

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Development Manager

To: Planning Committee - 09 October 2019

(Author: Polly Harris-Gorf - Principal Planning Officer)

Purpose: To consider Planning Application H02-0669-19

Application Number: H02-0669-19

Date Received: 08 July 2019

Application Type: OUTLINE

Description: Outline application for the erection of up to 6no. self-build eco-homes with access from James Road (Re-submission of H02-0868-17)

Location: Land north of former Crowland Garden Centre James Road Crowland

Applicant: AD, RM, JM and B Alcock

Agent: Studio 11 Architecture

Ward: Crowland and Deeping

Ward Councillors: Cllr B Alcock
Cllr J R Astill
Cllr N H Pepper

You can view this application on the Council's web site at

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H02-0669-19>

1.0 REASON FOR COMMITTEE CONSIDERATION

- 1.1 One of the applicants is a District (and Ward) Councillor and the policy issues raised merit Committee consideration.

2.0 PROPOSAL

- 2.1 Outline application for the erection of up to 6 self-build eco-homes with access from James Road (Re-submission of H02-0868-17).
- 2.2 This is an outline application with all matters reserved except access, for up to 6 self-build/custom build executive homes with an access drive of approximately 280 metres in length, from James Road on land north of Crowland Garden Centre, Crowland. A pedestrian access is shown linking to an existing footpath that travels through adjoining land and then on to Postland Road.
- 2.3 The application is supported by a Design and Access Statement, Design Principles and Design Code, plus illustrative layout, indicative house designs and an indicative drainage strategy. A Flood Risk Assessment was submitted, and this is accompanied by evidence of a sequential test having been considered.
- 2.4 Following submission, the agent has supplemented the information supporting the application with revisions to the Design and Access Statement and an appeal decision reference APP/G2435/W/18/3214451 relating to land in Woodville, North West Leicestershire.

3.0 SITE DESCRIPTION

- 3.1 The site is approximately 1.58 hectares in size and is in agricultural use. It is located to the north-east of Crowland. To the south lies the existing garden centre, which is accessed from Postland Road. Further open agricultural land lies to the north, east and west.
- 3.2 The site is located outside of, and removed from, the settlement boundary of Crowland as identified within the South East Lincolnshire Local Plan, adopted in March 2019.
- 3.3 The land sits within Flood Zone 3, on land identified as Danger for All.

4.0 RELEVANT PLANNING POLICIES

4.1 The Development Plan

4.2 South East Lincolnshire Local Plan, March 2019

- 4.3
- 01 Spatial Strategy
 - 02 Development Management
 - 03 Design of New Development
 - 04 Approach to Flood Risk
 - 05 Meeting Physical Infrastructure and Service Needs
 - 10 Meeting Assessed Housing Requirements
 - 11 Distribution of New Housing
 - 17 Providing a Mix of Housing
 - 19 Rural Exception Sites
 - 28 The Natural Environment
 - 31 Climate Change and Renewable and Low Carbon Energy
 - 32 Community, Health and Well-being
 - 36 Vehicle and Cycle Parking
 - APPENDIX 6 Parking Standards

- 4.4 If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) to the Town and Country Planning Act as amended by the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

4.5 National Guidance

4.6 National Planning Policy Framework (NPPF), 2019

- 4.7
- Section 2 - Achieving sustainable development
 - Section 4 - Decision-making
 - Section 5 - Delivering a sufficient supply of homes
 - Section 8 - Promoting healthy and safe communities
 - Section 9 - Promoting sustainable transport
 - Section 11 - Making effective use of land
 - Section 12 - Achieving well-designed places
 - Section 14 - Meeting the challenge of climate change, flooding and coastal change.

4.8 Planning Practice Guidance (PPG)

4.9 The Self-Build and Custom Housebuilding Act 2015

The Act (as amended by the Housing and Planning Act 2016) provides a legal definition of self-build and custom housebuilding. The Act does not distinguish between self-build and custom housebuilding and provides that both are where an individual, an association of individuals, or persons working with or for individuals or associations of individuals, build or complete houses to be occupied as homes by those individuals.

