The Planning Inspectorate

Appeal Decision

Site visit made on 28 March 2017

by Andrew McGlone BSc MCD MRTPI

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

Decision date: 31 March 2017

Appeal Ref: APP/A2525/W/16/3161352
The Paddock, Ravens Bank, Whaplode St Catherine, Spalding, Lincolnshire PE12 6SH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Andrew Blackburn against the decision of South Holland District Council.
- The application Ref H23-0687-16, dated 14 July 2016, was refused by notice dated 26 August 2016.
- The development proposed is the Construction of new detached dwelling.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: (i) the effect of the proposed development on the character and appearance of the surrounding area; and (ii) whether, having regard to the site's location and the requirements of the development plan and the National Planning Policy Framework (the Framework), the proposal would be consistent with the principles of sustainable development.

Reasons

Planning Policy

3. The Council accept that they are currently unable to demonstrate a five-year supply of deliverable housing sites as required by paragraph 47 of the Framework. The Council's Strategic Housing Land Availability Assessment, 31 March 2016 (SHLAA) puts the supply stands at 2.9 years. Thus, paragraph 49 of the Framework is engaged and as a consequence relevant policies relating to the supply of housing should be considered to be out-of-date.

4. The South Holland Local Plan 2006 (Local Plan) is the current development plan for the administrative area of South Holland. The Council rely upon Policies SG1, SG2, SG4 and HS7 of the Local Plan. Saved Local Plan Policies SG2, SG4 and HS7 are clearly relevant policies concerned with the supply of housing land. I note the Council accept that they can only be given a limited weight at this time. In terms of Local Plan Policy SG1, I afford it full weight, given that it is not a policy relevant to supply of housing.

5. Although I note the Council is preparing settlement limits in the Draft *South East Lincolnshire Local Plan*, this plan is not yet part of the Development Plan.

Furthermore neither the Council's decision notice nor statement of case refer to any of its policies. Thus, I have assessed the proposal against the saved Local Plan policies and the Framework which is an important material consideration.

6. With regard to saved Local Plan Policy HS7, the appeal scheme would not meet either of the exceptions listed for new housing development proposals outside the defined settlement limits of Spalding, Area Centres and Group Centres. As a result, the proposal is contrary to Local Plan Policy HS7. Added to this the Framework in paragraph 55 explains that decision makers *should avoid new isolated homes in the countryside*. Thus, in locational terms, the proposal would result in development in the countryside which is contrary to Local Plan Policy HS7 and paragraph 55 of the Framework. Both seek to restrict development in such areas.

7. However, given the Council's current position in terms of a five-year supply of deliverable housing sites, despite the site's countryside location outside any of the settlement boundaries and the conflict that this would cause with Local Plan Policy HS7, this is not a matter that is decisive and I note that the appellant considers that the Council should adopt a more flexible approach.

Character and Appearance

8. The appeal site lies next to the garden of the detached hipped roof bungalow 'Middlemoor' on the southern side of Ravens Bank. This part of Ravens Bank includes residential dwellings of various scale, form, design and finish that extend to and beyond the junction of Ravens Bank with Cranesgate North and Cranesgate South. Conifers line sections of the site's boundaries on three sides, while there are intermittent trees along the site's southern boundary. To the north, south and west of the site are open agricultural fields that typify this flat rural setting. Opposite is the Little South Holland Drain.

9. The appeal site is next to a linear pattern of development on the southern side of Ravens Bank, but it lies on the edge of the village. However for planning policy purposes, this does not change my view that the site lies in the countryside for the purposes of this appeal.

10. The proposal would respect the linear pattern of development along this side of Ravens Bank and it would be sited closest to Middlemoor, rather than the enclosed western part of the site and use typical materials of nearby dwellings. However, the proposal would, despite the strong landscape screen which restricts views of the site on approach from the west on Ravens Bank, be very visible on approach in the other direction. Despite its position at the end of the existing line of properties, the site lies in a prominent spot on the edge of the open countryside, and whilst the proposal would only occupy a small part of the plot area, the site positively contributes to the character and appearance of Whaplode St Catherine in that the site forms part of a gentle transition from the built form along Ravens Bank into the open countryside beyond. The proposal would significantly harm the rural character of the area and I do not consider that it would enhance its immediate setting. This would run counter to one of the core planning principles set out in paragraph 17 of the Framework which is to recognise *the intrinsic character and beauty of the countryside*.

