



Appeal Decision

Site visit made on 22 October 2018

by M Seaton DipTP MRTPI

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

Decision date: 07 March 2019

Appeal Ref: APP/A2525/W/18/3203429

West Drove South, Gedney Hill, Lincolnshire

- 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 N Shortland against the decision of South Holland District Council.
 - The application Ref H07-0037-18, dated 11 January 2018, was refused by notice dated 21 March 2018.
 - The development proposed is for residential development.
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Procedural Matters

1. The application has been submitted in outline with all matters reserved for later consideration at this stage. I have therefore dealt with the appeal on this basis and treated the submitted plans as an indication only of how the appeal site might potentially be developed.
2. During the course of the planning appeal, the Government published the final version of its revised National Planning Policy Framework (the Framework) on 24 July 2018, which sets out the Government's planning policies for England and how they should be applied. Furthermore, on 19 February 2019, the Government published the 2018 Housing Delivery Test measurement and a technical note on the process, as well as a further update to the Framework. In addition, the Inspector's Report on the Examination in Public of the South East Lincolnshire Local Plan was published on 29 January 2019.
3. In light of the publication of these various documents, the parties have been provided with a further opportunity to make submissions in respect of the implications on the submitted evidence. In this respect, I received a further brief submission from the appellant advising that there were no further comments to make, but no further submissions were received from the Council.

Decision

4. The appeal is allowed and outline planning permission is granted for residential development at West Drove South, Gedney Hill, Lincolnshire, in accordance with the terms of the application Ref H07-0037-18 dated 11 January 2018, subject to the conditions set out in the Annex.

Main Issue

5. The main issues are whether the proposed development would be in an appropriate location, having regard to the aims and objectives of national and

local planning policies, and the effect on the character and appearance of the area.

Reasons

6. The appeal site is located to the south of the settlement of Gedney Hill, with access to the site from West Drove South, which is a narrow rural lane. The site itself is comprised of an area of open land and is situated adjacent to two separate undeveloped parcels of land to the north which would appear to benefit from extant planning permissions for residential development. An existing farm complex is located to the north-west of the appeal site.
7. In advance of the future adoption of the South East Lincolnshire Local Plan, the saved policies of the South Holland Local Plan 2006 (the Local Plan) remain of relevance as a constituent part of the Development Plan. In this respect, the Council has contended that the proposed development would conflict with Policies SG1, SG2, SG4 and HS7 of the Local Plan. These policies address the provision of sustainable development, the distribution of development, and development in the countryside in areas beyond defined settlement limits.
8. On the basis of the evidence placed before me, it is agreed between the parties that the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, and that the housing policies of the Local Plan are out-of-date. Paragraph 11d)ii. of the Framework sets out that where the policies which are most important for determining the application are out-of-date, including in situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites with an appropriate buffer, granting permission unless *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole*. On this basis, paragraph 11 is engaged and the presumption in favour of sustainable development.
9. There is no dispute between the parties that the appeal site is located within open countryside beyond the settlement boundary for Gedney Hill, and therefore falls to be considered against the relevant policies, including Policy HS7 of the Local Plan. However, whilst there is no suggestion that the proposed development would meet the requirements of the policy in providing housing for certain essential needs or where it is for affordable housing, the effect of Policy HS7 is to constrain housing supply, and as a consequence therefore the weight I attach to this conflict, in this instance, is very limited.
10. I note that the Council has concluded that the proposal itself would be deliverable and would contribute towards the supply of housing in a location close to the boundary of a settlement identified as a Group Centre in the Local Plan, and a Minor Service Centre in the emerging South East Lincolnshire Local Plan. I would also agree that the appeal site possesses reasonable accessibility to the various services and facilities of Gedney Hill, along with the available public transport options.
11. I have carefully considered the Council's contention that the proposed development would result in an adverse impact on the character and appearance of the area as a consequence of the further extension of ribbon development southwards along West Drove South. I note that the existing character of West Drove South changes from a more densely developed built up frontage on both sides of the road further to the north, to a more irregularly

spaced pattern of development on the east side of West Drove South, which represents a gradual transition into the open countryside. However, I have to also have regard to the effect of the extant planning permissions for development on the west side of West Drove South just to the north of the appeal site, and the change to the character of the streetscene that these developments would have.

