

Item Number: 2

Committee Date: 01 August 2018

Application Reference:	17/0495	Type of Application:	Change of Use
Applicant:	Mrs D Bradbury	Agent :	Jayne Bradbury
Location:	LAND ADJACENT TO STAINING WOOD COTTAGES, PRESTON NEW ROAD, WESTBY WITH PLUMPTONS		
Proposal:	CHANGE OF USE OF LAND TO MIXED USE OF RESIDENTIAL CARAVAN SITE FOR TWO GYPSY FAMILIES EACH WITH TWO CARAVANS (INCLUDING NO MORE THAN ONE STATIC CARAVAN), AND FOR STABLING OF HORSES. DEVELOPMENT TO INCLUDE ERECTION OF A TIMBER STABLE BUILDING, LAYING OF HARDSTANDING, ERECTION OF 1.2M HIGH FENCING AROUND SITE, AND CONSTRUCTION OF NEW VEHICLE ACCESS DIRECT TO PRESTON NEW ROAD		
Ward:	WARTON AND WESTBY	Area Team:	Area Team 1
Weeks on Hand:	54	Case Officer:	Andrew Stell
Reason for Delay:	Application Deferred by Committee		

If viewing online this is a Google Maps link to the general site location:

<https://www.google.co.uk/maps/@53.7850288,-2.9537165,351m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Introduction

This application was presented to Committee for a decision at the 8 November 2017 meeting. Following a debate on the application, Committee resolved to defer a decision with the minutes recording the reason as:

“To allow further discussions with the applicant in relation to the potential to use alternative access/egress arrangements from Preston New Road to serve the site instead of the currently proposed access via Foxwood Chase.”

Since that time the scheme has been revised and so this report explains the details of that revision, the consultation views received on it, and the planning considerations raised by the revised proposals.

Summary of Officer Recommendation

The application relates to the use of a rectangular area of land in the Countryside but adjacent to a cluster of residential properties at Staining Wood Farm and Foxwood Chase in Westby. The proposal is to use the land for a mixed use of equestrian use and as two gypsy pitches, with each pitch providing a static caravan and one other caravan.

The equestrian use is clearly one that is acceptable in a countryside location with many other small scale stable blocks of the style proposed here across the borough.

The gypsy and traveller pitch use is specifically examined through Policy HL8 of the Fylde Borough Local Plan and Policy H5 of the Submission Version of the Fylde Local Plan to 2032.

These both start by referring to a need for additional pitches to have been identified over the Plan period. This is a matter that has been the subject of revision in recent years as a consequence of changes to the planning definition of gypsy and traveller set out in government guidance and has led to changes in the need for pitches in the Fylde Local Plan as it has proceeded through Examination. The current situation is that the borough has approved sufficient pitches to meet the most recently identified need over the Plan period for Fylde. However, there is an under-provision of pitches to meet the need identified across the Fylde Coast authorities, and there is likely to be an additional unknown need due to the difficulties in accurately confirming the extent of gypsy and traveller pitch need due to the nature of this group's lifestyle.

This is reflected in the revised Policy H5 of the Fylde Local Plan to 2032 which supports the provision of pitches to meet gypsy and traveller needs where they are located and designed to comply with a series of criteria that are listed in that Policy. This approach accords with the guidance set out in Planning Policy for Traveller Sites and the general presumption in favour of sustainable development set out in the NPPF, and is an approach that has been supported in recent appeal decisions in the borough where this type of development has been tested.

The key criteria are the locational qualities of the application site, whether it provides a safe and suitable access, and whether the site will create undue landscape harm. Taking these in turn:

The site is located adjacent to a cluster of existing development and whilst it is not adjacent to a settlement that provides services it is within a reasonable distance to some rural villages that do so, and is on a well-served bus route to other centres, and is on a cycle route. As such it is considered that the location is one that is acceptable in terms of the policy requirements.

The initial proposal was to take access for the site through the adjacent Foxwood Chase development. That has now been revised so that access is now proposed to be direct to Preston New Road through an access point located centrally on the site frontage. The visual impact resulting from the formation of the access and visibility splay is not so harmful to justify a refusal of planning permission.

With the development including the siting of static caravans on a site that is close to the road there is a likelihood that there will be some impact on the rural landscape. However, this impact is minimised by the location of the site against the side of an existing kennel building and behind a well-established roadside hedgerow that is to largely be retained and enhanced through new planning to provide an effective landscape screen. The limited views of the site from other aspects ensure that overall the landscaping impact of the development will be minimal.

Having considered these aspects and all other material considerations it is officer view that the proposal complies with the criteria assessments of modified Policy H5 of the Submission Version Fylde Local Plan to 2032, and of Policy HL8 of the Fylde Borough Local Plan. The application will allow a degraded site to be brought to a productive use and will allow 2 gypsy pitches to be provided in an appropriate location to assist in the supply of such accommodation. Accordingly the application is recommended for approval subject to conditions.

Reason for Reporting to Committee

As the officer recommendation is for approval and the Parish Council have raised objection then the Scheme of Delegation required that the application was initially presented to the Planning Committee for a decision. This report is an update on matters since the earlier meeting so should also be presented to Committee for a decision on the application.

