹⁸. The strategy essentially seeks to protect both the site itself from surface water flooding and to prevent an increase in flood risk to adjacent land and downstream of the site. In order to do this it is proposed to restrict the surface water discharge from the site (post development) to the equivalent greenfield run-off rate from the site. This would mean that, in the case of more extreme storm events, there would be a lower discharge rate from the developed site than there would otherwise be from the undeveloped site.
68. The proposal is in outline only so an outline drainage strategy has been prepared which demonstrates that it is possible to deliver a sustainable urban drainage system. Such a system would ensure that proposed surface water flows from the development would be attenuated, by for example interception and storage, to ensure that the run-off rates are the same or less than current run-off rates. Having carefully considered the strategy I am satisfied that it is robust and could be delivered. In making their calculations the Appellant's drainage experts have not included ground filtration rates, rainwater harvesting measures or storage within swales. Each of these techniques would further reduce surface-water run-off if utilised.
69. Mr Wallbank confirms¹⁹ that the attenuated surface water from the development would drain into Raikes Brook to the east before finding its way to the River Wyre at a point just north of the village. The connection into the river is downstream of St Michael's and I accept that surface water from the development would not exacerbate any existing problems experienced in St Michael's.

¹⁸ CD A.14

¹⁹ Proof of evidence page 62.

Foul drainage

70. I also heard evidence about problems in St Michaels Road with the sewage pumping station being overrun. Mr Burke expressed concerns that the sewage from Great Eccleston is directed to the pumping station in St Michaels which cannot cope and that the development would just serve to increase the load on the St Michaels' station.
71. Again the application was made in outline form and as such I must be satisfied that there is a technical solution to dealing with foul drainage without causing problems elsewhere. Currently the proposal intends to secure a connection directly into the public sewer and this would be subject to a detailed design process and consultation with United Utilities. If such a connection is not possible then the proposal anticipates that the development could be drained via a modern sewage treatment plant with outfall into the local watercourses.
72. In normal operating conditions the intention is that foul water would be pumped, along with the existing flows from the village, to the treatment works at Churchtown. During periods of heavy rain the pumping station inflow at Great Eccleston is increased by increased surface water. During such periods the pump would continue to pump water at maximum capacity and any excess water over and above that capacity would be discharged into the River Wyre. With the development in place the surface water would not be directing water to St Michaels at any greater rate than it does currently so it is only the additional foul water which would proportionately increase the volume of water overflowing into the river.
73. Having carefully considered the objections and examined the drainage strategy I am satisfied that an appropriate method of dealing with foul drainage could be devised and secured by conditions.

The pond and biodiversity considerations

74. The proposal includes retention of most of the existing hedgerows and the existing pond which would be incorporated within public open space and an ecological mitigation area. The application was supported by an Extended Phase 1 Habitat Survey²⁰. A series of ecological surveys, desktop surveys and an ecological impact assessment have been carried out. The report concludes that, with the exception of hedge sparrow and song thrush, there were no signs of any other protected or otherwise important species. The mitigation proposals would include protection measures for the hedge sparrow and song thrush.
75. Whilst Mr Goodwill gave evidence about migrating geese using the site as a stopover, he conceded that sometimes this is only for one night. There is no substantive evidence before me to suggest that the pond is of significance in terms of migrating birds.

Living conditions of existing residents

76. The occupiers of Thorne Bank, raised concerns about the impact on living conditions. The scheme is in outline form so I need to be satisfied that the quantum of development proposed could be accommodated on the site without harming the living conditions of existing residents. The illustrative layout is

²⁰ CD A16.

just one example of how the development could be configured. It demonstrates to me that an adequate setback could be achieved from the southern boundary of the site so as to maintain separation distances sufficient to protect the privacy and outlook of existing residents.

77. Whilst there would clearly be views of the development from this adjoining property, the houses would not be positioned so close as to be overbearing or harmful to the living conditions of these existing occupiers. The D1 building would be single storey with a car park which would be situated along the site frontage. It could satisfactorily be accommodated on the parcel of land indicated without any material harm to the living conditions of existing residents. Appropriate signage would ensure that drivers did not mistake the private driveways for the car park entrance. Whilst concerns were raised about the play area shown on the illustrative plan but this is indicative only. In any event it is not unusual to have play areas in residential areas close to existing housing.

Air Quality

78. Mr McCarthy raised a concern about carbon dioxide and nitrogen dioxide levels being increased as a result of vehicle emissions. The Appellant's Air Quality Assessment²¹ looked at both the construction phase and operational phase and the effects on sensitive receptors, namely residential occupiers close to the site and on the main local highway routes. The assessment confirms that provided good practice dust control measures are implemented during the construction phase, residual air quality impacts from dust generated are predicted to be not significant. During the operational phase modelling demonstrated that air quality impacts from road traffic exhaust emissions were predicted to be negligible.

Need

79. Some objectors took the view that there was no proven need for the development. However the Council is required to gather evidence to identify the housing need for their area and then identify a five year supply of sites sufficient to meet that demand. The current LP is out of date in terms of such policies and the Council accepts that it does not have a five year supply of housing sites. The Fylde Coast Strategic Housing Market Assessment (SHMA) 2013 provided evidence as to how many dwellings may be needed in the borough for the next 15 years. This evidence base has been updated by three further addendums and represents the Council's most up-to-date in terms of the level of objectively assessed need for housing. The Council's evidence base for the eLP accepts that, to satisfy demand, the Council will have to look outside existing settlement boundaries in order to identify enough sites.

Other matters

80. Mr Clueit expressed concerns about the way in which the Council have dealt with the application and disappointment regarding the withdrawal of its objections. The Council are obliged to reconsider appeals as they progress and as new information comes to light. I must consider the appeal independently of any such assessments made by the Council and come to my own judgment about the acceptability of the proposal.

²¹ CD A17.

81. The appeal site comprises 5.44 hectares of agricultural land and the Appellant's agricultural land report confirms that it comprises sub-grade 3b which is land of moderate quality. The parties are agreed that within the borough there are substantial tracts of grade 2 land along with large areas of grade 3 land and the loss of agricultural land is not a significant consideration in the overall balance.

Other material considerations in support of the development

82. The Council and Appellant are agreed that the site is in an accessible location close to shops, schools, employment sources, public transport and other community facilities²². The proposal would make a substantial contribution to housing requirements in a borough which does not have a five year housing land supply and where there is a shortfall in delivery. Importantly 30% of the dwellings would be affordable housing which would make a significant contribution to the annual affordable homes target of 134 dwellings per annum in circumstances where there has been under-provision for a number of years. The contribution to housing attracts substantial weight in favour of development and the affordable housing contribution also adds substantial weight in support.

83. The proposal would reserve land for a D1 use in the form of a medical centre. There has been some doubt cast upon the intentions of the existing medical centre to relocate but this does not mean that another centre would not come forward. I attribute limited weight to this matter. There would be limited benefits in terms of biodiversity enhancement following retention of the pond and hedgerows and supplementary planting. The proposal would also create construction jobs and other work and whilst I appreciate that workers might not come from Great Eccleston, it is likely that they would be drawn from the workforce in the borough thus providing local employment.

Unilateral undertaking and CIL compliance

84. The executed unilateral undertaking (UU)²³ made in accordance with section 106 of the Town and Country Planning Act 1990 secures the payment of financial sums in relation to bus services, a travel plan and secondary education. It also secures the provision of 30% affordable housing on the site. Inquiry Documents 19 and 22 and a series of emails sent before and during the Inquiry set out the Borough and County Councils' justification for each of the contributions sought in accordance with the policy tests set out in the Framework and the statutory test in regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010. The Appellant accepts the contributions are properly sought in relation to all matters except that in the case of the financial contribution towards bus services. It has produced two written responses to the CIL comments of the County Council.

The bus service contribution

85. The County Council requested a financial contribution of £200,000 towards the enhancement of bus services serving the development. This would include bus service number 80 which is a subsidised service to Preston which has suffered cut backs from a one hourly service to two hourly. The projected cost of

²² §7.3 SCG

²³ Inquiry document 28.

- restoring an hourly service is in the region of £100,000 per annum²⁴. The sum of £200,000 was requested in January 2017 on the basis that it equates to a contribution of £40,000 per annum over five years to enable the service to be established.
86. Matters have moved on since the initial contribution request in that Lancashire County Council's cabinet has passed a spending programme of additional funding for rural bus services which, the Council confirms, will enable service 80 to be reinstated as an hourly service.
87. The National Planning Policy Guidance confirms that planning obligations should only be sought to mitigate the effects of unacceptable development thereby making it acceptable. The Appellant contends that this is not the case here given that the site is accepted to be in a sustainable location close to services. I have already made reference to the quantum of bus services serving the village. There are bus stops on Copp Lane which are served by regular services to St Annes, Blackpool, Poulton-le-Fylde and Preston. The funding is now in place to further enhance local bus service provision and it would appear that the original rationale for requesting the funding has now been overtaken by events.
88. I have had regard to the County Council's response²⁵ to the Appellant's points. I note that transport contributions were not ultimately pursued in relation the Rowland Homes site and that the stress on public transport increases as houses come forward. I further note that the number 80 service is subsidised and that the hourly service is reinstated. However in applying the policy tests I must ask whether or not this contribution is necessary to make the development acceptable, such that without it, the proposal would have to be denied permission. The clear answer to that has to be no, given that the funding is committed and in place and the bus services are reasonably sufficient for a site which is in a sustainable location on the edge of a rural settlement.
89. In coming to the above conclusion I have had regard to the two recent appeal decisions on sites in Elswick where the same Inspector found in both cases that the request for bus contributions was justified. The Appellant in this appeal has provided the consultation response in each of the other appeals. The evidence before the Inspector in those cases stated that the operator of one of three services to Elswick was withdrawing the service. Two things are apparent: firstly the level of service in Elswick is materially different from that in Great Eccleston and secondly there was clear evidence of viability issues leading to a withdrawal of one of the three services.
90. In the current appeal there has been a review and committed funding to the reinstatement of service 80 and I have not seen any evidence to suggest that the viability of this service is in jeopardy. I conclude that the first test has not been met and I shall not take the contribution into account. I need not consider the other tests.
91. The GEAG raised a query about the calculations in relation to the education contribution. The contribution was calculated by Lancashire County Council according to an approved formula to determine pupil yield and the financial cost per pupil place. Such financial contributions can only be requested when

²⁴ Lancashire County Council letter 24 January 2017.

²⁵ Email dated 13 December 2017.

they are needed to make the development acceptable and are fairly and reasonably related to what has been proposed. In this case the contribution is needed to meet the additional demands of development upon the Cardinal Allen Catholic High School. The contribution is to provide additional secondary places needed as a result of the development and I am satisfied that the contribution is reasonable and necessary and complies with the tests set out in regulation 122. The County Council has confirmed that it has not received any other pooled contributions towards these measures so the requirements of regulation 123 of the CIL Regulations are satisfied.

