The Planning Inspectorate

Appeal Decision

Site visit made on 23 January 2017

by Jonathan Hockley BA(Hons) DipTP MRTPI

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

Decision date: 14 February 2017

Appeal Ref: APP/A2525/W/16/3159031
Land North East of Copper Beech, Lutton Gowts, Lutton, Spalding PE12 9LQ

- 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 & Mrs N Barrington-Kenney against the decision of South Holland District Council.
- The application Ref H12-0271-16, dated 21 March 2016, was refused by notice dated 20 June 2016.
- The development proposed is residential development.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline with all matters reserved. I have treated the appeal in the same manner, and have therefore treated all plans as illustrative only.

Main Issue

3. The main issue in this case is whether the proposed development would provide a suitable site for housing, having regard to the character and appearance of the area; including any effect on the setting of the Grade I listed Sneaths Mill, the proximity of services, and the effect of the proposal on the living conditions of the occupiers of Newhaven.

Reasons

4. The appeal site lies on Lutton Gowts, to the north east of the centre of Long Sutton. Lutton Gowts provides access from Long Sutton towards the village of Lutton to the north and towards the Wash. The name of the road changes from Little London to the south of the site, where Daniel's Gate joins the road. From this point due north, development on Lutton Gowts has a linear form, sporadically appearing on both sides of the road towards Lutton. To the south more built up development occurs on the west side of the road.

5. The appeal site consists of grassland belonging to Copper Beech, a large single storey dwelling set in a wide plot. To the north of the property lies four detached two storey properties and one single storey dwelling, 'Teaville'. There is then an open field until more linear development close to the junction of Monmouth Lane. The fairly large site is surrounded by agricultural land on

three sides; to the north, east, and south. The west side of the site shares a boundary with Copper Beech and the 5 houses to the north. Although in outline, an illustrative plan shows how the site could accommodate 4 large detached dwellings and 2 smaller semi-detached units, with an access utilising the existing wide drive to Copper Beech.

6. On the opposite side of the road to Copper Beech there is a run of 4 detached dwellings. These are separated from Sneaths Mill by an open field to the north. Sneaths Mill is a Grade I listed building, and is an octagonal tower windmill dating from 1779 constructed in red brick. The listing notes that the plan form of the mill is unique to Lincolnshire and that the poll end and trundle gears within the Mill are the last surviving examples in the County. Although there is a range of sporadic development fairly close to the Mill, its rural setting still contributes materially to its significance.

7. In building on an open green area to the rear of existing linear development, the proposal would introduce a different form of development to the local area. This would substantially change the character of the area, altering the appearance from a largely linear rural development to a more built up one. The east side of Lutton Gowts and Little London to the south is characterised by purely linear development until a cluster of development by the junction with Woad Lane some distance to the south. Even after this junction there is still linear development along the road, now called Roman Bank, until its termination at the B1359.

8. The appellant notes that a secondary school to the south of the site, Peele Community College, juts out considerably more to the east than the surrounding residential development. However, I consider that a one off educational use is a different example of development to housing, and does not alter the overall pattern of development. Furthermore, whilst the building extends beyond the eastern boundary of the appeal site, the college follows the overall pattern of development with wide open playing fields set to the rear.

9. Such a distortion in the local pattern of development would be visible when approaching the settlement from the north and particularly from users of Monmouth Lane. Furthermore, whilst in outline, the Environment Agency have requested that development on the site has finished floor levels no lower than 1m above the existing ground level. They confirm in this respect that an amended Flood Risk Assessment submitted by the appellant has addressed these concerns. Such finished floor levels would make 2 storey development more noticeable, particularly in the vicinity of Copper Beech and the single storey houses to the south of this property, and from the open section of road that lies to the north of Teaville and opposite Sneaths Mill.

10. Such a development would also have a minor adverse impact upon the setting of Sneaths Mill. Whilst I note that this setting has been degraded by modern development in front of the Mill, its setting still largely consists of the surrounding rural agricultural area. The development of the appeal site, in introducing substantial built form into the wider agricultural setting of the Mill, whilst not considerable, would still have a material adverse effect on its setting and cause less than substantial harm to its significance. In such circumstances the National Planning Policy Framework (the Framework) states that this harm should be weighed against the public benefits of the proposal. In this context whilst I note that Historic England did not specifically object to the application,

they were of the view that the proposal should be considered in the light of the Framework and their own guidance.