Site Description and Location

The application site is a rectangular area of rough ground located immediately to the south of Preston New Road in Westby in a location that is generally opposite the Shale Gas exploration site. It is currently used to support the welfare facilities for those involved in policing activities associated with that operation. To the immediate west is the kennels at Staining Wood Cottages and to the west of that are the dwellings at Foxwood Chase which are converted from agricultural buildings associated with Staining Wood Farm. Land to the east and south is in agricultural use with a solar farm erected in 2016 midway between the site and Ballam Road to the south.

The application site is in the Countryside in the adopted Fylde Borough Local Plan and in the emerging Fylde Local Plan to 2032.

Details of Proposal

The application proposes that the site is used for a mixed use of 2 gypsy pitches and equestrian use. This remains the same scale and nature of development as when the application was first presented to Committee. The access arrangements have been revised following the previous consideration of this proposal by Committee.

The initial application proposed that access be provided through the use of a connection to Foxwood Chase which is a gated residential development of converted rural buildings located to the west of the main part of the application site. At the Committee meeting some concerns were expressed about the viability and safety of the use of this access and so the decision on the application was deferred to allow an alternative access route to be investigated.

This application proposes the establishment of a new access direct from the site to Preston New Road, with the previous connection to Preston New Road no longer forming part of the application site. The position of this access has been revised to reduce conflict with a bus stop on that road and to clarify the extent of the visibility that is available. This now indicates that an access is formed to the eastern end of the site frontage so that it is close to the field gate servicing the adjacent agricultural land. This access is 6m wide and the plans indicate that visibility splays of 2.4m x 120m in both directions.

With regards to the residential element of the proposal, the application advises that each pitch is to accommodate no more than two caravans with only one of these to be of static size. The pitches are sited so that one is entirely alongside the road and the other is entirely alongside the agricultural land to the south. The applicant has confirmed that the prospective site residents will occupy the site in line with the revised definition of "gypsies and travellers" set out in PPfTS.

With regards to the equestrian element the proposal includes a single stable building in timber to provide 4 sections with 3 providing stabling and the fourth a feed store. This building is now indicated in the southwest corner adjacent to the previous access to Foxwood Chase.

The revised access arrangements and consequential site layout changes have been the subject of re-notification and consultation with neighbours and the relevant consultees.

Relevant Planning History

Application No.	Development	Decision	Date
07/1001	RE-SUBMISSION OF 07/0464 - CONSTRUCTION OF STABLE BLOCK AND PRIVATE OUTDOOR MENAGE FOR PRIVATE USE.	Refused	01/02/2008
07/0464	CONSTRUCTION OF A STABLE BLOCK AND OUTDOOR MENAGE FOR PRIVATE USE WITH ENABLING WORKS	Refused	25/06/2007

Relevant Planning Appeals History

None.

Parish/Town Council Observations

Westby with Plumpton Parish Council comment on the revised proposal as follows:

"The parish council refers to the initial objections made and recognises no differing criteria and must also highlight the objections made by Highways in their correspondence, with which the parish council agrees."

For reference, their comments on the initial proposal were:

"It was resolved that the parish council object strongly to this application. It was decided that a report produced noting the requirement for traveller sites is incorrect as Westby has established a 'fair share'. This application has issues with access to the site with regards to the A583 and access via Foxwood Chase, the extra traffic on the A583, the actual need for the application as there are several traveller sites within the parish and the detrimental impact on the residents of Foxwood Chase."

Statutory Consultees and Observations of Other Interested Parties

Lancashire County Council - Highway Authority

Revised Proposal

They initially raised concerns over the submitted plans failing to highlight the location of the bus stop and shelter and that these would need to be re-sited. They also highlight that the visibility and swept-path turning arrangements are not shown on the submitted plan, and that the access needs to be designed to ensure that a car and caravan will not overhang the carriageway when entering the site.

The applicant presented a further revised plan which is under consideration at this meeting. The local highway authority have provided further comments on this plan which confirms that they are satisfied that the junction design and location is acceptable for the development. They request conditions relating to the position of gates, the surfacing of the access, the provision of visibility splays, and the need to revise the road markings to accommodate the access point.

Initial Proposal

They did not raise specific objections to the application, but highlighted the potential for a towed caravan to have an overall length that would involve it obstructing the carriageway of the A583 if the gates were to remain in their current location as they are only around 10m back from the edge of the carriageway. They describe this as a significant safety issue.

Environmental Protection (Pollution)

Raise no objections subject to clarification of the refuse collection arrangements.

Regeneration Team (Landscape and Urban Design)

At the time of the original application the council had a Landscape Officer in post who made comment on the application. As that post is currently vacant no comments are provided on the revised scheme.

The comments on the original proposal refer to:

- The disturbed nature of the site being untypical of the countryside of the borough.
- The site has an overgrown hedgerow to the road frontage but exposed boundaries to other aspects
- A planting and management plan would be helpful to mitigate the visual impact of the development, particularly in winter months
- The level of hardstanding has the potential to lead to visual impacts and drainage issues
- An improvement of the farm track to the east of the site would seem to provide a more visually appropriate access to the site

United Utilities

They highlight the surface water drainage hierarchy and the need to comply with this in the assessment of the drainage arrangements of the site. They highlight the proximity to the large diameter trunk main and the associated easements, that there is no foul sewer in the area to serve the development, and that the water supply main will need to be extended if it is to serve the development and so may require developer contributions under the Water Industry Act 1991.

