



Appeal Decision

Hearing held on 24 January 2024

Site visit made on 25 January 2024

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 February 2024

Appeal Ref: APP/M2325/W/23/3331165

Land off Ash Court, Clifton, Lancashire, PR4 0ZL

- 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 Andrew Garnett (Breck Homes Ltd) against Fylde Borough Council.
 - The application Ref 22/0939, is dated 15 December 2022.
 - The development proposed is the erection of 39 affordable dwellings with associated access off Ash Court, pedestrian access off Ash Lane, car parking, open space, landscaping and a pumping station.
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Decision

1. The appeal is dismissed and planning permission for the erection of 39 affordable dwellings with associated access off Ash Court, pedestrian access off Ash Lane, car parking, open space, landscaping and a pumping station at land off Ash Court, Clifton Lancashire PR4 0ZL is refused.

Procedural Matters

2. The appeal was submitted against the non-determination of the application. The Council's Statement of Case outlined the reasons the proposal would have been refused had the appeal not been submitted. I have had regard to these putative reasons for refusal in my consideration of the appeal.
3. Prior to the submission of the appeal, the application was amended. The revised scheme reduced the number of dwellings on the site from 41 to 39 as described in the banner heading above. No party would be prejudiced by my determining the appeal on the basis of the amended application.
4. A draft Unilateral Undertaking was submitted by the appellant as part of the hearing documentation, and this was discussed at the hearing. As agreed during this discussion the signed and executed Deed was submitted after the close of the hearing. I will return to the agreement later in my decision.

Main Issues

5. The main issues in the appeal are:
 - The effect of the proposed development on the character and appearance of the area;
 - Whether or not the proposed development would make efficient use of land;

- Whether or not the proposed development responds to an identified housing need; and
- Whether or not the proposed development would have a safe and suitable access.

Reasons

Character and appearance

6. The appeal site comprises agricultural land that is roughly triangular in shape and forms part of a larger field. It lies on the eastern edge of Clifton, with residential development to the west and gently rolling agricultural land to the east.
7. The site, together with the land immediately to the south that borders Ash Lane, which is in different ownership, is allocated under Policy SL5 in the *Fylde Local Plan to 2032 (incorporating Partial Review) (adopted December 2021)* (FLP) for residential development.
8. The proposed development would be for 39 affordable dwellings comprising a mixture of houses, bungalows and maisonettes. It would be accessed from Ash Court – a small cul-de-sac that leads off Meadow Close, which is itself a cul-de-sac.
9. The residential development on Meadow Close and the cul-de-sacs that lead off it comprise 2 storey buildings that are mainly a mixture of short terraces, semi-detached houses and maisonettes. Houses are set back from the road behind modest front gardens, and many have projecting porches on the front elevation. The houses to the south-west of the site on Ash Lane, are more modern detached houses set on modest plots, with projecting gable features and bay windows.
10. The location of the site, jutting out from the settlement, and surrounded on 3 sides by agricultural land means any development would need to make an appropriate transition between the settlement and the rural area beyond. This is the case even though this rural area is traversed by power lines and further to the north lies a solar farm and a large industrial complex.
11. The proposed 4m planting buffer along the northern boundary would help to achieve this and would make a softer edge to the settlement than is found to the rear of the properties on Clifton Green to the west for instance. However, the southern boundary would be formed by the internal road with limited landscaping. If the land to the south that also forms part of the allocation is developed, then I accept that there would be less visibility of this boundary from the public realm. Nonetheless, there is no guarantee if or when this land may come forward for development and until such time as it is developed this would be an inappropriately hard edge to the development.
12. The proposed dwellings would have a similar scale and mass to those on Meadow Close and Ash Court and would all be provided with rear gardens of varying sizes. However, the limited size of the front gardens on many of the houses would appear out of character with residential development in the surrounding area.

