The Planning Inspectorate

Appeal Decision

Site visit made on 6 June 2017

by David Troy BSc (Hons) MA MRTPI

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

Decision date: 29 June 2017

Appeal Ref: APP/A2525/W/17/3170271
The Triangle, Broad Lane, Moulton, Spalding PE12 6PP

- 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 & Mrs J Grimwood against the decision of South Holland District Council.
- The application Ref H13-0629-16, dated 22 June 2016, was refused by notice dated 19 August 2016.
- The development proposed is a residential development.

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 area and (ii) whether the proposal would represent a suitable site for housing development having regard to principles of sustainable development.

Reasons

Character and appearance of the area

3. The appeal site comprises of an open triangular parcel of agricultural land adjacent to Broad Lane within the open countryside to the south of the village of Moulton.

4. A well-established ribbon of residential development lies to the west of the site on the opposite side of the road and open fields to the north, south and east. Mature hedgerows run along the north-east and south-east boundaries of the site that possess a distinctively appealing rural appearance, which is further enhanced by the presence of mature landscaping and established trees within the adjoining fields and the open countryside. The proposal would entail the construction of a single storey barn style dwelling with a detached garage building and associated access, parking and garden.

5. In visual terms, given the enclosed nature and the relatively flat topography of the site and immediate surroundings, the appeal site would not be highly visible in the wider landscape. Nevertheless, given the scale of the development, it would represent a significant shift of the built up development into the open countryside. Whilst I recognise that the boundary trees and

vegetation provide some visual containment, the degree of visibility will vary according to the seasons. The appeal site, together with the adjoining fields, provides a significant contribution to the visual quality of and an important contribution to, the rural open landscape setting of the area. These shortcomings would be exacerbated by the appeal site position and open road frontage where it would be visible from a number of public vantage points along Broad Lane. I therefore consider that the development would adversely harm rather than positively contribute to the open rural landscape of the area.

6. I have considered the appellants statement that the site layout and the design of the proposal have been carefully considered in order to minimise any impacts in the area. However, whilst the use of traditional design features, materials, fenestrations, the retention of the hedgerows and additional landscaping would assist in integrating the proposed development with the area these aspects do not overcome the adverse effects outlined above.

7. Consequently, I conclude that the proposal would have a harmful effect on the character and appearance of the area. The development conflicts with saved Policy SG4 of the South Holland Local Plan 2006 (LP) which seeks to ensure that development proposals do not result in an unacceptable impact upon the landscape character of an area and controls development outside the defined settlement limits within the countryside. It also would not accord with the aims of the National Planning Policy Framework (the Framework) that development should seek to secure a high quality of design that takes account of the different roles and character of different areas and recognises the intrinsic character and beauty of the countryside (paragraph 17).

Sustainable development

8. The Council's Development Strategy is set out in saved LP Policies SG2 and SG3 which seeks to direct most development to the district's larger settlements and lesser amounts to the villages that have defined settlement limits in the rural areas. The appeal site is located outside the defined settlement limits of Moulton and therefore is classed as being in the open countryside wherein saved LP Policies SG4 and HS7 apply. Saved LP Policy HS7 requires that development in the open countryside should either meet an essential need or constitute a small scale rural exception affordable housing scheme to make it acceptable. It is not disputed that the appeal scheme meets neither of these criteria and therefore it would be contrary to saved LP Policy HS7.

9. However, the Council acknowledges it cannot identify a five year supply of deliverable sites. Paragraph 49 of the Framework states that housing developments should be considered in the context of the presumption in favour of sustainable development. It goes on to state that relevant policies for the supply of housing cannot be considered up to date if the local planning authority cannot demonstrate such a five year supply. Consequently, the housing supply LP Policies SG2, SG4 and HS7 cannot be considered up to date.

10. Paragraph 14 of the Framework sets out the presumption in favour of sustainable development. For decision making this means that where the development plan is absent, silent or relevant policies are out of date, planning permission will be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole or where specific policies in the Framework indicate that development should be restricted. Paragraphs 7 and

8 of the Framework name the three mutually dependent strands of sustainable development which are the economic, social and environmental roles. Saved LP Policy SG1 in line with the Framework identifies how decisions should be consistent with the principles of sustainable development.