Neighbour Observations

Neighbours notified (initial):	20 July 2017
Neighbours notified (revised)	06 June 2018
Site Notice Date:	20 July 2017
Number of Responses	Initial - 5 letters (4 from residents and 1 from Foxwood Chase Management Co) Revised - 5 letters (4 from residents and 1 from Foxwood Chase Management Co)
Summary of Comments	<u>Comments on Revised Proposal</u> The letters all raise concerns over the proposal with the points raised summarised as follows: <ul style="list-style-type: none">• There is a legal covenant in place that restricts the use of the site to agricultural use only• The track to the rear of the kennels is part of the site and should be considered as such in this application along with any

restrictions imposed on it.

- The space available within the site for parking and turning vehicles within the site is limited and may lead to vehicles reversing onto the A583
- The residents suggest that a barrier or other permanent restriction over access to the track to the rear of the kennels be provided.
- Concern that the site will be utilised as a base for commercial operations and that these will create disturbance to other local residents
- Foul drainage arrangements are unknown
- Query how any planning conditions will be enforced
- Query if Cuadrilla have been consulted given that the application would establish the nearest residential presence to their site
- Query the need for additional gypsy pitches in the borough
- Concern that the development of the site will cause disturbance to neighbouring residents
- Highlight the raised ground level of the site in comparison to the road and so how drainage will be managed.

Comments on Initial Proposal

The letters all raise concerns over the proposal with the points raised summarised as follows:

- That the proposed use of Foxwood Chase will inevitably increase the vehicle use of that road, and that this causes issues because it is gated, has a winding route to the site, has a width that only allows single direction movements in parts, has no drainage, and has a surface that may not support the additional loads
- The issues with the access make it particularly unsuited for caravans, horse trailers or other towed vehicles that are likely users of the route under the proposal.
- The constraints of Foxwood Chase will make it impossible to deliver a static caravan or such vehicles to the site.
- Whilst there is a legal right to the landowners to use Foxwood Chase it does not extend beyond the access point so no reversing out could be undertaken and would likely be needed to utilise the access
- The position of the gates could cause hazards to other road users as long vehicles wait for them to open
- There is a covenant on the land that requires it to be used for agricultural purposes only
- The residential occupation of the site will cause noise and disturbance that will in turn unsettle the dogs boarded at the kennels which is immediately adjacent. This will harm the dogs and will lead to increased barking which will therefore be a noise nuisance to residents in the area.
- The proximity of the site to the Shale gas operation means that the residents will be harmed by the noise, lights and other activities undertaken at the site, particularly given the lesser

insulation provided by a caravan.

- There is no foul drainage on the site
- There is a risk of horse escapes to the highway
- Any commercial use of the site would be harmful to the residential amenity of Foxwood Chase residents.
- The equestrian element has no area for feed or exercise of the horses

Relevant Planning Policy

Fylde Borough Local Plan:

SP01	Development within settlements
HL08	Sites for Gypsies

Fylde Local Plan to 2032:

GD4	Development in the Countryside
GD7	Achieving Good Design in Development
H5	Gypsies, Travellers and Travelling Showpeople's Sites

Other Relevant Policy:

NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance
PPTS	Planning Policy for Traveller Sites

Site Constraints

Within countryside area
Article 4 direction

Environmental Impact Assessment

This development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended.

Comment and Analysis

Policy Background

The application site is located in the Countryside in both the adopted Fylde Borough Local Plan under Policy SP2, and the Submission Version of the Fylde Local Plan to 2032 under Policy GD4. Both of these policies support rural developments in these areas where they are necessary and justified, but are resistant to other forms of development that could harm the rural character of the borough.

In addition to the NPPF there is specific national guidance in the Planning Policy for Traveller Sites (PPTS) of 2015 which is relevant to the consideration of the application. This is recent advice and relevant to the determination of the application. One of the key parameters to it is that it provides a definition of a 'gypsy and traveller' to which the guidance applies. This is:

'Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.'

The applicant's agent has confirmed that the applicant and intended occupiers of this site comply with that definition.

The adopted Fylde Borough Local Plan provides a specific policy for Gypsy sites in Policy HL8 that firstly requires an assessment of whether there is a personal or district need for such sites, and then includes a series of criteria based development management tests such as whether the site has access to services, whether the site is appropriately sized, the access arrangements, etc.

There is a similar policy in the Submission Version of the Fylde Local Plan to 2032 in Policy H5. This has been subject to modification as a consequence of the Examination, and to ensure compliance with current government guidance in the PPTS. The policy refers to sites in Newton and Warton which have consent for gypsy and traveller pitches, and then imposes a series of development management tests including access, drainage, etc. for the assessment of any additional sites that are put forward and will meet an identified need. These are assessed in this report.

The establishment of an equestrian use on the site will also need to be examined as part of this application through the general Countryside policies.

Need for Gypsy Sites

The starting point for the assessment of such applications is whether there is a need for additional gypsy and traveller accommodation. Policy H5 of the Submission Version of the Fylde Local Plan to 2032 refers to a need for 26 pitches over the Plan period, but has been the subject of a proposed Main Modification as a consequence of updated information considered during the Examination in Public of the Plan. This updated information is the 'Blackpool, Fylde and Wyre Gypsy and Traveller Accommodation Assessment' which was first undertaken in 2014 and then updated in 2016 as a consequence of the publication of the PPTS the previous year which contained a new definition of gypsies and travellers for planning purposes. This concludes that the need for pitches over the Plan period reduces from 26 to 3, and so these are met by the commitments for 5 pitches at Newton and Warton.