- 4.10 In considering whether a home is a self-build or custom build home, relevant authorities must be satisfied that the initial owner of the home will have primary input into its final design and

layout.

- 4.11 The Act also sets a 'duty to grant planning permission etc', specifically "...authorities must give suitable development permission to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area. The level of demand is established by reference to the number of entries added to an authority's register during a base period."
- 4.12 To increase the number of planning permissions which are suitable for self-build and custom housebuilding, Councils are encouraged to work towards:
- 4.13
- developing policies in their Local Plan for self-build and custom housebuilding;
 - using their own land if available and suitable for self-build and custom housebuilding and marketing it to those on the register;
 - engaging with landowners who own sites that are suitable for housing and encouraging them to consider self-build and custom housebuilding and facilitating access to those on the register where the landowner is interested; and
 - working with custom build developers to maximise opportunities for self-build and custom housebuilding.
- 4.14 The Self-Build and Custom Housebuilding Regulations 2016

5.0 RELEVANT PLANNING HISTORY

- 5.1 H02-0868-17. Outline application for the erection of up to 6 dwellings with access from James Road. Refused by the Planning Committee on 16 November 2017 for the following reasons:
- 5.2 *1. The site, by virtue of its location, is poorly related to the existing built-up residential area of Crowland. The site is physically and functionally detached from Crowland, its existing and proposed settlement boundary and is located in the open countryside. The result is a development that is considered would be poorly integrated with its surroundings, in particular, with the wider residential areas of Crowland and services and facilities within the town. This is exacerbated by the contrived proposed pedestrian link. As such, the application is contrary to Policies SG14 and SG15 of the South Holland Local Plan, 2006. These policies seek to promote good design and convenient access. Proposals which fail to take account of the character and context of the surrounding area could undermine the quality of the built environment and will not be permitted. These policies are in general conformity with national guidance, contained in the National Planning Policy Framework, 2018. Therefore, the limited social and economic benefits of delivering a small number of homes in this location is outweighed by the above identified social and environmental harm. Consequently, the presumption in favour of sustainable development is not considered to apply in this instance.*
- 5.3 *2. This proposal is refused on the basis that there are sequentially preferable sites in flood risk terms available around the town of Crowland, as identified in the emerging South East Lincolnshire Local Plan (Publication Version, March 2017). Notwithstanding that the emerging Local Plan is yet to be adopted and that the Council cannot demonstrate a 5-year supply of deliverable housing sites, the presumption in favour of sustainable development is not considered to apply in this instance because there are sequentially preferable sites from a flood risk point of view available in the vicinity of Crowland. As such, the application is considered to be contrary to national guidance on flood risk, as contained in the National Planning Policy Framework, 2018, which sets out that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.*

