
Appeal Decision

Site visit made on 28 June 2018

by D Guiver LLB (Hons) Solicitor

an Inspector appointed by the Secretary of State

Decision date: 5 September 2018

Appeal Ref: APP/A2525/W/18/3196325

Baffens Way, Cheal Road, Gosberton, Lincolnshire PE11 4JF

- 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 Gary Andrews against the decision of South Holland District Council.
 - The application Ref H08-1146-17, dated 27 November 2017, was refused by notice dated 31 January 2018.
 - The development proposed is Log cabin/summer house on paddock to the side of the dwelling. To be made of timber and colour-matched to existing stable block. To include domestic wind turbine at ground level on a pole and solar panels to the south-facing roof to be used by relatives and friends when visiting and holiday let to public when not being used.
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Decision

1. The appeal is dismissed.

Preliminary Issue

2. Since the date of the Council's decision, the National Planning Policy Framework 2018 (the Framework) has been published and has effect. Local development plan policies that pre-date the publication should be given due weight according to the degree of consistency with the Framework. Where Policies are consistent, I am satisfied that neither party would be prejudiced by my determining this decision in accordance with those Policies without seeking further comments.

Main Issue

3. The main issue is the whether the development is in an appropriate location with particular regard to defined settlement limits and the availability of facilities and services in the locality.

Reasons

4. Policy SG4 of the South Holland Local Plan 2006 (the Local Plan) seeks to ensure that developments in the countryside are limited to those where the location is essential and where they cannot be situated within settlement limits. Policy SG4 is consistent with the Framework, which advises at sections 2, 9 and 15 that local development plan policies should promote sustainable development and sustainable transport, and conserve and enhance the natural environment. In addition paragraph 83 of the Framework advises that local

development plan policies should seek to ensure sustainable growth in rural communities and sustainable tourism.

5. The appeal site comprises an area of open land previously used as a paddock and sitting adjacent to the host property known as Baffens Way. The site is some distance from the nearest settlements and for the purposes of local and national policy is located in the open countryside. The proposal is for the erection of log cabin-style building with a dual-pitch roof in the paddock and for a change of use of the land to allow the cabin to be used as a holiday let. There is also a stated intention for occasional use by the appellant to accommodate family and friends. The proposed log cabin would be colour-matched to an existing stable block built behind and to one side of the host property.
6. The stable block is in situ but is not shown on the plans submitted with the appeal. The proposal also includes a domestic wind turbine and solar panels but it is not absolutely clear from the evidence where these elements would be located as they are not shown on any of the application drawings. The description of the development in the application form suggests they would be ancillary to the log-cabin but the Council appears to understand that the wind turbine at least would be located adjacent to the stables. The Council does not mention the solar panels.
7. The appellant states that there is an increased need for holiday lets in the area and wishes to offer a particularly local experience combining leisure with an opportunity to learn about the importance of the countryside, land and animals. The Framework advises at paragraph 118 that local development plans should encourage schemes that improve public access to the countryside and paragraph 83 supports prosperous rural communities. However, paragraph 83 clearly states that any development in the countryside should be sustainable. I do not doubt that the appellant's proposal would prove to be popular and interesting. However, there is no compelling evidence before me to show why the experience offered requires a location relatively remote from any town or village and could not be offered from accommodation within the developed limits of a settlement, of which there are many close to the open countryside in South Holland.
8. In terms of the sustainability of the location, there are few, if any, services and amenities in the vicinity and to access shops, restaurants or licensed premises would involve significant travel. While a greater reliance on private vehicle journeys is to be expected in rural areas over and above those likely in more urban areas, future occupiers of the appeal site, including temporary residents occupying under a holiday letting, would be almost wholly reliant on private vehicle journeys to meet even basic needs. I have been referred to a recent appeal decision¹ where the potential for home delivery of groceries was addressed. The Inspector concluded that there could be no certainty that other properties in the area would be served by the same vehicle on the same round and therefore home deliveries would simply refocus traffic movements on the appeal site as opposed to the nearest supermarket. The Inspector's decision is a material consideration to which I attach significant weight and I have reached a similar conclusion. Moreover, where reliance is heavily focussed on deliveries the choice of suppliers available to occupiers becomes limited.

¹ APP/A2525/W/17/3181360

9. The appellant states that occupiers could be given access to breakfast, barbecue facilities, bakery goods and welcome baskets using local suppliers, but that would be more of a business consideration than a planning matter and could not be required by condition as it would be too difficult to enforce. The appellant also states that the small number of additional journeys created by a single building would not be to detriment of the local community. While such an argument could be applied to any single development it is necessary to weigh any detriment against any benefits and while the public harm from vehicle journeys for one development might be limited the public benefits are very slight and insufficient to outweigh even the limited harm identified.
10. An alternative to private vehicle journeys would be reliance on walking or public transport. However, while the local landscape provides an attractive backdrop for those walking for leisure, the distances to the nearest amenities and to the closest public transport connections would make walking a less attractive option if it was required merely to access services. Moreover, the road is subject to the national speed limit and is without footpaths or street lighting for some considerable distance, which would also weigh heavily against walking to access services, especially in months with fewer daylight hours.

Planning Balance

11. The three elements of sustainable development, namely the social, economic and environmental elements, are interdependent. The proposal clearly offers a modest social benefit in the provision of a leisure facility that could be used by a small number of people at any one time. The absence of services in the vicinity means any economic benefit would be spread thinly across an unknowable number of service providers and therefore would be minimal. However, the environmental impact of additional journeys necessary due to the lack of services in the location, while small would outweigh the social and economic benefits.
12. The proposed development would be located outside any settlement boundary and no compelling evidence has been put forward to justify the appeal site as a necessary location and therefore, the proposal would not accord with Policy SG4 of the Local Plan.

Other Matters

13. Neither the solar panels nor the wind turbine are mentioned in the decision notice but the Council's evidence does suggest that such renewable energy sources, particularly the wind turbine, would be acceptable. I considered whether a split decision would be appropriate to allow the wind turbine to proceed but in the absence of a clear indication of its location on the application plans did not consider this to be appropriate.
14. The appellant commented on the age of the Local Plan but, provided the Policies relied on in making the decision are up to date, the age of the plan is not a matter to which I can attach any significant weight. Moreover, Section 38(6) of the Planning and Compulsory Purchase Act 2004 makes it clear that applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise. While the Framework is a material consideration, I have concluded that Policy SG4 of the Local Plan is consistent with it and therefore carries full weight.

15. The appellant also refers to other developments in the area including planning permission for 46 new dwellings. However, I do not have before me the evidence that the Council considered in making other decisions and must in any event determine this appeal on its own merits.

Conclusion

16. For the reasons given, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

D Guiver

INSPECTOR