92. Mr Adkins questioned the need for affordable housing in the form of flats. The Wyre SHMA Addendum III identified a need for 134 affordable dwellings per annum over the next 5 year period, rising to a requirement for 189 affordable dwellings per annum. The proposed 30% affordable housing contribution contained within the UU is in accordance with current LP policy requirements.
93. Finally I am satisfied that the financial contribution towards the travel plan is proportionate and necessary to make the development acceptable and directly related to the operation of a travel plan on this site. I shall take it into account.

Overall Conclusions

Paragraph 14 of the Framework

94. The duty in section 38(6) of The Planning and Compulsory Purchase Act 2004 enshrines in statute the primacy of the development plan. As an essential component of the 'plan-led' system, it is also reiterated in the Framework²⁶ which is of course a material consideration to which substantial weight should be attached.
95. The Framework sets out the three dimensions of sustainable development: economic, social and environmental. These have all been considered within my reasoning. Paragraph 14 recites the presumption in favour of sustainable development and sets out what it means for decision-taking. Paragraph 49 advises that housing applications should be considered in the context of the presumption in favour of sustainable development but that relevant policies for the supply of housing should not be considered up-to-date if the Council cannot demonstrate a 5 YHLS.
96. Paragraph 14 contains two alternative limbs in relation to decision-taking. The first limb requires a balance to be undertaken whereby permission should be granted unless the adverse impacts significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole. The second limb indicates that the presumption should not be applied if specific policies indicate development should be restricted. That is not the case here so I shall go back to apply the 'tilted balance'.
97. The proposal is contrary to LP policy Sp13 because it is outside a settlement boundary. However I have substantially reduced the weight to be given to this policy conflict for the reasons set out in paragraph 14 of this decision letter onwards. I have found that there would be limited harm to the character and appearance of the area with minor to insignificant harm to the landscape types as a whole. I have concluded that there are no highway reasons which would

²⁶ §§11, 12, 196

justify withholding planning permission. I am satisfied that there are no other substantive matters which weigh against the proposal.

98. In the context of the lack of a 5 year housing land supply and a need for affordable housing I have afforded the provision of housing substantial weight and the provision of affordable housing further weight. I am wholly satisfied that the adverse impacts of allowing development do not significantly and demonstrably outweigh the benefits and as such the development proposal should be granted planning permission. I shall allow the appeal.

Conditions

99. The Council and Appellant agreed a set of conditions²⁷ which were discussed at the Inquiry. I also put forward some additional conditions for consideration by the main parties. I have considered all of the conditions in light of the advice within the National Planning Policy Guidance and I have revised some of them either as discussed at the Inquiry or in the interests of clarity and enforceability. The numbers in brackets relate to the parties agreed conditions contained within the SCG.
100. In the interests of good planning it is necessary to impose conditions setting out time limits for development and submission of reserved matters (1) but I have split the condition into three in the interests of clarity. I have not imposed the condition on affordable housing (2) since this matter is dealt with in the UU. I have imposed additional conditions to restrict the number of dwellings to 93 and to ensure that the D1 building is single storey with a restriction on floorspace as discussed at the Inquiry. I have also imposed a condition requiring the provision of public open space (3) and one reserving an area of land for the D1 use (4). I have required details of the mix of house types as part of the reserved matters application (5).
101. I have imposed the parties suggested conditions (6), (7), (8) and (9) to ensure a satisfactory system of surface water and foul water drainage for the reasons given earlier. It is necessary to impose a condition requiring a travel plan to ensure sustainable development (10). I have imposed conditions (11), (12) and (13) to ensure the protection of existing trees, to protect nesting birds and to protect and enhance biodiversity interests. A closed landfill site is situated close to the development and condition (14) is necessary to protect the development from gas.
102. It is necessary to safeguard the development from possible contaminated land and I have imposed the replacement condition discussed at the Inquiry instead of suggested condition (15). In the interests of residential amenity it is necessary to seek details of noise readings and attenuation measures in relation to the D1 use. I have simplified condition (16) to require details as part of the reserved matters submission. The site is adjacent to the cricket club on part of one of its boundaries and a scheme to protect the development from cricket balls is required (17).
103. I have replaced condition (18) with a simplified version requiring details of outside lighting in relation to the D1 use. It is necessary to include a condition requiring a construction management plan and I have amended condition (19) as discussed at the Inquiry. I have also imposed my additional suggested

²⁷ SCG

condition restricting the hours of construction. Inquiry document 26 is a revised condition in substitution for SCG condition (20) and secures off-site highway works. I have required the off-site highway works suggested by the parties. Whilst the GEAG wanted to see a paved walkway from the site to the village square, this is not practicable given the nature of the route between the site and the village and land ownership issues.

104. I have imposed the three additional conditions which I suggested (Inspector's conditions 3, 4 and 5) to require vehicular accesses to be provided and to require details of boundary treatments and surfacing and lighting of all footpaths and cycle-ways.

Karen L Ridge

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY

Mr Killian Garvey

FOR THE GREAT ECCLESTON ACTION GROUP:

Mr Dave Adkin Local Resident

Mr Reg McCarthy Local Resident

FOR THE APPELLANT:

Ms Sarah Reid Of Counsel

She called

Mr Gary Holliday Director, FPCR Environment and Design Ltd
BA(Hons) MPhil CMLI

Mr David Wallbank Director, PSA Design Ltd, Consulting Engineers
BEng(Hons) MICE

Mr Alexis de Pol Managing Director, De Pol Associates Ltd
BA(Hons) DipTP MRTPI

INTERESTED PERSONS:

Mr Paul Hayhurst	County Councillor for Fylde West
Mr Andrew Tattington	Local resident
Mr Alf Clempson	County Councillor for Poulton-le-Fylde
Mr Ian Senior	Local resident
Miss Catherine Robinson	Local resident
Mr Edward Thistlethwaite	Chairman of Great Eccleston Cricket Club
Mr John Clueit	Local resident
Mr Colin Burke	Local resident
Mr John Rowe	Great Eccleston Parish Council
Mr Goodwill	Local resident

DOCUMENTS SUBMITTED DURING THE INQUIRY

- 1 List of Appearances submitted on behalf of the Appellant.
- 2 Council's letter of notification of the Inquiry and list of those notified.
- 3 List of post proof submissions to the Planning Inspectorate, prepared by the Appellant.
- 4 Mr McCarthy statement and presentation notes, submitted by the GEAG.
- 5 GEAG presentation on planning matters.
- 6 Leaflet of bus timetables for services 75, 76, 77 and 77A, submitted by the Appellant.
- 7 Opening submissions on behalf of Wyre Borough Council.
- 8 Opening submissions on behalf of the Appellant.
- 9 Councillor Alf Clempson letter dated 12 December 2017
- 10 Email from Mr Adkin to the Appellant's representative dated 6 December 2017, submitted by the Appellant.
- 11 Notes of Mr John Clueit.
- 12 Mr Rowe speaking notes.
- 13 Mr Ian Senior speaking notes.
- 14 Ms Catherine Robinson speaking notes.
- 15 Letter from Great Eccleston Cricket Club dated 28 November 2017.
- 16 Rowland Affordable Housing Statement, submitted by the Appellant.
- 17 List of Original Application Submission Documents
- 18 Office copy entries of the land registry title plan, submitted by the Appellant.
- 19 CIL regulations compliance statement, submitted by the Council.
- 20 Email Lancashire County Council Highway Authority dated 13 December 2017, submitted by the Council.
- 21 Email between Appellant and Practice Manager dated 19 April 2016, submitted by the Appellant.
- 22 Further response to Lancashire County Council's CIL Comments, submitted by the Appellant.
- 23 Appellant's response to CPRE statement.
- 24 Closing submissions on behalf of the Appellant.
- 25 Closing statement from Great Eccleston Action Group.
- 26 Amendments to suggested conditions in Statement of Common Ground, submitted by the Council and Appellant.
- 27 Inspector's suggested conditions.
- 28 Executed unilateral undertaking dated 18 December 2017.

PLANS SUBMITTED DURING THE INQUIRY

- A Annotated plan of St Michael's on Wyre submitted by Mr Burke
- B Annotated 2017 SHLAA sites plan submitted by the Great Eccleston Action Group.

ANNEX: SCHEDULE OF CONDITIONS

- 1) The development hereby permitted is for up to 93 dwellings only.
- 2) The development hereby permitted relates to the site edged red on the location plan dated 9 March 2016. The reserved matters submission shall be in general accordance with Illustrative Site Layout 14.1032 P (00) 211 and Parameters Plan 14.1032 P (00)210 revision A.
- 3) The D1 building hereby permitted shall be single storey in height with a floorspace of no more than 850 square metres.

Reserved Matters

- 4) Details of the appearance, landscaping, access, layout and scale (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development commences and the development shall be carried out as approved.
- 5) 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.
- 6) The development shall begin not later than whichever is the later of the following dates: the expiration of two years from the date of final approval of the reserved matters OR, in the case of approval on different dates, the final approval of the last reserved matters to be approved.
- 7) The reserved matters submission in relation to appearance shall include details of all boundary treatments to be carried out on the perimeter boundaries of the site and details of any boundary enclosures to be erected or grown within the site. The perimeter boundary treatments shall be carried out in accordance with the approved details and completed prior to any dwelling being first occupied and the boundary treatments in relation to individual plots shall be carried out and completed on each respective plot prior to its first occupation.
- 8) As part of any reserved matters application in relation to layout, public open space shall be provided on site in accordance with the adopted local plan policy requirements for the provision of public open space and such area or areas of public open space shall be provided and available for use in accordance with a scheme which has been submitted to, and approved in writing by, the Local Planning Authority prior to the first occupation of any dwelling on the site. The scheme shall include details of the future maintenance of the public open space which shall be retained permanently thereafter and maintained in accordance with the approved details.
- 9) As part of any reserved matters application in relation to layout, an area of land as shown cross hatched blue on the submitted Parameters Plan reference 14.132P(00)210 Revision A shall be reserved for the future provision of a medical centre for use within class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification. For the purpose of this condition a medical centre is taken to mean the provision

of health and/or dental services, offered by a public sector provider, and any ancillary pharmacy use.

- 10) As part of any reserved matters application in relation to layout, a scheme for the provision of a mix of house types shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved mix of house types.
- 11) As part of any reserved matters scheme in relation to layout of the D1 building details of noise readings for cumulative noise from all noise sources and any noise attenuation measures required as a result shall be submitted to and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved measures.

