



Appeal Decision

Site visit made on 2 April 2019

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 May 2019

Appeal Ref: APP/A2525/W/19/3220553

Off Bridge Road, Sutton Bridge, Spalding, Lincolnshire PE12 9SL

- 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 S E King Building Contractors Ltd against the decision of South Holland District Council.
 - The application Ref H18-1167-18, dated 22 November 2018, was refused by notice dated 27 December 2018.
 - The development proposed is pair of semi-detached dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The development plan at the time of the council's decision comprised the South Holland Local Plan (SHLP) (2006). Since the decision and following submission of this appeal The South East Lincolnshire Local Plan (SELLP) has been adopted on 8 March 2019. The SELLP replaces the SHLP and the policies of the SHLP referred to within the council's decision notice are no longer in force. The parties have been given an opportunity to comment on the change to the development plan and I have given regard to any views expressed. I have therefore considered the appeal against the relevant policies of the up to date development plan, the SELLP.
3. In February 2019, following submission of this appeal, the latest version of the National Planning Policy Framework (the Framework) was published and the Government also published its Housing Delivery Test (HDT) results. The HDT results for South Holland District council indicate delivery of housing has been below the housing requirement for the District over each of the past three years. The council's 5 year Housing Land Supply Assessment (as at 31st March 2018) recognises the persistent under delivery in the District and sets out its expected trajectories accordingly including a 20% buffer moved forward from later in the plan period. This is in line with the requirements of Paragraph 73 of the Framework. The council considers it has a 5.5 year housing land supply using the 'Liverpool' method.

Main Issues

4. The main issues are:

- whether the appeal site would be a suitable location for the proposed development having regard to the development plan and national policy; and
- the effect of the proposal on the character and appearance of the area.

Reasons

Location

5. The site is currently an arable field. It is located next to plots with recent planning permission for similar pairs of semi-detached dwellings forming part of a ribbon development on this side of Bridge Road. The planning permission on the plot sharing a boundary with the appeal site is yet to be implemented. The Sutton Bridge Policies Map Inset in the SELLP indicates that the previously approved dwellings which adjoin the appeal site sit within the defined settlement boundary. The appeal site abuts but sits outside the settlement boundary and is in the countryside.
6. At the time the planning application for the appeal proposal was determined, the council conceded that they could not demonstrate a 5 year housing land supply and relevant policies for the supply of housing could not be considered up to date. There are differing views between parties on the current housing land supply position. However, I have no contrary evidence to suggest the council's 5 year Housing Land Supply Assessment figure of 5.5 years of deliverable housing land is not accurate. Nevertheless, given the council now has a very recently adopted development plan, this must take primacy. The SELLP has been formulated in accordance with the Framework and national policies. I therefore attach full weight to the policies of the SELLP for the purposes of determining this appeal and Paragraph 11 of the National Planning Policy Framework is not engaged.
7. Policy 1 of the SELLP sets out the Spatial Strategy for the area with land outside defined settlement boundaries and in the countryside sitting at the bottom of the hierarchy in terms of areas where development is to be directed. The policy stipulates that in the countryside development will be permitted where it is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.
8. Open market housing is not a development type that requires a countryside location. This is particularly the case in this instance where the council has a 5 year housing land supply and a recently adopted and up-to-date development plan with a spatial strategy setting out how the housing needs for the area will be met.
9. I accept that in terms of the meaning within the Framework, the site is not isolated. New dwellings have been granted planning permission to the east of the appeal site and occupants of the development would be in relatively close proximity to the shops and services within Sutton Bridge. The site would also be in relatively close proximity to public transport providing access to larger

settlements. However, these factors do not justify a deviation from development plan policies. I have no substantive evidence before me to demonstrate that the proposal would meet the sustainable development needs of the area. The recently adopted local plan indicates that the sustainable development needs can be met in line with the Spatial Strategy with new dwellings located within defined settlements.

10. Policies 19, 22 and 23 of the SELLP have been referred to in the evidence before me. These policies can be relevant to considering new dwellings in the countryside. However, it is no part of the appellant's case that the appeal proposal would meet the criteria set for rural exception sites, nor does the proposal relate to a replacement dwelling or reuse of an existing building.
11. To conclude, the appeal site is not in an appropriate location for the provision of new dwellings and would be in conflict with the spatial strategy in Policy 1 of the SELLP as well as policies 10, 11 and 17 of the SELLP which underpin the delivery of housing within defined settlements. Furthermore, the proposal does not comply with any of the exceptions for new dwellings in the countryside defined under policies 19, 22 or 23 of the SELLP for the reasons set out above. The proposal would be in conflict with the key principles relating to sustainability and Paragraph 12 of the Framework which states that the development plan is the starting point for decision making and where a proposal conflicts with an up-to-date development plan it should not usually be granted.

Character and appearance

12. Whilst I acknowledge the site shares a boundary with a site with planning permission for a similar scale development, the appeal site is nevertheless outside of the recently adopted defined settlement boundary. Development of the site for two dwellings would alter the agricultural appearance of the site to one of a domestic nature. It would extend the existing ribbon development further into the countryside and increase the prominence of built form within the landscape. This incremental erosion of the countryside would have a harmful impact on the existing rural character and appearance of the area and would run contrary to a plan led system which protects such areas from inappropriate development.
13. My attention has been drawn to the high build quality of the appellant's housing product. However, this does not overcome the harm that would be caused through the incursion of the proposal into the open character of the countryside.
14. To conclude, the proposal would be contrary to policies 2, 3 and 28 of the SELLP which amongst other things require proposals to have regard to the character and appearance of an area and stipulate that proposals which fail to maximise opportunities to improve the character and quality of an area will not be acceptable. The proposal would also conflict with Paragraph 170 of the Framework which requires planning decisions to recognise the intrinsic character and beauty of the countryside.

Other Matters

15. The council has referred to Policy 28 of the SELLP although I have no evidence before me to suggest that development of the land would result in material

harm in terms of loss of biodiversity value. This Policy has not therefore been determinative in my decision. However, this does not override the conflict with other policies identified above.

16. The appellant has drawn attention to the affordability of their housing product, however I attach limited weight to this given the proposal is for market dwellings rather than dwellings falling under the definition of affordable housing.

Conclusion

17. In accordance with the requirements of s38(6) of the Planning and Compulsory Purchase Act (2004), the appeal must be determined in accordance with the development plan unless material considerations indicate otherwise.
18. The proposal would make a limited contribution to meeting the District council's housing requirements and would generate a minor economic benefit through the development of the site.
19. However, given the failures identified in terms of the proposal's conflict with the development plan and national policy and for sustainability reasons a new dwelling in the countryside would be inappropriate. The proposal would also result in harm to the character and appearance of the area for the reasons detailed. These are matters which attract significant weight and tip the balance firmly against the proposal.
20. No further material considerations have been advanced of sufficient weight to justify a decision other than in accordance with the development plan which, in terms of the above cited policies, the appeal scheme would clearly conflict. Therefore, for the reasons set out and having taken into account fully the other material considerations, I conclude that this appeal should be dismissed.

M Russell

INSPECTOR