The Planning Inspectorate

Appeal Decision

Site visit made on 7 June 2017

by S J Lee BA(Hons) MA MRTPI

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

Decision date: 30th June 2017

Appeal Ref: APP/A2525/W/17/3169236
Land to the West Side, Eaugate, Moulton Chapel, Spalding, Lincolnshire PE12 0XJ

- 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 Howard Clark against the decision of South Holland District Council.
- The application Ref H13-0854-16, dated 31 August 2016, was refused by notice dated 20 October 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 and I have considered the appeal on this basis. I have treated the proposed block plan as indicative only.

3. I have amended the description of development in the formal header above to reflect that given on the Council's decision notice. This is a clearer and more accurate description of the proposal than that given on the original application form. I have used the address of the site as given on the application form, though I have added the post code in the interests of clarity.

4. The Council has made reference to the emerging South East Lincolnshire Local Plan 2011-2036 (Publication Version March 2017)(SELP). Paragraph 216 of the National Planning Policy Framework (the Framework) states that from the day of publication decision-takers can give weight to relevant policies in such plans subject to a number of criteria. I have not been provided with any information as to the number of unresolved objections to the plan. However, considering the stage it is at in its preparation and the consistency of the policies provided with the Framework, I have given the plan moderate weight.

5. The Council has acknowledged that they cannot identify a five year supply of deliverable housing land as required by paragraph 47 of the Framework. As such, policies relevant to the supply of housing are no longer up to date and the fourth bullet point of paragraph 14 of the Framework is triggered. This states that the presumption in favour of sustainable development means granting planning permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. I have considered the appeal on this basis.

Main Issues

6. The main issues are whether the development would accord with local and national policies relating to housing in rural areas, with particular regard to:

   - Access to everyday local facilities by a range of modes of transport; and
   - The effect of the development on the character and appearance of the area.

Reasons

Background and Policy Context

7. The appeal site comprises part of an open agricultural field. It is a long but shallow rectangular plot situated between two dwellings in a sporadic and loose-knit row of dwellings on Eaugate Road. The rear boundary of the site follows no natural features, but is consistent with the depths of housing at either end of the site.

8. There is no dispute between the parties that the site lies outside the defined settlement boundary of Moulton Chapel in the saved South Holland Local Plan (2006)(LP). I have also noted that while the boundary of the village has been increased in size in the emerging SELP to accommodate two housing allocations, the appeal site would still be outside the village boundary. As such, for the purposes of assessing the development against local and national policies, the site is in the open countryside.

9. Policy SG2(1) of the LP states that proposals should adopt a sequential test to development. The development would not meet this, as it would not be on land adjacent to settlement limits. Indeed, the site is some distance from the edge of Moulton Chapel. Policy SG3 of the LP establishes a settlement hierarchy which seeks to focus development into areas with good access to services and facilities. Moulton Chapel is identified as a 'Group Centre'. The supporting text for this policy states that such locations offer more localised services and facilities and act as the focal point for rural communities.

10. Policy HS7 states that development will only be permitted outside defined settlements where there is an essential need to meet the needs of agriculture, forestry or other workers or is a small scale rural exception site. There is no suggestion that the development would meet these requirements.

11. Policy SG4 states that development in the open countryside will only be permitted where it is essential to be in the proposed location and cannot be accommodated within the defined settlement limits. The appellant has suggested that the tight nature of the boundary of the village provides limited scope for development. This in itself does not justify development outside the village as the policy requires there to be an essential need for development in this specific location. There is nothing before me to suggest that general housing needs in the area, or those of a more specific nature referred to by the appellant, cannot be met within other defined settlements. I am not persuaded therefore that the development meets the policy's requirements. The SELP also appears to be seeking to address this issue.

12. The development would therefore conflict with policies SG2(1), SG4 and HS7 of the LP. The lack of a five year supply does not alter the statutory function of the development plan and planning law still requires that applications must be

determined in accordance with it unless material considerations indicate otherwise[1]. However, in the circumstances of this appeal and the lack of five year housing land supply, the policies of the Framework are significant material considerations.

