
Appeal Decision

Site visit made on 25 July 2017

by I Radcliffe BSc(Hons) MRTPI MCIEH DMS

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

Decision date: 30th August 2017

Appeal Ref: APP/A2525/W/17/3174609

Land adjacent to 284 Broadgate, Weston Hills, Spalding, Lincolnshire PE12 6DA

- 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 G Congreve against the decision of South Holland District Council.
 - The application Ref H22-1287-16, dated 15 December 2016, was refused by notice dated 8 March 2017.
 - The development proposed is the residential development of 3 No. houses and garages, 2 No. bungalows and garages.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The application was submitted in outline, with only access to be determined at this stage. I have dealt with the appeal on that basis and I have taken the indicative plan that has been submitted into account only insofar as it is relevant to my consideration of the principle of the development on the appeal site.
3. The publication version of the South East Lincolnshire Local Plan (SELLP) was issued in March 2017. However, as it is unclear whether it has been subject to public consultation and it has not yet been examined I attach little weight to this plan and its policies.

Main Issues

4. The main issues in this appeal are;
 - whether the location of the proposed development would be in accordance with the development plan;
 - whether the proposal would comply with planning policy which seeks to steer development away from areas at the highest risk of flooding.
 - the accessibility of services and facilities;
 - the effect of the proposed development on the character and appearance of the area; and,
 - the effect of the proposed development on the living conditions of the occupiers of 284 and 286 Broadway with regard to noise and disturbance resulting from the use of the site access.

Reasons

Location of development

5. Applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework ('the Framework') is an important material consideration. A core planning principle of the Framework is that decision taking should be plan led.
6. The development plan for the area includes the South Holland Local Plan (SHLP) which was adopted in 2006. In order to further sustainability objectives, and in the interests of protecting the countryside, policies SG1, SG2, SG3 and SG4 set a development strategy for South Holland. Among other things, proposals for residential development are to be assessed in accordance with the identified settlement hierarchy, which has Spalding at the top. Weston Hills is classified as an 'Other Rural Settlement' in the fourth tier and for planning policy purposes lies within the open countryside where new development is strictly controlled by policy HS7. The appeal site is not an allocated site and the proposal does not accord with the exceptions set out in policy HS7. The location of the proposed scheme would therefore be contrary to policies SG1, SG2, SG4 and HS7 of the SHLP.

Flood risk

7. The appeal site is located within Flood Zone 3 which is the zone with the highest probability of flooding, ignoring the presence of defences. In accordance with the Framework, where development is proposed within this zone a Sequential Test needs to be carried out. Its purpose is to demonstrate whether there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. No such test has been submitted.
8. In the view of the Council, there are reasonably available sites at a lower risk of flooding elsewhere within Weston Hills, and other parts of the District, that could accommodate the amount of residential development which could be built on the appeal site. In the absence of substantive evidence to the contrary, I have no reason to disagree with the Council's assessment.
9. The Environment Agency does not object to the proposed development subject to appropriate conditions. However, it is the function of the planning system, rather than the role of the Environment Agency, to determine if the Sequential Test has been passed. The absence of objection from the Environment Agency therefore does not alter my assessment of the proposal in relation to this issue.
10. For the reasons given above, I therefore find that the proposed development could be located in an area of lower flood risk. The proposed development is therefore contrary to the policy contained in paragraphs 100 and 101 of the Framework which seeks to minimise flood risk by directing development to areas at lowest risk.

Accessibility

11. Weston Hills is a small settlement with a primary school and a nursery. The only other reference that has been made to services and facilities in the settlement is the village hall and a shop and post office that operate from it on certain days of the week. Although these facilities are within comfortable walking distance of the appeal site, it is clear that the range of services and

facilities available in the village are insufficient to meet the day to day needs of its residents.

12. Other settlements, such as Spalding, that offer a wide range of services and facilities are not within a reasonable walking or cycling distance of the appeal site and the bus service that passes through Weston Hills only does so twice a day. As a result, the appeal site is in a location that has poor accessibility to services and facilities and where future residents would be heavily reliant on a private car.
13. Paragraph 29 of the Framework identifies that the opportunities to maximise sustainable transport solutions varies from urban to rural areas. However, there are some locations, such as Weston Hills, where accessibility to services and facilities is so restricted that in order to actively manage patterns of growth, in accordance with a core planning principle of the Framework, development should be restricted.

