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## Appeal Decision

Site visit made on 13 August 2019

**by Diane Cragg DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 9 October 2019**

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**Appeal Ref: APP/M2325/W/19/3229376**

**Linden Lea, 37 Mains Lane, Singleton, Poulton-Le-Fylde FY6 7LJ**

- 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 & Mrs L Turner against the decision of Fylde Borough Council.
  - The application Ref 18/0541, dated 29 June 2018, was refused by notice dated 23 November 2018.
  - The development proposed is outline application for erection of one detached dwelling (access, layout and scale applied for with all other matters reserved).
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. I have been provided with confirmation that the appellant agreed to a change of the description of the development and therefore I have used that description rather than the description on the planning application form.
3. The appellant accepts that the Fylde Local Plan to 2032 October 2018 (Local Plan) is up-to-date and that the Council can demonstrate a five-year supply of housing land. Nothing has been presented that would lead me to doubt that position. My attention has been drawn to the partial review of the local plan which has recently been out to consultation. Part of the context for that review is the difficulty of Wyre District Council, the neighbouring authority, in identifying sufficient sites to meet its objectively assessed housing needs. The Local Plan and the Wyre Local Plan 2011 – 2031 were recently adopted but included commitments to early reviews with the aim of ensuring that any unmet need within the Housing Market Area is catered for in suitable locations. However, that review is at a very early stage and it is not for me, within the scope of this appeal, to predict the outcome or implications of that process. It is not uncommon for Local Plans to be reviewed but the fact that process is being undertaken does not dictate that the adopted Local Plan and its policies are no longer up to date. On the contrary, the Plan was recently adopted and, based on the information before me at the time of writing, the relevant policies are consistent with the Framework and I accord them full weight in reaching my decision. I am required to determine the development in line with the policies of the development plan, unless material considerations indicate otherwise.

## **Main Issues**

4. The main issue is whether the development would constitute minor infill development in the context of policy GD4(f) of the Local Plan and, in that respect, whether the appeal site would represent a suitable location for new housing having regard to the development plan.

## **Reasons**

5. Policies S1 and DLF1 of the Local Plan set out the settlement hierarchy and locations for strategic growth. The development strategy in Policies S1 and DLF1 directs the majority of future growth to the most sustainable sites identified as strategic and non-strategic locations. In broad terms development will be acceptable in these locations. In addition, Policy DLF1 states that windfall sites will also contribute to housing delivery, these are identified as small housing sites amounting to between 1 and 9 houses which are not allocated and may occur throughout the Borough where compliant with the other policies in the plan.
6. The Local Plan identifies the appeal site as located outside any recognised settlement and within the countryside. Policy GD4 sets out the limited categories of development that would be supported in the countryside. There is agreement in the evidence that none of the criteria, other than criterion f, are relevant to the consideration of the appeal. Criterion f states that development in the countryside will be limited to minor infill. The Council consider that the development is minor, and I would agree.
7. There is no specific interpretation of the meaning of infill within the local plan. However, in a planning context the normal interpretation of infill is a gap in an otherwise built up frontage. The proposed development would introduce a detached dwelling into the side garden area of 37 Mains Lane, a semi-detached bungalow set in well landscaped gardens on the periphery of a small area of mixed development. The appeal is in outline with access, layout and scale submitted in detail. These details show that the dwelling would be sited with a similar building line to the existing bungalow and would sit close to and at a slight angle to the side boundary where the property abuts an open field. The appellant's opinion is that the development would be infill because the dwelling would fill the space between 37 Mains Lane and the established garden curtilage and, it would fill the gap between the Koi Pool water gardens site and Mains Lane. However, the dwelling would be sited adjacent to the open field where additional built development would be markedly more visible in views towards the site. The absence of development on one side of the site when viewed from the road frontage indicates to me that the development would not constitute infill development in the accepted meaning of the word.
8. Consequently, I conclude that the proposed dwelling would not constitute minor infill development and therefore does not fall within criterion (f) and would fail to comply with the aims of Policy GB4 of the Local Plan. In other words, it would be in a position outside of any defined settlement that would not accord with the locational strategy of the development plan. That strategy is up to date and I am required to determine the appeal in line with the policies of the development plan unless material considerations dictate otherwise. Consequently, the development conflicts with the development plan and is contrary to Paragraphs 2 and 15 of the National Planning Policy Framework (the Framework).

## **Other Matters**

9. In considering the appeal I have noted the Inspector's conclusions in respect of 29 Mains Lane. The policy context was different in that appeal as Fylde Borough Council did not have a five-year housing land supply and the local plan was not adopted at that time. Since that appeal decision the Local Plan has been adopted and identifies the strategy for the location of development. These are the policies upon which I have based my decision.
10. The appellant also contends that the site is not isolated and is well-related to local shops and services and that the effect of the dwelling on the character and appearance of the area would be acceptable. However, the reasons for refusal relate to the location of the dwelling not its visual appearance. The proposal would not be isolated in the terms of paragraph 79 of the Framework on account of its proximity to other dwellings and buildings. Whilst I note reference to the accessibility to shops and services the site is outside of any defined settlement and, as explained above, the Local Plan has a clearly defined hierarchy with the aim of locating new development in the most sustainable locations. For the reasons given, the proposal would not comply with that strategy and it is reasonable to expect that more sustainable locations are likely to be available for housing growth in the context of the aims of the development plan.
11. The proposal would make a small contribution to housing supply and that does amount to a positive benefit, particularly in the context of the housing land supply position of the neighbouring authority. However, the weight I attach to the benefit arising from a single dwelling is small and not a matter that would outweigh the locational strategy of the Local Plan, as set out above.
12. I have also noted the other applications and appeal decisions to which the parties refer. However, based on the information before me I do not consider that these are comparable to this appeal, particularly as my consideration of whether the proposal would amount to infill is based on the very specific circumstances of the appeal site and its relationship with adjoining buildings and land.

## **Conclusion**

13. For the reasons given above I have concluded that the development would not amount to infill development and, as such, would fail to accord with the aims of policy GB4 and the broad locational strategy of the Local Plan. No material considerations have been presented that would outweigh the presumption in favour of the development plan and, accordingly I conclude that the appeal should be dismissed.

*Diane Cragg*

INSPECTOR