12. The proposed development is indicatively shown as comprising a pair of two-storey detached dwellings, and would result in a further extension of the built-up frontage of West Drove South into the open countryside. Whilst the details of the proposed development are reserved at this stage, the proposal would undoubtedly result in a further change to the character of the streetscene and area. This would particularly be the case when considered cumulatively with the extant planning permissions to the north, and given the visibility of the site over extensive views from the south and west, the proposals would represent a visual and physical intrusion further into the existing countryside in an unacceptable form of development. In this respect, and even allowing for the absence of any evidence that the extant planning permissions would be unlikely to be implemented in the future, the further encroachment of ribbon development into the countryside would result in an adverse impact on the character of West Drove South and the area.
13. The Proposal would be contrary to Local Plan Policy HS7. Nevertheless, because of the housing land supply position this Policy should be regarded as out of date and I attribute limited weight to this harm.
14. I recognise that Policy SG2 of the Local Plan advocates a sequential approach to the distribution of development, and there is no evidence before me that such an exercise has been undertaken in respect of site selection. Nevertheless, despite recognising the location of the appeal site beyond the existing settlement boundary, I am satisfied that in light of the Council's conclusions on the deliverability of the proposal and the accessibility of the location in respect of the Group Centre, any conflict with the spatial elements of the Development Plan and Policies SG2 and SG4 would be comparatively limited. However, the proposal would result in unacceptable harm to the character and appearance of the area and wider landscape, due to the form of development and the further encroachment into the countryside.

Other Matters

15. The Council has raised concerns over the potential for the development, if allowed, to set an unacceptable precedent for other similar development in the future. However, this would appear to be a generalised concern and for which I have not been directed to any specific other sites where such an occurrence could arise. Nevertheless, as consequence of the specific circumstances of the proposed development, I remain satisfied that the Council would remain able to successfully resist a scheme that was genuinely unacceptable, irrespective of the decision on this appeal.
16. I have also had regard to the concerns of a neighbouring occupier with regards to the impact of the development on drainage due to the height of the water table in the village. However, I note that this is not a matter of dispute between the Council and the appellant and have not been provided with any technical evidence to support the contention. I have not therefore attached any significant weight to this matter.

Planning Balance

17. The Council is currently unable to demonstrate a deliverable 5-year supply of housing land and as a consequence, the 'tilted balance' addressed by paragraph 11 of the Framework and the presumption in favour of sustainable development is engaged.
18. I have already concluded that the proposed development would result in some limited harm to the spatial objectives of the Local Plan and would also result in a moderate level of harm to the character and appearance of the area and the wider landscape.
19. The potential provision of additional dwellings to the local housing market would be an undoubted benefit of the proposed development, albeit given the likely quantum of development the weight to be attached would be limited. The local economy would also have the potential to have some limited benefit during the construction period and from any expenditure from future occupiers going forward.
20. I have not found the development to be in accordance with the Development Plan. However, being mindful of paragraph 11 of the Framework, I do not regard that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Conditions

21. In addition to conditions addressing the timing of development and ensuring accordance with approved plans and documents, conditions guiding the required details of reserved matters including landscaping/planting, boundary treatments, layout, scale and external appearance of the proposed building, means of access, and site and floor levels, would all be required in the interests of proper planning, for reasons relating to the safeguarding of the character and appearance of the site and area, and for highway safety reasons. Conditions relating to a written scheme of investigation into the archaeological potential of the appeal site, as well as any necessary monitoring and the submission of a completed report, would be in the interests of addressing any archaeological interest of the appeal site.
22. A condition requiring flood mitigation measures would be reasonable and necessary in the interests of reducing the risk of flooding. Conditions securing adequate foul water disposal and surface water disposal would be in the interests of providing adequate drainage, the avoidance of pollution, and the reduction of the risk of flooding. A condition securing the investigation, and where necessary, mitigation of any sources of contamination, is required to adequately address the potential for the pollution of land.