13. Moreover, apart from around the proposed pumping station at the eastern end of the site, there would only be limited amounts of green space within the development. Whilst it is accepted that the scheme should make a contribution to the provision of formal open space off-site rather than provide any on the site, the inclusion of informal green space would visually enhance the scheme. However, what green space is provided appears to be "left over" land rather than purposefully designed to make a positive contribution visually to the scheme and area. The landscape buffer along the northern boundary would largely be behind rear gardens of properties and so there would be limited visibility of this within the site or from Ash Lane to the south. In addition, in places the lack of, or limited size of, front gardens on many properties means in various places the development would be dominated by hard surfacing.
14. The density of the development is similar to that on Meadow Close, and the shape of the site does to a certain extent constrain how the site can be laid out. Nonetheless, the proposed layout and density of the development does not take account of the semi-rural character of the site. Therefore, even though the eastern most dwellings would be bungalows, the proposal would not provide a suitable transition between the settlement and the surrounding agricultural land.
15. Policy H2 of the FLP expects that schemes will normally achieve a density of 30 dwellings per hectare. This scheme would be 35 dwellings per hectare which would not be appropriate given the rural fringe location. In this semi-rural context the site would appear over-developed. This would be to the detriment of the character and appearance of the area.
16. Whilst housing in the vicinity is not of any particular architectural merit, elements such as projecting porches, bay windows, roof features and chimneys contribute to the character and appearance of the area.
17. Whilst the materials for the proposed dwellings would reflect those found in the area the proportions of the front windows and the limited use of any projecting elevational features would be out of keeping. The only visual relief would be provided by the two contrasting brick types, brick cills and brick bonding. This would provide little visual interest in a scheme that would be a prominent extension to the settlement.
18. It was suggested that the design of the houses would reflect the affordable housing provided on the other recent housing development on the side of the village. However, although these houses had a more basic design than the other houses in the development, they still had small roof features or projecting porch canopies which provide some interest to the front elevation which would not be the case on the appeal scheme.
19. Overall, I consider that the proposed development would unacceptably harm the character and appearance of the area. As a result, it would conflict with Policy GD7 of the FLP which requires development to have a good standard of design that makes a positive contribution to the character and local distinctiveness, and ensures the siting, layout, massing, scale, design, materials, architectural character, proportion, building to plot ratio and landscaping of the proposed development relate well to the surrounding context. Nor would the proposal represent the good design required by guidance in the National Planning Policy Framework (the Framework), the Planning Practice Guidance and the National Design Guide.

Efficient use of land

20. Both the FLP and the Framework seek to make efficient use of land. However, both local and national policies caveat this with the requirement that in doing this developments should not have an adverse impact on the character and appearance of the area and should secure well designed places.
21. The appellant has provided plans that show how the rest of the land allocated for housing could be developed. As such, the proposal would not 'sterilise' the rest of the site. In this respect it would not prevent the efficient use of the entire allocation.
22. Nevertheless, although the proposal would achieve a density in excess of the requirement in FLP Policy H2, I have concluded above that the density would not be appropriate for this rural fringe location and that overall the development would not achieve a high standard of design that respects the character and appearance of the area.
23. Consequently, the proposal would not make efficient use of the land and would be contrary to FLP Policy H2 and section 11 of the Framework.

Need for affordable housing

24. The proposed scheme would provide 100% affordable housing with 70% being affordable rented properties and the other 30% intermediate housing. It would provide a mix in terms of both housing types and size. The latest *Housing Needs Survey (September 2022)* (HNS) shows that there is considerable need for affordable housing, particularly units to rent, across the borough. However, the need is not spread evenly across the borough, with the greatest need being in the urban areas.
25. The HNS indicates that the need in the "Rural East" is not as large as in other parts of the borough. However, evidence from the registered provider at the hearing demonstrated that affordable housing in Clifton that had become available in the last 18 months always attracted a large number of applicants. To my mind this shows that, even though the development may not be located in an area of greatest need, it would still make a valuable contribution to meeting the acute need for affordable housing identified by the HNS.
26. The proposal would also provide 8 units that would comply with M4(3(2a)) of the Building Regulations and so provide accommodation that would be wheelchair adaptable. This would comply with Policy H2 of the FLP which requires 20% of units on sites of 20 or more houses to meet this optional standard to help meet the needs of the aging population in the borough.
27. I therefore consider that the proposal would meet an identified need for affordable housing and would accord with both Policy H2 of the FLP outlined above and Policy H4 which seeks the provision of at least 30% affordable housing on schemes of 10 or more dwellings.

Highways

28. It is proposed that the development would be accessed via Meadow Close and Ash Court. These are both residential roads with Ash Court being narrower than Meadow Close and only having a pavement to one side. It is proposed to

increase the width of Ash Court where feasible on the approach to the site, but closer to the junction with Meadow Close this would not be possible.

