



Appeal Decision

Site visit made on 17 June 2024

by A.Graham BA(hons) MAued IHBC

an Inspector appointed by the Secretary of State

Decision date: 17th July 2024

Appeal Ref: APP/M2325/W/23/3336050

Land adjacent to Holly Bank, Division Lane, Lytham St Annes, Lancashire

- 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 John Cookson against the decision of Fylde Borough Council.
 - The application Ref: 23/0306 dated 20 April 2023 was refused by notice dated 29 June 2023.
 - The application is for erection of an adaptable bungalow for persons aged 55 years of over.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The description used in the Council's decision notice differs slightly from that used by the Appellant in their original application form. However in part E of the appeal form the Appellant has confirmed that the description of development is acceptable. Accordingly I have used the description as used by the Council which more accurately reflects the description of development proposed.

Main Issues

3. The main issues are: a) Whether the site represents a sustainable and appropriate form of development within the countryside area, b) The effect of the proposal upon the character and appearance of the area and c) The effect of the proposal upon the living conditions of future occupants with regard nearby dwellings.

Reasons

4. The appeal site is a largely triangular shaped plot within open countryside and upon the flat plains that surround the Blackpool and Lytham area. The site is not located within any settlement boundary as identified in the Fylde Local Plan (LP) and is recognised as being located within the countryside. The plot shape appears to have been created through the presence of other property boundaries and the presence of both Division Lane and Midgeland Road whose junction is adjacent to this site. Recently two new dwellings have been constructed of contrasting architectural styles and the area is made up of several properties that have introduced some elements of ribbon type development into this area.

5. Despite this, the area is essentially rural and open with fields and hedges offering a strong rural character. Although houses are present, for the most part these are generally recessive, although there are some exceptions to this. The appeal site itself is largely hedged to its perimeter but it does mark an important corner between Division Lane and Midgeland Road.
6. The proposal before me seeks to construct a single storey bungalow upon this site that would be solely for the use of older persons over the age of 55. As a result the proposed property would meet current Building Regulations and offer a level of high accessibility suitable for disabled persons who would be able to live in the property for some considerable time due to its adaptability potential and features included to enhance older persons living.
7. Access to the site would be taken from Division Lane whereby visibility splays and ingress would be created through the removal of existing hedging. This would give access onto a sizeable area of hardstanding with parking areas for at least two vehicles. To the rear the bungalow would accommodate at least an 8.2m distance between the rear elevation and the boundary to the adjacent property of 505 Midgeland Road and this would extend to be greater extent in other parts.
8. In terms of scale and materials, the proposed building would differ from previous applications on this site with it being single storey. It would also offer some enhancement in terms of materials whereby more natural materials and brick would be used.

Whether the site represents a sustainable and appropriate form of development within the countryside area

9. The site is recognised as being located within the Countryside Area as designated in the LP. Policy GD4 of the LP precludes development in such locations unless certain criteria are met. These include where such development is needed to meet local business needs, such as for forestry or agriculture or limited infill development. As such the development would not meet any of the exceptions other than that of criteria f; infill development.
10. On infill development the Council are clear that such development should be of a scale and use that does not have a material impact on the rural character of an area. As other Inspectors have found this is often interpreted as a proposal that would infill or fill a gap in an otherwise continuous built-up frontage without causing harm upon the character of an area.
11. I cannot see how this site meets this criteria. Although it now sits between two dwellings, the layout of roads means that this site would be far more prominent than one would usually expect from such an infill site, especially with the site in effect impacting upon two different lane frontages. As such development here would occupy a relatively large and prominent plot that would not conform to the exception in policy GD4 as outlined above.
12. Accordingly, the principle of the proposed dwelling would be in conflict with Policy GD4. As a consequence of this it would also conflict with Policies DLF1 and S1 of the LP which outline the overall strategy of development for the area and would also be inconsistent with the approach in The National Planning Policy Framework (The Framework) in its emphasis that planning is genuinely plan led.

13. The Appellant has however advanced significant evidence with regards the proposed house and its role in meeting the needs of older persons housing. I have evidence before me that the area in question is likely to experience much more significant growth in its population of older people and that this site could help meet some of that need.
14. Notwithstanding this however the Council is clear in the LP that the housing of older persons accommodation should be located within sustainable locations. For instance Policy H2 of the LP suggests that 100% specialist accommodation for the elderly should be situated to provide easy access to regular public transport. Although this policy generally seems aimed at larger care home facilities (as do many of the Appellant's other precedent examples to support the scheme), the Appellant has provided evidence outlining where such facilities are located in relation to this site. From this it is clear that most such facilities are located some distance away albeit generally within 2km of the site. This includes the local bus stop being around 1.25km away and the nearest shops and facilities being around 1.9km away.
15. Although I give great weight to the potential of creating a new home with the potential to offer long term adaptable living for those over 55 and into old age, I cannot conclude that this site is either sustainable or compliant with the policy direction either provided by the LP or The Framework.