Conclusion

23. Therefore, for the reasons given above, and subject to the conditions listed, the appeal is allowed.

M Seaton

INSPECTOR

Annex

Conditions

1. The application for approval of reserved matters must be made not later than three years beginning with the date of this permission, and the development must be begun before the expiration of two years from the final approval of reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
Drawing No. 3271-17-01
3. Notwithstanding the details accompanying the application, no development shall take place without the prior written approval of the Local Planning Authority of all details of the following matters:
 - i) the layout, scale and external appearance of buildings, including a schedule of external materials to be used;
 - ii) the means of access to the site;
 - iii) the landscaping of the site.
4. When application is made to the Local Planning Authority for approval of reserved matters, that application shall be accompanied by a scheme of landscaping and tree planting indicating, inter alia, the number, species, heights on planting and positions of all trees in respect of the land to which that application relates, together with details of post-planting maintenance and such a scheme shall require the approval of the Local Planning Authority before any development is commenced. Such scheme as is approved by the Local Planning Authority shall be carried out in its entirety within a period of twelve months beginning with the date on which development is commenced. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.
5. Prior to its installation, full details of boundary treatment /screening, including type, materials and height, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the dwellings are occupied and shall thereafter be retained.
6. The following flood mitigation measures shall be fully implemented before the properties are first occupied:
 - Finished floor levels shall be 300mm above existing ground level;
 - Flood resilient construction shall be incorporated within the development up to 300mm above finished floor level.
7. When application is made for approval of the reserved matters that application shall show details of arrangements to enable a motor vehicle to turn within the site so that it can enter and leave in forward gear. These arrangements shall be provided before the dwelling to which they relate is occupied and shall be kept permanently free for such use at all times thereafter.

8. Before the development is commenced beyond oversight, details of the means of foul water disposal shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented in full before the development hereby permitted is first brought into use.
9. Before the development is commenced beyond oversight, full details of the proposed soakaway system for the disposal of surface water from the development hereby permitted, including percolation test results, shall be submitted to and approved in writing by the Local Planning Authority. Should the percolation test results be considered unacceptable by the Local Planning Authority details of an alternative means of providing for surface water drainage shall be submitted for consideration. The approved means of surface water drainage shall be implemented in full before the development hereby permitted is first brought into use.
10. No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the Local Planning Authority. This scheme should include the following and should be in accordance with the archaeological brief supplied by the Lincolnshire County Council Historic Environment advisor on behalf of the Local Planning Authority:
 1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
 2. A methodology and timetable of site investigation and recording
 3. Provision for site analysis
 4. Provision for publication and dissemination of analysis and records
 5. Provision for archive deposition
 6. Nomination of a competent person/organisation to undertake the work
 7. The scheme to be in accordance with the Lincolnshire Archaeological Handbook.

The archaeological site work shall only be undertaken in accordance with the approved written scheme.
11. The applicant shall notify the Lincolnshire County Council Historic Environment Department in writing of the intention to commence at least fourteen days before the start of archaeological work required in connection with Condition 10 above in order to facilitate adequate monitoring arrangements.
12. A copy of the final report required in connection with Condition 10 above shall be submitted within three months of the work being carried out to the Local Planning Authority and the Lincolnshire Historic Environment Record. The material and paper archive required as part of the written scheme of investigation shall be deposited with an appropriate archive in accordance with guidelines published in The Lincolnshire Archaeological Handbook.
13. The development hereby permitted shall not be commenced until a scheme to deal with any contamination of land or pollution of controlled waters has been submitted to and approved in writing by the Local Planning Authority and until the measures approved in that scheme have been implemented. The scheme shall include all of the following measures:

- i) a desk-top study carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none required). Two full copies of the desk-top study and a non-technical summary shall be submitted to the LPA without delay upon completion.
- ii) if identified being required following the completion of the desk-top study, a site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed taking into account the sites existing status and proposed new use. Two full copies of the site investigation and findings shall be forwarded to the LPA without delay upon completion.
- iii) thereafter, a written method statement detailing the remediation requirements for land contamination and/or pollution of controlled waters affecting the site shall be submitted to and approved in writing by the LPA, and all requirements shall be implemented and completed to the satisfaction of the LPA. No deviation shall be made from this scheme. If during redevelopment contamination not previously considered is identified, then the LPA shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing by the LPA.
- iv) two full copies of a full closure report shall be submitted to and approved in writing by the LPA. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post-remediation sampling and monitoring results shall be included in the closure report to demonstrate that the required remediation has been fully met.