

Report to:	Planning Committee
Relevant Officer:	Gary Johnston, Head of Development Management
Date of Meeting:	9 February 2016

PLANNING/ENFORCEMENT APPEALS DETERMINED/ LODGED

1.0 Purpose of the report:

1.1 The Committee is requested to note the planning and enforcement appeals lodged and determined.

2.0 Recommendation(s):

2.1 To note the report.

3.0 Reasons for recommendation(s):

3.1 To provide the Committee with a summary of planning appeals for information.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

None, the report is for information only.

4.0 Council Priority:

4.1 Not applicable

5.0 Background Information

5.1 Planning/Enforcement Appeals Determined

5.2 Dean Nurseries, Chapel Road, Blackpool FY4 5HU (14/0730)

5.3 The appeal is made by Mr Maddock against the decision of Blackpool Council.

Application Reference 14/0730, dated 5 November 2014, was refused by notice dated 12 February 2015. The development proposed is 2 no.4 bedroom dwellings.

5.4 **Decision:** The appeal is dismissed.

5.5 The appeal is in respect of outline planning permission with details of access and layout, but with all other matters reserved. Since the decision on the planning application, Blackpool's Local Plan Part 1: Core Strategy-Proposed Submission (June 2014) (the emerging Core Strategy) has been subject to examination. The public has been consulted on Main Modifications to the emerging Core Strategy. The Council submitted the consultation to the Planning Inspectorate on 7 October 2015 to inform the final report. Relevant policies of the Core Strategy therefore form part of the deliberations.

5.5 **Main Issues**

The main issues in this appeal are firstly, the acceptability in principle of the site for housing having particular regard to national and local policy; secondly, the effects of the appeal scheme on the character and appearance of the area and; thirdly, the proposal's effects on the living conditions of the occupiers of the Hollies particularly in regards to outlook and the availability of natural light.

5.6 **Principle of development**

The appeal site is within Marton Moss Countryside Area on the rural fringe of Blackpool. The site and its surroundings are characteristic of the area's pattern of dispersed and sporadic development. Policy NE2 in the Blackpool Local Plan (adopted June 2006)(the Local Plan) is generally restrictive of new residential development within Marton Moss with the exception of accommodation necessary to agricultural or horticultural uses. The aim of the policy is both to retain the existing rural character of the area and also to prevent peripheral urban expansion.

5.7 Blackpool's emerging Core Strategy includes Policy CS26. This policy promotes a neighbourhood planning approach to the delivery of development in the area, to ensure that any new residential uses are coordinated with appropriate supporting infrastructure. However, in advance of adoption of a neighbourhood plan, the policy is generally restrictive of new dwellings unless they are developed in connection with an agricultural or horticultural purpose.

5.8 The Inspector was mindful of the guidance contained within the Framework paragraphs 215 and 216 in relation to the weight to be given to policies in both older and emerging Local Plans and of the Framework's advice at paragraph 49 in relation to policies that control the supply of housing. The Council provided undisputed evidence of a deliverable five year supply of housing. In this context, significant weight is attached to the policy NE2 of the Local Plan. Also, due to the advanced stage of its preparation and lack of significant objections in relation to it, moderate

weight is attached to policy CS26 of the emerging Core Strategy.

- 5.9 Furthermore policy NE2 is consistent with the Framework in that its objectives conform with paragraph 17, which states that planning should “take account of the different roles and character of different areas”. Similarly, CS26 is consistent with the objectives of paragraph 17 in that regard and also in that it promotes an approach that “is genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area.”
- 5.10 Whilst it is accepted that, given its proximity to the urban area of Blackpool, the proposal would not constitute isolated residential development as per paragraph 55 of the Framework; it would nevertheless be in a location where access to services would be largely reliant on the use of the private car. This indicates that the proposal would not have a high degree of either environmental or social sustainability.
- 5.11 Moreover, the proposal, being the type of ad hoc and sporadic development that the local policies seek to control, would be at variance with the objectives of policy NE2 of the existing Local Plan and policy CS26 in the emerging Core Strategy and therefore the principle of development at the appeal site has not been established.
- 5.12 In coming to that view the previous appeal referred to in the appellant’s statement has been considered. However this was determined at a time when the Council could not demonstrate a five-year housing supply and the emerging Core Strategy was not as advanced in its preparation. The Inspector in that appeal gave only limited weight to policy NE2 in those circumstances. It is clear that the Council’s current five-year supply position and the more advanced stage of preparation of the Core Strategy both distinguish the current appeal from that previous decision. Also in that previous decision the site in question was much more proximate to an established residential area. Thus, development of the site would run contrary to the plan-led approach of the emerging Core Strategy, and would also not constitute sustainable development in the context of the Framework.
- 5.13 **Character and appearance**
The wider area within which the site sits includes a detached bungalow (the Hollies) within a generous plot set back from the road and a number of outbuildings of an agricultural character. The site is well screened from the road with its mature boundary of hedgerows and large trees.
- 5.14 To the front of the site across Chapel Road there are open fields also bounded by hedgerows. The road has a footway on the opposite side to the appeal site, and lampposts, telegraph poles and electricity pylons give the wider area a cluttered appearance. In the immediately surrounding area there are a range of land uses including dwellings, waste transfer, kennels and stabling, employing a variety of