On the face of it this would indicate that there is no need for the additional pitches proposed in this application. However, in line with national guidance, the policy includes criteria to be used in the event that applications are proposed where the applicant falls within the PPTS definition, and they have a need for accommodation in the area, and their needs were not part of that identified by the GTAA Update 2016.

When this matter was previously considered by Committee the report was unable to present any assessment of the 'need' question due to the fluid state of the Policy at that time being mid-Examination. With the Examination having now effectively closed and the council having prepared and consulted on its Main Modifications that is no longer the case and the need element of Policy H5 is a consideration in the determination of this application.

The 'need' question is criteria a) of Policy H5 and looks at the need for new pitches in Fylde and neighbouring authority areas. The commentary above confirms that there is no need identified in Fylde, but that is not the case for the neighbouring authorities of Blackpool and Wyre who have an unmet need identified in the joint GTAA. This unmet subregional need must be taken in to consideration in the determination of an individual planning applications of this type.

The need for Fylde to accommodate a need from these neighbouring authorities was examined in some detail at the public inquiries into the decisions at Fairfield Road and Newton. In both those

cases the determining Inspector placed weight on meeting the unmet need for sites in the sub-region as part of the planning balance on those decisions. Further support to this approach is provided through the basic premise of the NPPF which is that development should be supported where it is sustainable, and this is tested below alongside the other relevant criteria contained in the adopted and emerging policies.

Locational Criteria

The site complies with criteria b) and c) as it is not in the Green Belt, Area of Separation or Flood Zones 2 or 3.

Visual Impact

Criterion d) relates to local amenity and the environment, and so effectively requires an assessment of the visual impact of the proposal. This has particular relevance here given the site's location in designated Countryside where it is important that development does not harm the established rural character of an area.

The previous scheme would have had a limited visual impact due to the retention of the well-established hedge to Preston New Road and the implementation of additional boundary planting to the other elevations. The provision of the access and the required visibility splays to Preston New Road in the current proposal will increase its visual impact considerably as the hedgerow will be removed to form the access. This is a negative impact from the development.

However, the application proposes that additional landscaping will be provided to the peripheral areas of the site to bolster the quality of the frontage hedge and to improve screening on the approaches from other aspects. This will assist to a degree, and will be secured by condition. A further aspect to be secured by conditions is the confirmation of the land levels on the site as the site is currently elevated over road level which will accentuate the appearance of the caravans that are to be sited.

The provision of a high-quality planting scheme is a particularly important element of a scheme that involves the siting of caravans as they are typically prominent structures in the landscape, and so is essential here. Whilst there will still be some harm from the development, the site is not in an isolated location surrounded by open countryside, but is a parcel of land that lies adjacent to a cluster of existing development and so the impact of the development is reduced as a consequence.

This scheme is considered to comply with this criterion subject to appropriate conditions being imposed to secure effective landscaping of the site and the satisfactory levelling and surfacing of the site itself.

Is the application site isolated?

Criterion e) requires that gypsy and traveller pitches are located where there is a reasonable access to the services needed to support their occupation. In this case the site is located outside of any defined settlement, with Wrea Green around 2km to the south east and Weeton around 3km to the north. Whilst this is beyond a reasonable walking distance these areas are cycleable. Furthermore, the location of the site is one that benefits from a regular bus service, is on a cycle route and is already a location of residential development. With the limited scale of the site proposed and these locational attributes it is considered that the proposal is acceptable in this regard.

Occupier Amenity

Criterion e) also refers to noise and the potential for this to have an adverse impact on the amenity

of the site occupiers. The site is located in close proximity to the shale gas exploration rig that has recently been constructed on the northern side of Preston New Road and has its access point around 75m from the nearest point on the site and the rig itself being around 200m distant. This means that the gypsy pitches will become the closest residential properties to this facility and so it is necessary to examine the potential for its use to cause noise and other disturbances to the occupiers of the site.

The use of the shale gas site is for a temporary period of exploration and so as that is currently part-way through there is no certainty that the site will still be operational at a time when any planning permission for the gypsy pitches under consideration here are actually implemented. However there is the potential that they could be so these issues need to be assessed, with the primary concern relating to noise.

The applicant's agent has provided some noise information that concludes that the greatest noise source affecting the site will be traffic noise. This provides a comparison with the noise generated on a site alongside the A38 in Derby and concludes that a modern caravan built to the appropriate British Standard and with standard noise protection windows fitted would achieve the necessary protection from undue impact at the noise levels generated by that road. The situation with the application site is that the road noise levels are likely to be less than at the trunked A38 and so in this regard their information is acceptable.

With regards to the shale gas exploration noise the council's Environmental Protection Officer has confirmed that the insulation levels available in the caravans and the distance that they are from the noise source on the shale gas site are such that the noise generated will not lead to a noise nuisance.

Accordingly it is concluded that the site will provide an acceptable level of amenity for its occupiers.

Access Arrangements

This was the reason that the previous proposal was deferred, and it is assessed under criterion f) which requires that there is safe pedestrian and vehicular access and adequate on-site parking.