Before commencement of development

- 12) Development shall not begin until details, including surfacing and lighting, of all footpaths and cycleways within the site and their connection with the existing highway network, have been submitted to and approved in writing by the Local Planning Authority. The details so approved shall have been fully implemented in accordance with a timetable and programme of works submitted to and approved in writing by the Local Planning Authority before any of the dwellings are occupied.
- 13) Prior to the commencement of development of the housing or class D1 building hereby permitted, a scheme for the drainage of foul water for that element shall be submitted to, and approved in writing by the Local Planning Authority. The drainage scheme for each element shall be installed in accordance with the approved details before that element is first occupied or brought into first use. The approved drainage scheme shall be in accordance with a drainage strategy that shall be submitted to and approved in writing by the Local Planning Authority prior to, or simultaneously with the submission of a reserved matters application in respect of layout.
- 14) Prior to the commencement of development of the housing or class D1 building hereby permitted, a scheme for the drainage of surface water for that element shall be submitted to, and approved in writing by the Local Planning Authority. The surface water drainage scheme for each element shall be installed in accordance with the approved details before that element is first occupied or brought into first use. The approved drainage scheme shall be in accordance with a surface water drainage strategy that shall be submitted to and approved in writing by the Local Planning Authority prior to, or simultaneously with the submission of a reserved matters application in respect of layout. The surface water drainage scheme shall include the following details:
 - Information about the lifetime of the development design storm period and intensity (1 in 30 & 1 in 100 year +allowance for climate change) discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance and easements where applicable, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or

surface waters, including watercourses, and details of flood levels in AOD;

- The drainage scheme should demonstrate that the surface water run-off (post development) will not exceed the existing greenfield rate. The scheme shall subsequently be implemented in accordance with the approved details before the development is first occupied;
- Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- Flood water exceedance routes, both on and offsite;
- A timetable for implementation, including phasing where applicable;
- Site investigation and test results to confirm infiltration rates;
- Details of water quality controls, where applicable.

The approved scheme shall be fully implemented and subsequently maintained in accordance with the timing/phasing arrangements approved, or within any other period as may be subsequently approved by the Local Planning Authority.

- 15) Prior to the commencement of the development hereby approved, details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development shall be submitted to, and approved in writing by, the Local Planning Authority. The details shall, as a minimum, include:

- The arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company;
- Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable urban drainage system (including mechanical components);
- Means of access for maintenance and easements where applicable.

The plan shall be implemented in accordance with the approved details prior to first occupation of any of the dwellings hereby permitted or completion of the D1 development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

- 16) The development hereby permitted shall be carried out in accordance with the recommended measures in the Arboricultural Report produced by Urban Green in April 2016.
- 17) No development shall commence until a Habitat and Landscape Conservation and Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved protection measures shall be implemented in full prior to commencement of construction works and the approved biodiversity measures shall be

implemented in full in accordance with an approved timetable. The measures shall include:

- Details of hedgerows and trees to be retained together with measures for their protection during construction;
 - Provision for the retention of the existing pond and surrounding habitats and details of protection measures during construction;
 - Provision for the retention of the boundary ditch and associated habitats and details of protection measures during construction;
 - A method statements detailing measures to avoid harm to amphibians during the course of groundworks and construction;
 - Details of biodiversity enhancement measures to include suitable planting schemes and provisions of features for wildlife such as bird nesting and bat roosting boxes.
- 18) No trees shall be felled or vegetation cleared during the main bird nesting season (March to July inclusive) unless a report undertaken by a suitably qualified and experienced ecologist demonstrating the absence of nesting birds has first been submitted to, and approved in writing by, the Local Planning Authority.
- 19) Prior to the commencement of development a gas monitoring programme and risk assessment of the results shall be undertaken to confirm whether or not gas protection measures are required. Any gas monitoring programme must be carried out over a period of at least three months and include at least three readings where the atmospheric pressure is below 1000mb. Gas flow rates must be provided and the results shall be submitted to, and approved in writing by, the Local Planning Authority.
- If the monitoring programme indicates it, or in the absence of monitoring taking place, the development shall incorporate suitable gas protection measures, details of which have been submitted to, and approved in writing by, the Local Planning Authority. The measures shall include as a minimum: ventilation of confined spaces within the buildings; a ground slab of suitable construction; a low permeability gas membrane; minimum penetration of the ground slab by services; and passive ventilation to the underside of all buildings.
- 20) (i) No development shall take place until a site investigation of the nature and extent of any contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the Local Planning Authority. The results of the site investigation shall be made available to the Local Planning Authority before any development begins. If any significant contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before any development begins.

(ii) Any Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented in accordance with the approved timetable of works and before the development hereby permitted is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. On completion of the works the developer shall submit to the Local Planning Authority written confirmation that all works were completed in accordance with the agreed details.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this contamination shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures and shall be completed prior to first occupation of the development permitted as evidenced by a completion certificate submitted to the Local Planning Authority.

- 21) Prior to the commencement of development a scheme detailing measures to prevent cricket balls from the adjoining cricket club from causing damage to property on the site shall be submitted to, and approved in writing by, the Local Planning Authority. The approved measures shall be installed prior to first occupation of the dwellings on the boundary adjacent to the cricket club and retained permanently thereafter. The scheme shall include details of the position, height and specification of the protective netting.
- 22) Prior to the commencement of development a scheme of off-site highway improvement works shall be submitted to, and approved in writing by, the Local Planning Authority. These works shall include a footway improvement scheme to deliver a 2 metres wide footway along the site frontage; the provision of new/improved bus stops to Quality Bus Stops standard in the vicinity of the site at locations to be approved; and a traffic calming scheme and speed limit review- to extend the 20mph speed limit to the southwest corner of the site and the introduction of a gateway feature and traffic calming measures. Further details shall be in accordance with plan D2238/HW1- Off-site Highway Works or as approved in writing by the Local Planning Authority. No dwellings hereby permitted shall be first occupied unless the approved off-site highway improvement scheme has been implemented in full.
- 23) No development, including any preparatory works, shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement must demonstrate the adoption and use of best practicable means of reducing the effects of noise, vibration, dust and site lighting during the construction period. The approved Statement shall be adhered to throughout the construction period and shall provide for:
 - Procedures for complaint management and a point of contact for the public as well as liaison with the Council's Environmental Protection Team;
 - The parking of vehicles for site operatives and visitors;
 - The loading and unloading of plant and materials;

- The storage of plant and materials used in constructing the development and compound locations;
- The routing of construction vehicles
- The erection and maintenance of security hoarding including decorative displays;
- Wheel washing facilities;
- Measures to control noise and vibration and the emission of dust and dirt during construction as well as site lighting;
- A scheme for recycling/disposing of waste resulting from demolition and construction works.

Before first occupation

- 24) Prior to first occupation of any of the dwellings hereby permitted, a full travel plan shall be implemented in accordance with details which have been submitted to, and approved in writing by, the Local Planning Authority. The approved Travel Plan and Travel Plan Co-ordinator shall be in place and be operational prior to first occupation of any of the dwellings hereby permitted and thereafter for a period of not less than five years.
- 25) No dwelling shall be occupied until the vehicular accesses serving the domestic plots, driveways, car and cycle parking spaces, turning areas and parking courts that serve that dwelling have been constructed, laid out, surfaced, lit and drained in accordance with details that have been first submitted to and approved in writing by the Local Planning Authority.

Other conditions

- 26) No demolition, ground works or construction works shall take place outside the following hours: 0800 to 1800 hours on Mondays to Fridays and 0900 to 1300 hours on Saturdays. There shall be no such work on Sundays or Public or Bank Holidays.
- 27) Foul and surface water shall be drained on separate systems.
- 28) No external lighting shall be installed on the land reserved for the D1 use unless details of it have first been submitted to, and approved in writing by, the Local Planning Authority.

END OF CONDITIONS



Appeal Decisions

Hearing Held on 30 January 2018

Site visit made on 30 January 2018

by Helen Hockenhull BA(Hons) B.PI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 February 2018

Appeal A

Appeal Ref: APP/U2370/W/17/3182594

Land at Carr Head Lane, Poulton le Fylde FY6 8EG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Gary Fox, Redrow Homes Lancashire against Wyre Borough Council.
 - The application Ref 17/00120/FUL is dated 18 January 2017.
 - The development proposed is 2 No. additional plots - plots 102 and 103 including change of alignment and position of the turning head at the end of the adoptable highway.
-

Appeal B

Appeal Ref: APP/U2370/W/17/3183195

Land at Carr Head Lane, Poulton le Fylde FY6 8EG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Mr Gary Fox, Redrow Homes Lancashire against Wyre Borough Council.
 - The application Ref 14/00607/DIS2, dated 19 August 2016, sought approval of details pursuant to conditions Nos 5, 6, 8, 9, 13, 16, 17, 19, 21 and 22 of planning permission Ref 14/00607/OUTMAJ, granted on appeal on 20 January 2016.
 - The application was part approved (Condition 6 –affordable housing layout, Condition 13 –tree protection plan, Condition 17 -construction environment management plan, Condition 19 -site access, Condition 21 –landscape management plan and Condition 22-traffic management) and part refused (Condition 5 -crime report, Condition 8 -surface water drainage layout, Condition 9 -foul water drainage layout and Condition 16 -gas monitoring) by notice dated 1 June 2017.
 - The development proposed is the erection of up to 100 dwellings.
 - The details for which approval is sought are: surface water drainage layout (Condition 8) and foul water drainage layout (Condition 9).
-

Decision

Appeal A

1. The appeal is allowed and planning permission is granted for 2 No. additional plots - plots 102 and 103 on land at Carr Head Lane, Poulton le Fylde FY6 8EG in accordance with the terms of the application, Ref 17/00120/FUL, dated

18 January 2017, subject to the Conditions in the attached schedule.

Appeal B

2. The appeal is allowed and I approve the details submitted pursuant to Conditions 8 and 9, attached to planning permission ref 14/00607/OUTMAJ granted on appeal on 20 January 2016, in accordance with the application ref 14/00607/DIS2 dated 19 August 2016.

