
Appeal Decision

Site visit made on 7 July 2020

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

an Inspector appointed by the Secretary of State

Decision date: Friday, 21 August 2020

Appeal Ref: APP/A2525/W/20/3248520

Land adjacent to Homeland, Eaugate Road, Whaplode Drove, Spalding, PE12 0SP

- 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 S. Jeffs against the decision of South Holland District Council.
 - The application Ref H23-1024-19, dated 16 September 2019, was refused by notice dated 23 December 2019.
 - The development proposed is erection of an earth sheltered dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the suitability of the site for a dwelling having regard to its effect on the character and appearance of the area, its location and the quality of its design.

Preliminary Matters

3. Reference has been made by the appellant to the South Holland Local Plan and to the lack of a 5-year supply of deliverable housing sites in the District. It is clear from part of the Council's submissions that they currently have a supply of deliverable housing sites in excess of 5 years. I have assessed the appeal on this basis.
4. I have amended the description of development to that shown on the notice of decision issued by the Council as that accurately reflects what is being proposed in the development.

Reasons

Character and Appearance

5. The appeal site is located at the side of a country lane and is bounded by gardens and agricultural land. The site itself is flat and similar in topography to the agricultural land beyond. Either side of the site are two houses. The houses in the area are of conventional design and generally front on to the road. The agricultural land is typical of the flat Fenland landscape of the area. It is not within a settlement as defined in the SELLP.

6. The appeal proposal would introduce an earth shelter dwelling on to the land. This dwelling would be constructed of a concrete frame located at the existing ground level and would be partially covered in earth.
7. The appeal proposal would have the appearance of a small hill or mound which would be located approximately in the centre of the site. It would be approximately the same height as a flat roof bungalow. It would be visible from the current entrance and from across the hedgerows currently dividing the site from Eaugate Road. It would block views of the open countryside from Eaugate Road and introduce a greater sense of enclosure to the lane. When viewed from the open countryside it would appear as a small mound, with windows and doors, between the existing development. It would have a conventional drive and parking areas, together with a surrounding garden.
8. The introduction of a discordant feature in the form of a small mound or hill surrounded by domestic paraphernalia, a drive and car parking, blocking views of the surrounding countryside which are characteristic of the road would harm the character and appearance of this countryside location. The design would also fail to respect the character of the existing residential development which is conventional in design and appearance.
9. Policy 2 of the SELLP supports development subject to what are described as sustainable development criteria. Policy 3 of the SELLP expects developments to be appropriate to the local area and to maximise opportunities to improve its character and quality. The appeal proposal fails to respect the character and appearance of the local area as it would introduce a small hill or mound into an otherwise flat landscape. It would also introduce domestic features such as a drive, parking area and garden which would appear unconnected with a dwelling. In these respects, the proposal would be in conflict with Policies 2 and 3 of the SELLP.

Location of the development and the quality of its design

10. Policy 1 of the SELLP directs development to the main centres of the District and restricts development in the countryside to that which needs a countryside location or meets the sustainable development needs of the area in terms of economic, community or environmental benefits. Its main purpose is to deliver sustainable development.
11. The appeal proposal lies within the countryside away from the main centres of the District. Although reference has been made to a business which would take place on the site, creating a live-work unit, the appellant has stated that the 'business is not a determining factor in the application'. With regard to Policy 1, the proposal does not appear to meet the sustainable development needs of the area in terms of economic, community or environmental benefits, apart from a small economic benefit during its construction and the use the occupants might make of local services. Furthermore, the siting of a new dwelling in this location would require trips by private car to access services, employment and schools. I am aware that the site is on a bus route, however it is unlikely that all the trips that would be generated by the proposed development could be taken by public transport given the frequency of the service set out in the appellant's submissions.
12. The proposed development would therefore be conflict with Policy 1 of the SELLP as it would lead to the development of a dwelling which would be outside

the main centres of the District and would not form a category of development, defined by the Policy, as being necessary in a countryside location, nor would it meet the sustainable development needs of the area.

13. The appellant has argued that the appeal proposal should be considered as an exception to policies which avoid the development of isolated houses in the countryside, as set out in paragraph 79(e) of the National Planning Policy Framework (the Framework). For this paragraph to apply a home should be truly outstanding or innovative, reflect the highest standards in architecture, help to raise the standards of design in rural areas, significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.
14. The appellant accepts that the site is not isolated in terms of paragraph 79, however he has presented evidence to demonstrate why the proposed dwelling would be consistent with this part of the Framework. The proposed dwelling would consist of a concrete frame covered in earth with windows and doors to the rear, facing away from the road. Its external appearance, when viewed from the road would be of a small hill or mound. The nearby dwellings are conventionally designed, front on to the road and are surrounded by gardens. Despite the appeal proposal adopting up to date materials and construction techniques, it is unlikely that this would help raise the standards of design more generally in rural areas. The submissions from the appellant show that these methods are already widely available and have been used elsewhere in the country, in this respect they are not truly outstanding or innovative as required by the Framework. The dwelling itself would appear incongruous when viewed in relation to the nearby dwellings and the adjacent countryside, and therefore would not enhance its immediate setting or be sensitive to the defining characteristics of the local area. I do not consider that the dwelling accords with the requirements of paragraph 79(e) of the Framework.

Other Matters

15. The appellant has supplied a number of decisions on planning applications which he argues are similar to the appeal proposal and therefore should lead to the appeal being allowed in the interests of consistency. I note the Council has highlighted in at least one of the cases where the material considerations between that and the appeal proposal might have been different. I do not find that they are directly comparable to the appeal proposal. For example, a number pre-date the adoption of the current local plan, some make reference to and give weight to the presence of an existing business or the presence of brownfield land. One is not in South Holland so a different development plan would apply. Therefore, whilst I have had regard to these cases in this appeal, they do not change my conclusion. In any event I have determined the scheme on its own merits.

Conclusion

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

Peter Mark Sturgess

INSPECTOR