29. The majority of dwellings along these roads have no off-road parking, which results in high levels parking on the street. This considerably reduces the width of both the road and the pavement. At the hearing and in representations residents told me of the considerable issues that the high demand for parking causes in the area, in particular for service and delivery wagons, with the area around the junction of Meadow Close and Ash Court being a particular 'pinch point' and preventing access by such vehicles to Ash Court. At my site visit I observed the high level of on-street parking and how parking around this junction affects accessibility.
30. Whilst the widths of Meadow Close and Ash Court are sufficient for 2 cars to pass, this takes no account of on-street parking. The proposed development would provide a turning head that would enable both cars and delivery and service vehicles to turn so they could enter and exit the site and Ash Court in forward gear. However, this is only a benefit if the vehicles can reach the site. From what I have seen and heard whilst cars would be able to access the site I am not persuaded that this would be the case for larger vehicles.
31. The proposal would provide sufficient parking spaces for the proposed dwellings so it would not exacerbate the existing parking issues on Meadow Close and Ash Court. It would also provide 8 off road parking spaces for occupiers of 3-10 Ash Court and 4 spaces within the site itself for other existing residents to use. Whilst this may ease the parking pressures for residents on Ash Court, given the demand for on-street parking, it is likely that other residents in the vicinity would park on Ash Court. As a result, I am not persuaded that these additional parking spaces would significantly improve the situation and ensure that access to the site for larger vehicles would be possible.
32. It was suggested that a Traffic Regulation Order could be pursued to introduce double yellow lines around the Meadow Close / Ash Court junction. However, a Traffic Regulation Order has to undergo a period of consultation, and there is no guarantee that it would be supported by local residents, particularly by those who may lose the ability to park outside their home. Moreover, there is no mechanism before me to secure the necessary funding to pursue such an Order.
33. The appellant also put forward an alternative access route for construction traffic that would utilise an existing field access on Ash Lane to the north of the site. Whilst it was stated that they have the agreement of the landowner to use this access and land for this purpose, it does not form part of the red line boundary of the site.
34. Furthermore, beyond the entrance to Clifton Hall, Ash Lane is a narrow road with limited passing places and no footway or street lighting. It also has a width restriction on it. As such, the suitability of this road for construction traffic is not clear, and I have no confirmation from the Highway Authority that this would be a suitable access for construction traffic.
35. The highways authority raised no objection to the scheme, and I agree with their view that the level of traffic flows generated by the proposal would not impact on highway capacity. In addition, given the level of on-street parking I would expect that traffic speeds along the adjacent residential roads would be

low. The planning obligation, which I consider further below, would make a contribution for off-site highway works to address some existing pedestrian safety issues at the junction of Meadow Close and Clifton Lane.

36. All in all, notwithstanding the lack of objection from the highway authority, I consider that due to the potential problems for delivery and service vehicles achieving access to the site, the proposal would not be provided with a safe and suitable access. It would therefore be contrary to paragraph 114 b) of the Framework that requires a safe and suitable access to be achieved for all users.

Other Matters

Drainage

37. Whilst the detailed drainage design would be subject to a condition, the appellant confirmed at the hearing that the flow rates from the site in various scenarios would either be equal or better than existing. I note that subject to conditions, the Lead Local Flood Authority have not raised any objections to the proposed development.
38. I have been provided with photographic evidence of existing flooding issues on Ash Lane and at the junction of Meadow Close and Clifton Lane. However, I was told that this flooding is a result of highway drainage issues and as such is not within the scope of the appeal scheme.

Ecology

39. The appeal site is 2.4km from the Ribble and Alt Estuary Special Protection Area, Ramsar site and Site of Special Scientific Interest (SSSI) and is 1.7km from Newton Marsh SSSI. Natural England have reviewed the shadow Habitats Regulation Assessment submitted by the appellant and have confirmed that they are satisfied that the proposal does not have the potential to cause significant adverse effects. Therefore, subject to a condition relating to the provision of Home Owner Information Packs, they have no objection to the proposed development. I see no reason to disagree with this conclusion.
40. In addition, the District Level Licensing scheme would be used with regard to Great Crested Newts and so ensure the development would not cause harm to this protected species. This could be secured by a condition.
41. The Biodiversity Net Gain assessment shows that the proposal would achieve a 34.8% increase in baseline units and a 270% increase in linear units which is a significant ecological enhancement. The proposal would also provide bird and bat boxes on site, and this could be secured by condition.