6.0 REPRESENTATIONS

- 6.1 Crowland Parish Council
- No objections.
- 6.2 SHDC Planning Policy

- 6.3 It should be noted that a similar proposal was refused in a previous application (H02-0868-17) due to the location, and it being poorly related to the existing built-up residential area of Crowland. The decision notice from the previous plans states that it is functionally detached from the rest of Crowland, and it is located within the open countryside. The site was also seen as a concern as the application was contrary to national guidance on Flood Risk.
- 6.4 The issue of Flood Risk will be left to the expert advice and consideration of others, but note that the requirements of Policy 4 Approach to Flood Risk, of the South East Lincolnshire Local Plan (SELLP), should be applied.
- 6.5 The current application also needs to be considered against Policy 1 of the SELLP of March 2019. The development is not situated within the village of Crowland, which is regarded as a Main Service Centre, but is within the countryside. Policy 1 states that: "Countryside development will be permitted that 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".
- 6.6 There is nothing within the submission that suggests that the proposal is a necessity for this location. The proposed dwellings are not meeting any specific locational need related to the site or the wider Crowland area. It is also not demonstrated that it meets the sustainable development needs of the area, in terms of economic, community or environmental benefits.
- 6.7 It is important to recognise that Crowland is not, contrary to the assertions made, a highly sustainable settlement in general terms. Within the situation of South Holland, it is accepted that it is one of the more sustainable settlements and for that reason, and the need to identify suitable sites for a significant amount of new housing, it is a village where there has been significant proposals for growth as referred to later. However, to suggest that it is highly sustainable is clearly not true.
- 6.8 The SELLP is predicated on delivering sustainable development across the area to 2036. To do that the Spatial Strategy identifies a hierarchy of settlements and suitable locations for development, within Policy 1 Spatial Strategy. Whilst the nearest village is considered to be a main service centre, the application site is clearly on land not allocated for development and separate from the settlement boundary.
- 6.9 Therefore, the proposal for self-build six dwellings in this location is contrary to Policy 1 Spatial Strategy. Therefore it is not in accordance with the development plan. To allow proposals such as this which have no exceptional circumstances to over-ride current planning policy, is at odds with having a Plan led system and would set a precedent for any development anywhere.
- 6.10 The Design and Access Statement for this application highlights the need for housing within the district and talks about a need for housing generally and self-build sites in particular.
- 6.11 There are three main points to make in relation to this:
- 6.12 First, six dwellings will not make a significant difference in relation to the overall housing need. Whilst a particular issue is raised that the Council's self-build register had 42 people signed up to it, there is no evidence that this proposal is intended to meet the needs of those individuals, or that the individual's needs, as opposed to wishes, are for property close to Crowland.
- 6.13 Secondly, in terms of housing provision, the SELLP, allocates 19,425 residential units across the Plan area, 11,681 within South Holland and 524 to Crowland in particular. Therefore there is already significant provision for housing development within the District and this village in particular.
- 6.14 The Access and Design Statement majors on the suggestion that this proposal will be for self-build units. It says, "all the allocations within the Local Plan are for general housing and do not include any provision for self-build and custom-build homes". However, all housing sites within the Local Plan, could be utilised for self-build units, in full or in part, at the discretion of the landowner or developer if there was a sufficient demand. By the very nature that specific allocations within the Plan tend to be on larger scale sites, it is accepted that they will tend to

attract more medium to large scale builders rather than self-builders, however that is only part of the Local Plan's allocations.

- 6.15 The settlement boundaries general allow for development within the settlement, and generally these will be small sites ideal for self-builders. To recognise this, the Local Plan has included a 'windfall' allowance to incorporate such development. This equates to 53 units per annum, or 848 units over the Plan period.
- 6.16 The Council's 5 year Housing Land Supply Assessment of March 2019, shows that there are 293 dwellings expected to be developed in Crowland by March 2024. Of these, 11, are on small sites of up to 3 units, and a separate site for up to 7 units is expected to deliver beyond the 2024 deadline. These small sites all have planning permission at present and could be brought forward quickly. They are eminently suitable for self-builders as they clearly would not suit the volume building market. In the wider district of South Holland, the report also shows that there are 571 current permissions for sites of less than 10 units. Predominantly these are single units or sites of less than 5. In essence all of these sites are suitable for a self-build market. Therefore, there is no basis to suggest that the need for self-build is not met, and there is no proven need for the development proposed.
- 6.17 Thirdly, the Policy Team also point out that the above report clearly indicates that the Council has in excess of a 5 year housing supply, such that policies restricting housing development should be given full weight.
- 6.18 Whilst it is noted that the Access and Design Statement criticises the Council's performance in housing delivery over the period of 2011 - 2019, against the new Plan's requirement of 467 per annum, it is worth noting that during that period, over which the Plan was developing, reliance had to be placed on the allocations within the 2006 plan which significantly restricted the supply of sites for development, during that period.
- 6.19 The proposal is clearly detached from the village boundary as shown on the SELLP Policy map. On that basis it must be considered as development within the Countryside. Against that consideration it does not demonstrate that it is necessary to be in this location or that it meets the sustainable development needs of the area. On this basis the proposal is contrary to the Development Plan.
- 6.20 It is clearly the requirement of a plan lead system, as set out in statute and guidance that decisions should be made 'in accordance with the Development Plan, unless material considerations indicate otherwise'. In this case there are considered to be no material considerations that are so significant as to outweigh the primacy of the Development Plan and the damage that would be caused to undermining it with none policy compliant proposals.
- 6.21 SHDC Environmental Protection
No comment.
- 6.22 SHDC Environmental Services
Comments are made as follows:

