The Planning Inspectorate

# Appeal Decision

Site visit made on 8 June 2016

**by Grahame Kean B.A. (Hons), PgCert CIPFA, Solicitor HCA**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 13 July 2016**

**Appeal Ref: APP/A2525/W/16/3144516**
**Land Between 61 and 71 Seas End Road, Surfleet, Spalding, Lincolnshire PE11 4DQ**

- 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 T Rowbottom, Mrs A Bradbury and Mr M Hammond against the decision of South Holland District Council.
- The application Ref H17-0602-15, dated 28 June 2015, was refused by notice dated 25 August 2015.
- The development proposed is described as residential development located between 61 and 71 Seas End Road, Surfleet, Spalding.

## Decision

1. The appeal is dismissed.

## Procedural Matter

2. The application was submitted in outline with all detailed matters reserved. It is explained within the application that the proposal is for up to four houses. A plan is submitted showing a layout of 4 detached houses which I have considered as illustrative only.

## Main Issue

3. The main issue is whether the proposal would be sustainable development having regard to local and national planning policy and other material considerations.

## Reasons

4. The appeal site is a large field that fronts Seas End Road, designated as open countryside in the South Holland Local Plan 2006 (LP). The River Glen is to the rear with a golf course beyond. Views to this part of the open countryside would be obtained through the intervening line of trees in winter months. An unmade access road to the south west boundary runs alongside a short terrace of Victorian style cottages.

5. The appeal site is in a built up area of Surfleet Seas End in that there are residential properties opposite and to either side although tall leylandii screen it from adjacent development to the north-east. On the other side of the road a short, wide track opens directly on to agricultural fields. Surrounding development, save for the adjacent terrace is generally set in spacious grounds with large front garden areas having low or non-existent boundary treatment.

6. LP Policies SG1, SG2 and SG3 provide a framework for the location of development in line with a hierarchy of settlements. Planning permission would be granted where proposals are consistent with the principles of sustainable development. Surfleet Seas End does not have a defined settlement limit in the LP, being among "Other Rural Settlements" in the open countryside. The draft South East Lincolnshire Local Plan would define boundaries for this settlement that include the appeal site, however it is at consultation stage and should only be given limited weight.

7. Under LP Policy SG4 development in the countryside will only be approved if "essential in the proposed location" and cannot reasonably be accommodated in defined settlement limits. Under LP Policy HS7, outside defined settlement limits, new housing will be permitted where essential to meet the needs of agricultural or forestry workers or for rural exception affordable housing. The proposal is not to accommodate rural workers, nor would it provide affordable housing. It is not designed to meet the stated need in the 2009 parish plan for starter homes to rent or buy. As there is no evidence that it would meet other specific local needs it would clearly be in conflict with LP Policies SG4 and HS7.

8. It is not disputed that the Council as at 31 December 2014 had a supply of 2.3 years of housing land supply (HLS) which is short of the 5 year requirement set out in the National Planning Policy Framework (Framework) Paragraph 47. Under Paragraph 49 of that guidance the LP policies referred to above should be regarded as out of date as they are capable of affecting HLS; however they are generally consistent in my view with the aims of the Framework in directing new development to sustainable locations and should continue to be afforded moderate weight. The appeal should also be assessed against the principle of sustainable development as set out in the Framework, Paragraph 14, whereby permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against its policies taken as a whole.

9. Paragraph 55 of the Framework aims to protect the countryside from inappropriate development by encouraging housing to be located where it would enhance or maintain the vitality of rural communities. Isolated new homes in the countryside should be justified by special circumstances.

10. I note the appeal site is closer to facilities in Surfleet than the site the subject of the appeal decision at Reservoir Road.[1] However the sustainability assessment plan shows that there are no facilities in the settlement other than a public house about 1.3km away from the appeal site, a bus stop about 300m away and a golf club-house about 0.7km away. Other facilities exist in the adjoining settlement of Surfleet, separated by the A16 but accessible on foot and bicycle through an underpass. A public house is about 560m away, a general store, post office and another bus stop some 8-900m away and a primary school about 1.4km from the appeal site. Other facilities including leisure and recreation facilities in the village hall and church are some 1.8 to 2km or more from the appeal site.

11. The bus services are noted but no information is supplied as to their frequency. Reference is made to an advisory publication on journeys by foot.[2] The document itself is not provided, however it is suggested that the desirable

[1] APP/A2525/W/15/3132193
[2] "Guidelines for Providing Journeys on Foot". The Institution of Highways and Transportation 2000.

walking distance to town centres is 200m with, it is inferred, intermediate distances and a "preferred maximum" of 1km. For commuting distances, journeys up to 500m would be "desirable", up to 1km "acceptable" and up to 1.2km a "preferred maximum". I note that, apart from the significant lack of facilities in Surfleet Seas End itself, the primary school would be beyond the acceptable 1km walking distance, and the nearest shop would be beyond what most people would in my view consider to be a normally acceptable walking distance. No information is supplied as to the meaning of a "preferred maximum" or the circumstances in which its use is appropriate.

