
Appeal Decision

Site visit made on 12 October 2016

by John Morrison BA (Hons) MSc MRTPI

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

Decision date: 8 November 2016

Appeal Ref: APP/A2525/W/16/3155417

143 North Road, Gedney Hill, Spalding, Lincolnshire PE12 0NS

- 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 Miles Lindley against the decision of South Holland District Council.
 - The application Ref H07-0239-16, dated 12 March 2016, was refused by notice dated 29 April 2016.
 - The development proposed is outline planning for a 2 bedroom bungalow.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposed development is for outline planning permission with all matters reserved. I have taken the description of development as it appears on the appeal form as, whilst differing from the description on the planning application form, it most accurately describes the proposed development for which planning permission is sought. I have determined the appeal on this basis.

Main Issue

3. The main issue is whether the principle of the proposed development is acceptable with specific regard to the nature of its location.

Reasons

4. The appeal site is located outside of the built up area of Gedney Hill as it is defined by the South Holland Local Plan 2006 (Local Plan). It is therefore, by definition and in planning terms, in the countryside. The area surrounding the appeal site is predominantly open agricultural fields and thus rural in character with scattered pockets of low density built development comprising mainly dwellings. There are a number of farmsteads as well as a golf club nearby.
5. Whilst the appeal site is not therefore isolated in the true sense, it is nonetheless remote from any defined settlement or services required for day to day living. Saved Policies SG4 and HS7 of the Local Plan reinforce the assertions of the Framework¹ which is to ensure that residential development outside of defined settlements or out of reach of essential services should be

¹ The National Planning Policy Framework 2012

strictly controlled and limited to that which can be justified as being essential to the needs of agriculture, forestry or rural business.

6. A case has not been made that it would be essential for any of the above mentioned purposes. Nor have there been any overriding or particular circumstances presented that would be determinative in justifying a dwelling in the countryside beyond the fact that living in the countryside would be desirable for marketing purposes. Any resulting dwelling would therefore be unrestricted residential development in the countryside which, by virtue of its location, would be remote from any services on which it would rely for day to day living.
7. The appeal site is accessed along a single track rural road which connects to a similar, albeit slightly wider, main road to Gedney Hill. The roads are unlit and have no segregated pavements. There are no evident public transport services nearby nor has there been any compelling evidence presented to show a usable or practically reliable public rights of way network. I would therefore conclude that transport options to and from the proposed dwelling would be limited to the extent that the private car would be heavily relied upon.
8. For these reasons, the granting of a planning permission for an unrestricted dwelling in the location proposed would be contrary to both the aims of the Framework and the Local Plan, specifically saved Policies SG4 and HS7. These Policies seek to ensure that, amongst other things and alongside the principles of the Framework, new development (housing specifically) is directed towards those areas with services which can support the needs of day to day living and can be accessed via sustainable means.

Other Matters

9. There are a number of other dwellings in the immediate area and the appellant points out that at least one has recently received a new tenant. For the same reasons set out above it is clear that the new resident in this case, as with others in the immediate area, would also rely on private transport to access services. However, this would not be sufficient to justify a further dwelling which would be equally reliant on such modes of transport given the strength of the principles of established planning policy to the contrary.
10. I note the copy of the planning permission granted in 2003 provided by the appellant in response to opinion that the area around the appeal site is in agricultural use. It confirms that lawful occupation of the existing dwelling at 143 North Road is permitted without compliance with a condition attached to an historic planning permission. Whilst this demonstrates that the dwelling concerned is unrestricted in occupancy terms, it was a planning permission granted with regard to the merits of a given proposal at the time. Since it is not directly comparable to the proposed development, it cannot be relied upon to support it. I therefore afford it only limited weight.
11. My attention has also been drawn to a dwelling that is under construction which is in the immediate area, to the south of the appeal site and therefore also outside of a defined settlement. I have not however been provided with any further details of the relevant planning permission and as such can afford this too only limited weight.

12. I note comments that have been submitted that refer to the effects of the proposed development on a neighbouring property, highway safety, drainage and the Green Belt.
13. Given the outline nature of the proposed development and the size of the plot, I am satisfied that a scheme could be devised that would ensure the living conditions of neighbouring occupiers would not be adversely affected. In addition the adjacent access road, whilst narrow and rural, would be used by vehicles in association with only one additional dwelling and in the absence of any compelling evidence to suggest that the proposed development would be harmful in respect of the safe use of the highway I can only conclude that it would be acceptable in this regard.
14. I have not been provided with any further evidence pertaining to a pre-existing drainage problem on the appeal site or surrounding area which is mainly undeveloped open fields with a number of intersecting drainage channels. Furthermore, the site is not within the Green Belt.
15. However, the lack of any identifiable harm in the above respects is not sufficient to outweigh the harm that would be caused with regard to the location of the proposed development.

Conclusion

16. I note that the Council are unable to demonstrate a deliverable five year housing supply as required by the Framework. Whilst it is therefore accepted that the presumption in favour of sustainable development as asserted by paragraph 14 of the Framework should apply, this does not mean development at all costs. The lack of an ability to demonstrate the required supply of housing increases the need to attach greater weight to the positive consideration of sustainable development, in respect of housing specifically, and the benefits for boosting a low supply that it would bring.
17. It follows therefore that, in the absence of a deliverable five year housing land supply, the Council's policies with regards the supply of housing should be considered out of date. However, it is equally so that in assessing the effects of a given development regard must still be had to the Development Plan and all other material considerations. Specifically, and in respect of paragraph 14, this is whether the adverse impacts of granting a planning permission would significantly and demonstrably outweigh the benefits.
18. The proposed development amounts to a single dwelling which, whilst being positive in its provision of a new dwelling, would make a limited strategic difference to the Council's overall supply on its own. In addition, and with regard to Paragraph 14 in the context of my findings above, there are clear elements of the Framework that indicate development in the location proposed should be restricted for sound planning reasons.
19. It is therefore clear in this case that the adverse impacts of granting a planning permission would significantly and demonstrably outweigh the benefits. The appeal therefore fails.

John Morrison

INSPECTOR