Ideally access roadways to all residential properties should be constructed to an adoptable standard under an agreement with Lincolnshire County Council so that they will become public highways. An access road constructed within such an agreement on this development will enable refuse / recycling / garden waste (where applicable) collections to be carried out by South Holland District Council from outside individual properties without the need for a communal collection point positioned where the private access roadway adjoins the public highway.
- 6.23 Should it be agreed that the access roadway on this development is to remain in private ownership the residents will need to present their refuse / recycling / garden waste (where applicable) at the point where the access roadway adjoins James Road in order for South Holland District Council to collect it.

- 6.24 LCC Highways & SUDS Support
- 6.25 Does not wish to restrict the grant of permission, subject to conditions regarding the formation of a new/amended vehicular access and the private road which will not be adopted as a Highway Maintainable at the Public Expense.
- 6.26 LCC Education
- 6.27 No comments to make.
- 6.28 LCC Historic Environment Officer
- 6.29 Comments are made as follows:
- This site is situated adjacent cropmarks to the east and to the southeast, representing the location of Bronze Age barrow cemetery and a complex of later Roman and medieval activity possibly associated with the Cell of Saint Guthlac. Its position on the edge of the historic habitable gravel island raises the potential to disturb archaeological remains.
- Therefore, given this it is recommended that the developer should be required to commission a Scheme of Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook). This should be secured by South Holland District Council's standard conditions AR01, AR02 and AR03.
- "They should.... require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part), in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publically accessible." National Planning Policy Framework Section 16, paragraph 199.
- Initially envisage that this would involve monitoring of all groundwork's, with the ability to stop and fully record archaeological features.
- 6.30 NHS England
- 6.31 No response received.
- 6.32 Lincolnshire Fire and Rescue HQ
- 6.33 No comments to make.
- 6.34 Lincolnshire Police Crime Prevention
- 6.35 Lincolnshire Police do not have any objections to the principle of this development and outline plans and documents.
- 6.36 It is fully appreciated that this outline application is only seeking to establish the principle of development and that the finer detail of design will be submitted at a later date. However, the applicant needs to consider the following advice when drawing up a more detailed proposal:
- 6.37 Due to the indicative nature of an outline application it is difficult to comment in detail on aspects of this proposal, however, I would ask that the Lincolnshire Police Crime Prevention Design Advisor is consulted at the earliest opportunity.
- 6.38 Environment Agency
- 6.39 The proposed development will only meet the requirements of the National Planning Policy Framework if the following measures as detailed in the Flood Risk Assessment submitted with this application are implemented and secured by way of a planning condition on any planning

permission.

6.40 The NPPF places responsibilities on local authorities to consult their Emergency Planners and the Emergency Services with regard to specific emergency planning issues relating to new development.

6.41 It is not our role to comment on or approve the adequacy of these plans and we would expect local planning authorities, through their Emergency Planners, to formally consider the implication of this in making their decision.

6.42 Please note that the Local Planning Authority must be satisfied with regard to the safety of people (including those with restricted mobility), the ability of such people to reach places of safety including safe refuges within buildings and the ability of the emergency services to access such buildings to rescue and evacuate those people.

6.43 Anglian Water

6.44 No comments.

6.45 North Level Internal Drainage Board

6.46 No objection. Raise awareness of IDB licensing.

6.47 Third Parties

6.48 No comments have been received from members of the public.

7.0 CONSIDERATIONS

7.1 Planning Considerations

7.2 The application is a resubmission of a previously refused proposal, and is supported by additional information.

7.3 The matters to consider in this case are:
- Planning Policy and the location of the site in Open Countryside and whether the proposals now overcome the previous reasons for refusal, in the light of current planning policies and guidance, as well as the guidance to be gleaned from appeal decisions
- Self-Build and Custom Housebuilding
- Highway Safety and Access
- Flood Risk and Drainage.

