The Planning Inspectorate

Appeal Decision

Site visit made on 4 September 2019

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th October 2019

Appeal Ref: APP/A2525/W/19/3229558
Land off Holbeach Drove Gate, Holbeach Drove, Spalding, Lincolnshire PE11 2JL

- 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 Rex Login against the decision of South Holland District Council.
- The application Ref H09-0809-18, dated 8 August 2018, was refused by notice dated 16 May 2019.
- The development proposed is residential development.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues raised by this appeal are:

- whether the site is a suitable location for residential development; and
- the effect of the proposed residential development on the rural character of Holbeach Drove.

Reasons

3. The appeal site is situated on the western edge of Holbeach Drove Gate a small predominately residential village set within a wider rural landscape. In front of the appeal site (to the south east) is a row of residential dwellings of varying types which front the main highway. To the front of the appeal site is an abandoned and dilapidated shed-like structure which would be demolished to provide access to the larger portion of the site where the residential development would be located. This portion of the appeal site currently comprises former agricultural land.

Whether the site is a suitable location for residential development

4. Policy 1 of the South East Lincolnshire Local Plan 2019 (SELLP) identifies Holbeach Drove as an 'other service centre and settlement' which is within an area of development restraint. It also has a defined settlement boundary within which development is permitted if it either sustains existing facilities or helps meet the service needs of the local community. Land outside of this settlement boundary is classified by the SELLP as being within the countryside. Policy 1 permits development in the countryside if it would be necessary to the location and/or where it could be demonstrated that it would meet the

sustainable development needs of the area in relation to economic, community or environmental benefits.

5. The portion of the appeal site where the housing would be situated is located outside of this settlement boundary defined by the SELLP and I therefore consider it to be within the countryside. Consequently, the proposed residential development would need to meet the criteria set out within Policy 1 of the SELLP for it to be acceptable in principle.

6. The proposed development is in outline with all matters reserved. However, the appellant has indicated that the scheme could provide up to 14 dwellings. Paragraph 78 of the National Planning Policy Framework (the Framework) promotes sustainable development in rural areas where it will enhance or maintain the vitality of rural communities. In relation to economic and community benefits, the proposed housing would provide a limited boost to the local economy and businesses which would help to sustain services within the village. The appellant has also cited the provision of affordable housing as a community benefit, but I have no evidence before me to suggest that this would be the case.

7. However, these economic and community benefits would be dependent on residents being able to meet many of their service needs within the village. From the evidence before me and what I saw on my site visit, the existing services and facilities within the village comprise a petrol station selling a limited range of convenience goods (including pet food); and a nursery and childcare centre. Whilst these would be within walking distance of the proposed development, with the routes being paved and lit, I do not think that they would be sufficient to meet the day-to-day service needs of its future occupiers.

8. Given the limited range of services and facilities in Holbeach Drove I consider it likely that residents would need to travel to larger service centres such as Spalding to obtain their goods and services. I note that there are daily buses to and from Spalding (the no. 49 and H43S), however the evidence before me does not tell me how frequently they run. Further, given the rural nature of the area it is also likely that residents travel by car to nearby settlements such as Whaplode Drove (which has a post office) or the larger market town of Wisbech in addition to driving to and from Spalding. Consequently, I do not consider that the proposed development would reduce the reliance of local residents on private vehicles to obtain their day-to-day goods and services.

9. I note the appellant's points in relation to the low biodiversity value of the site and the potential environmental benefits that the proposed housing would provide. However, on my site visit I observed that the appeal site was quite overgrown, resembling grassland habitat (as also shown by figures 17 to 25 of the appellant's statement). Therefore, I do not consider that the replacement of this grassland habitat with housing development would provide a clear environmental benefit.

10. I also note the point made by the appellant in relation to sites ref Hob001 and ref Hob012 identified within the Lincolnshire County Council Strategic Housing Land Availability Assessment (SHLAA) as being suitable for housing. However, based on the evidence before me I do not consider that they represent a direct parallel to the appeal site or scheme given that they both relate to extant planning permissions where the proposed development would be located within

the defined settlement boundary. In any event I have determined the appeal scheme on its own merits.

11. Consequently, taking into account all of the factors discussed above, I am not satisfied that the appeal site is a suitable location for residential development. I therefore conclude that the proposed development would conflict with Policy 1 of the SELLP (adopted March 2019) and paragraph 8 of the Framework which both aim to achieve sustainable development.

Effect on the rural character of the settlement

12. Holbeach Drove is a small village comprising predominately residential development set within a wider rural landscape. The existing development pattern for this housing is largely linear with the buildings being clustered around the road network with agricultural fields surrounding them. Whilst the village is predominately residential, I consider its character to be intrinsically rural.

13. I note the point made by the appellant that the proposed development represents infill residential development. Infilling is normally associated with the completion of an otherwise substantial built up frontage of several dwellings or at the very least, consolidation of a largely built up area. It is not a question of how small or large a gap measures and I found that the portion of the appeal site located outside the defined settlement boundary does not have the characteristics normally associated with infill development. I therefore do not consider the proposed development to be residential infill and consider it to be out of character with the largely linear form of the settlement and its established pattern of development.

14. Consequently, I conclude that the proposed residential development would by virtue of its scale and location materially harm the intrinsic rural character of the village in conflict with Policies 2 and 3 of the SELLP (adopted March 2019) which aim to ensure developments are of high-quality design which respects local character. It would also conflict with paragraph 170 of the National Planning Policy Framework (the Framework) which recognises the intrinsic character and beauty of the countryside.

Other Matters

15. The appellant has raised concerns regarding the handling of the case by the Council particularly in relation to the perceived delay in the determination of the application. This is a matter that would need to be taken up with the Council in the first instance and in determining the appeal I have only had regard to the planning merits of the case. In any event a planning application must be considered against the policies of the adopted development plan in force at the time of determination, in this case the SELLP adopted in March 2019.

16. I note the points made by the appellant (including the references to previous appeal decisions) in relation to the Council's housing land supply position and the fact that when the planning application was submitted a 5 year supply of deliverable housing land could not be demonstrated. However, since then a new Local Plan has been adopted and the housing land supply position has changed. Based on the evidence before me I am satisfied that the LPA can now demonstrate a supply of deliverable housing land (taking into account past

persistent under-delivery) equating to approximately 6 years. I therefore do not consider paragraph 11 of the Framework to be engaged.

17. I also note the appellant's points questioning the use of the term 'open countryside' (by Council officers and within cited examples of appeal decisions within the district) whilst asserting that this term was not applicable to the appeal site. Policy 1 of the SELLP clearly uses the term 'countryside' in relation to the Local Plan area outside of the defined settlement boundaries. When a Council Planning Officer uses the term 'open countryside' in relation to development proposals within the South Holland district I take this to mean that they are referring to 'the countryside' in accordance with the Framework. Consequently, for the purposes of this s78 appeal I have assessed the appeal scheme on this basis.

18. The appellant has also cited many examples of residential developments that have been permitted by the Council in order to demonstrate that a precedent has been set for permitting this type of development in the countryside. However, I am not aware of the particular circumstances in those cases and so cannot be sure that they represent a direct parallel to the appeal scheme. In any event I have determined the appeal scheme on its own merits.

Conclusion

19. For the reasons set out above I conclude that the appeal should be dismissed.

C Coyne

INSPECTOR