12. Surfleet itself lacks the full range of services and facilities found in larger settlements such as access to health services. The parish plan is a material consideration though a limited one, it is not a neighbourhood plan and does not therefore form part of the development plan. It shows how the two villages function as one entity for certain parish and administrative purposes but the characteristics of each are different: the focus on services and facilities is clearly in Surfleet. Overall considering the number and type of facilities and distances involved, it is likely that future occupiers would still rely on a private car to reach most of them and more so than would residents in Surfleet.

13. PPG13 referred to by the appellant is cancelled guidance and cannot carry weight in this appeal.

14. The "policy equivalence" of the two settlements would be altered in the draft emerging local plan such that Surfleet, as a minor service centre, would be an area of limited development opportunity whilst Surfleet Seas End would be among "Other Service Centres and settlements" which would be areas of development restraint. As with the proposed settlement boundaries, this could of course change. However, despite the current policy equivalence that should be applied, the actual pattern of development and supporting infrastructure that prevails clearly points to the advantages of Surfleet to accommodate new development that would enhance and maintain the wider rural community in a significantly more locationally sustainable way than would the proposal.

*Planning balance*

15. In recognising the need significantly to boost the supply of housing as set out in the Framework, and the encouragement given in the Planning Practice Guidance to self-build homes, a development of up to four houses would be a modest contribution to the housing requirement. From the evidence in this appeal, the proposal would not in my view amount to isolated new homes in the countryside for the purposes of the Framework, Paragraph 55. The proposal would have limited social and economic benefits by virtue of the construction phase and in the longer term in some support for locally available facilities. However it would fail significantly to promote sustainable rural development due to its remote distance from most services and facilities that would be accessed on a daily basis.

16. The opportunity to enclose the road is not to my mind a compelling benefit. One of the adjoining terraced units has a visible flank elevation in views along the road but its asymmetrical sloping rear roof and single storey outbuildings combine to form a transitional effect to the river and open country beyond. From my observations as described earlier, despite the linear type of surrounding development the appeal site does not appear as an incongruous gap or uncharacteristic of the generally low key development along the road.

17. I conclude that the benefits of the proposal would be significantly and demonstrably outweighed by the adverse effect of new housing in this location. Taken in the round, the proposal would not be sustainable development. It would neither enhance nor maintain the vitality of rural communities contrary to paragraph 55 of the Framework. It would also conflict with LP Policies SG4 and HS7 in failing to demonstrate an essential local need. These policies although out of date should be accorded moderate weight as consistent with the aims of the Framework in promoting sustainable development.

*Examples of other approved development*

18. Of the cases put forward as comparable to this appeal scheme, the Plank Drove, Crowland site was approved as an "exemplar" home but it is unclear what were the specific criteria in Paragraph 55 of the Framework that made it acceptable. In approving the Broadgate scheme the officers' report gave overriding weight to the emerging local plan apparently without explicit consideration of Framework policies or discussion of locational sustainability. However I note from the aerial photograph that the site was adjacent to a village store and post office. The decision does not compel me to alter my view that the draft local plan currently attracts limited weight.

19. The site in the Barbers Drove appeal decision[3] is close to a market town that offers a range of services of a different order to that in Surfleet or Surfleet Seas End. Weight was given (not overriding) to the emerging local plan in the Seven Springs approval; however a key criterion seems to be the community and police related problems that the site had created. These examples are of limited assistance in this appeal which has been determined on its own merits.

*Other Matter*

20. A radical case was made for the exclusion of the saved LP policies from the definition of the development plan, in that they are no longer "saved" in light of alleged failures to comply with the 2006 protocol issued by the government.[4] It is said that there is a duty to justify extension of the policies beyond the initial 3 year period by means of updated information in the annual monitoring report (AMR) and, by reference to PPS12, the local development scheme.

21. Local authorities are no longer required to send an AMR to the Secretary of State and PPS12 was cancelled with the publication of the Framework. The saving Direction, made on 10 July 2009 has the force of law. It saved the specified policies beyond the initial 3 year period. The protocol itself states that these policies would continue to be saved unless expressly replaced by "new" policies when adopted. I therefore reject this argument.

**Conclusion**

22. For the above reasons and having regard to all other matters raised the appeal is dismissed.

*Grahame Kean*

INSPECTOR

[3] APP/A2525/A/12/2174201
[4] Protocol for handling proposals to save adopted Local Plan, Unitary Development Plan and Structure Plan policies beyond the 3 year saved period. DCLG August 2006.