Heritage

42. Clifton Hall, a Grade II Listed Building lies to the south-east of the site. A heritage statement was submitted by the appellant which assessed the significance and setting of the Listed Building. It is agreed that due to the intervening vegetation and the fact that the functional and visual setting of the Hall is limited to its grounds, the proposal would not cause any harm to its significance. From what I saw and the evidence before me I would agree with this conclusion.

Housing Land Supply

43. It is not disputed that the Council can demonstrate a 5 year housing land supply, even if the latest position statement shows a slightly lower figure than the previous year. Whilst the site forms part of an allocation in the FLP, it does not currently form part of the 5 year housing land supply for the district. As such, the delivery of the site at this stage is not necessary to maintain a 5 year housing land supply in the borough.

Other Planning Benefits

44. The development would secure socio-economic benefits both through construction investment and by the contribution future occupiers would make to the local economy and to supporting local services. However, the former would be temporary and would not necessarily benefit the local area as there is no mechanism to secure the use of local contractors. Given the size of the scheme the latter would be modest in scale. As such, I give this benefit limited weight.
45. There are a limited range of services and facilities in Clifton which includes public transport links to larger nearby settlements. As such future occupiers would not be solely reliant on the private car to meet all their day to day needs.
46. The proposal would make a financial contribution towards the improvement of existing open space in Clifton. This would largely off-set the demand created by the development but would also benefit existing residents. I give limited weight to this.
47. The design of the dwellings would incorporate a range of technologies to ensure they achieve a high level of sustainability. I was told at the hearing that this would be above the standards required in the current Building Regulations.

Planning Obligation

48. A signed and completed Unilateral Undertaking (UU) was submitted by the appellant. This secures the provision of the development as affordable housing as well as the type and occupancy of the units. It also makes provision for financial contributions for off-site open space and primary healthcare facilities.
49. The Council have provided a CIL Compliance Statement, which together with various consultation responses, sets out how the UU would meet the relevant tests contained in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) and in paragraph 57 of the National Planning Policy Framework.
50. From the evidence before me I am satisfied that all of the obligations in the Unilateral Undertaking are necessary, directly related to the development and fairly related in scale and kind. As such, it accords with the statutory tests.

Planning Balance and Conclusion

51. The appeal proposal would be detrimental to the character and appearance of the area and in so doing would not make efficient use of the land. Moreover, it would not be provided with a safe and suitable access. As such the proposal is contrary to the development plan and the Framework.

52. The proposed development would provide 39 affordable housing units, 8 of which would be meet the M4(3(2a)) standard on a site allocated for residential development in the FLP. This would make a valuable contribution to meeting an identified need for affordable housing and for housing to meet the needs of the aging population in the borough.
53. However, whilst I have had regard to all this and the other benefits of the proposal, I consider that taken together these do not represent a material consideration sufficient to outweigh the conflict with the development plan.
54. Consequently, for the reasons set out above, I conclude that the appeal should be dismissed.

Alison Partington

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Ian Martin	Progress Housing Association
Andrew Garnett	Breck Homes Ltd
Daniel King	Breck Homes Ltd
Leon Armstrong	Mosaic Town Planning

FOR THE LOCAL PLANNING AUTHORITY:

John Copestoke	Senior Planning Officer, Development Management, Fylde Council
Eddie Graves	Principal Planning Officer, Planning Policy, Fylde Council
Andrew Stell	Development Manager, Fylde Council

INTERESTED PARTIES:

Cllr Martin Evans	Ward Councillor, Fylde Council
Cllr Chris Whitworth	Newton with Clifton Parish Council
Claire Parker	Cassidy & Ashton } on behalf of the adjacent landowner
Toan Chau	Cora IHT Ltd }
Patricia Dennis	Local Resident
Stephen Robinson	Local Resident

DOCUMENTS SUBMITTED AT THE HEARING

1. Response to the Inspector's comments on the suggested conditions submitted by the Local Planning Authority.
2. CIL Compliance Statement submitted by the Local Planning Authority.
3. Plan showing garden sizes for each plot submitted by the appellant.
4. Photo showing a pumping station submitted by the appellant.