The original proposal sought to access the site from the existing access that serves Foxwood Chase to Preston New Road. This has now been revised, with a new access direct from the site to Preston New Road, with the precise location of the access point being further revised, in terms of its location and design, in order to address the concerns expressed by the local highway authority.

They have commented further to confirm that the principle of a new access to Preston New Road is one that is considered acceptable and that the scheme now has a suitable location and design that will allow safe access to and from the site in a suitable location. Conditions will be required to ensure that this is implemented (gates location, visibility splays, road marking alterations, etc).

Internally the site provides space for the parking of vehicles and is of a size that will allow them to turn within the site as demonstrated by supplied tracking analysis, so that there is no need to undertake any reversing manoeuvres onto the highway.

The residents of Foxwood Chase have expressed concern over the potential use of an overgrown track that links the application site to that road. Whilst this was to previously have been used to provide access to the site that is no longer the case and it is now excluded from the application. A reference to a pedestrian connection was indicated, but has now been withdrawn from the scheme.

Scale and Layout of Site

Criterion g) of Policy H5 looks at the scale of the proposal, and does so in two ways. Firstly that the site is of a size that can accommodate the number of pitches which are proposed, and secondly that the site does not involve a scale of development that would dominate the nearby settled community.

In this case the proposal is for 2 pitches on a site that measures 50m across the frontage and 65m in depth. The submitted site plan confirms that each pitch will be able to accommodate a static caravan and car with additional space for a second caravan and further vehicle parking. The site is able to accommodate the two pitches that are proposed.

The site is also located alongside a total of 10 residential properties in the immediate vicinity and others nearby. As such the 2 pitches will not dominate that settlement community and so there is no conflict with criterion g).

Criterion h) promotes the requirement for the site to allow mixed use development as is reflective of the traditional lifestyle of gypsies in particular. The inclusion of the stables and a grazing area along with additional parking areas for any working vehicles owned by the site occupants is evidence of compliance with this criteria.

Access to Services

The final criteria of Policy H5 requires that the site does not place unacceptable pressure on existing infrastructure. The availability of various transport links is part of this aspect of the assessment that has already been assessed. The drainage requirements are to be satisfied by the provision of a septic tank on site to serve each pitch given the lack of any main sewer connections in the area. This is a suitable arrangement and can be secured by condition. The site plan makes reference to retaining landscaping on site and the use of permeable hardstanding. This will assist in ensuring the site drainage is similar to the existing situation, but should also be secured by condition requiring the submission and implementation of an appropriate surface water drainage scheme for the site.

Compliance with Policy H5 of the Submission Version Fylde Local Plan to 2032

The preceding sections of this report examine the criteria that are contained within the emerging Plan policy that is relevant for the assessment of this application. This Policy is designed to reflect current government guidance and has been modified during Examination to reflect changes in national policy. As such it represents an up-to-date policy test for this application that accords with government guidance on applications of this nature.

The assessment here confirms that the current application now complies with all aspects of this Policy. It is also the case that this proposal complies with Policy HL8 of the Fylde Borough Local Plan which is the current development plan equivalent policy test, albeit that this policy has reduced relevance as it is out-of-date against current guidance.

The remainder of this report will assess other relevant planning considerations.

Neighbour Amenity

The site is positioned where there is no direct view from any neighbouring properties as it is behind the wall that surrounds the kennels site from the nearest neighbour at Staining Wood Cottages and is some distance away on the opposite side of the road to the closest properties in the other direction. As such the pitches and stables will have no direct impact on residential amenity.

The previously proposed shared use of the access to Foxwood Chase would have caused some

impacts to the amenity of the neighbouring dwellings on Foxwood Chase but as that is no longer part of the scheme this impact is removed.

The operator of the K9 kennels business which trades from 1 Staining Wood Cottage has highlighted the potential for the residential use of the site to cause disturbance to the dogs and so lead to their welfare being impacted and their barking to increase to the detriment of general amenity. This point is accepted and it seems there is a reasonable potential for the proposal to increase activity in the area. However the kennels are located in a courtyard with a high brick wall to the site boundary and a close relationship to the road where traffic noise and other noise associated with its use is likely to be prevalent. Whilst this assessment is a balanced one, it is not considered that the potential for the activity on the site to detrimentally increase noise levels in the area to the detriment of this business is such that it would justify the refusal of the application.

Equestrian Use

It is usual for a gypsy and traveller facility to include provision for some equestrian accommodation due to the close association of horses with the gypsy lifestyle. This scheme is no exception with the proposal being for a mixed use of the residential pitches and the provision of a stable block with capacity for 3 or 4 horses. Such a stable block is acceptable in the countryside given that equestrian uses are appropriate in these areas, and the design and materials of this proposal are acceptable here to ensure compliance with the requirements of Policy SP2 and Policy EP10 of the Fylde Borough Local Plan.

Residents have understandably highlighted the potential for management issues with the inclusion of a stabling element to the site given the limited access to grazing areas for horses. The applicant's agent has confirmed that they intend to use the stables only to accommodate horses that are ill or in need of veterinary care and for the storage of feed and tack as they are to be grazed on land elsewhere. The access arrangements now proposed address concerns over the access to the site with horse trailers that were previously raised, and the grazed area in the centre of the site will provide space to turn horses out to when cleaning stables, for example.

These views are considered to be valid and so there are no overriding concerns over the inclusion of the stable element of the application.