Procedural Matters

3. Appeal B relates to an application seeking approval of a number of details required by Conditions on the original planning permission for the development. This appeal concerns Conditions 8 and 9 only, which relate to the surface water and foul drainage scheme for the site.
4. An addendum to the Statement of Common Ground dated 20 December 2017 was submitted by the parties on 25 January 2018 before the hearing commenced. This indicated that a duplicate application¹ to discharge the conditions the subject of Appeal B, had been approved by the Council on 22 December 2017. Turning to Appeal A, the two additional plots, the main area of dispute also concerned the lack of an agreed surface water drainage scheme. I was advised that with the discharge of Conditions 8 and 9, the differences between the parties with regard to this proposal had also been resolved.
5. In addition the Addendum advised that the requirement to seek contributions towards primary and secondary education, originally requested by Lancashire County Council, the Education Authority, had been withdrawn. So too had the Council's requirement for a further contribution towards affordable housing. Accordingly there were no remaining areas of dispute between the parties. The Council confirmed that accordingly, they would not be presenting any evidence at the hearing. The hearing proceeded on this basis.
6. In relation to the submitted plans, the drainage layout submitted in Appeal A had the reference Drawing No. 4212/ENG001-1 Rev A. In respect of Appeal B the plan was referenced Rev C. It was confirmed at the hearing that the most up to date plan was Rev C and it was this plan that should be considered with regard to both appeals. In light of the very minor differences between the plans and in the interests of consistency, I consider that the substitution of the Drainage Layout plan in Appeal A would not materially prejudice the interests of third parties. I have therefore had regard to this later revision of the plan in both appeals.
7. The description of development in Appeal A included a change to the alignment and position of the turning head at the end of the adoptable highway. It was confirmed by the appellant that this is no longer proposed, the scheme reverting back to the turning head as originally approved. I have considered the appeal proposal on this basis and I have omitted reference to the turning head in my decision above.

Main Issue

8. The main issue common to both appeals is whether appropriate provision has been made for surface water drainage having regard to sustainable principles.

¹ Planning application ref 14/00607/DIS2

Reasons

9. Outline planning permission, reference 14/00607/OUTMAJ, for the development of up to 100 dwellings on the site was granted on appeal on 20 January 2016. A reserved matters application was then approved by the Council on 2 November 2016. Conditions 8 and 9 of the outline approval required the submission of the details of both surface and foul water drainage schemes respectively. It is these details that are the subject of Appeal B.
10. The proposed surface water drainage strategy involved water draining to an attenuation pond and then being discharged to an existing 750 mm surface water sewer. The Council considered that this proposal was not sufficiently based on sustainable principles and was therefore unacceptable. In light of possible consequential changes to the foul water drainage scheme, Condition 9 was also not approved.
11. Following the grant of the original planning permission, the appellant applied for permission for 2 additional plots on the site, no's 102 and 103 (application reference 17/00120/FUL). The Council failed to determine this application due to the outstanding issue of surface water drainage for the wider site.
12. The outline planning application for the housing development was accompanied by a Flood Risk Assessment (FRA). This recommended that surface water should drain to an existing watercourse located on the southern boundary of the site. However a subsequent detailed topographical survey undertaken by the appellant illustrated a fall across the site from around 7.6 metres on the southern boundary to approximately 6.7 metres on the northern boundary. In order to achieve a gravity led surface water drainage system, the appellant advised that it would be necessary to raise land levels by around 4 metres on the northern boundary and 2.5 metres on the southern boundary. I agree with the parties that this original option would not be acceptable due to the amenity issues it would raise, in particular the significant number of vehicle movements importing fill material.
13. I was advised at the hearing that a number of alternative drainage proposals had been considered by the appellant and discounted for a range of reasons. In considering these I have had regard to the hierarchy of drainage options outlined in Planning Practice Guidance². These include infiltration, drainage to a surface water body, drainage to a surface water sewer, highway drain or another drainage system and finally drainage to a combined sewer.
14. I am satisfied that an infiltration system would not be feasible on this site due to adverse ground conditions. In order to achieve drainage to the nearby watercourse as originally proposed in the FRA, a pumped solution was considered by the appellant. As a result of site levels, this would require a number of small micro pumps. I accept that this option would create longer term maintenance issues and increased overall cost.
15. At the hearing the possibility of a hybrid system was discussed with the northern part of the site being drained to the surface water sewer and the southern area draining to the watercourse. I was informed that this would only be feasible for a small number of properties on the southern boundary again due to level differences. Furthermore this option would raise maintenance

² Paragraph: 080 Reference ID: 7_080-20150323

issues as only the public sewer system would be managed by a public body, in this case United Utilities. The remaining system would need to be privately maintained with additional management costs borne by future residents. I agree that this option would be unlikely to be workable.

16. Turning to the submitted scheme, I acknowledge that whilst surface water would drain to a surface water sewer, it would be held on site in an attenuation pond and released at greenfield run off rate. The scheme would therefore have a sustainable element, reducing the potential for flooding and providing benefits for wildlife and recreation. However I am not satisfied from the evidence before me, that further sustainable measures, for example swales or other open water channels running through the proposed open space area, have been appropriately considered.
17. That being said, the Council's approval of the resubmitted application to discharge Conditions 8 and 9 forms a material consideration. It was confirmed at the hearing that this scheme is the same as that proposed in Appeal B and it has already been substantially implemented on the site.
18. Taking account of all the relevant factors in this case, whilst I consider that a scheme with additional sustainable drainage elements would have been desirable, I find that overall, the surface water drainage scheme the subject of Appeal B, would form an acceptable solution having regard to the hierarchy of drainage options.
19. It has been brought to my attention by the Council that there are plans to develop adjoining land to the east of the appeal site. The surface water strategy for this neighbouring development proposes discharge to the watercourse not to main sewer. I have been provided with few details of this scheme for example the ground conditions, levels etc in order to assess whether comparison can be made with the appeal scheme. I understand the Council's concern that approval of the drainage scheme submitted in this appeal could encourage developers to ignore a sustainable drainage hierarchy in favour of discharge to mains sewer. However such a scheme has already been approved by the Council in the resubmitted discharge of condition application, albeit with an attenuation pond. In any event each scheme must be considered on its individual merits having regard to the particular site circumstances.
20. The details of foul drainage submitted pursuant to Condition 9 propose foul water should be pumped to an existing combined sewer. The Council has raised no specific issues with regard to this strategy. In light of my finding with regard to the surface water drainage scheme for the site, I find no reason why the foul drainage details should not be approved.
21. In so far as being relevant to a proposal to discharge details pursuant to a planning condition, the drainage details for the site would be supported by Saved Policy ENV 15 of the Wyre Borough Local Plan. This aims to reduce the risk of flooding from uncontrolled surface water runoff.
22. Turning to Appeal A, the two additional house plots, I note that the Council raises no concern with respect to any other matters such as highways, residential amenity or design. Furthermore as I stated earlier in this decision, it has been confirmed that there is no longer a requirement for the proposal to contribute towards education provision or to affordable housing. In light of my

finding above with regard the outstanding issue of surface water drainage, there are no unresolved matters. I therefore consider the proposed 2 additional plots would be acceptable. The proposal would comply with Saved Policy SP2 which concerns the strategic location for development in the borough and Saved Policy SP14 which aims to achieve a high standard of design and amenity.

Other matters

23. At the hearing residents living on the boundary of the site raised the issue of flooding to their rear gardens. These properties lie next to the area of public open space. Whilst the submitted drainage plans do not illustrate the drainage to this area, it was confirmed by the appellant that a land drain had been installed on this boundary and that the existing levels had not been changed. I consider that these measures are adequate to deal with surface water runoff in this part of the site.
24. The possibility of the proposed attenuation pond overflowing was also raised. The appellant stated that the pond had been designed to accommodate a 1 in 100 year flood with an allowance of 30% for climate change. He also advised that the modelling exercise supporting the surface water drainage strategy had been considered by United Utilities and a section 104 application under the Water Industry Act 1991 had been approved, confirming the adoption of the system. Accordingly I have no evidence to suggest that the scheme would be inadequate to serve the site, particularly in a flood event.

Conditions

25. In respect of Appeal A, the two additional house plots, the Council and the appellant provided a revised list of agreed conditions at the hearing. I have considered these in light of the guidance in the Framework and Planning Practice Guidance. I have amended the wording of the conditions where necessary in the interest of clarity and precision.
26. In addition to the standard timeframe condition, I consider a condition specifying the approved plans to be necessary to define the planning permission and for the avoidance of doubt. In order to protect the character and appearance of the area, conditions regarding materials, landscaping and boundary treatments are also required. I consider that conditions requiring compliance with the approved levels and the surface and foul water drainage schemes on the wider site are necessary in order to achieve coordination and ensure the development is appropriately drained. The Council has suggested a condition removing permitted development rights in respect of the proposed garages to ensure that they remain available for the parking of vehicles. I consider this to be necessary in order to ensure the provision of adequate off road car parking.

Conclusion

27. For the reasons given above, and having regard to all other matters raised, I conclude that that both Appeal A and Appeal B should be allowed.

Helen Hockenfull

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Graham Trehella MCD MRTPI

Cass Associates

Victoria Hunter MRTPI

Redrow Homes Lancashire

FOR THE LOCAL PLANNING AUTHORITY:

Karl Glover

Senior Planning Officer
Wyre Borough Council

INTERESTED PERSONS:

Roy Scott

Resident

Sylvia Southern

Resident

Shaun Smythe

Resident

Michael Bates

Resident

DOCUMENTS SUBMITTED AT THE HEARING

1. Addendum to Statement of Common Ground – signed and dated 30 January 2018.
2. Revised suggested conditions in respect to Appeal A.
3. Photograph of flooding of adjoining residential garden.
4. Delegated report for application Ref 14/00607/DIS4, resubmitted application for discharge of conditions 8 and 9 on planning permission Ref 14/00607/OUTMAJ.

SCHEDULE OF CONDITIONS - APPEAL A

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing no. 4212-LOC-01 Rev A – Location Plan, Drawing No. 4212-DSL-102/103 Rev A – Detailed Site Layout, The Canterbury Heritage Collection '2017 Edition' EF Series Brick (B1)(January 2017) – Elevations, The Canterbury Heritage Collection '2017 Edition' EF Series (January 2107) – Floorplans, The Welwyn Heritage Collection '2016 Edition' EF Series Brick (B1) (March 2016) – Elevations, The Welwyn Heritage Collection '2016 Edition' EF Series (March 2016) - Floorplans
- 3) No development shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The development shall be carried out using the approved materials.
- 4) The development hereby approved shall be carried out in accordance with the site levels agreed on a site wide basis under planning application Reference 16/00444/DIS3 dated 30 November 2017 and with reference to the following plans:
 - Drawing number 4212/ENG010-7 Rev B – External Works Layout Sheet 7 – Levels amended to north western boundary to tally up with as built survey undertaken on 12 November 2017.
 - Drawing number 4212-AB-01 – As Built Survey dated 13 November 2017.
 - Drawing number SS-01 – Site Sections/Street Scenes.
- 5) The development hereby approved shall be carried out in accordance with the approved approach to surface water drainage and foul water drainage under application Ref 14/00607/DIS4 granted on 22 December 2017 and with reference to the following information:
 - Drawing number 4212/ENG001-1 Rev C – Drainage Layout
 - Technical Note: Surface Water Drainage.
- 6) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. The approved details for hard landscape and boundary treatment shall be carried out in accordance with the approved details before any part of the development is first occupied. The approved details of soft landscaping shall be carried out as follows:
 - a) within the first planting and seeding seasons following the completion of the development hereby approved or in accordance with an alternative phasing programme to be agreed in writing with the local planning authority prior to the commencement of development.
 - b) any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season

with others of similar size and species, unless the local planning authority gives its written consent to any variation.

- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the garages hereby approved shall be retained solely for the housing of private motor vehicles and shall not be used for any other purpose nor any works be undertaken which preclude their use for the parking of private motor vehicles.



Appeal Decisions

Hearing Held on 30 January 2018

Site visit made on 30 January 2018

by Helen Hockenhull BA(Hons) B.PI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 February 2018

Appeal A

Appeal Ref: APP/U2370/W/17/3182594

Land at Carr Head Lane, Poulton le Fylde FY6 8EG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Gary Fox, Redrow Homes Lancashire against Wyre Borough Council.
 - The application Ref 17/00120/FUL is dated 18 January 2017.
 - The development proposed is 2 No. additional plots - plots 102 and 103 including change of alignment and position of the turning head at the end of the adoptable highway.
-

Appeal B

Appeal Ref: APP/U2370/W/17/3183195

Land at Carr Head Lane, Poulton le Fylde FY6 8EG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Mr Gary Fox, Redrow Homes Lancashire against Wyre Borough Council.
 - The application Ref 14/00607/DIS2, dated 19 August 2016, sought approval of details pursuant to conditions Nos 5, 6, 8, 9, 13, 16, 17, 19, 21 and 22 of planning permission Ref 14/00607/OUTMAJ, granted on appeal on 20 January 2016.
 - The application was part approved (Condition 6 –affordable housing layout, Condition 13 –tree protection plan, Condition 17 -construction environment management plan, Condition 19 -site access, Condition 21 –landscape management plan and Condition 22-traffic management) and part refused (Condition 5 -crime report, Condition 8 -surface water drainage layout, Condition 9 -foul water drainage layout and Condition 16 -gas monitoring) by notice dated 1 June 2017.
 - The development proposed is the erection of up to 100 dwellings.
 - The details for which approval is sought are: surface water drainage layout (Condition 8) and foul water drainage layout (Condition 9).
-

Decision

Appeal A

1. The appeal is allowed and planning permission is granted for 2 No. additional plots - plots 102 and 103 on land at Carr Head Lane, Poulton le Fylde FY6 8EG in accordance with the terms of the application, Ref 17/00120/FUL, dated

18 January 2017, subject to the Conditions in the attached schedule.

Appeal B

2. The appeal is allowed and I approve the details submitted pursuant to Conditions 8 and 9, attached to planning permission ref 14/00607/OUTMAJ granted on appeal on 20 January 2016, in accordance with the application ref 14/00607/DIS2 dated 19 August 2016.

Procedural Matters

3. Appeal B relates to an application seeking approval of a number of details required by Conditions on the original planning permission for the development. This appeal concerns Conditions 8 and 9 only, which relate to the surface water and foul drainage scheme for the site.
4. An addendum to the Statement of Common Ground dated 20 December 2017 was submitted by the parties on 25 January 2018 before the hearing commenced. This indicated that a duplicate application¹ to discharge the conditions the subject of Appeal B, had been approved by the Council on 22 December 2017. Turning to Appeal A, the two additional plots, the main area of dispute also concerned the lack of an agreed surface water drainage scheme. I was advised that with the discharge of Conditions 8 and 9, the differences between the parties with regard to this proposal had also been resolved.
5. In addition the Addendum advised that the requirement to seek contributions towards primary and secondary education, originally requested by Lancashire County Council, the Education Authority, had been withdrawn. So too had the Council's requirement for a further contribution towards affordable housing. Accordingly there were no remaining areas of dispute between the parties. The Council confirmed that accordingly, they would not be presenting any evidence at the hearing. The hearing proceeded on this basis.
6. In relation to the submitted plans, the drainage layout submitted in Appeal A had the reference Drawing No. 4212/ENG001-1 Rev A. In respect of Appeal B the plan was referenced Rev C. It was confirmed at the hearing that the most up to date plan was Rev C and it was this plan that should be considered with regard to both appeals. In light of the very minor differences between the plans and in the interests of consistency, I consider that the substitution of the Drainage Layout plan in Appeal A would not materially prejudice the interests of third parties. I have therefore had regard to this later revision of the plan in both appeals.
7. The description of development in Appeal A included a change to the alignment and position of the turning head at the end of the adoptable highway. It was confirmed by the appellant that this is no longer proposed, the scheme reverting back to the turning head as originally approved. I have considered the appeal proposal on this basis and I have omitted reference to the turning head in my decision above.

Main Issue

8. The main issue common to both appeals is whether appropriate provision has been made for surface water drainage having regard to sustainable principles.

¹ Planning application ref 14/00607/DIS2

Reasons

9. Outline planning permission, reference 14/00607/OUTMAJ, for the development of up to 100 dwellings on the site was granted on appeal on 20 January 2016. A reserved matters application was then approved by the Council on 2 November 2016. Conditions 8 and 9 of the outline approval required the submission of the details of both surface and foul water drainage schemes respectively. It is these details that are the subject of Appeal B.
10. The proposed surface water drainage strategy involved water draining to an attenuation pond and then being discharged to an existing 750 mm surface water sewer. The Council considered that this proposal was not sufficiently based on sustainable principles and was therefore unacceptable. In light of possible consequential changes to the foul water drainage scheme, Condition 9 was also not approved.
11. Following the grant of the original planning permission, the appellant applied for permission for 2 additional plots on the site, no's 102 and 103 (application reference 17/00120/FUL). The Council failed to determine this application due to the outstanding issue of surface water drainage for the wider site.
12. The outline planning application for the housing development was accompanied by a Flood Risk Assessment (FRA). This recommended that surface water should drain to an existing watercourse located on the southern boundary of the site. However a subsequent detailed topographical survey undertaken by the appellant illustrated a fall across the site from around 7.6 metres on the southern boundary to approximately 6.7 metres on the northern boundary. In order to achieve a gravity led surface water drainage system, the appellant advised that it would be necessary to raise land levels by around 4 metres on the northern boundary and 2.5 metres on the southern boundary. I agree with the parties that this original option would not be acceptable due to the amenity issues it would raise, in particular the significant number of vehicle movements importing fill material.
13. I was advised at the hearing that a number of alternative drainage proposals had been considered by the appellant and discounted for a range of reasons. In considering these I have had regard to the hierarchy of drainage options outlined in Planning Practice Guidance². These include infiltration, drainage to a surface water body, drainage to a surface water sewer, highway drain or another drainage system and finally drainage to a combined sewer.
14. I am satisfied that an infiltration system would not be feasible on this site due to adverse ground conditions. In order to achieve drainage to the nearby watercourse as originally proposed in the FRA, a pumped solution was considered by the appellant. As a result of site levels, this would require a number of small micro pumps. I accept that this option would create longer term maintenance issues and increased overall cost.
15. At the hearing the possibility of a hybrid system was discussed with the northern part of the site being drained to the surface water sewer and the southern area draining to the watercourse. I was informed that this would only be feasible for a small number of properties on the southern boundary again due to level differences. Furthermore this option would raise maintenance

² Paragraph: 080 Reference ID: 7_080-20150323

issues as only the public sewer system would be managed by a public body, in this case United Utilities. The remaining system would need to be privately maintained with additional management costs borne by future residents. I agree that this option would be unlikely to be workable.

16. Turning to the submitted scheme, I acknowledge that whilst surface water would drain to a surface water sewer, it would be held on site in an attenuation pond and released at greenfield run off rate. The scheme would therefore have a sustainable element, reducing the potential for flooding and providing benefits for wildlife and recreation. However I am not satisfied from the evidence before me, that further sustainable measures, for example swales or other open water channels running through the proposed open space area, have been appropriately considered.
17. That being said, the Council's approval of the resubmitted application to discharge Conditions 8 and 9 forms a material consideration. It was confirmed at the hearing that this scheme is the same as that proposed in Appeal B and it has already been substantially implemented on the site.
18. Taking account of all the relevant factors in this case, whilst I consider that a scheme with additional sustainable drainage elements would have been desirable, I find that overall, the surface water drainage scheme the subject of Appeal B, would form an acceptable solution having regard to the hierarchy of drainage options.
19. It has been brought to my attention by the Council that there are plans to develop adjoining land to the east of the appeal site. The surface water strategy for this neighbouring development proposes discharge to the watercourse not to main sewer. I have been provided with few details of this scheme for example the ground conditions, levels etc in order to assess whether comparison can be made with the appeal scheme. I understand the Council's concern that approval of the drainage scheme submitted in this appeal could encourage developers to ignore a sustainable drainage hierarchy in favour of discharge to mains sewer. However such a scheme has already been approved by the Council in the resubmitted discharge of condition application, albeit with an attenuation pond. In any event each scheme must be considered on its individual merits having regard to the particular site circumstances.
20. The details of foul drainage submitted pursuant to Condition 9 propose foul water should be pumped to an existing combined sewer. The Council has raised no specific issues with regard to this strategy. In light of my finding with regard to the surface water drainage scheme for the site, I find no reason why the foul drainage details should not be approved.
21. In so far as being relevant to a proposal to discharge details pursuant to a planning condition, the drainage details for the site would be supported by Saved Policy ENV 15 of the Wyre Borough Local Plan. This aims to reduce the risk of flooding from uncontrolled surface water runoff.
22. Turning to Appeal A, the two additional house plots, I note that the Council raises no concern with respect to any other matters such as highways, residential amenity or design. Furthermore as I stated earlier in this decision, it has been confirmed that there is no longer a requirement for the proposal to contribute towards education provision or to affordable housing. In light of my

finding above with regard the outstanding issue of surface water drainage, there are no unresolved matters. I therefore consider the proposed 2 additional plots would be acceptable. The proposal would comply with Saved Policy SP2 which concerns the strategic location for development in the borough and Saved Policy SP14 which aims to achieve a high standard of design and amenity.

Other matters

23. At the hearing residents living on the boundary of the site raised the issue of flooding to their rear gardens. These properties lie next to the area of public open space. Whilst the submitted drainage plans do not illustrate the drainage to this area, it was confirmed by the appellant that a land drain had been installed on this boundary and that the existing levels had not been changed. I consider that these measures are adequate to deal with surface water runoff in this part of the site.
24. The possibility of the proposed attenuation pond overflowing was also raised. The appellant stated that the pond had been designed to accommodate a 1 in 100 year flood with an allowance of 30% for climate change. He also advised that the modelling exercise supporting the surface water drainage strategy had been considered by United Utilities and a section 104 application under the Water Industry Act 1991 had been approved, confirming the adoption of the system. Accordingly I have no evidence to suggest that the scheme would be inadequate to serve the site, particularly in a flood event.

