



## Appeal Decision

Site visit made on 25 September 2018

by **Andrew McGlone BSc MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 5 October 2018

---

**Appeal Ref: APP/U2370/W/18/3205296**

**Puddle Cottage, Puddle House Lane, Poulton-Le-Fylde FY6 8LB**

- 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 and Mrs Caulton against the decision of Wyre Borough Council.
  - The application Ref 18/00044/FUL, dated 9 January 2018, was refused by notice dated 10 April 2018.
  - The development proposed is the erection of dwellinghouse with attached garages.
- 

### Decision

1. The appeal is allowed and planning permission is granted for the erection of dwellinghouse with attached garages at Puddle Cottage, Puddle House Lane, Poulton-Le-Fylde FY6 8LB in accordance with the terms of the application, Ref 18/00044/FUL, dated 9 January 2018, subject to the conditions in the attached schedule.

### Procedural Matters

2. As the Council's stance on their five-year housing supply position has changed since the planning application was determined, I accepted some late material related to this matter from the Council and provided the appellants with an opportunity to comment on its contents. Given this, no prejudice would occur to the interests of the parties if I take this additional material into account in my consideration of the appeal.
3. In the event that I was minded to allow the appeal, in accordance with Section 100ZA(5) of the Town and Country Planning Act 1990, I wrote to the appellant to seek their written agreement on the pre-commencement planning conditions that have been suggested by the Council. I shall turn to this matter later.

### Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

### Reasons

5. The appeal site is outside of a settlement boundary for the purposes of Wyre Borough Local Plan (adopted 1999) (LP), and is therefore in the countryside. Saved LP Policy SP13 explains that development in the countryside will not be permitted unless it falls within certain listed exceptions. The justification to the policy explains that it seeks to protect the inherent qualities and rural

- characteristics of the countryside by controlling development. While I note the appellants view about the age of the LP, it remains the development plan for the Borough and LP Policy SP13 is consistent with the objectives of the National Planning Policy Framework (the Framework) in recognising the intrinsic character and beauty of the countryside.
6. Saved LP Policy SP13, among other things, seeks to restrict development in the countryside, but it does allow for the development of a single infill plot within an established built up frontage of not less than five dwellings but only provided that it can be clearly demonstrated that such development would not have any detrimental effect on the character of that group or on the locality.
  7. The appeal site is to the rear of Puddle Cottage, while Fairfield House is to the south-west. A further residential dwelling, Puddle House is to the north-east. Even though these properties collectively form a built up frontage which addresses Puddle House Lane, they do not form the five dwellings required by saved LP Policy SP13. However, a reserved matters planning application has been granted for the erection of nine detached dwellings on land adjoining the site's southern boundary at Fairfield Nurseries<sup>1</sup>. According to the plans provided, the detached dwellings would extend across the site from Fairfield House to a boundary lined by landscaping to the east. The line of the eastern boundary is consistent with that of the appeal site. Each of the appeal site's boundaries are lined by a mixture of trees and shrubs.
  8. Outline planning permission has been granted for a site referred to as The Old Boiler House<sup>2</sup>, to the north of the appeal site next to Puddle House. There is no indication that a reserved matters scheme has been submitted or approved at this point. Hence, while the principal of residential development has been established, there is, at present, no dwelling here that would contribute to the formation of the five dwellings needed.
  9. The appeal scheme relates to a single plot. Although works on the Fairfield Nurseries site are not particularly advanced, the Council do not dispute the appellants view that work on this development has commenced. There is therefore a nucleus of residential development with a built up frontage and over the five dwellings required between Fairfield Road and the east/west alignment of Puddle House Lane. Notwithstanding The Boiler House scheme, the proposal would be a single infill plot with a vehicular access linking the proposed new dwelling to the lane between Puddle Cottage and Fairfield House. I am also mindful that the proposal would be within the confines of mature tree and shrub planting which would be kept. This would prevent development from spilling into the open field to east. On this basis, I consider that the appeal scheme accords with exception E of saved LP Policy SP13.
  10. The emerging Wyre Local Plan (eLP) is progressing, and it has been subject of hearing sessions which has resulted in the examining Inspector publishing a Post Hearing Advice note. Although this may provide direction on a number of issues, it is not a definitive view on whether the eLP is 'sound'. I do, however, recognise that it has reached an advanced stage. Nevertheless, I have not been supplied with any evidence about any unresolved objections to policies in the eLP. Even though the Council has cited a number of eLP policies that they consider to be most relevant, I only have a copy of eLP Policy CDMP3 before

