The Planning Inspectorate

Appeal Decision

Site visit made on 24 December 2019

by Peter Mark Sturgess BSc (Hons), MBA, MRTPI

an Inspector appointed by the Secretary of State.

Decision date:10 January 2020

Appeal Ref: APP/A2525/W/19/3239236
Land adjacent to Waverley Villa, 2 Drain Bank, Cowbit, Spalding PE12 6FR

- 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 F. Pearson against the decision of South Holland District Council.
- The application Ref H01-0237-19, dated 4 March 2019, was refused by notice dated 16 April 2019.
- The development proposed is erection of one house and garage.

Decision

1. The appeal is dismissed

Procedural Issues

2. The appeal documents make reference to the District not being able to identify a 5-year supply of deliverable housing sites. I note from the statements submitted that this is not an issue between the parties, and I have been supplied with information from the council that demonstrates, as of 31 March 2019, it is able to show a supply of deliverable housing sites in excess of 6 years.

Main Issues

3. Whether the site would provide a suitable location for residential development, having particular regard to the effect on the character and appearance of the area.

Reasons

Character and appearance of the area

4. The area within which the appeal site is located is detached from the main settlement of Cowbit. The immediate area is characterised by a small number of dwellings clustered around the junction of Drain Bank with Barrier Bank, and open fields. The main built-up area of Cowbit starts around 200m to the south east of the site. There are open fields in between the site and the start of Cowbit's built up area.

5. The area is typical of a Fenland landscape, with roads elevated on the top of banks and housing lying at the foot of these banks. The appeal site lies at the base of Barrier Bank and extends northwards to the garden of a property with

access on Drain Bank. To the south east lie open fields, whilst to the north west is the property known as Waverley Villa.

6. The site is especially visible when approached from the south east, although this visibility is partially obscured by trees and vegetation on the bank itself.

7. Around the cluster of dwellings, adjacent to the appeal site, are flat open agricultural landscapes which afford long views to a distant horizon.

8. The development plan for the area is the South East Lincolnshire Local Plan – March 2019 (SELLP) and is up to date for the purposes of this appeal.

9. The SELLP defines settlement boundaries. With regard to Cowbit the appeal site lies outside the settlement boundary defined in the SELLP and is detached from that boundary by some distance.

10. The overall aim of the SELLP is to promote sustainable communities and ensure, amongst other things, that positive improvements are sought in the quality of the natural environment of the District.

11. In order to achieve this, Policy 1 supports new developments within the settlement boundaries of minor service centres, such as Cowbit. Outside the settlement boundaries the Policy seeks to restrict development to types that are necessary to such locations and/or where it can be demonstrated that it meets sustainable development needs of the area in terms of economic, community or environmental benefit. The policy also recognises, in its justification, that the countryside is a precious resource and seeks to protect its character and appearance through the criteria set out in Policy 2.

12. Policy 2 supports development, provided criteria are met in relation to the effect of the development on the character and appearance of the area and its relationship to existing development and land uses. This is supplemented by Policy 3 which expects new developments to create a sense of place.

13. The appeal proposal lies outside the built-up area of Cowbit, as defined in the SELLP. It is also not within any of the categories of development it defines as being necessary in a countryside location.

14. From vantage points along Barrier Bank the appeal proposal would have the appearance of a new dwelling in the countryside. Moreover, the appeal site relates well to the agricultural land to the south east; with no physical boundary dividing it from those fields, which are currently in cultivation. It would harm the character and appearance of this location by extending a small cluster of sporadic development into surrounding agricultural land.

15. In this respect the appeal proposal would not be the 'rounding off' of an existing developed area, but the further sprawl of an existing area of sporadic development into the surrounding countryside. If this proposal were to be accepted as constituting 'rounding off', it would be difficult for the council to resist applications for development between the appeal site and the built-up area of Cowbit, as defined in the SELLP, approximately 200m to the south east, as this could also be argued to be 'rounding off'.

16. Furthermore, the works needed to create an access to the site from Barrier Bank, due to the differences in levels between the appeal site and the road,

would increase its prominence in the area and further harm the character and appearance of the area.

17. Given the sites' overall visibility from Barrier Bank, the introduction of hard standings for vehicles, fences, a multi car garage and a domestic garden would have a further urbanising effect on this countryside location and so contribute to the harm caused to its character and appearance by the appeal proposal.

18. With regard to Policy 1 of the SELLP, I have considered whether the appeal proposal would meet the sustainable development needs of the area in terms of economic, community and environmental benefit and find that any small benefit the development might bring in terms of the economy or community is outweighed by its environmental harm.

19. Therefore, in relation to the policies set out in the SELLP I find a clear conflict between these policies and the appeal proposal.

Conclusion on the main issues

20. I find the appeal proposal to be in conflict with the policies of the development plan (the SELLP). In these circumstances, the Framework and paragraph 38(6) of the Planning and Compulsory Purchase Act 2004 are clear that in the absence of material considerations sufficient to outweigh the policies of the development plan, the appeal should be dismissed.

Other Matters

21. The appellant has asserted that the appeal proposal is suitable for self or custom build. I note that the applicant has not registered on the council's self and custom build register, and I have no information on whether there is a current shortfall in the need for and availability of self-build plots.

22. The appellants have argued that their personal circumstances should weigh in favour of the proposal. Whilst I have had regard to the information submitted by the appellant regarding personal circumstances, it is likely that the development would remain long after the personal circumstances cease to be material.

23. The appellant has also argued that the appeal proposal would be energy efficient, high quality/well designed and make efficient use of the site. I have no doubt that a modern well-designed house capable of meeting 21st century energy efficiency standards and making efficient use of this land could be constructed on this site. I have also noted that the site is on a bus route. These are matters to which I attach some weight, but this falls well short of outweighing the harm to character and appearance and the conflict with the development plan I have identified.

Conclusion

24. I find that having regard to all matters before me, including the policies of the development plan, when taken as a whole, the appeal should be dismissed.

Peter Mark Sturgess

Inspector