Conditions

25. In respect of Appeal A, the two additional house plots, the Council and the appellant provided a revised list of agreed conditions at the hearing. I have considered these in light of the guidance in the Framework and Planning Practice Guidance. I have amended the wording of the conditions where necessary in the interest of clarity and precision.
26. In addition to the standard timeframe condition, I consider a condition specifying the approved plans to be necessary to define the planning permission and for the avoidance of doubt. In order to protect the character and appearance of the area, conditions regarding materials, landscaping and boundary treatments are also required. I consider that conditions requiring compliance with the approved levels and the surface and foul water drainage schemes on the wider site are necessary in order to achieve coordination and ensure the development is appropriately drained. The Council has suggested a condition removing permitted development rights in respect of the proposed garages to ensure that they remain available for the parking of vehicles. I consider this to be necessary in order to ensure the provision of adequate off road car parking.

Conclusion

27. For the reasons given above, and having regard to all other matters raised, I conclude that that both Appeal A and Appeal B should be allowed.

Helen Hockenfull

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Graham Trehella MCD MRTPI

Cass Associates

Victoria Hunter MRTPI

Redrow Homes Lancashire

FOR THE LOCAL PLANNING AUTHORITY:

Karl Glover

Senior Planning Officer
Wyre Borough Council

INTERESTED PERSONS:

Roy Scott

Resident

Sylvia Southern

Resident

Shaun Smythe

Resident

Michael Bates

Resident

DOCUMENTS SUBMITTED AT THE HEARING

1. Addendum to Statement of Common Ground – signed and dated 30 January 2018.
2. Revised suggested conditions in respect to Appeal A.
3. Photograph of flooding of adjoining residential garden.
4. Delegated report for application Ref 14/00607/DIS4, resubmitted application for discharge of conditions 8 and 9 on planning permission Ref 14/00607/OUTMAJ.

SCHEDULE OF CONDITIONS - APPEAL A

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing no. 4212-LOC-01 Rev A – Location Plan, Drawing No. 4212-DSL-102/103 Rev A – Detailed Site Layout, The Canterbury Heritage Collection '2017 Edition' EF Series Brick (B1)(January 2017) – Elevations, The Canterbury Heritage Collection '2017 Edition' EF Series (January 2107) – Floorplans, The Welwyn Heritage Collection '2016 Edition' EF Series Brick (B1) (March 2016) – Elevations, The Welwyn Heritage Collection '2016 Edition' EF Series (March 2016) - Floorplans
- 3) No development shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The development shall be carried out using the approved materials.
- 4) The development hereby approved shall be carried out in accordance with the site levels agreed on a site wide basis under planning application Reference 16/00444/DIS3 dated 30 November 2017 and with reference to the following plans:
 - Drawing number 4212/ENG010-7 Rev B – External Works Layout Sheet 7 – Levels amended to north western boundary to tally up with as built survey undertaken on 12 November 2017.
 - Drawing number 4212-AB-01 – As Built Survey dated 13 November 2017.
 - Drawing number SS-01 – Site Sections/Street Scenes.
- 5) The development hereby approved shall be carried out in accordance with the approved approach to surface water drainage and foul water drainage under application Ref 14/00607/DIS4 granted on 22 December 2017 and with reference to the following information:
 - Drawing number 4212/ENG001-1 Rev C – Drainage Layout
 - Technical Note: Surface Water Drainage.
- 6) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. The approved details for hard landscape and boundary treatment shall be carried out in accordance with the approved details before any part of the development is first occupied. The approved details of soft landscaping shall be carried out as follows:
 - a) within the first planting and seeding seasons following the completion of the development hereby approved or in accordance with an alternative phasing programme to be agreed in writing with the local planning authority prior to the commencement of development.
 - b) any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season

with others of similar size and species, unless the local planning authority gives its written consent to any variation.

- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the garages hereby approved shall be retained solely for the housing of private motor vehicles and shall not be used for any other purpose nor any works be undertaken which preclude their use for the parking of private motor vehicles.



Appeal Decision

Hearing held on 7 February 2018

Site visit made on 7 February 2018

by Kay Sheffield BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 February 2018

Appeal Ref: APP/U2370/W/17/3183460

Bowes Hill Stud, Neds Lane, Stalmine-with-Staynall, FY6 0LW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Jason Stephenson against the decision of Wyre Borough Council.
 - The application Ref 16/01093/FUL, dated 09/12/2016, was refused by notice dated 19/05/2017.
 - The development proposed is the change of use of land for the siting of one residential caravan (for the occupation of one gypsy traveller family) and two touring caravans for leisure/cultural use.
-

Preliminary and procedural matters

1. The development subject of the appeal has been carried out. The gypsy status of the Appellant and his family is not disputed and there are no concerns regarding the business the Appellant runs from the site which is the breeding and training of horses specifically for the gypsy market. In order to clarify the purpose of the development the description was amended during the course of the application. I have adopted the amended description.
2. Although neither party made an application for costs, the Appellant asked that I consider applying my powers to instigate an award. I have considered the request. However, in this instance the available evidence does not lead me to pursue exercising my powers in this regard.

Decision

3. The appeal is allowed and planning permission is granted for the change of use of land for the siting of one residential caravan (for the occupation of one gypsy traveller family) and two touring caravans for leisure/cultural use at Bowes Hill Stud, Neds Lane, Stalmine-with-Staynall, FY6 0LW in accordance with the terms of the application, Ref 16/01093/FUL, dated 09/12/2016, subject to the conditions set out in the schedule attached to the decision.

Main Issues

4. The main issues are:
 - i) Whether the development would be appropriate in this location having regard to national and local planning policy;
 - ii) Whether the need for and provision of accommodation for gypsies and travellers within the area and the accommodation needs and personal circumstances of the Appellant and his family would outweigh any harm; and

iii) Whether the proposal would amount to sustainable development.

Reasons

5. The appeal site lies within open countryside to the east of the A588, the main road through Stalmine. Access to the site from the A588 is via Back Lane and Neds Lane followed by an unadopted track which also serves several other properties.
6. The Appellant confirmed that the appeal site and other adjoining land in his ownership amounts to approximately 6 acres. The static caravan is sited between two existing buildings, each providing stabling for 7 horses. The brick building also has a separate storage area and the stable block has a tack room. The static caravan replaced one which had previously been granted planning permission¹ for use as a rest room and canteen facilities in association with the use of the site as livery stables. The touring caravans are sited close to the static van. On land directly adjoining the appeal site there is an all-weather riding arena which was granted planning permission² in 1994 at the same time as the stable block.

Location

7. The National Planning Policy Framework (the Framework) advises that its content should be read in conjunction with Government's Planning Policy for Traveller Sites (PPTS). Policy H of the PPTS, in turn, requires applications for gypsy sites to be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies in both the Framework and the PPTS.
8. The Framework identifies one of the core principles of the planning system as recognising the intrinsic character and beauty of the countryside. In this regard Policy H of the PPTS advises at paragraph 25 that new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan should be strictly limited. However, PPTS does not preclude the development of gypsy sites in the countryside as a matter of principle.
9. The Wyre Borough Local Plan 1991–2006, adopted in 1999 (the LP), offers no policies specifically relating to gypsy and traveller development and is therefore silent in this regard. In refusing planning permission the Council cited saved Policy Sp13 of the LP which relates to development in the countryside. I find the aims of the policy to be broadly consistent with the expectations of the Framework and the parties were agreed that substantial weight can be attributed to it.
10. Policy Sp13 sets out the circumstances under which development would be permitted in areas designated as countryside and included in criterion A is development for "*the essential requirements of agriculture or forestry, suitable forms of tourism and related activities, or other uses appropriate to the rural area*". In the light of the PPTS the proposal could be considered an appropriate use under Policy Sp13.

¹ Application Ref: 10/00901/FUL

² Application Ref: 94/00068

11. The draft Wyre Local Plan (draft LP) has been submitted for Examination. Whilst Policy HP8 of the draft LP does not identify a need for pitches for gypsies and travellers, it sets out the criteria to be met in assessing any applications submitted in respect of new sites. The Council was of the opinion that the development would contravene criterion 2c) of the policy which states that *"If the proposal involves the development of land identified in this Local Plan for another purpose, the loss of such land is outweighed by the benefit of meeting an identified need for additional gypsy and traveller or travelling showpeople accommodation, and represents the appropriate planning balance in the circumstances"*.
12. The Council contended that the site was identified as open countryside and its loss would not be outweighed by the benefit of meeting an identified need for gypsy accommodation. This interpretation was disputed by the Appellant since the status of the land as open countryside was due to it not being identified for another purpose. Be that as it may, the location of the site in open countryside has to be weighed in the balance.
13. The Council's Gypsy and Traveller Accommodation Assessment, 2014 (GTAA) identified a need for 17 additional gypsy and traveller pitches whereas the update in 2016 identified no need. Whilst the assessment is disputed by the Appellant, the level of identified need and how it will be met is a matter to be addressed as part of the examination of the draft LP and is not for me as part of the appeal. Notwithstanding this, the proposal is evidence of the Appellant's need for appropriate accommodation. There is therefore support for the appeal from Policy HP8. Whilst the submission of the draft LP would suggest it could be accorded appreciable weight, I was advised that there are representations against the policy and this limits the weight which can be afforded to it.
14. In summary I find no overriding objection to the development in this location in either the Framework or the PPTS. The adopted LP is silent with regard to specific policies for gypsy and traveller development and given that the principle of gypsy sites in the countryside is not precluded by the PPTS I consider the acceptance in Policy Sp13 of other uses appropriate to the rural area lends support to the appeal. Policy HP8 of the draft LP also adds some weight. I further conclude, in accordance with the advice in the Framework, that greater weight should be attached to more recent national policy contained in the PPTS which makes specific policy provision in relation to the location of gypsy and traveller sites.

Accommodation needs and personal circumstances

15. The Council has no existing provision of gypsy and traveller pitches and according to the update in 2016 of the GTAA there is no identified need. However, the gypsy status of the Appellant is accepted and the appeal is evidence of his need for appropriate accommodation.
16. The Appellant and his family lived in bricks and mortar accommodation for five years immediately prior to moving onto the appeal site. Whilst the experience may not have profoundly affected the health of the family, it became clear at the Hearing that the Appellant and his family are better suited to the traditional gypsy life they are used to and their general well-being has improved from living on the site.