Access to facilities

13. The site is a short distance from a primary school, which is itself outside the boundary of the village. There are also a small number of facilities within the village, including two pubs, two churches, a post office and small convenience store, a hairdresser, a butcher, a petrol filling station and a community centre. This is a reasonable level of service provision for a relatively small rural village. From my own observations, these are around a 20 minute walk from the appeal site.

14. Whilst there is a good path into the village form the site, I still consider this to be at the upper limits of what people would generally consider a reasonable walking distance to access facilities. While the distance and nature of the route would not completely prohibit walking or cycling, it is unlikely to represent a regular or frequent choice for most trips, particularly in inclement weather, at night or for those with limited mobility. Moreover, there is nothing to suggest that the village would be able to cater for all everyday needs in terms of larger or comparison retail facilities, banks, healthcare, leisure or employment.

15. Thus some travel outside the immediate area is likely to be necessary for many everyday trips. The site is on a public transport route, though the evidence provided indicates that the services are not frequent. In addition, one of the bus stops referred to is in the same location as the main facilities, which may further discourage its use from the appeal site. While the limited access to public transport weighs in favour of the development to a small degree, public transport cannot be considered to offer a realistic or reasonable alternative to the car for most everyday trips from this location.

16. As such, there is likely to be some reliance on the car for a large number of trips. This may not be unusual in rural areas and existing occupants on Eaugate Road would have similar access to facilities. Nonetheless, allowing further development in such locations would only lead to a cumulative increase in the number and distance of less sustainable trips in the area.

17. My attention has also been drawn to paragraph 55 of the Framework. This states that housing in rural areas should be located where it can maintain or enhance the vitality of rural communities. An example provided is where development in one village may help support services in a village nearby.

18. Whilst I recognise the relative proximity between the site and facilities within Moulton Chapel, the benefits derived from the development would be limited in nature. There is also nothing before me to suggest the vitality of services within the village, or the primary school are under threat, such that the development of five dwellings in the open countryside would be of any particular benefit. This would also not be a case of development in one village supporting another, but would represent an increase in sporadically located dwellings outside settlements for which there is no provision within the Framework. The likely reliance on the car for many day-to-day trips would also

[1] Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990.

serve to reduce any functional relationship between the appeal site and nearby services, thus further reducing the already limited benefits to the vitality of the nearby community.

19. In conclusion on this matter, other than the primary school, the proposal would not be in a suitable location to access many everyday local facilities by a range of means of transport. It would therefore conflict with the Framework in terms of managing growth to make the fullest possible use of walking, cycling and public transport and supporting thriving rural communities. Moreover, it would conflict with the core planning principle of moving to a low carbon economy.

20. In coming to this conclusion, I have also had regard to the Council's intention to accommodate growth within Moulton Chapel itself in the SELP. However, these allocations are still subject to Examination and thus there may be changes to the plan before adoption. Furthermore, they would have a different relationship to the core of the village and the facilities therein than the appeal site. As such, I do not consider the SELP provides justification for development that is well outside the boundary of the village and in a location that is both visually and physically disconnected from it.

Character and appearance

21. The appeal site currently forms a large open gap in the frontage of Eaugate Road. I do not agree with the appellant that the site makes no positive contribution to the area. Gaps such as this help to break up the built form and reflect the more dispersed nature of development outside villages. As such, they are important in maintaining the open rural character of the area.

22. There is already a large physical break between development on Eaugate Road and the start of the village proper on Roman Road. This sets the development along Eaugate Road apart from the village. The low density character of the street scene and prevalence of open fields also helps to reinforce the open countryside character of the area. As a result, the dwellings and school along Eaugate Road appear as dispersed buildings in the open countryside, rather than an integral part of Moulton Chapel or any other formal settlement.