materials, though red brick is predominant in the older structures. For these reasons the area does not have a deeply rural ambience or an aesthetically appealing landscape character.

- 5.15 The development would secure two houses across the access track from the Hollies, the forward building lines of which would be similar to that of the Hollies' forward elevation. The layout and indicative design would be of an entirely suburban character, which, although well screened from Chapel Road by existing planting, would in combination with the Hollies, be an intensification of residential uses, the density of which would be at variance with the scattered nature of development in the surrounding area. The proposal would thus be unduly cramped and appear urban and out of context given the more spacious character of residential development in the wider area.
- 5.16 Though the site would not necessarily constitute a continuation of built frontage, the Inspector was also mindful of the potential requirement for boundaries and trees to be removed to facilitate sight lines for the proposed access, which could render any development of the site more prominent in the area. The proposal would, by virtue of its design, siting and density be harmful to the character and appearance of the wider area, and would run contrary to the objectives of NE2 of the Local Plan and CS26 of the emerging Core Strategy in this regard.
- 5.17 **Living Conditions**
The appeal proposal's flank wall would be located some 10 metres away from the adjacent flank wall of the Hollies. The illustrative design shows a blank gable elevation without fenestration facing towards the Hollies. The Hollies' flank wall adjacent to the appeal site contains several windows to habitable rooms. However, these rooms also have windows on the front and back elevations of the Hollies. Given this fenestration pattern, and the generous separation distances proposed, it was not considered that the appeal scheme would be significantly harmful to the occupiers of the Hollies in terms of its effects on outlook.
- 5.18 Similarly, given the orientation of the proposal, the pattern of fenestration on the Hollies and the separation distances between the existing and proposed developments, it was not considered that the appeal scheme would be harmful to adjacent occupiers in terms of its effects on natural light and sunlight. Accordingly, there was no conflict with policy BH3 of the Local Plan, the objectives of which seek to ensure, amongst other things, that new development does not cause harm to the living conditions of adjacent occupiers.
- 5.19 **Conclusion**
Although no harm would result from the scheme to the living conditions of the occupiers of the Hollies, the proposal would be harmful to the character and appearance of the wider area and the proposal does not comply with the Local Plan

and emerging Core Strategy policies in regard to the Marton Moss Countryside Area. The principle of residential development of the appeal site is thus not established. Furthermore in the context of these local policies, and the advice given in the Framework, the appeal site's residential use would not constitute sustainable development. The appeal scheme's harm to the area's character and appearance, and its failure to accord with the relevant development plan policies outweigh the lack of harm in relation to its effects on living conditions.

6.0 Planning/Enforcement Appeals Lodged

6.1 16 Carlin Gate, Blackpool, FY2 9QX (15/0595)

6.2 An appeal has been submitted by Mr Mervyn Beevers against the Council's refusal of planning permission for the Erection of 1.85m high boundary fence to Holmfield Road and Carlin Gate.

5.4 Does the information submitted include any exempt information? No

5.5 List of Appendices:

5.6 None

6.0 Legal considerations:

6.1 None

7.0 Human Resources considerations:

7.1 None

8.0 Equalities considerations:

8.1 None

9.0 Financial considerations:

9.1 None

10.0 Risk management considerations:

10.1 None

11.0 Ethical considerations:

11.1 None

12.0 Internal/ External Consultation undertaken:

12.1 None

13.0 Background papers:

13.1 None