Other Matters

This section of the report is intended to provide brief comments on the other matters raised by the proposal and in correspondence received as follows:

- **Covenant** – the Foxwood Chase Management Company refer to a covenant that requires the land which is subject to this application to be used for agricultural purposes only, and provide an extract of the deeds that corroborates that. This is a private matter for the person issuing the deeds to enforce and cannot be considered as a material planning consideration in the determination of this application.
- **Drainage** – The application form explains that surface water drainage is intended to be dealt with by a sustainable drainage system and foul water by connection to the public sewer although no further details are provided of either. In fact there is no foul sewer in the area and so it will be necessary for that drainage to be undertaken through some other means, most likely a septic tank as is presumably the case with the other properties in the area. This is a matter that is readily resolvable and so the details should be secured through the imposition of conditions.
- **Cuadrilla consultation** – Residents have questioned if Cuadrilla have been consulted given the proximity of the site to their operations and that the proposal would establish their closest

residential neighbour. They were consulted on the original and revised proposal but have not offered any comments.

- Ecology – The application site is not subject to an ecological designations, and is not close to any. Other than the well-established roadside hedgerow the overgrown and spoil-tipped nature of the site means that it is reasonably unlikely to provide any habitats of ecological importance.
- Refuse arrangements – If this application is approved and implemented then the occupiers would be liable for council tax and so would benefit from the waste collection and other services that it provides for. The site access arrangements mean that the location of bins is likely to be some distance from their collection point and may well be undertaken communally on the site. To ensure that appropriate arrangements are put in place for this a condition is appropriate to secure those details.
- Site security – Residents have expressed concern that the potential for horses to escape would cause highway safety issues. This is not considered to be a significant concern given the proposed gates from the site to the highway, and in any event is unlikely to be any greater than is the case with the many agricultural field gates in the area.

Conclusions

The application relates to the use of a rectangular area of land in the Countryside but adjacent to a cluster of development at Staining Wood Farm and Foxwood Chase in Westby. The proposal is to use the land for a mixed use of equestrian use and as two gypsy pitches, with each pitch providing a static caravan and one other caravan.

The equestrian use is clearly one that is acceptable in a countryside location with many other small scale stable blocks of the style proposed here across the borough.

The gypsy and traveller pitch use is specifically examined through Policy HL8 of the Fylde Borough Local Plan and Policy H5 of the Submission Version of the Fylde Local Plan to 2032. These both start by referring to a need for additional pitches to have been identified over the Plan period. This is a matter that has been the subject of revision in recent years as a consequence of changes to government guidance on what constitutes a gypsy or traveller and has led to changes in the need for pitches in the Fylde Local Plan as it has proceeded through Examination. The current situation is that the borough has approved sufficient pitches to meet the most recently identified need over the Plan period for Fylde. However, there is an under-provision of pitches to meet the need identified across the sub-region, and there is likely to be an additional unknown need due to the difficulties in accurately confirming the extent of gypsy and traveller pitch need due to the nature of this group's lifestyle.

This is reflected in the revised Policy H5 of the Fylde Local Plan to 2032 which supports the provision of pitches to meet gypsy and traveller needs where they are located and designed to comply with a series of criteria that are listed in that Policy. This approach accords with the general presumption in favour of sustainable development of the NPPF, and is an approach that has been supported in recent appeal decisions in the borough where this type of development has been tested.

The key criteria are the locational qualities of the application site, whether it provides a safe and suitable access, and whether the site will create undue landscape harm. Taking these in turn:

The site is located adjacent to a cluster of existing development and whilst it is not adjacent to a settlement that provides services it is within a reasonable distance to some rural villages that do so, and is on a well-served bus route to other centres, and is on a cycle route. As such it is considered that the location is one that is acceptable in terms of the policy requirements.

The initial proposal was to take access for the site through the adjacent Foxwood Chase development. That has now been revised so that access is now proposed to be direct to Preston New Road through an access point located centrally on the site frontage. Whilst there are concerns over the safety implications of an additional access and the visual impact it causes through the loss of the existing hedge to provide the access and visibility, it is considered that these are not so harmful to justify a refusal.

With the development including the siting static caravans on a site that is close to the road there is a likelihood that there will be some impact on the rural landscape. However, this impact is minimised by the location of the site against the side of an existing kennel building and behind a well-established roadside hedge that is to largely be retained and enhanced through new planning to provide an effective screen. The limited views of the site from other aspects ensure that overall the landscaping impact of the development will be minimal.

Having considered these aspects and the other material considerations it is officer view that the proposal complies with the criteria assessments of modified Policy H5 of the Submission Version Fylde Local Plan to 2032, and of Policy HL8 of the Fylde Borough Local Plan. The application will allow a degraded site to be brought to a productive use and will allow 2 gypsy pitches to be provided in an appropriate location to assist in the borough's supply of such accommodation. Accordingly the application is recommended for approval subject to conditions.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: To comply with the requirements of section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. This permission / consent relates to the following details:

Approved plans:

- Location Plan - from OS Mastermap dated 13 June 2017
- Proposed Site Plan - Cassidy and Ashton drawing Job A8888 Drawing P01 Rev C
- Fence detail - received 16/06/2017
- Stables - received 16/06/2017

Supporting Reports:

- Design and Access Statement

Reason: To provide clarity to the permission.