23. The appellant may not value the agricultural nature of the site and has argued that, for parts of the year, it is laid bare. However, this represents the fundamental character of the area and the site makes an important contribution to it, particularly by softening the impact of the dwellings that already exist in the area. The closing of the gap with up to five dwellings and the likely increase in associated domestic paraphernalia would result in the creation of a long and unbroken ribbon of development along this stretch of road. The consolidation of the built form here would significantly erode the established open and dispersed character of the area. The harder edge and reduction in visual links between the roadside and fields beyond would also have a damaging effect on the rural street scene. Notwithstanding the housing to either side of the site, the development would still appear as a significant and inappropriate urbanisation of the open countryside.

24. While landscaping is a reserved matter, I do not consider that this would provide sufficient mitigation for the harm caused by the development. Any biodiversity benefits would also be limited in nature. Furthermore, the argued benefits in terms of maintenance of boundary treatments do little to persuade me that the development would not be harmful.

25. I therefore find that there would be an unacceptable impact on the character and appearance of the area. Accordingly, there would be conflict with LP Policy SG1(3) which seeks to ensure that South Holland's essential character is not damaged.

Other Matters

26. The appellant has argued that the site is previously developed land (PDL). While there may have been a cottage on the site in the past, any sign of this has gone. The Framework excludes land from the definition of being PDL where the remains of the permanent structure have blended into the landscape. While part of the site has an unmaintained appearance, there are still no signs of the remnants of any permanent structures and thus there is not strong evidence that the site should be considered PDL. In any event, the development of a small area of PDL would not alter my conclusions in relation to the impact of development on the character of the area or the relative accessibility of the site.

27. While I sympathise with the appellant in relation to the difficulties that may be faced in farming this part of the site, this does not justify harmful development in the countryside.

28. The appellant has drawn my attention to other development which he states has been permitted outside the boundary of the village. Nonetheless, I do not have all of the details of this and thus cannot conclude with any certainty that the proposals are comparable. As such, little weight can be given to these examples. In any event, I have considered the appeal on its own merits.

29. The appellant has suggested that the development would be pollution free and have a low carbon footprint. As this is an outline application, there is little detail as to how this would be achieved. As such, I have given this assertion little weight.

30. While I saw nothing to suggest that development would be harmful in terms of highways or the living conditions of nearby residents, these factors do not outweigh my overriding concerns over the development.

Planning Balance and Conclusion

31. I have concluded that the development would be contrary to LP policies SG2, SG3, SG4 and HS7 in terms of the location of development. Although these are out of date, it does not mean that they no longer apply. Indeed, there remains a broad consistency between the aims of these policies and the Framework in terms of focusing development into locations with good access to facilities and resisting isolated development in the countryside. As such, some weight should still be given to these policies, though clearly less than if there were a five year supply of deliverable housing land.

32. The development would result in some limited social and economic benefits in relation to the access to nearby facilities, in particular the proximity of the primary school. However, these would be balanced and largely outweighed by the need to travel to meet many everyday needs not provided within the village and the likely reliance on the car for such trips. This would conflict with both the social and environmental dimensions of sustainable development.

33. I have also found conflict with Policy SG1(3) with regard to the effect on the character and appearance of the area. As the Framework recognises the intrinsic beauty and character of the countryside as a core planning principle, this policy should also be given significant weight. I have concluded that the development would have an unacceptable impact on the character and appearance of the area contrary to the environmental role of sustainable development.

34. Clearly, the provision of five market dwellings toward the housing supply would be a benefit. I have not been provided with detailed evidence as to the extent of any housing shortfall in the area, but it would be reasonable to assume that five dwellings would not make a significant contribution in their own right. Nonetheless, I have given moderate weight to this factor. I have also had regard to the stage the Council is at in preparing the SELP and the Council's expectation that this will address housing requirement issues. The appellant has not sought to dispute the Council's assertion on this matter. In these circumstances, the weight given to the benefits of the additional dwellings would be less than if the plan were at an earlier stage of preparation.

35. Taking everything into account, I therefore consider the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. As a result, the application of paragraph 14 of the Framework does not indicate that permission should be granted and the proposal would not represent sustainable development. In the circumstances of this appeal, the material considerations considered above do not justify making a decision other than in accordance with the development plan. For these reasons, the appeal should be dismissed.

S J Lee

INSPECTOR