---

<sup>1</sup> Council Ref: 17/00597/REMAJ

<sup>2</sup> Council Ref: 18/00210/OUT

- me. While this policy attracts moderate weight in the overall planning balance, the others referred to carry little weight.
11. The site is used as a caravan site with five pitches. A considerable part of the site, due to its current use and the presence of an ancillary building, timber fencing and hardstanding, has a developed character, albeit this partly fluctuates according to the site's occupation by caravans. The rear gardens of Puddle House and Puddle Cottage border the site, which over time will be adjoined by plots 1, 2, 3, 7, 8 and 9 on the Fairfield Nurseries site. These properties will be closer to the proposed dwelling than the existing dwellings, and they would mask any view of the site from Fairfield House. As such, the proposed dwelling would not be closely related visually to Fairfield House. Furthermore, as mature landscaping would confine the development, the loss of this greenfield site would not be significant.
  12. Locally, existing residential dwellings display a mixed style, scale and mass. This mix will be added to further by the large detached dwellings. There is, however, a general use of traditional pitched roofs, gabled projections and dormer windows in the front and rear roof planes. Dwellings are also either one or two storeys high. The height and angle of roof planes do vary.
  13. The proposed dwelling would be larger than existing properties in the area, but the site is capable of accommodating a dwelling of the size proposed. Nor is there any reason why the dwelling's footprint alone would harm the character and appearance of the area, as it would be obscured or fairly well screened from public view points, even during winter months. The footprint does, however, influence the proposal's scale, mass and appearance. I have regard to the comparisons drawn to nearby dwellings and those in the Fairfield Nurseries scheme. The new dwelling would introduce a bespoke contemporary form of development, but I consider that it would be of an acceptable scale, mass and appearance, given the area's character and appearance. Moreover, the proposed garages would be subservient to the main part of the dwelling, and continue the dwelling's proposed design. While a mixture of roof styles and heights would be used, these would create interest, and, in my view, be of the standard of design that is sought by saved LP Policies SP13 and SP14.
  14. I do not agree that the appeal scheme would be a prominent feature in the local landscape, as the dwelling would relate to, but not be on top of neighbouring residential properties. The retention of existing landscaping would also help assimilate it into its surroundings.
  15. For these reasons, I conclude that the proposal would accord with saved LP Policies SP13 and SP14; which jointly permit the development of a single infill plot within an established built up frontage of not less than five dwellings when the development would not have any detrimental effect on the character of that group or the locality, in terms of its scale, mass, style, siting and design. I also conclude that the proposal would comply with eLP Policy CDMP3 as it would respect the character of the area, having regard to siting, height, scale, massing and landscaping.

#### *Other matters*

16. In refusing planning permission, the Council acknowledged that it could not demonstrate a five-year supply of deliverable housing land at that date. An up-to-date position on the housing land supply position has now been provided

by the Council. This draws from the ongoing examination of the eLP. It is the Council's position that they can now demonstrate 5.19 years of deliverable housing land. This has yet to be fully tested. However, the appellants do not challenge the Council's evidence, and there are no alternate arguments before me that question the assumptions which support the Council's stance. As such, it has not been established that the Council cannot demonstrate a 5 year supply of deliverable housing land, or that the appeal should be considered under the terms of Framework paragraph 11(d).

17. I note a higher housing supply figure of 11.2 years is advanced by the Council having regard to the standard method, but this has not been established in a recently adopted plan, and there is no indication that the position statement submitted has been produced through engagement with developers and others who have an impact on delivery, and it has been considered by the Secretary of State.
18. I consider that the proposal would be acceptable, in terms of its effect on neighbouring residents living conditions, highways, flood risk, drainage, ecology, trees and land contamination. Future occupants would not also be wholly reliant on the use of a private vehicle to support their day to day needs. I see that the Council share these views.

### **Conclusion and conditions**

19. I have had regard to the conditions that have been suggested by the Council. The appellants have also confirmed their agreement in writing to two pre-commencement conditions relating to the submission of materials, and a risk assessment for ground contamination. The former is necessary in the interests of the character and appearance of the area. The latter is necessary due to the development's sensitive end use, and the site's use by caravans and other vehicles which may have potentially resulted in the contaminants entering the ground.
20. I have imposed a condition specifying the approved plans as this provides certainty, although I have changed the plan reference for the proposed floor plans and elevations to reflect the number and revision found on the plan. Conditions are necessary for landscape works and the provision of the garages, parking and turning areas in the interests of the character and appearance of the area and highway safety. I have imposed a condition to control when works to trees are undertaken, in the interests of minimising impacts on and providing net gains for biodiversity. Having regard to the recommendations and conclusion of the appellants ecology appraisal I have not imposed a condition for a reasonable avoidance measures method statement.
21. For the reasons set out above, I conclude that the appeal should be allowed.

*Andrew McGlone*

INSPECTOR

## SCHEDULE OF CONDITIONS

- 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: Drg Nos 401; 402; and 401 Rev C.

### *Pre-commencement*

- 3) No building shall be erected on site above damp proof course level until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation 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 a verification report for all the remediation works shall be submitted to the local planning authority within 14 days of the report being completed and approved in writing by the local planning authority.

### *Pre-occupancy*

- 5) The development hereby permitted shall not be occupied until such time as the garages, parking and turning areas are provided in full in accordance with details shown on Drg No.401 and Drg No.301 Rev.D. The garages, parking and turning areas shall thereafter be kept available for use at all times.
- 6) The landscaping works shall be carried out in accordance with the Location Plan and Proposed Site Plan Drg No.401 prior to the first occupation of the development hereby permitted.

### *Monitoring and Management*

- 7) Operations that involve the destruction and removal of vegetation shall not be undertaken during the months of March to August inclusive unless otherwise agreed in writing by the local planning authority where it has been demonstrated that breeding birds will not be adversely affected.

END OF SCHEDULE