17. The Appellant's children are all in full time education. The youngest attends the school in Stalmine, his place having been secured on appeal to the local education authority. The older children attend secondary school in Poulton where they have an established set of friends made prior to moving to the appeal site. It was indicated that the older children plan to continue into further education. I have borne in mind that the best interests of the children is a primary consideration in this appeal.
18. Neither party was able to identify any realistic alternative to the appeal site which would be suitable, available, affordable and acceptable. The Council indicated that should the appeal be dismissed it would take enforcement action, although the time period for compliance would be likely to be lengthy. The Appellant considered that due to the need to care for his horses and manage his business as well as allowing his children to continue their education, his only alternative would be to move onto a highway verge in the local area.
19. Whilst no financial records were submitted the evidence points to the Appellant having a successful business which he has built up over many years. It was obvious from his verbal evidence and the site visit that the horses are an essential and important element of not only the business but his life and that of his family, his wife and children taking an active role in tending the horses. The site provides an ideal base on which to build on his successes in horse breeding. Moreover the horses represent a significant investment and their health and security are of paramount importance to the success of the business.
20. The Appellant has not sought to justify the development on the grounds of an essential need to live on the site and it is accepted that limited evidence in this respect was submitted to the Council as part of the planning application. However, it became clear from the evidence given verbally to the Hearing that as well as tending to the horses during the day, the Appellant has to check them at regular intervals during the night. The Council stated that, from the specifics outlined in verbal evidence given by the Appellant, it could see that there was a need to be on the site. I consider that the circumstances specific to the business indicate an element of need rather than a preference for the Appellant to live on the site.
21. On balance I consider that the accommodation needs and personal circumstances of the Appellant and his family carry significant weight in support of the appeal.

Whether the proposal would amount to sustainable development

22. As set out in the Framework the three dimensions to sustainable development give rise to the need for the planning system to perform economic, social and environmental roles. As set out in paragraph 8 these roles should not be undertaken in isolation, because they are mutually dependent.
23. In refusing planning permission the Council considered that the development would be sited in an unsustainable, detached and isolated location due to the lack of immediate, direct and safe access to key community services and infrastructure which realistically can only be accessible by using a private car.
24. It was agreed between the parties that the appeal site lies approximately 1.3km by road from the edge of the settlement boundary as defined in the LP.

However, this boundary does not represent the edge of the built development of Stalmine and it is proposed to amend the settlement boundary in the draft LP. By road the site would be approximately 700m from the revised boundary. Furthermore there are various properties scattered across the local landscape outside of the settlement, including a mobile home park.

25. The route taken from the site to Stalmine is via Neds Lane, Back Lane and onto the A588. The track serving the appeal site and neighbouring properties is not lit and only has a tarmac surface on part of its length. Neds Lane and Back Lane are devoid of footways and have limited street lighting. However, there are footways and lighting on the A588 and bus stops at its junctions with both Neds Lane and Back Lane. The bus service between Blackpool and Knott End runs every 30 minutes from early morning to late evening Mondays to Saturdays, with a reduced service on Sundays.
26. Although the site is within an acceptable walking distance from Stalmine and the bus stops on the A588, the lack of street lights and footways along part of the route may not be conducive to walking. However, these conditions apply to all in the local area, not just the appeal site. I noted several walkers during my pre-Hearing site visit and the Appellant indicated that his youngest child walks to school. Whilst by preference the older children are taken to school by car, it is possible for them to go by bus.
27. On balance, I do not consider that the distance or the road conditions are prohibitive to people using other forms of transport than the private car. Furthermore the residence of the Appellant on the site from which his business is operated would avoid his and his wife's need to travel to the site not only on a daily basis but also during the night.
28. The Framework identifies as part of the economic role of sustainable development a need to ensure sufficient land of the right type is available for development in the right places. I have already concluded that the development would be in a sustainable location. Furthermore the proposal would allow the Appellant a settled base from which he can continue to foster his business. In terms of the social role, the children would be able to continue in regular education in schools where they are settled. It is also noted that the Appellant takes an active part in the local community and gives charitable support to local causes. I am generally satisfied by the evidence that the proposal would broadly accord with the expectations of sustainable development set out in the Framework.

Conditions

29. I have considered the conditions suggested by the Council in the light of the discussion at the Hearing. I have also had regard to the advice set out in the Planning Practice Guidance and the Framework in terms of both the need for individual conditions and of appropriate wording.
30. As the scheme is only acceptable on the basis of the particular details submitted the scope of the permission is defined by conditions which confirm the approved drawing, limit the number and type of caravans and restrict their occupation. In the interests of visual amenity the Council is given control over any external lighting additional to what is already present on the site.

31. Whilst I find a full permission to be acceptable, the material considerations which weighed in the balance in respect of the business are unique to the Appellant. I therefore consider that a personal permission is necessary to give control over any future occupation of the site. It is also necessary to impose a condition setting out the requirements for the removal of the development should the Appellant cease occupation of the site. In the light of my decision to grant a personal permission the suggested condition restricting occupation to gypsies and travellers only is not necessary.
32. The Council suggested a condition requiring the submission and approval of details of foul and surface water drainage. However, the static caravan is using the same drainage systems as the previous caravan and in the absence of any identified problems in respect of drainage I consider it unnecessary to require the submission of details in this respect.

Conclusion

33. With regard to the development of gypsy and traveller sites the LP is silent and the emerging LP together with PPTS does not preclude such development in the open countryside. The Council has no existing provision of gypsy and traveller pitches, the need for accommodation has been demonstrated and the personal circumstances of the Appellant and his family add significant weight in favour of the appeal. It has also been concluded that the development would be sustainable. In accordance with the presumption in favour of sustainable development, planning permission should therefore be granted in the terms described.
34. For the reasons given above, and having had regard to all other matters raised, the appeal is allowed.

Kay Sheffield

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan; and Drawing No. ML/JS/5509 dated 09/12/2016.
- 2) There shall be no more than one pitch on the site comprising two touring caravans and one static van, all as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended.
- 3) The occupation of the site hereby permitted shall be carried on only by Mr Jason Stephenson and his resident dependants.
- 4) When the land ceases to be occupied by Mr Jason Stephenson and his resident dependants the residential use hereby permitted shall cease and the static caravan and two touring caravans brought on to the land in connection with the residential use shall be removed from the site.
- 5) Details of any external lighting in addition to that already on the buildings, the light column in the yard and to the all-weather riding arena shall be submitted to and approved in writing by the local planning authority prior to its installation. The lights shall be installed in accordance with the approved details.

APPEARANCES

FOR THE APPELLANT:

Mrs Alison Heine BSc MSc MRTPI	Heine Planning Consultancy
Mr Jason Stephenson	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Mr Mark Lynch BSc DipTP CMS MRTPI	Interim Planning Manager
Mr Karl Glover Assoc RTPI	Senior Planning Officer
Mr Len Harris BA(Hons) DipUPI MRTPI	Senior Planning Officer

DOCUMENTS

Documents submitted to the Hearing

- 1 Response of the Council to the draft Statement of Common Ground
- 2 Decision letter in respect of Appeal Ref: APP/U2370/W/17/3177796 submitted by the Appellant
- 3 Plan showing the settlement boundary of Stalmine as designated in the Wyre Local Plan and proposed in the draft Wyre Local Plan, submitted by the Council
- 4 Relevant policies of the Submission Draft Wyre Local Plan, January 2018 submitted by the Council
- 5 Extract from the Policies Map of the Publication Draft Wyre Local Plan, September 2017 submitted by the Council
- 6 Blackpool Transport bus timetable submitted by the Council
- 7 Decision notice in respect of Application Number 10/00901/FUL relating to the site.

Document submitted after the Hearing

- 8 Suggested form of wording of additional conditions agreed between the parties.



Appeal Decision

Site visit made on 23 January 2018

by Beverley Wilders BA (Hons) PgDurb MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 February 2018

Appeal Ref: APP/U2370/W/17/3184602

Land South of Rosslyn Avenue, Preesall, Poulton Le Fylde FY6 0HE

- 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 Gregson against the decision of Wyre Borough Council.
 - The application Ref 16/00978/OUTMAJ, dated 24 October 2016, was refused by notice dated 7 June 2017.
 - The development proposed is outline application for the erection of up to 70no. dwellings with associated parking, gardens and amenity space (access applied for).
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposal is for outline planning permission with all matters reserved except for access. An indicative site layout plan was submitted with the application and I have had regard to it in reaching my decision.
3. The Council is in the process of producing a new Local Plan (NLP). However the NLP has not been adopted and from the evidence it appears that it has yet to be examined. Consequently in reaching my decision I have afforded limited weight to policies within the NLP.

Main Issues

4. The main issues are:
 - whether the proposal is acceptable in principle having regard to the location of the appeal site in an area with a high probability of flooding;
 - the effect of the proposal on the character and appearance of the area.

Reasons

Flooding

5. The appeal site is located in an area with a high probability of flooding (Flood Zone 3). A Flood Risk Assessment (FRA) was submitted with the application and the Environment Agency (EA) was consulted on the proposal prior to its determination by the Council. In addition information was submitted with the application regarding the Sequential and Exception Tests and at the time of determining the application the Council was satisfied that the proposal met

- both these tests with the EA being satisfied that the FRA demonstrated that the development would be safe for its lifetime without increasing flood risk elsewhere.
6. However subsequent to the application being determined by the Council it published an updated Strategic Housing Land Availability Assessment in July 2017 (SHLAA) and a number of sites have been granted planning permission for housing.
 7. In its statement the Council identified three sites that it considers to be sequentially more preferable than the appeal site being in areas of low probability of flooding (Flood Zone 1). These are Land off Holts Lane, Poulton (Ref 16/01043/OUTMAJ, Land off Brockholes Crescent (Ref 16/00742/OUTMAJ) and Land to rear and Redline Garage, Garstang. However the appellant considers that these sites should be discounted as they are not reasonably available due to two having developers on board and one containing an operational business.
 8. Paragraph 100 of the National Planning Policy Framework (the Framework) states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Paragraph 101 states that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.
 9. As stated, the Council initially accepted that there were no sequentially preferable sites available but subsequently identified three alternative sites during the appeal. These have been discounted by the appellant. The EA and the Council are satisfied that, subject to appropriate conditions, the proposal would be safe without increasing flood risk elsewhere and I have no reason to disagree with their findings in relation to this issue. However the evidence submitted by the appellant in relation to the alternative sites suggested by the Council is somewhat limited and I am not therefore satisfied that the Sequential Test required by the Framework has been met and that there are not reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. Consequently the proposal is contrary to paragraphs 100 & 101 of the Framework and is unacceptable in principle having regard to the location of the appeal site in an area with a high probability of flooding.

