The Planning Inspectorate

Appeal Decision

Site visit made on 27 May 2022

By A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 June 2022

Appeal Ref: APP/A2525/W/22/3290122
7 Station Road, Tydd Gote, Wisbech PE13 5QA

- 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 Martin Melton against the decision of South Holland District Council.
- The application Ref: H21-1073-21 dated 15 October 2021, was refused by notice dated 7 December 2021
- The development proposed is outline planning permission for single storey dwelling.

Decision

1. The appeal is allowed and outline planning permission is granted for a single storey dwelling at 7 Station Road Tydd Gote Wisbech PE13 5QA in accordance with the terms of the application, Ref H21-1073-21, dated 15 October 2021, and the plans submitted with it, subject to the following conditions:

    1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters" shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

    2) Application for approval of the reserved matters shall be made to the local planning authority not later than [3] years from the date of this permission.

    3) The development hereby permitted shall take place not later than [2] years from the date of approval of the last of the reserved matters to be approved.

    4) No development shall commence prior to the completion of a Phase 1 Environmental Audit in accordance with the recommendations provided with the application hereby approved. The development shall not be occupied unless and until all recommendations arising from that audit have been carried out.

Preliminary Matter

2. The description of development states that the proposal is in outline with all matters reserved. However, the supporting documentation and drawings indicate that the proposed development will share the current access to the host dwelling, a position which is accepted by the Council in their refusal reason. I have therefore considered the appeal on that basis but that details of the access remain a reserved matter.

Main Issue

3. The main issue is whether the proposal is a suitable location for the dwelling proposed having regard (i) to the effect upon the Tydd Gote Conservation Area and (ii) other relevant development plan policies.

Reasons

Location of the development

4. Policy 1 of the South East Lincolnshire Local Plan 2019 (SELLP) sets out a spatial strategy based on a hierarchy of settlements in which Tydd Gote is identified under heading C as an 'Other Service Centre(s) and Settlement(s)' where development constraint is exercised. Reasoned justification to this policy recognises that there is a balance to be struck between sustaining small relatively remote rural settlements which still provide a community focus and undermining the spatial strategy by larger numbers or inappropriately extending the linear character of settlements such as Tydd Gote. The appeal site is outside the settlement boundary and therefore classed as being within open countryside where development would be strictly controlled, and only defined exemptions would be allowed. The proposed development does not fall into any of those exemptions.

5. Sites beyond development boundaries generally are less sustainable as access to local services tends to be poorer and it is, therefore, appropriate that development in the open countryside is restricted. However, the appeal site would be no less accessible to services than any other dwelling in the settlement and would tend to support the retention of existing facilities and services in the village.

6. The Council indicate that development in such settlements will 'normally' be limited to committed sites and infill within settlement boundaries although it is suggested by the appellant that opportunities for infill sites within the tightly drawn boundary of Tydd Gote appear restricted. The appeal site conjoins that boundary on its southern and western perimeters and would be surrounded by other development; in particular by No.7 Station Road which is not shown on the settlement mapping but encloses the appeal site and is itself well screened from the surrounding open countryside beyond. In a practical sense, the appeal site lies within what is understood as the village of Tydd Gote and does not visually encroach upon open countryside.

7. In conclusion on this main issue, the development would be in clear conflict with SELLP policy 1 insofar as it would be located outside a defined settlement boundary. Nevertheless, I have not identified any actual planning harm arising from the proposal due to its location adjacent to the settlement boundary and the enclosing effect of existing development.

Conservation Area

8. The appeal site is a small part of the curtilage of a large, recently-erected, dwelling of contemporary design where it adjoins both the settlement boundary of Tydd Gote and its Conservation Area (CA).

9. A small part of the application site currently extends into the Conservation Area behind the parking area at the rear of three cottages which front Station Road

but currently appears to be waste land to be used as amenity land for the proposed dwelling.

10. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision takers to give special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area. In this case, although the development could be termed as within the setting of the CA no character appraisal or other evidence has been placed before me as guidance as to the intentions for management of the Tydd Gote Conservation Area.

11. My observations, however, indicate that the significance of the CA rests upon the pattern and history of frontage development along Station Road and West Road, and upon other landscape-specific built elements; from my observations, development behind these frontages does not contribute to that significance to any measurable degree.

12. The appeal site adjoins the identified settlement and conservation area boundaries in a well-screened backland location that does not currently contribute to experience of the CA. Although new built form could potentially be visible from certain limited viewpoints in the public realm, these views would be incidental such that harm to the character and appearance of the CA, even if such were found, would be nominal due to the single storey nature of the proposal and its relationship with other built development. Noting the aforementioned and that appearance and landscaping are amongst the matters reserved for subsequent approval I find that the proposal would not fail to preserve or enhance the character and appearance of the Tydd Gote Conservation rea and would not, therefore, conflict with Policy 29 of the SELLP.

Other Matters

13. The Council suggest that distance to the highway will interfere with the requirement for waste collection and recycling for the proposed dwelling; however they do not explain why the proposal could not have similar arrangements to the recently constructed host dwelling which would share access and lies a similar or greater distance from the highway.

14. Nor, in their unduly lengthy refusal reason, do the Council justify the allegation of environmental harm and harming the rural character and appearance of the locality other than by derivation from the appeal site's location outside (but touching) the settlement boundary. These are matters which I have addressed in my reasoning.

15. As an application in outline with all matters reserved it has not been necessary to consider the merits of the indicative design proposal, nor should this decision be interpreted as an endorsement of that design.

Conclusion

16. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions on planning applications should be made in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 of the Framework reflects this and makes it clear that the development plan is the starting point for decision making. The importance of the plan-led system is clear, however the Act provides scope for other factors to be considered in the planning balance.

17. There is clear conflict with the development plan in respect of the appeal site being outside the defined development boundary. The relevant policies of the plan are up-to-date and thus this conflict weighs against the development. Amongst other things, these policies establish the broad strategy for the distribution of development and should not be set aside lightly.

18. However, no other planning harm has been identified, the extent of the conflict is relatively small, and aspects of the development would be broadly consistent with some of the relevant key principles of both local and national policy. There would therefore only be limited harm to the Council's overall strategy and almost no environmental harm which appears to be the Council's main concern.

19. The proposal would provide modest, but tangible benefits as the Council appear to acknowledge. Although relatively limited in scale, there would be social and economic benefits associated with the delivery of a new dwelling. The matters here are very finely balanced, however, in my view, these benefits would outweigh the limited technical conflict with policies taking into account the absence of other harms and that opportunity remains to produce a high-quality sustainable design to meet other objectives of the development plan. Therefore, in the particular circumstances of this case there are material considerations which justify a decision other than in accordance with the development plan.

20. For the above reasons, and taking all matters raised into account, I conclude that the appeal should be allowed, subject to conditions necessary to address timeliness and reserved matters together with the requirement for a stage 1 environmental audit of possible ground contamination.

Andrew Boughton

INSPECTOR