11. I have considered this proposal against Paragraph 55 of the Framework that seeks to promote sustainable development in rural areas by locating housing where it will enhance or maintain the vitality of rural communities and avoid new isolated homes in the countryside unless there are special circumstances. These include where there is an essential need for a rural worker, or where the development would be of exceptional quality, or would be of a truly outstanding or innovative design, to help raise design standards more generally in rural areas. Whilst I note the appellants arguments regarding the scheme's rural vernacular design and the high level of energy efficiency, I do not consider that the proposal would achieve the standards of design the Framework seeks to promote in this case.

12. The Framework also states that new residential development is most appropriate in locations where there is access to alternative modes of transport other than the private car (paragraph 30) and where journey lengths to services and opportunities for employment can be minimised (paragraph 37).

13. Moulton has a small range of local services and facilities, sufficient to meet some of the day to day needs of residents. My visit to this site confirmed that the distance from the appeal site to the services available in the village would necessitate a walk of around a mile via a narrow, country road and a footpath which is mainly lit. However, the site is not on a regular bus route and I have not been provided with any information about the frequency and availability of the public transport services from the village.

14. Therefore, although some day to day trips could be undertaken by sustainable means, the appeal site would, in my judgment, be sufficiently isolated in this rural location such that the future occupiers of the proposed development would be reliant on the use of the car to reach essential services, facilities and significant employment opportunities elsewhere in the larger towns and villages nearby. It would be contrary to the aims of the Core Planning Principle set out in paragraph 17 of the Framework, in particular Core Principle 11, that seeks to make the fullest possible use of public transport, walking and cycling, to which this proposal would not conform.

15. The appellants consider that the proposal would form a sustainable form of development that would provide some social and economic benefits, through contributing to the mix of housing in the area. I also acknowledge the appellants aspiration to construct a self-build dwelling in accordance with paragraph 159 of the Framework. However, a single dwelling would make a limited contribution to the vitality of this rural community and, more generally, to the housing stock in the district.

16. While I note the appellants view that the scheme's design and the aim to create an energy efficient dwelling using various technologies and materials would amount to environmental benefits, I consider that the adverse impacts arising from locating the proposed development in this rural location, together with the harm identified to the area's character and appearance, would conflict with the environmental dimension of sustainable development.

17. I therefore conclude that the appeal site is not represent a suitable site for housing having regard to principles of sustainable development and is contrary to saved LP Policy SG1 and paragraphs 7, 14 and 17 of the Framework. These require, amongst other things, that development is consistent with the principles of sustainable development that is served by a range of transport modes and make the fullest use of public transport, walking and cycling.

Other matters

18. I have considered the appellants comments regarding the family's personal circumstances and the benefits to the family arising from the proposed dwelling. However, the courts have generally taken the view that planning is concerned with land use in the public interest. Although personal circumstances can sometimes justify a personal or temporary permission, that would not be appropriate here where a permanent structure is intended and as such are matters to which I can attach only limited weight in making this decision.

19. I have also noted the support from Moulton Parish Council and the objections from local residents to the proposal. However, in light of my findings on the main issues of the appeal, my decision does not turn on these matters.

Overall Conclusion

20. In respect of the planning balance which the Framework requires, I give weight to the fact that, although the appeal site is in the open countryside, as the Council cannot demonstrate a five year supply, the relevant housing supply LP Policies SG2, SG4 and HS7 cannot be considered up to date. With regard to paragraph 14 of the Framework, the adverse impacts arising from locating the proposed development in this rural location, together with harm identified to the area's character and appearance, would conflict with the environmental dimension of sustainable development. Consequently, in my view, this would be sufficient to significantly and demonstrably outweigh the scheme's benefits when assessed against the policies in the Framework as a whole.

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

David Troy

INSPECTOR