Character and appearance

10. The appeal site comprises two relatively flat, undeveloped fields of rough pasture. The northern field lies immediately to the south of and takes access from Rosslyn Avenue and is south of residential bungalows on Rosslyn Crescent. The other field partly overlaps the northern field and is to the south of it. The immediate surrounding area has a mixed character and mainly comprises single storey buildings including bungalows, mobile/park homes and lodges. Open fields with low boundary hedges lie to the west of the appeal site and there are public rights of way nearby allowing some public views of the site.
11. Vehicular access to the proposed housing development would be taken from the existing access point off Rosslyn Avenue and internal access roads would

be provided within the site. The indicative layout shows housing within both fields with a higher density layout in the northern field and a larger amount of open amenity space and tree planting and landscaping within the southern field.

12. Whilst the appeal site is currently undeveloped, the northern field is closely related to existing built development of a reasonably high density to the north, east and south, albeit some of which comprises mobile/park homes and lodges. Nevertheless it means that the character and appearance of the area surrounding this part of the appeal site is less open and rural in character than the more open agricultural land to the east. Consequently I do not consider that, subject to appropriate siting, scale and appearance, the development of the northern field for housing would be out of character with surrounding development. Whilst development on the site would be visible from surrounding properties and from public footpaths, it would be viewed against a backdrop of existing built development and not against an open rural landscape.
13. By contrast the southern field has a more open and rural character and is generally detached from nearby residential development. I therefore consider that the development of this field for housing in a manner similar to that shown on the indicative site layout plan would be out of keeping with the area and would have a harmful suburbanising impact on the open, rural character of this part of the site and the surrounding area.
14. Taking the above matters into consideration, I conclude that the proposal would have a significant adverse effect on the character and appearance of the area. It is therefore contrary to Policy SP14 of the Wyre Borough Local Plan 1991-2006 (LP) and to relevant paragraphs within sections 7 and 11 of the Framework. These policies seek, amongst other things, to ensure that development is well designed and is acceptable in the local landscape in terms of its scale and siting. Whilst I note the appellant's view that the LP is significantly out of date, having regard to paragraph 215 of the Framework, I am satisfied that the relevant parts of Policy SP14 are consistent with the policies in the Framework and in reaching my decision I have therefore had regard to the requirements of Policy SP14.

Other Matters and Planning Balance

15. The appeal site is located outside of the settlement boundary of Knott End/Preesall and is designated as countryside area within the LP. LP Policy SP13 restricts the type of development that can be permitted in the countryside and does not allow for housing development unless it is for local housing need in accordance with housing policies H14 and H15 of the LP or the development of a single infill plot. Whilst the proposal would make provision for affordable housing, there is no evidence that it would fulfil a local housing need and consequently it is contrary to Policy SP13. Though the LP was adopted some time ago and pre-dates the Framework, the justification for and overriding intention of Policy SP13 appears to be to protect the inherent qualities and rural characteristics of the countryside. The policy is therefore consistent with the Framework and I have had regard to it in reaching my decision.
16. Both main parties agree that the Council cannot currently demonstrate a five year supply of deliverable housing sites. The appellant states that the latest

figures from the Council indicate that it has a four year supply and this figure has not been disputed by the Council.

17. Paragraph 49 of the Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development and that 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.
18. Paragraph 14 of the Framework states that where relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.
19. The proposal would provide up to 70 dwellings in a reasonably accessible location, 30% of which would be required to be affordable and would contribute significantly to the current under supply of housing in the Borough, supporting the Governments ambition to boost the supply of housing. Given the scale of the proposal it would also bring some moderate economic benefits both during the construction phase and afterwards resulting in additional spend in the locality.
20. Weighed against these benefits of the proposal would be the significant harm to the character and appearance of the area and the fact that the proposal has not met the exceptions test and would result in development in an area at risk of flooding. Having regard to my findings on the issue of flooding and to footnote 9 of the Framework, I find that the final bullet point of paragraph 14 of the Framework is engaged, as specific policies in the Framework indicate that development should be restricted. Therefore, the proposal would not represent sustainable development and any benefits arising from it would not outweigh the harm that I have identified.
21. The harm that would be caused to the character and appearance of the area and to flood risk also leads me to conclude that the proposal would conflict with the development plan. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, and as set out in paragraph 12 of the Framework, development that conflicts with the development plan should be refused unless material considerations indicate otherwise. In this case there are no material considerations which indicate that the proposal should be determined other than in accordance with the development plan.

Planning Obligation

22. A Planning Obligation dated 30 January 2018 was submitted with the appeal. However as I am dismissing the appeal based on my findings on the main issues, there is no need for me to consider the obligation further as my findings on it would not affect the outcome of the appeal.

Conclusion

23. For the above reasons and having regard to all matters raised, I conclude that the appeal should be dismissed.

Beverley Wilders

INSPECTOR



Appeal Decision

Site visit made on 13 February 2018

by **Helen Hockenhull BA(Hons) B.PI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 February 2018

Appeal Ref: APP/U2370/D/18/3194097

7 Knowsley Gate, Fleetwood FY7 8AN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr R Wright against the decision of Wyre Borough Council.
 - The application Ref 17/00807/FUL, dated 22 August 2017, was refused by notice dated 27 October 2017.
 - The development proposed is a first floor side extension.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are
 - the effect of the development on the character and appearance of the host dwelling and the surrounding area;
 - the effect of the development on the living conditions of the occupants of neighbouring dwellings with particular regard to loss of daylight and outlook; and
 - the effect of the development on highway safety with particular regard to on street car parking.

Reasons

Character and appearance

3. The appeal property forms a two storey semi-detached house with a hipped roof located on the western side of Knowsley Gate. The property has an existing flat roof single storey extension to the side. The area is characterised in the main by two storey semi-detached dwellings with hipped roofs and projecting front bay windows. There are also some bungalows in the area.
4. The appeal proposes a first floor extension above the existing single storey side extension. It would have a flat roof extending up to the eaves of the host dwelling and be set back approximately a metre from the front elevation. It would be constructed in matching materials.
5. Saved Policy SP14 of the Wyre Borough Local Plan 1999 amongst other things seeks to achieve high standards of design for all types of development.

Saved Policy H4 considers alterations and extensions to residential properties and aims to achieve the same design objective. Further guidance is provided in the Council's Extending Your Home Supplementary Planning Document 2007 (SPD) which advises that proposals should complement and be subordinate to the original dwelling. Design Note 3 of the SPD requires that first floor side extensions should be set back a minimum of one metre from the front main wall and that the form and design should incorporate roofs which complement the original property.

6. In the appeal case, the proposed extension would be set back approximately a metre from the front elevation of the house. In this regard it would be viewed as subservient to the property and compliant with the SPD. However the proposed flat roof would not be in keeping with the hipped roof of the existing dwelling. It would provide a poor roof design which would detract from the character and appearance of the existing property and form an incongruous addition adversely affecting the street scene of the area.
7. I note the appellant's comment that the existing single storey extension has a flat roof which is not incongruous in the street scene. The proposed first floor extension proposes to replicate this roof design. In the absence of any planning history for the property, I am unsure when the existing single storey extension was constructed. It could possibly have been built before the Council's SPD was adopted. This document advises that all extensions, both single storey and two storey should incorporate roofs which complement the original property. The existing extension would not be in line with the Council's guidance.
8. Accordingly, as a result of the unacceptable flat roof design, I consider that the appeal proposal would cause harm to the character and appearance of the host property and the surrounding area. It would fail to comply with Saved Policies SP14 and H4 of the Local Plan and the guidance in the Council's Extending Your Home SPD. Whilst these policies pre date the National Planning Policy Framework (the Framework), I consider that they are consistent with it, in particular paragraph 17 which seeks to secure high quality design.

Living conditions

9. The proposed extension would be sited close to the rear boundary of neighbouring bungalows at 9 Knowsley Gate and 1A Lancaster Gate. Both properties have habitable room windows facing the appeal proposal, in this case a kitchen and a bedroom, at a separation distance of around 7 metres.
10. The Council require a separation distance between a blank gable end and the rear elevation of neighbouring properties of 13 metres. Clearly the appeal scheme fails to achieve this. I consider that as a result of the height and proximity of the proposal, it would have an enclosing and overbearing effect on the rear garden areas of the neighbouring bungalows, in particular No. 9 Knowsley Gate. It would also impact negatively on the outlook from the windows to the rear of the neighbouring properties.
11. With regard to daylight, I acknowledge that the existing single storey extension would take light from the gardens of the neighbouring bungalows.

However the increased height of the appeal proposal would lead to further loss of daylight to the garden area and rear windows of No. 9 Knowsley Gate and to a lesser extent No 1A Lancaster Gate.

12. Accordingly I consider that the appeal proposal would cause harm to the living conditions of the occupants of the neighbouring bungalows in terms of loss of daylight and outlook. It would fail to comply with Saved Policies H4 and SP14 of the Local Plan and the guidance in the Council's SPD which seek to achieve high standards of amenity. It would also conflict with one of the core planning principles of the Framework, to secure a good standard of amenity for all existing and future occupiers of land and buildings.

Highway safety

13. The proposal would add a further bedroom to the appeal property, creating a four bed property. The Council has raised concern that there would be inadequate off road car parking to serve a house of this size. The Council's SPD advises that three parking spaces should be provided for a property in excess of three bedrooms. The document goes on to state that relaxation of this standard may be accepted in highly accessible locations.
14. Currently the property has one parking space on the driveway in front of the existing single storey extension. At the time of my site visit, mid-morning, there was on street parking space available. It is my experience that such parking would be likely to be in greater demand in the evening and at weekends. However I have no evidence before me, for example a car parking survey, to indicate the level of parking stress in the area. I noted on my site visit that most neighbouring properties had side driveways and many had rear garages providing off road parking for at least two vehicles. This would assist to relieve the demand for on street car parking in the area. The appellant has advised that the appeal property is well served by public transport, both trams and buses. Accordingly it appears to me that the site can be described as being in a highly accessible location. In line with the SPD, it would be appropriate to relax the on-site car parking standard in this case.
15. I therefore consider that the appeal property would have adequate car parking provision and the proposal would cause no material harm to highway safety. The development would in this regard comply with Saved Policies SP14 and H4 of the Local Plan and the Council's Extending Your Home SPD. These policies amongst other things aim to ensure that development has no adverse impact on the local highway network.

Conclusion

16. Whilst I have found that the proposal would be acceptable in terms of highway safety, I consider it would cause harm to the character and appearance of the host property and the surrounding area and also to the living conditions of the occupants of neighbouring properties.
17. Accordingly for the reasons given above and having had regard to all other matters raised, I dismiss this appeal.

Helen Hockenhuill

INSPECTOR