The Planning Inspectorate

Appeal Decision

Site visit made on 3 November 2022

by L Hughes, BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd December 2022

Appeal Ref: APP/A2525/W/22/3293946
16 Washway Road, Holbeach, Spalding PE12 7PP

- 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 Mrs L Kelleher against the decision of South Holland District Council.
- The application Ref H09-1076-21, dated 15 October 2021, was refused by notice dated 13 January 2022.
- The development proposed is residential development of one new dwelling.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

   - whether the proposed development is in a suitable location for housing, having regard to the local development strategy for the area;
   - the effect of the proposed development on the character and appearance of the area; and
   - the effect of the proposed development on the living conditions of the occupants of the existing dwelling on the site, regarding noise and disturbance from vehicles.

Reasons

Suitable location

3. The appeal proposal is for a new single storey dwelling to be erected within part of a large rear garden of the dwelling at 16 Washway Road. Access would be taken along an existing drive to its side. Part of the garden has been used as a cattery, with a few single storey buildings and sheds within the site. Gardens of other dwellings border the site to its side and rear, with the remaining side being open fields.

4. Policy 1 of the South East Lincolnshire Local Plan (SELLP) 2011-2036 (2019) directs new housing to within settlement boundaries, with policies 10 and 11 identifying each area's housing requirement. The appeal site is outside of the Holbeach settlement boundary, and notwithstanding that it lies within what may be a typical sporadic settlement in the Fenland area, is therefore classified as being within the countryside under policy 1. Policy 1 identifies that development in the countryside will be permitted that is necessary in such a

location, or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.

5. As a unit of market housing the scheme does not comply with any of the SELLP defined exceptions for new dwellings in the countryside under policies 19, 20, 22, or 23. It is not for affordable housing, a starter home, specialist housing, Gypsies and Travellers, a replacement dwelling, or the conversion of an existing building. The site is not infill due to the surrounding open fields and gardens. The dwelling to the rear of 15 Washway Road does not set a precedent regarding the principle of new development as it was approved under a different development plan context over 20 years ago.

6. The SELLP makes no exceptions to its spatial strategy for previously developed land, for existing plots of residential land being subdivided, or for self-build. Policy 17 outlines that the provision of new houses will seek to meet the long term needs of the plan area. However, with reference to custom and self-builders it suggests that the Local Plan will seek to meet these housing needs. It does not state that this should be done in a manner inconsistent with the Plan's spatial strategy policies, including through granting permissions.

7. Overall, in considering the first aspect of SELLP policy 1, I find that the dwelling is not necessary in such a location.

8. I now move to consider the second aspect of SELLP policy 1 as to whether the scheme would meet the sustainable development needs of the area in terms of economic, community or environmental benefits. I acknowledge the economic benefit from the dwelling's construction and from potential local spending and council tax, but this is only a very minor benefit for only one new dwelling.

9. I also accept that the proposal would make a more effective use of land to contribute to housing supply targets, with the spatial strategy directing the largest amount of housing to Holbeach out of all the Main Service Centres. However, there is no disagreement that the Council is able to meet its 5 year housing target overall, and no compelling evidence has been provided to demonstrate that there is a high demand for dwellings in this specific particular location whether or not the local target has been met.

10. I also acknowledge that the dwelling could be delivered quickly, and as a bungalow would contribute towards the provision of a range of types of dwellings across the area. However, the net addition of 1 unit in this regard is minimal, and therefore this is only a very minor benefit.

11. From a single additional dwelling the community and social benefits of supporting local services and networks are also only very minor. Maintaining local social contacts are only a private benefit, with no specific personal need presented as to why a site next to where the appellant presently lives is a required location.

12. It is not a benefit of the new dwelling that it would use modern materials and be energy efficient to reduce carbon emissions, or would cause no harm in ecological terms, because this is expected of all new developments. The appellant identifies that the nearest bus stops are in the centre of Holbeach. This is a significant distance away on foot and therefore would make the occupiers of the proposed dwelling be strongly reliant on the private car for

access to settlements for services and facilities, which would cause environmental harm. I therefore find that the scheme would not meet the sustainable development needs of the area.