3. The two pitches hereby approved shall only be occupied as permanent accommodation by Gypsies & Travellers as defined in Annex 1 of DCLG Planning Policy for Traveller Sites (August 2015).

Reason: In order to ensure the site is occupied by Gypsies & Travellers as the grant of planning permission for a residential caravan park or a holiday caravan park may not be appropriate in this locality and as the use of the site as transit accommodation would lead to an unacceptable

increase in towed vehicular movements.

4. The two pitches hereby approved shall be laid out as shown on the Proposed Site Plan listed in condition 2 of this planning permission with no more than one static caravan and one touring caravan located on each pitch, with each of these caravans meeting the definition of a caravan in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968

Reason: To provide clarity to the permission and to ensure that the layout of the site minimises the potential visual impact as required by Policy HL8 of the Fylde Borough Local Plan and Policy H5 of the Fylde Local Plan to 2032.

5. Prior to the first use of the site for the gypsy pitch use hereby permitted the site access shall be constructed in the location shown and to the specification shown on the Proposed Site Plan listed in condition 2 of this permission. This access shall include the following works:
 - The carriageway markings to Preston New Road shall be revised to facilitate a right turn gap in the central hatching,
 - The access shall be graded so as to provide a transition between the site and the carriageway that does not exceed a slope of 1:10.
 - The access shall be provided with a solid surface provide for at least 10m back from the carriageway edge into the site, and
 - Any gates that are provided shall be positioned no closer to the edge of the carriageway than 10m back from the carriageway edge.

Reason: To ensure the provision of a safe and suitable access to the development as required by Policy SP2 and HL8 of the Fylde Borough Local Plan and Policy GD4 and H5 of the Fylde Local Plan to 2032.

6. Prior to the first use of the site for the gypsy pitch use hereby permitted the visibility splays of 2.4m x 120m in both directions specified on the Proposed Site Plan listed in condition 2 of this permission shall be provided at the site access, and shall be retained free of any obstruction at all times thereafter.

Reason: To ensure the provision of a safe and suitable access to the development as required by Policy SP2 and HL8 of the Fylde Borough Local Plan and Policy GD4 and H5 of the Fylde Local Plan to 2032.

7. Notwithstanding the requirements of the Town & Country Planning (General Permitted Development) Order 2015 a scheme for the external lighting of the site [including degree of illumination] shall be submitted to & agreed in writing by the Local Planning Authority prior to the installation of any such illumination, and only lighting that is approved shall be installed on the site.

Reason: In the interests of residential amenity & the character of the area.

8. Prior to the commencement of development a scheme for the landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority before any development. This scheme shall confirm the protection of the existing hedgerow to Preston New Road and the establishment of enhanced native species planting to the other boundaries of the site. The specific details shall include plans and written specifications noting species, plant size, number and densities, and an implementation and maintenance programme.

The approved landscaping scheme shall be implemented in accordance with the approved implementation programme no later than the first planting season (Nov – Feb) following the first occupation of the site, and shall thereafter be maintained in accordance with the specified maintenance regime for not less than 5 years.

Reason: To enhance the quality of the development in the interests of the visual amenities of the locality as required by Policy SP2 and HL8 of the Fylde Borough Local Plan and Policy GD4 and H5 of the Fylde Local Plan to 2032.

9. That there shall be no works to remove or prune the hedgerow to Preston New Road associated with the provision of the site access during the bird breeding season (1 March to 31 August inclusive) unless an ecological survey has first been submitted to and approved in writing by the Local Planning Authority which demonstrates that the vegetation and to be cleared are not utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no clearance of any vegetation shall take place during the bird breeding season until a methodology for protecting nest sites during the course of the development has been submitted to and approved in writing by the Local Planning Authority. Nest site protection shall thereafter be provided in accordance with the duly approved methodology.

Reason: In order to prevent any habitat disturbance to nesting birds in accordance with the requirements of Fylde Borough Local Plan (As Altered) October 2005 policy EP19, Fylde Council Local Plan to 2032 (Submission Version) policy ENV2, the National Planning Policy Framework and the Wildlife and Countryside Act 1981 (as amended).

10. No commercial activities shall take place on the land, including the storage of materials.

Reason: In order to protect the character and appearance of the area.

11. Notwithstanding any indication on the submitted application a scheme for the surface water and foul drainage arrangements shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall follow the drainage hierarchy for sustainable drainage principles and shall be constructed and completed in accordance with the approved scheme prior to the first residential use of either pitch. The drainage arrangements shall be retained thereafter to provide all surface and foul drainage requirements for the development.

Reason: To prevent pollution of the water environment in accordance with Policy HL8 of the Fylde Borough Local Plan

12. Prior to the commencement of any development a survey of the existing ground levels and any intended alterations to these levels associated with the provision of the pitches and the stables shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall include details of any works to excavate or raise areas of land and the materials to be used in any ground alterations and surfacing. Only the works approved by this scheme shall be implemented to facilitate the provision of the pitches.

Reason: To ensure a satisfactory appearance of the development in the wider countryside in accordance with the requirements of Policy HL8 of the Fylde Borough Local Plan and Policy H5 of the Fylde Local Plan to 2032.

13. Prior to the commencement of any development hereby approved, a scheme for the storage and collection of refuse generated within the site shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall include the location of any refuse storage facility associated with each pitch or collectively for the site, and the arrangements for its collection and the frequency of that collection. This scheme shall be implemented and arrangements put in place prior to the first residential use of either pitch hereby approved and shall be operated thereafter.

