

## **Granny's Bay Kiosk & Café Development Update**

*We are very pleased to inform you that Fylde Borough Council have accepted, in a filing with the High Court, that the planning permission granted to them on 8 March 2024 in respect of the Kiosk/Café Development on Granny's Bay, the first commercial development of its kind on this land, should be quashed. This follows the Judicial Review proceedings which the Lytham Voice, the Civic Society, and many residents, with the benefit of robust legal advice, initiated within the statutory 6 week period following grant.*

*The Council accepted that, in seeking to suggest in their Planning Officer's Report to the Planning Committee, the relevant provisions which seek to protect open spaces in the National Planning Policy Framework (ie Government planning guidelines), were not relevant to the application, they had acted unlawfully by failing to advise members of the Committee to take this into account as a material consideration.*

*The Council refused to accept that they had also erroneously interpreted the protection afforded to existing open space under their own Local Plan Policy (ENV3): we continue to dispute this on the basis of our own legal advice which identified in the Planning Officer's Report a clear misinterpretation of the Council's own planning policy which, in the opinion of our Counsel meant that his recommendation to the Planning Committee members was also wrong in law.*

*In other words, in respect of one of the most controversial planning decisions made by Fylde Borough Council for many years, we have been successful in securing its revocation on the basis of a failure by the Council's own planning team to correctly interpret key planning law and by its own Planning Committee to challenge the recommendation. This was despite the failure being raised in numerous written objections submitted prior to the application (including clear advice from a planning consultant commissioned by the Granny's Bay Action Group) and oral objections on the day of the Planning Committee meeting.*

*We call on the Council to provide full details of the significant professional and other fees which have been incurred on this deeply flawed project: not forgetting the enormous commitment of Council resource working on the project over a number of years. Lessons must surely be learned so we can be re-assured that nothing like this can happen again.*

*Above all, we now expect the Council to confirm, for the avoidance of any doubt, that they will not take any steps directly or indirectly to have this application redetermined: it must now be well and truly buried and the significant funds allocated to it re-allocated for more deserving purposes.*