



Appeal Decision

Site visit made on 8 March 2021

by E Brownless BA (Hons) Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: Tuesday, 18 May 2021

Appeal Ref: APP/A2525/W/20/3261677

Lawnwood, 47 Plank Drove, Crowland, Spalding PE6 0BY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs Clough against the decision of South Holland District Council.
 - The application Ref: H02-0608-20, dated 28 July 2020, was refused by notice dated 30 September 2020.
 - The development proposed is described as 'outline planning application (all matters reserved) seeking the erection of a self build residential dwelling with an equivalent footprint to a garden store building approved under application H02/0006/15'.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr & Mrs Clough against South Holland District Council. This application is the subject of a separate Decision.

Procedural Matters

3. The application was made in outline with all matters reserved for future determination. Plans have been provided showing the proposed siting of the dwelling and its internal arrangement. I am advised that these are indicative only, and I have considered the appeal on this basis.
4. A completed planning obligation in the form of a deed under section 106 of the Town and Country Planning Act 1990 (as amended) was submitted as part of this appeal. I deal with the provisions of the planning obligation below.

Main Issue

5. The main issue is whether the appeal site is a suitable location for residential development having regard to the settlement strategy of the development plan and the accessibility of services and facilities.

Reasons

Settlement strategy

1. The appeal site is a large irregularly shaped parcel of land at the side of Lawnwood, a substantial detached dwelling. Agricultural land is a predominant feature along Plank Drove with some detached dwellings to the north-east of the site that are arranged in sporadic clusters in a ribbon

pattern along the lane. Given the proximity of other dwellings, I do not consider that the appeal site would be 'isolated' for the purposes of the National Planning Policy Framework (the Framework), since it cannot be said that it would be far away from other places, buildings or people, albeit the location is rural. Nevertheless, it is outside the defined settlement boundary for Crowland and for the purposes of applying planning policy it is located within the countryside.

2. The Framework sets out that housing in rural areas should be located where it will enhance or maintain the vitality of rural communities. Crowland is identified as a 'Main Service Centre' within the South East Lincolnshire Local Plan (2019)(SELLP) where there is a range of services and facilities capable of meeting the day to day needs of residents. It would be possible to walk from the appeal site into the village travelling for the most part along the highway and thereafter along footways within the village itself.
3. Plank Drove is a narrow rural lane containing limited streetlighting. I observed it to be lightly trafficked at the time of my site visit. Whilst I appreciate that my site visit provided only a snapshot of highway conditions, I saw nothing to suggest that my observations were untypical. The road is straight and provides a good view of oncoming traffic. Whilst a pedestrian would be able to seek safe refuge within the grass verge, these are mainly raised, albeit only by a short height, above the level of the highway. Nonetheless, it would be highly unlikely that anyone with a pushchair or wheelchair would attempt to use this route. Similarly, given the constrained width of the lane, it would be difficult for a cyclist to pass an oncoming vehicle. Taking account of the distance to Crowland, it could be reached easily by bike, however, to my mind, the nature of the route would be likely to discourage its use by future occupants.
4. Moreover, the distance involved to reach the Crease Drove Business Park (CDBP) on foot would probably take in the region of 15-20 minutes each way. To reach other services and facilities within the village would likely take longer. In my view, it would not be an attractive option for future residents, who are more likely to use a private motor vehicle, particularly during inclement weather, at night and during the winter months.
5. The Framework recognises that opportunities to maximise sustainable transport solutions will not be the same in rural areas as in urban locations. Nevertheless, by reason of my findings above, notwithstanding the availability of some limited opportunity to access a sustainable mode of transport, I consider the location is not well served in terms of walking, cycling and public transport. Therefore, it is likely that the majority of journeys by future occupiers would be made by private motor vehicle. Moreover, even if future residents were to use the services and facilities of Crowland on a regular basis, I am not satisfied that this would make any significant contribution to enhancing or maintaining the vitality of the village. The site is simply too far away to provide a strong functional connection and the scale of the development too small.
6. It follows that in the absence of anything to suggest that the appeal scheme would be consistent with the exceptional categories of development within the countryside, I therefore find that the appeal site would not be a suitable location for a new dwelling given its undue reliance on the use of a private

motor vehicle. The proposal would fail to accord with SELLP Policies 1, 10, 11 and 17. Among other things, these policies seek to direct development towards the most sustainable locations in accordance with the settlement hierarchy, and are permissive of development only where it is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits. Furthermore, the proposal would fail to accord with the aims of the Framework insofar as it seeks to limit the need to travel and offer a genuine choice of transport modes.