Reason: To provide for suitable refuse collection arrangements for the site in the interests of general environmental protection needs and the character of the area.

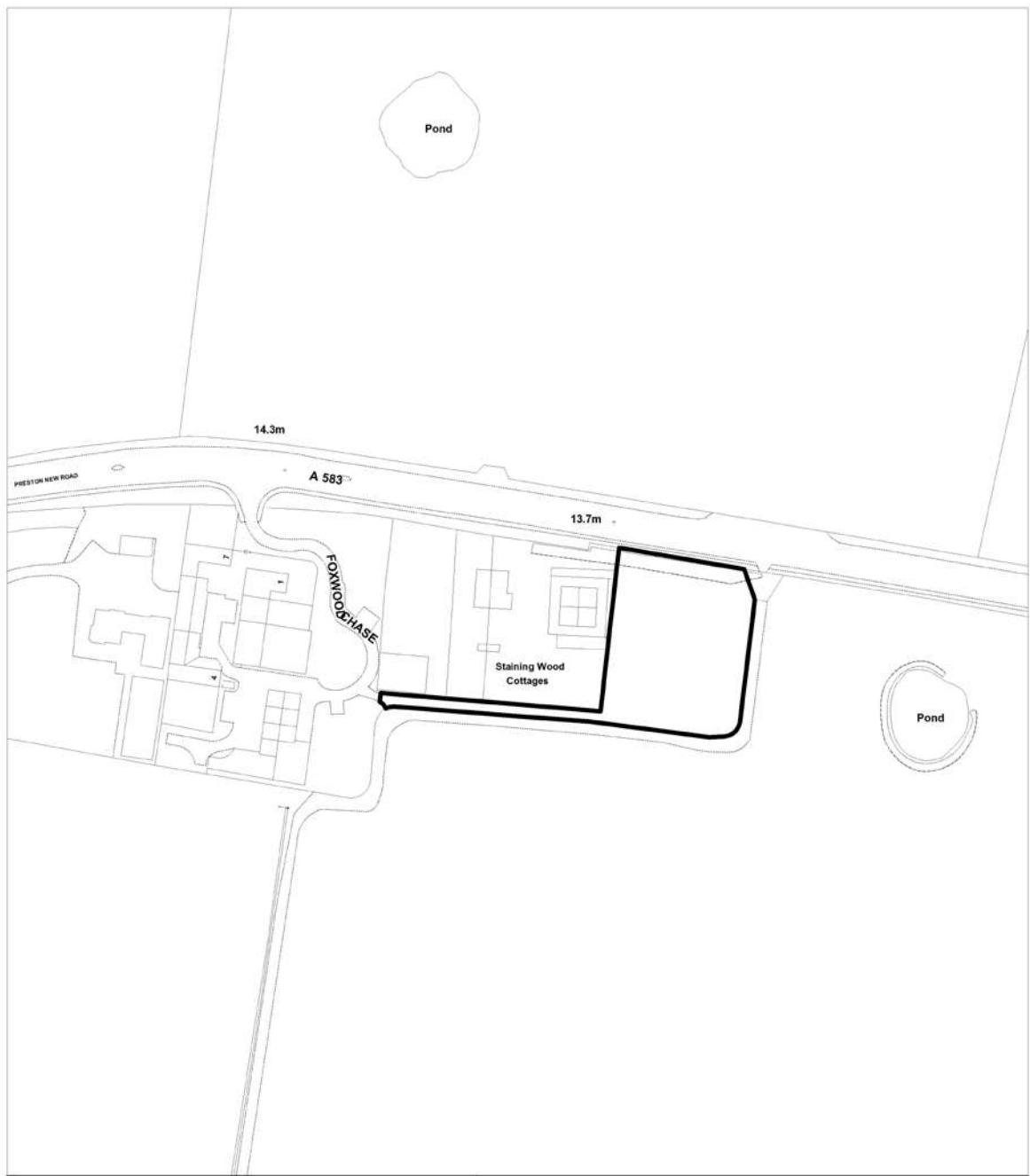
14. Prior to the commencement of any development hereby approved, a scheme for the acoustic

protection of the caravans so as to provide sound levels that are at least consistent with the resting and sleeping levels specified in the World Health Organisations guidelines. This scheme shall be implemented prior to the first occupation of each caravan and maintained thereafter in the initial and subsequent caravans that are brought onto the site.

Reason: To provide appropriate protection from noise disturbance for the future occupiers of the site given the location adjacent to the A585 road and potentially the shale gas exploration site.

15. That the stables building hereby approved shall be erected prior to the first occupation of either pitch, and shall be constructed in timber boarding under a felt roof as shown on the approved application details. This stable building shall be used for the stabling of horses and associated feed and tack owned by the occupiers of the two pitches only.

Reason: To ensure that the development is implemented as a mixed use, to assist in mitigating the visual impact of the development, and to provide appropriate control over the use of this building in accordance with the requirements of Policy HL8 of the Fylde Borough Local Plan and Policy H5 of the Fylde Local Plan to 2032.



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Application No. 5/17/0495	Address Land adjacent to Staining Wood Cottages, Preston New Road, Westby	Grid Ref. E.3371 : N.4325	Scale 0 10 20 30 40 m