11. I note my findings are similar to the view expressed in the Council's SHLAA (site reference Wha020) with regards to a plot of land to the rear of the site.

12. For these reasons, I conclude on this issue that the proposal would result in significant harm to the character and appearance of the surrounding area. The proposal would not accord with saved Local Plan Policies SG1 and SG4 together with paragraphs 17 and 55 of the Framework; which jointly, amongst other things, seek new development to ensure that the character of the countryside is not damaged, either individually or cumulatively.

Whether the proposal would represent sustainable development

13. Paragraphs 7 and 8 of the Framework name the three mutually dependent strands of sustainable development which are the economic, social and environmental roles. As the Local Plan policies relevant to housing supply are not considered to be up-to-date, due to the absence of a five-year supply of deliverable housing sites, paragraph 14 of the Framework explains: *where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in the Framework indicate development should be restricted*.

14. In economic terms, the proposal would result in contributions to the construction industry both directly and indirectly. I attach a limited positive weight to this due to the scale of the proposal.

15. In social terms, the appeal scheme would, despite the appellant's view, offer a modest contribution to the provision of housing in an area where there is currently a need for such provision. I also acknowledge the appellant's aspiration to construct a self-build dwelling. Given the need for a wide choice of high quality homes, I attach these matters a moderate positive weight.

16. In Whaplode St Catherine there is a Memorial Hall and the Blue Bell Inn public house and brewery. Thus there are very limited facilities and services in the village, even if the adjacent site scored 15 in the Council's SHLAA. Added to this, the appellant accepts that occupants of the proposed dwelling would be heavily reliant on the private car as there is a limited amount of public transport services. Even if occupants are able to reach the local facilities and services on foot and by bicycle, the narrow lit footway on the southern side of Ravens Bank stops some way from the appeal site itself. As a result occupants of the dwelling would need to use the road to access the limited facilities and services locally. So, while I recognise the appellant's aim of creating a self-sustaining living environment by working at home and growing their own food, I consider future occupants would be heavily reliant on the private car for day-to-day journeys, as they would need to travel to get access to a greater range of facilities and services to serve their living requirements. I consider that these matters attract a substantial negative.

17. The proposal would not affect the living conditions of neighbouring occupants, but given the objective of the fourth bullet of paragraph 17 of the Framework, I attach a neutral weight. However, I attach a substantial negative weight to character and appearance matters. This also traverses the environmental role.

18. The proposal in environmental terms would use a greenfield site, even if it not being used. I attach a substantial negative weight to the scheme's conflict with the Local Plan in respect of the site's location in the countryside. While I note the appellant's longstanding aim to create an eco-friendly dwelling using

various technologies and materials, I have very little substantial detail of these to weigh against the carbon emissions that would arise from the occupants' reliance on the private car. I also note the findings of the Flood Risk Assessment. Hence I attach matters around climate change, low-carbon economy, the use of natural resources and minimising pollution a limited positive weight. As there are no natural and historic environment issues, I give these matters a neutral weight.

Other Matter

19. I note the parties refer to a number of schemes which have all resulted in new dwellings being granted planning permission[1] outside of the Council's defined settlement boundaries. However, I note that these sites are either located next to or close to settlements, such as Sutton Bridge and Holbeach which are Area Centres in the Council's settlement hierarchy. These offer a greater range of facilities and services. So, they do not set a precedent for the appeal scheme, given the range of facilities and services on offer locally. Even so, I have considered the scheme on its own planning merits.

Conclusion

20. In conclusion, the proposal would lead to tension between the different roles. Substantial harm would stem from the scheme's conflict with adopted development plan policies, in terms of character and appearance and the site's countryside location. While the proposal would fulfil the economic role, I do not consider that the appeal scheme fulfils the social or environmental roles. These would significantly and demonstrably outweigh the benefits, assessed against the policies in the Framework taken as a whole. I do not consider the proposal represents sustainable development, nor do I consider that this otherwise unacceptable development could be made acceptable through the use of conditions.

21. For the reasons set out above, I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR

[1] Council Application Refs: H18-0908-16; H09-1003-14; H18-0910-14 and H18-0635-15