Character and appearance

14. Weston Hills is characterised by linear development, with some development in depth where the roads that pass through the village meet. The appeal site is a green field that is enclosed on two sides by housing along Broadgate to the east and residential development in depth to the south. The proposed scheme in developing in depth land to the rear of Broadgate, no further to the west than existing development to the south, would complement and consolidate existing development. The loss of countryside to development that would result would not be readily apparent in public views from Broadgate and other public vantage points.
15. Taking all these matters into account, I therefore conclude that with the control that exists at reserved matters stage there is no reason why a well-designed residential scheme would not come forward that would complement the character and appearance of the area. Compliance with policy SG14 of the SHLP, which requires the protection of the character and appearance of a locality through high quality design that respects local design features, could therefore be achieved.

Living conditions

16. The access to the appeal site would pass between 284 and 286 Broadway. No 286 has a conservatory located next to the route of the proposed access. Subject to the access having a hard bound surface and the use of fencing, the passage of vehicles along the access would be quiet and infrequent enough not generate noise and disturbance that would harm the living conditions of the occupiers of Nos 284 and 286. As the rooms to the front of No 286 are separated from the side boundary by an intervening garage, vehicles turning into and out of the access would not result in noise and disturbance in other rooms of this property.
17. At No 286, the route of the proposed access would be screened from the conservatory by a dense hedge along the side boundary. A window serving a room in the side of the dwelling directly faces the proposed access. However, as this links to the conservatory, which has wide views of the rear garden, a boundary treatment that obscures the view from this secondary window would not harm the outlook from within No 286.
18. The proposed development would therefore result in acceptable living conditions for the occupiers of the properties adjacent to the proposed access.

It would therefore comply with policy SG14 of the SHLP which, amongst other matters, seeks to prevent such harm.

Other matters

19. Reference has been made to several decisions where planning permission has been granted in the District for housing schemes which, as with the appeal site, abut the proposed settlement development boundaries in the SELLP and which the appellant considers are in less accessible locations. However, it is an established principle that each application must be considered on its own merits. The decision makers in relation to the other decisions referred to exercised their judgement on the evidence in relation to those particular cases. I must similarly use my judgement in respect of the evidence before me. As a result, these decisions have not altered my assessment of the appeal proposal.

Overall Conclusions: The Planning Balance

20. The Framework sets out a presumption in favour of sustainable development. The policies of the Framework as a whole constitute the Government's view of what sustainable development means in practice. There are three dimensions to sustainable development: social, environmental and economic.
21. The appellant states that the Council has a housing land supply of 2.9 years. This has not been challenged by the Council. As a result, a significant undersupply of housing exists in the District.
22. In such circumstances, paragraph 49 of the Framework advises that policies relevant to housing land supply, such as policies SG1, SG2, SG4 and HS7 of the SHLP, are out of date. Consequently, in accordance with paragraph 14 of the Framework, which explains how the presumption in favour of sustainable development should be applied, planning permission should be granted subject to two exceptions. These are where specific policies in the Framework indicate that development should be restricted; or, where the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.
23. In terms of the first exception I have referred to, the appeal site is located within Flood Zone 3 which has the highest probability of flooding when there are reasonably available sites at a lower risk of flooding within Weston Hills and other parts of the District. The proposed development is therefore contrary to a specific policy of the Framework which, in seeking to minimise flood risk by directing development to areas at lowest risk, indicates that development should be restricted. As a consequence, the proposed scheme would not constitute a sustainable development.
24. Environmentally, the proposed development would not be readily visible from public vantage points and would consolidate the existing pattern of development. Acceptable living conditions would also be maintained for neighbours. However, the absence of harm is a matter of neutral weight, rather than positive weight that weigh in favour of the proposal.
25. The proposed scheme would make a small contribution towards addressing the notable shortfall in housing in the District and to a limited extent would help support the few local services that exist in the village. The scheme would generate some construction employment, although by its nature this benefit would be short lived. It would also, by increasing the local population, increase by a small amount the spending power of the local economy. The proposed development would therefore result in some social and economic benefits.

26. However, these material considerations in favour of the proposal are insufficient to outweigh the conflict that I have identified with a specific policy of the Framework that indicates that development should be restricted, its poor accessibility and conflict with the development plan, albeit by virtue of the lack of a 5 year housing land supply I attach only some weight to the policies of the SHLP cited in this decision. I therefore conclude that the appeal should be dismissed.

Ian Radcliffe

Inspector