11. The appeal site is located a fair walking distance from the centre of Long Sutton to the south. I have little evidence on local facilities and services, aside from the proximity of the secondary school, nursery, and adjacent leisure centre. The appellant notes that there is an 'on demand' bus service available which allows local residents to travel between villages and between Long Sutton and Holbeach, but I have been provided with little details of this service. It is stated that it runs several times a day but it appears that the bus can only be pre booked. Given the evidence provided I am not convinced that such a service would be used regularly by future residents of the appeal site, who would, I consider, likely use private transport to access the majority of their day to day needs.

12. In this respect the appellant notes the location of the school, and the long distances that some pupils have to travel to the school, as well as the preponderance of cars at school drop off and pick up times. However, it is not uncommon for secondary schools to have extensive catchments and school bus services from various locations are usually available for students who live a certain distance away. I do not consider therefore that the school creates a precedent for the residential proposal. On the basis of the submitted evidence I am not of the view that the site has good access to local services. However, given adjacent existing development and the character of the wider rural area I assign moderate weight to this harm.

13. Concerns are raised over the living conditions of the occupiers of Newhaven, which lies immediately to the south of the access. At present Copper Beech has a wide sweeping drive. A gateway accesses the garden and land to the rear, with a fence line separating the drive from Newhaven. Submitted plans show that this access can be widened and improved to Highway authority requirements. The plans also show that a reasonable amount of space could be provided to separate the driveway from the side of Newhaven. The provision of an acoustic fence could be conditioned, which could also be supplemented by planting. The site would also generate a limited amount of traffic given the proposed 6 dwellings for the site. Given this, with appropriate conditions I consider that whilst there would be a change in circumstances for the occupiers of Newhaven, the proposal would not adversely harm their living conditions with respect to noise and disturbance.

14. The site is located adjacent to, but outside the development boundary for Long Sutton as defined in the Local Plan[1]. However, it is common ground amongst the parties that the Council are unable to demonstrate a five year supply of housing land. In such circumstances the Framework states that relevant policies for the supply of housing should not be considered up to date, and that where the development plan is out of date, permission should be granted for development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

15. The proposal would generate economic and social benefits through the construction of the 6 houses, and the activities of the future occupiers of the properties. I also note that 2 of the houses proposed would be affordable units, although the appellant in their final comments raises doubts over

[1] South Holland Local Plan 2006

whether these would be necessary given changes in national guidance. Both market and affordable units would generate social benefits in an area where there is an acknowledged lack of housing supply.

16. However, the benefits of just 6 properties would be fairly limited. I consider that given the harm that I have identified in terms of the effect of the proposal on the character and appearance of the area and upon the setting of Sneaths Mill, added to by the proximity of services would significantly and demonstrably outweigh such limited public benefits.

17. I am referred to a number of examples in the local area which the appellant considers constitutes precedents in this case. One such case is a site which is described as a former butterfly park. I noted on my visit that this site was under construction. However, it differs from the appeal site in a number of ways: it is located closer to the town; the stated number of dwellings would provide significantly more benefits than the case before me; and the Council state that the site was considered to be previously developed with "exceptional physical and philosophical characteristics". Other sites referred to in the appellant's statement appear to be closer to Long Sutton and set in areas with differing characteristics.

18. A further range of sites are referred to in the appellant's final comments. I have limited details of these sites; however, I note that all are sites which appear to be outside the settlement boundary, as the appeal site is. Many of the sites appear to be have been allowed due to the lack of a 5 year supply of housing land and the benefits that they would provide. However, in this case I have decided that the significant adverse effects of the proposal would outweigh such benefits. A cited appeal decision[2] considers that a proposed dwelling would cause no harm to the character and appearance of the area and would tie in with the local pattern of development. In that case therefore harm would not outweigh the benefits of the proposal. Furthermore, each case must be considered on its own merits.

19. I therefore conclude that the proposed development would not provide a suitable site for housing, having regard to the character and appearance of the area, including the effect on the setting of the Grade I listed Sneaths Mill and the proximity of services. Whilst I have found no harm of the proposal on the living conditions of the occupiers of Newhaven, I consider that the harm identified significantly and demonstrably outweighs the benefits that the proposal would generate. As well as to the Framework the proposal would also be contrary to Policies SG1, SG2, and SG14 of the Local Plan which together state that permission for development will be granted when the proposal is consistent with the principles of sustainable development, and that development should take into account the historic pattern of development in the locality.

20. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jon Hockley

INSPECTOR

[2] APP/A2525/W/16/3159031