7.4 Principle of Development

7.5 The site is located outside of, and is removed from, settlement boundary of Crowland as outlined in the South East Lincolnshire Local Plan, 2019 (SELLP). It is therefore in the Countryside in planning policy terms.

7.6 Policy 1 of the SELLP sets out the spatial strategy for development within the District for the plan period, and clarifies that in the *Countryside development will be permitted that 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.*

7.7 The SELLP clarifies that there are types of development that require a Countryside location either because it is the location of an existing building or use of land. Housing needs may, by exception, be justified in the Countryside; for example, for Gypsy, Traveller and Travelling Showpeople accommodation (Policy 20: Accommodation for Gypsies, Travellers and Travelling

Showpeople) or to meet the specific housing needs of a settlement (see Policy 19: Rural Exceptions Sites). However this proposal is not being justified by reason of these policies and so for the purposes of this report, can be set aside, as the development is proposed to be open market housing, albeit for self-build owner/occupiers in the first instance.

- 7.8 Policy 10 of the SELLP sets out the expectation for housing delivery over the plan period.
- 7.9 Policy 11 of the SELLP sets out a hierarchy of settlements for housing development and the SELLP acknowledges that incremental growth in housing supply will come about through infill and 'speculative' applications both within the settlements identified in Policy 11 and also within the Other Service Centres and Settlements.
- 7.10 In looking at the distribution of housing within the District, the SELLP sets out at 5.3.5 that *It is acknowledged that incremental growth in housing supply will also come about through infill and 'speculative' applications both within the settlements identified in Policy 11 and also within the Other Service Centres and Settlements. Policy 1: Spatial Strategy is the main supporting policy through which to assess infill development opportunities (with reference to the relevant Inset Map). Within the defined settlement boundaries there will be numerous opportunities for infill and larger-scale housing development that will be available to the local builder, self-builder, custom-builder and larger house-building companies. It is not practical to identify or anticipate all such opportunities; however, the positive tone of the Local Plan encourages such development provided that the material considerations of the Local Plan and particular sites can be met. Housing need may also be met through Policy 19: Rural Exception Sites, where appropriate.*
- 7.11 Policy 17: Providing a Mix of Housing sets out that the provision of new houses will seek to meet the long term needs of the Plan area in order to maintain and provide mixed, inclusive and sustainable communities.
- 7.12 Policy 17 also sets out that *The Local Plan will also seek to meet the housing needs of non travelling Gypsy and Traveller households and also custom and self builders as they may come forward.*
- 7.13 Open market housing, which this self-build housing would be considered to be, is not a development type that requires a countryside location. This is particularly the case in this instance where the Council has a recently adopted development plan with a spatial strategy setting out how the housing needs for the area will be met. In addition, the Council has an identified 5-year housing land supply.
- 7.14 Paragraph 79 of the National Planning Policy Framework, 2019 (NPPF) sets out that:
- 7.15 *Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:*
a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
c) the development would re-use redundant or disused buildings and enhance its immediate setting;
d) the development would involve the subdivision of an existing residential dwelling; or
e) the design is of exceptional quality, in that it:
- is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.
- 7.16 The land sits to the north-east of the garden centre, in open countryside, and currently has no boundary or physical link to the town. The land is physically and functionally divorced from the built-up residential area of Crowland, which is approximately 200m to the south-west. It is on this basis, and in conjunction with wider access and pedestrian access concerns set out below, that the proposal is considered contrary to policy, and would amount to isolated development in the open countryside.