13. Moving to a consideration against the National Planning Policy Framework ('the Framework') (2021), as a unit of market housing the scheme again does not comply with any of the Framework's exceptions allowing for the development of an isolated home in the countryside. In particular, the proposal would not re-use redundant or disused buildings, or involve the subdivision of an existing residential building under paragraph 80. Furthermore, paragraphs 62, 79, and others referenced by the appellant identify that housing needs for different groups should be assessed and addressed in planning policies, and refer specifically to plan-making in this regard rather than to planning decisions.

14. I note the appellant's suggestion of support resulting from the Self-build and Custom Housebuilding Act 2015. However, there is no inference in the Planning Practice Guidance (PPG) that the duty for relevant authorities outlined in the Act should be met by directly granting planning permissions for self-build where there is no policy support, as in this case. Authorities should use local planning policies to address provision of enough suitable serviced plots of land to meet the demand for self-build in their area. I therefore do not find support for the scheme based on self-build, even if the appellant were listed on the Council's self-build register.

15. I do not find a conflict between the Framework's policies and the SELLP spatial strategy, and so the Framework does not materially affect my conclusion against the development plan. In conclusion therefore, the proposed development would not be in a suitable location for housing, having regard to the local development strategy for the area. It would be contrary to policies 1, 10, 11, and 17 of the SELLP and undermine the spatial strategy. It would also conflict with the Framework paragraph 12 whereby the development plan is the starting point for decision making. This would be harmful given the relative certainty and public interest that flows from a planning system that is plan led.

Character and appearance

16. There is no dispute that the dwelling's proposed materials or design would be appropriate. It would be single storey and would not dominate the site. I acknowledge that the scheme would be a backland form of development whereby the majority of the existing residential development along this part of Washway Road faces the street. However, notwithstanding that the directly adjacent dwelling at the rear of No. 15 Washway Road does not set a precedent for the principle of new development here, I do find that it is still an established element of the built form as regards character and appearance. It is relatively significant in massing, and I have no evidence before me that it is likely to be removed. There are also relatively new dwellings constructed off Battlefields Lane North which are visible from the gardens of dwellings along Washway Road.

17. Views from the open fields would also set the proposal against this backdrop. I find therefore that the proposal would not be unduly prominent or out of character with the built form of development.

18. In conclusion therefore, the development would not result in harm to the character and appearance of the area, and so would comply with the SELLP

policies 2 and 3, which aim for schemes to be high quality and appropriate to the character and appearance of an area, and to respect the relationship to existing development.

Living conditions

19. I have no detailed evidence before me relating to the potential extent of noise and disturbance to the occupants of No. 16 Washway Road due to cars using the driveway to the proposal. I expect a 3 bedroom dwelling to generate only a few vehicle trips per day, and therefore find that the noise from these movements would not be excessive in comparison with general traffic noise from Washway Road. I also note the previous use of the driveway to access the cattery, notwithstanding that it was run by the occupants of No. 16.

20. With regard to these circumstances, it has not been demonstrated that the development would result in harm to the living conditions of the occupants of the existing dwelling on the site, with regard to noise and disturbance from vehicles. Thus, it would comply with the SELLP policies 2 and 3 in their aim to not impact on residential amenity and neighbouring land uses.

Other Matters

21. While there were no objections to the proposal, this does not in itself equate to a lack of harm. I have noted the submitted example appeal decisions, but these are all in a range of locations across the country. Some referred to scenarios where there was no 5 year housing land supply, or are in other locations where it has not been demonstrated that there were comparable policy scenarios. Therefore, these decisions do not lead me away from my earlier findings.

Conclusion

22. I have found that the proposal would have a satisfactory character and appearance, and would not impact on the living conditions for occupants of the existing property. However, it would not be in a suitable location for housing, and the resulting harm would not be outweighed by the minor benefits of the scheme. The proposal conflicts with the development plan as a whole. With no other material considerations outweighing this conflict, for the reasons given above I conclude that the appeal is dismissed.

L Hughes

INSPECTOR