The effect of the proposal upon the character and appearance of the area

16. In assessing the effect of this proposal upon the character and appearance of the area I saw on my site visit that there is a general mix between houses and the wider countryside beyond and around. This perception is one that is quintessentially rural in character, where often narrow country lanes are fringed with hedges and where wide ranging views can be obtained over the low land levels of the surroundings.
17. There are however some houses nearby, most notably along Division Lane where there is an essence of ribbon development to its south side. There are also some houses visible over the paddock field adjacent to this site that can be glimpsed some distance away. The main intrusion into the built environment appears to have been through the development of the modern house at Holly Bank next door. This has introduced into the area a large building of non traditional design that does tend to dominate what is otherwise a highly attractive rural area.
18. Despite this the overall character of the area remains one of informally and generally sparsely placed houses along narrow country lanes. Most houses are also well located within their own plots and some maintain an agricultural feel that is characteristic of the area in itself. The proposed dwelling, although located behind what I saw was a rather unkempt and high hedge, would install another house in this location. It would, as a result contribute to more built enclosure over the paddock field and would represent a harmful encroachment of further piecemeal development into this area that would not appear as limited infill development.
19. Moreover, the proposed driveway access would be very harmful whereby large visibility splays and a wide access would result in something like a suburbanisation of this approach into the area along Division Lane. This effect would compound the already harmful opening created by Holly Bank next door

and would also result in the visibility of extensive hardstanding and car parking that would further erode the strong rural character of the area.

20. Ultimately, although this area has historically seen some piecemeal development of several kinds, the prominence of this plot and the capacity of the area to accommodate more such development is extremely limited. As such this proposal would result in a harmful further encroachment into the open countryside here upon a fairly prominent plot. As a result the proposal would have a seriously adverse impact upon the rural character that I consider is desirable to preserve and accordingly Policies GD4, GD7 and ENV1 of the LP would not be met.

The effect of the proposal upon the living conditions of future occupants with regard nearby dwellings

21. The proposed dwelling would have its rear garden facing in a northerly direction towards the adjacent new rebuild house of 505 Midgeland Road. However immediately to the east of the proposed plot is located a new two storey house known as 'Holly Bank'. As mentioned above this building is of a modern design and as part of this aesthetic the schemes designers have constructed balconies to the first floor elevations. One such balcony directly faces towards the appeal site and serves a first floor bedroom.
22. I saw on my site visit that the intervening hedge planting had been left to grow very high and effectively obscured any sense that these balconies were present here. However, this was the situation in high summer and I have no evidence before me as to how this planting could provide a similar shield in winter when the hedges are bare of leaves. Despite this, were these hedges not to be there then there would appear to be a significant risk of direct overlooking from this adjacent house. As such the only element capable of mitigating this would be the hedge.
23. Although I would be open to considering a landscape condition to protect the presence and maintenance of this hedge I simply do not have the information before me in order to make this judgement. At present, and based upon what I saw on my site visit and within the documents, I consider that, on balance, there would remain the risk that those occupying this adjacent building could overlook and spoil the enjoyment of the only private amenity space that would belong to this new dwelling. As such the requirements of the LP would not be met.

Conclusion

24. Although this proposed building would represent a home that could house older people until old age it would not represent a limited infill into this area nor would it protect the rural character and appearance of the locality as a whole. Rather it would construct a new dwelling that would be located some considerable distance from local facilities and would harmfully suburbanise this corner plot and cause harm to the overriding and positive rural character that currently exists. Moreover, the rear amenity space would, despite intervening planting and obscurity in summer, likely still be at risk of harmful overlooking at most other times during the year.
25. As such, although I give great weight to the potential of this scheme in meeting the housing needs of older people, ultimately the proposal would be in conflict

with the Development Plan and Policies GD4, GD7, S1, DLF1, and EN1 of the Fylde Local Plan would not be met, neither would the overriding policy guidance as contained within The Framework with specific reference to those policies directing decisions to be plan led and those that seek to protect both the character and appearance of an area and the open countryside. As such the appeal must fail.

A Graham

INSPECTOR