

Appeal Decision

Site visit made on 14 July 2016

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 August 2016

Appeal Ref: APP/A2525/W/16/3146270

16 Cranmore Lane, Holbeach, Spalding, Lincolnshire PE12 7HT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr T Crane against the decision of South Holland District Council.
 - The application Ref H09-0611-15, dated 1 June 2015, was refused by notice dated 28 October 2015.
 - The development proposed is residential development: one bungalow with integral garage including vehicular access (outline/detailed).
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Application for Costs

1. An application for costs was made by Mr T Crane against South Holland District Council and is the subject of a separate decision.

Decision

2. The appeal is dismissed.

Main Issue

3. The main issue is the effect on the character and appearance of the area.

Reasons

4. The proposal would result in the erection of a bungalow to the rear of the main house. It would have an access adjoining the shared boundary with the neighbouring property. The application was made in outline with all matters reserved but fully detailed, indicative plans have been provided.
 5. This side of Cranmore Lane was evidently built with a uniform linear layout, characterised by similar pairs of semi-detached houses set in spacious gardens with significant gaps between them. Reference has been made to two additional properties on this side of the road. Both are built in the gaps between existing houses and as such the linear form of development has been retained. They do however erode the spaciousness of the character of the housing when experienced from the main road.
 6. Many of the properties have added domestic buildings within their rear and side gardens but the balance between open space and development has not been eroded to the point whereby the overall character has changed. Generally, the original character of these eight pairs of semi-detached houses remains.
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7. Although the garden is large enough to accommodate the new building, the access and the amenity spaces required for the reasonable enjoyment of the two properties, the development would result in a relatively cramped arrangement. The limited retained garden areas and the scale of development overall, would be entirely at odds with the existing character of these properties. I find little to distinguish this site from the others on this side of the road and cumulatively, accepting such a development would destroy the existing distinctive character of the area.
8. I acknowledge that the frontage houses on the other side of the road are of a different character and layout. They do not have the same spaciousness or uniformity with regard to the street scene and they also appear to have had significantly longer rear gardens. New development has taken place to the rear of a number of these houses but this has been in a more planned fashion, requiring only a single access to serve two or three houses. There is also agricultural and commercial development which encloses, to a degree, the gardens of some of these properties. The two sides of the road therefore differ significantly in character. However, the additional development now proposed would not be consistent with existing development on either side of Cranmore Lane.
9. Reference has also been made to a major new housing development at Hallgate that will be visible from the appeal site. I note also that there are a number of housing allocations shown on the submitted plans. This proposal would differ significantly from such developments.
10. Despite the changes that have occurred within this area, this side of Cranmore Lane retains its distinctive character and spaciousness. A new dwelling within a single rear garden would significantly erode this spaciousness. It would also intensify development in a piecemeal fashion which would reduce openness and individually and cumulatively, detract from the character and appearance of the area.
11. The proposal would be contrary to Policy SG14 of the South Holland Local Plan 2006 which requires that developments make a positive contribution to the visual quality of the surroundings; and have regard to local distinctiveness and historic patterns of development in the locality. As the policy generally accords with the requirements of the *National Planning Policy Framework*, I afford it considerable weight.
12. It is clear that the appellant received advice from the Council that was entirely at odds with the final decision. Whilst this is clearly unsatisfactory, I have to consider the proposal on its own particular merits and in light of the development plan. I have had regard to all the matters put forward by the appellant but I do not consider that they are sufficient to outweigh my concerns. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR

Costs Decision

Site visit made on 14 July 2016

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 August 2016

**Costs application in relation to Appeal Ref: APP/A2525/W/16/3146270
16 Cranmore Lane, Holbeach, Spalding, Lincolnshire PE12 7HT**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr T Crane for a full award of costs against South Holland District Council.
 - The appeal was made against the refusal of outline planning permission for residential development: one bungalow with integral garage including vehicular access (outline/detailed).
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Decision

1. The application for an award of costs is refused.

Reasons

2. Planning Practice Guidance advises that costs may be awarded where a party has behaved unreasonably; and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The appellant indicates that the Council provided pre-application advice, following a site visit, that was entirely at odds with their decision. I have been provided with the correspondence in which the Planning Officer welcomed an outline planning application. It advised that the department usually opposed backland development but given the large number of similar developments, it would not set a precedent. It went on to advise that the proposal is well sited in terms of design and scale. The letter included a disclaimer which stated that planning advice is given in good faith but is an officer opinion only and therefore is not binding on any formal decision the Council may make.
4. Planning Practice Guidance sets out the purposes of the appeals costs regime and the type of behaviour that would lead to an award of costs against the local planning authority. The purpose is to ensure that parties behave reasonably to support an efficient and timely appeal process. The provision of pre-application advice and a subsequent decision that is at odds with that advice is not a matter that is included.
5. Planning Practice Guidance does advise that with regard to pre-application service provision,

‘if the level of service received is considered by the prospective applicant to

have fallen below expectations, they may wish to raise the matter directly with the local planning authority, if necessary through its formal complaints procedure. Where a fee has been paid for pre-application advice, the scope for a full or partial refund will depend on the terms and conditions of any agreement that has been entered into.'

This is not however a matter that can be addressed through the appeals costs regime.

6. With regard to this application, as the matters put forward do not represent unreasonable behaviour that may lead to an award of costs, I cannot conclude that unreasonable behaviour resulting in unnecessary and wasted expense, as described in Planning Practice Guidance, has been demonstrated. A full award of costs is not therefore justified.

Peter Eggleton

INSPECTOR