Other Matters

7. Reference has been made to the availability of lights upon bicycles and the Department of Transport 'Walking and Cycling Statistics'. Whilst I have had regard to these matters, these do not justify a poorly located development. I have carefully considered the appellant's intention to use a low emission vehicle and the inclusion of an electric vehicle charging point. However, I am not persuaded that the usage of a low emission vehicle could be controlled by a condition, or other essentially personal lifestyle choices relating to the carbon footprint of future occupiers of the proposed dwelling.
8. Albeit some areas within the settlement boundary are positioned further away from the CDBP, the nature of the route involved to access the employment site is along well-lit single carriageway roads with footways and thus is not akin to the appeal scheme.
9. There is dispute between the parties regarding the previously developed land (PDL) status of the site, which I cannot resolve definitively on the evidence before me. Nonetheless, even if the appeal site was determined to be PDL, in whole or in part, my findings in relation to the settlement strategy and inaccessibility to services and facilities would be unaffected and the outcome of the appeal would remain the same.
10. My attention has been drawn to a nearby development at Land North of the Former Crowland Garden Centre¹. However, I note that the development in that instance concerned a greater number of self build/custom build dwellings. Therefore, it is not directly analogous to the appeal proposal and the weight to be applied to that scheme's benefits and disbenefits is not the same. In any event, I am required to determine this appeal on its individual planning merits.

Planning Obligation

11. A completed signed s.106 planning obligation pursuant to section 106 of the Town and Country Planning Act 1990 (as amended) dated 25 January 2021 includes provision to ensure that the proposed dwelling would be constructed in accordance with the definition of self-build and custom house building. In my view, the obligations provided would comply with paragraph 56 of the Framework and the statutory tests contained in Regulation 122 and 123 of the Community Infrastructure Levy Regulations 2010. I therefore take account of this obligation in my decision.

¹ Planning Reference: H02-0669-19

Planning Balance

12. The appellant has registered to be included within the Council's self-build housing register and proposes to construct the appeal scheme as a self-built dwelling. A duly completed s.106 agreement provides an appropriate mechanism to ensure the appeal scheme will be duly constructed as such. The Council confirms that there are presently 63 households on the register, however, there is dispute between the parties as to whether the Council is able to demonstrate that its statutory duty is being met under the Self-Build and Custom Housebuilding Act 2015.
13. I have had regard to the Council's table detailing single dwelling plot permissions and I note this has been amended to exclude 9 plots incorrectly entered upon it. The legislation does not specify how a local planning authority (LPA) must record suitable permissions, but the Planning Practice Guidance² provides examples of what methods the LPA may wish to consider to determine whether an application or development is for self-build or custom housebuilding. In particular, it includes instances where a developer has identified that self-build or custom build plots will be included as part of their development, or where a planning application references self-build or custom build, subject to it being clear that the initial owner of the home will have primary input into its final design and layout. Put simply, the LPA must be satisfied that development permissions being counted meet the legislative requirements³.
14. On the basis of the evidence before me, it is not clear on what basis the plots within the Council's table have been included. That is not to say that those plots included within the table will not come forward as self-build or custom housing, simply that there is insufficient evidence before me to demonstrate that self-built or custom built dwellings would be delivered. Therefore, I am not persuaded that this satisfactorily demonstrates that the Council is meeting, or attempting to meet, its statutory requirement. As the appeal scheme secures the delivery of a custom-built unit, this is a material consideration in favour of granting permission for the appeal scheme.
15. However, an additional dwelling would make only a modest contribution towards the supply of housing and self-build dwellings. Economic benefits generated during the construction phase would be temporary and additional spending by the future occupants of the proposed dwelling within the services and facilities of the locality would be modest. The scheme would be capable of being built-out quickly and would use modern construction methods.
16. I have reached the view that future occupants of the proposed dwelling would be largely reliant on the use of a private motor vehicle to reach the services and facilities they require, notwithstanding the alternatives that may appear to be available to them. The appeal site is not a location to which residential development should be directed. The proposed development would therefore be contrary to the development plan and the environmental objectives of the Framework which aim to move to a low carbon future. This demonstrates that the appeal site is not an appropriate location for a new dwelling and the environmental dimension of sustainable

² PPG 038: 57-038-20210508

³ PPG 038: 57-038-20210508

development would not be achieved. This is a matter of significant weight weighing against the proposal.

17. Overall, whilst I am mindful that there was local support for the scheme, I find that the totality of material considerations weighing in favour of the proposal are of insufficient weight to outweigh the identified harm and the conflict with the development plan and national planning policy.

Conclusion

18. Accordingly, for the reasons given above, the appeal is dismissed.

E Brownless

INSPECTOR