- 7.17 The site if developed would be out on a limb, with access and servicing from the private drive off James Road, rather than being clearly linked to the town. The development would read as isolated and a visual intrusion in to this part of the open countryside around Crowland.
- 7.18 In terms of the 3 tests of sustainable development, officers have again considered the following:
- An economic role - The proposal would not significantly contribute towards building a strong competitive economy, other than providing local construction employment opportunities.
- A social role - The proposal would help to provide the supply of housing required to meet the needs of present and future generations. However, the site is some distance from the nearest local services and facilities within Crowland.
- An environmental role - The proposed pedestrian path would be long, and meandering, and is not lit. It reads as a contrived solution and would not, in reality, encourage pedestrian use to and from the site. Future occupiers would be likely to have a high dependence on the use of motor vehicles to access local services. This would increase carbon emissions, contrary to the requirements of the environmental role of planning. It would also be contrary to one of the core planning principles of the NPPF.
- 7.19 It is not considered that the sustainability and design credentials set out in the Design Code are of sufficient quality and detail to set the proposal apart and indicate high quality development that could be considered as an exception in open countryside, in accordance with the NPPF.
- 7.20 Moreover, the proposal would lead to an isolated cul-de-sac street scene within the open countryside and give the site a domestic as opposed to agricultural appearance, contrary to the existing rural character of the fenland landscape. As such, the proposal is not in accordance with advice within the NPPF which seeks to protect the character of the countryside.
- 7.21 If permitted, the proposal would also encourage further applications of a similar nature in the open countryside which would then be hard to resist, contrary to the objectives of the Framework to pursue sustainable development and the aim to protect the character of the countryside.
- 7.22 The applicant considers that the Council is underperforming and struggling to constantly deliver housing on any sites that are either allocated or been given permission for self-build/ custom build homes. It is considered by officers that this is not the case, and that the disadvantages of this proposal outweigh its benefits, and this is added to below. Although there is not a policy within the SELLP relating specifically to self-build dwellings, the SELLP sets out a clear spatial framework for the provision of dwellings within the District of varying tenures, and the Council is willing to engage with potential developers and landowners to achieve appropriate development on appropriate sites.
- 7.23 Highway Safety and Pedestrian Access
- 7.24 The site would be accessed via a private drive (approximately 280 metres in length) to the eastern side directly onto James Road. The access would be a 3.7 metre wide single carriageway private drive with widened passing sections every 50 metres.
- 7.25 The private drive would have an impact on the visual character of this part of the open countryside, and would read as a discordant feature, being a road designed to accommodate a residential development and having vision splays, which would create a hard edge to this part of the countryside.
- 7.26 The application also seeks to include a new pedestrian footpath to the south-west of the site linking to an existing 3.6 metres wide right of way providing pedestrian access from the site to the public footpath on Postland Road. The footpath, as outlined, is approximately 145 metres in length. The right of way is a further 310 metres.
- 7.27 Whilst it is not contended that there is a right of way between the site and Postland Road (the on-going public footpath), the proposal involves walking a significant distance across access roads to the adjacent garden centre and caravan businesses. This is considered to be a

contrived solution that results in a poorly integrated development site from a pedestrian access point of view. Whilst this may not raise a highway objection from a safety perspective, the solution is considered to contribute to concerns over the relationship between the development site and the existing built-up residential area of Crowland.

7.28 Flood Risk and Drainage

7.29 The applicant has submitted a Flood Risk Assessment alongside the application.

7.30 The County Council as Lead Local Flood Authority has no objections with regards to surface water drainage, subject to their standard condition.

7.31 In looking at this site in Flood Zone 3, it is to be noted that there are other land holdings adjacent to Crowland that are wholly or partially located within Flood Zone 2. The application site is situated within a flood area that is Danger for All, and is not considered to be sequentially preferable to other sites in and around Crowland, which are better located with regard to likelihood or hazard and potential depth of hazard.

7.32 In applying a sequential test to the availability of land for housing development it can be seen that the application site does not pass this assessment when compared to other sites around the town. In addition, the site is not allocated or due to come forward for planned housing development in accordance with the local plan. This supports the view that this site is not sequentially appropriate.

7.33 Other Matters

7.34 The application cites an appeal decision reference APP/G2435/W/18/3214451 relating to land in Woodville, North West Leicestershire. This appeal has been considered in detail and the views of the Planning Policy Team are set out in detail above. It is considered that the case set out in this appeal is materially different to this current application for a number of reasons and would not set a helpful framework for the consideration of this application, which is to be considered on its merits.

7.35 Conclusions

7.36 When applying the planning balance, in terms of the specific proposals of the scheme and bearing in mind its remote location, it is considered that there are adverse impacts that would significantly and demonstrably outweigh the benefits of delivering 6 dwellings in this location. Officers conclude that the presumption in favour of sustainable development is not considered to apply in this instance, for the reasons set out above.

7.37 Design concerns could be addressed when considering full details relating to the access, appearance, landscaping, layout and scale at a reserved matters stage if outline consent were granted. However, despite the indicative submissions, it cannot be considered that a case that the design of the site would be exceptional and sufficient has been proven at this time.

7.38 The site is remote and does not integrate with the built form of Crowland. The access drive would provide a hard edge to this part of the open countryside and the pedestrian footpath would be contrived and unlikely to be used.

7.39 The site is within Flood Zone 3, and there is land more suited to development available to serve the town.

7.40 **Additional Considerations**

7.41 Public Sector Equality Duty

7.42 In making this decision the Authority must have regard to the public sector equality duty (PSED)

under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

7.43 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

7.44 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

7.45 It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

7.46 Human Rights

7.47 In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

7.48 It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

8.0 RECOMMENDATIONS

8.1 **Refuse permission for the reasons listed at Section 9.0 of this report.**

9.0 REASONS FOR REFUSAL

1. The site, by virtue of its location, is poorly related to the existing built-up residential area of Crowland as outlined in the South East Lincolnshire Local Plan (SELLP, March 2019). The site is physically and functionally detached from Crowland, its settlement boundary, and is located in the open countryside. The result is a development that is considered would be poorly integrated with its surroundings, in particular, with the wider residential areas of Crowland and services and facilities within the town. As a consequence, future occupiers would be likely to have a high dependence on the use of motor vehicles, which would increase carbon emissions. This is exacerbated by the contrived proposed pedestrian link. Residential development in this location is, therefore, considered to be inappropriate and would result in harm in relation to the social and environmental objectives enshrined in Paragraph 8 of the National Planning Policy Framework (NPPF, 2019). Given the location of the site the proposal is in conflict with the spatial strategy outlined in Policy 1 of the SELLP, as well as Policies 10, 11 and 17 of the SELLP, which underpin the delivery of housing within defined settlements. The proposal also does not comply with any of the exceptions for new dwellings in the countryside defined under Policies 19, 22 or 23 of the SELLP. Furthermore, it is the purpose of the SELLP to deliver residential development in the right locations with appropriate contributions. Proposals which fail to take account of the character and context of the surrounding area could undermine the quality of the built environment and will not be permitted. These policies are in general conformity with national guidance, contained in the National Planning Policy Framework, 2019. Therefore, the limited social and economic benefits of delivering a small number of homes in this location is outweighed by the above identified social and environmental harm. Consequently, the presumption in favour of sustainable development is not considered to apply in this instance. For the reasons outlined above the proposal is in conflict with the SELLP, as well as Paragraphs 8 and 12 of the NPPF, the latter of which states that the development plan is the starting point for decision making and that where a proposal conflicts with an up-to-date development plan it should not usually be granted. There are not considered to be material planning considerations that would outweigh the harm identified in this particular case which would indicate that the plan should not be followed.
2. There are sequentially preferable sites in flood risk terms available around the town of Crowland, as identified in the South East Lincolnshire Local Plan, 2019. The presumption in favour of sustainable development is not considered to apply in this instance because there are sequentially preferable sites from a flood risk point of view available in the vicinity of Crowland. As such, the application is considered to be contrary to national guidance on flood risk, as contained in the National Planning Policy Framework, 2019, which sets out that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.
3. The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise. Furthermore, matters of concern with the application have been identified and discussed with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory solution and due to the harm, which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at <http://planning.sholland.gov.uk/OcellaWeb/planningSearch>
4. The determined plans are:
Application Form
Design and Access Statement. 421. Revision B.

Background papers:- Planning Application Working File

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Appendices attached to this report: Appendix A - Plan A

