

Town and Country Planning Act 1990

Refusal of Planning Permission

Reference: H08/0460/93

Received: 24-MAY-93 Type: OUTLINE

Name: A M Thorold
192 Westhorpe Road
Gosberton
Spalding
Lincs

Agent: Nigel Templeman
83 Westhorpe Road
Gosberton
Spalding
Lincs

Description: Residential development

Location : Haulage Yard 192 Westhorpe Road
Gosberton Spalding Lincs

South Holland District Council hereby give notice that PERMISSION HAS BEEN REFUSED for the development for the following reason(s):

- 1 The site is outside the confines of a settlement in an area of open countryside where it is the policy of the Local Planning Authority to permit new development only in exceptional cases where it is satisfied that there is a special need, particularly in connection with agriculture. In the opinion of the Local Planning Authority the circumstances of this case are not sufficient to justify permission, which would be contrary to Policy 7a of the Lincolnshire Structure Plan. This policy is in accordance with national planning policies as set out in Planning Policy Guidance Note No. 7, 1992 (The Countryside and the Rural Economy), and is aimed at the conservation of agricultural land, the preservation of the character of the countryside, and the economic provision of services. In the opinion of the Local Planning Authority the granting of permission for the development as proposed would be harmful to the purposes of this policy, because as well as its individual effect on these issues, it would encourage further similar proposals which would be difficult to resist.

Director of Planning and Building Control Services
09-JUL-93 H08/0460/93

This decision refers only to that required for the purposes of the Town and Country Planning Act and not for Building Regulations or any other legislation. See enclosed notes relating to rights of appeal.



The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

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Your Ref:

MH.JEA

Our Ref:

T/APP/A2525/A/93/231994/PS

Date:

- 8 MAR 1994

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Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY A M THOROLD
APPLICATION NO: H08/0460/93

1. I have been appointed by the Secretary of State for the Environment to determine this appeal against the decision of the South Holland District Council to refuse outline planning permission in respect of an application for residential development at the haulage yard, 192 Westhorpe Road, Gosberton, Lincolnshire. I have considered the written representations made by you and by the Council, including those made after I inspected the site on 8 February 1994.

2. The appeal site is situated on the south side of Westhorpe Road about 1½km west of the village centre of Gosberton. The surrounding area is generally flat, open agricultural land. However, along this road between Gosberton and the hamlet of Westhorpe there is a considerable amount of development, particularly on the north side where a number of the gaps between the well-spaced older dwellings have been filled with more recent development. On the south side, though, the development is much more sporadic. Indeed the appeal site and the adjacent bungalow lie within the otherwise open gap of some 700m between Westhorpe Farm and Sandpit Farm. For this reason I do not accept that the development could be regarded as infilling or as an extension to a group of dwellings.

3. You claim that the site is not in open countryside and that the local plan for the area denotes it as residential. However, you have not put forward any documentation to support that assertion and the Council has indicated that there is no local plan for this area. I note that in a previous appeal decision on a site nearby, to which my attention was drawn by the Council, reference was made to an Interim Boundary of Development, but this appears to be an informal policy which carries little weight. The only statutory plan is the approved Lincolnshire Structure Plan Alteration No.1, which is not site-specific. In my opinion, the appeal site is most appropriately regarded as being in an area of sporadic development in the open countryside.

4. In the light of the above considerations, from all that I have seen and read, and having regard to the relevant Structure Plan policies and to national planning guidance, I consider that the principal issue in this case is the effect of the proposed development on the character and appearance of the surrounding countryside.

5. Structure Plan policy 7A states that 'new residential development will normally only be permitted in the open countryside where there is an essential need to house farm or forestry workers near their place of work'. I have seen nothing to suggest that such a need has given rise to your client's proposal. While not specifically drawn to my attention, I note that policy 6A seeks to avoid the creation or extension of ribbon or scattered development. Such policies are consistent with the advice in Planning Policy Guidance (PPG) no.7 that new housebuilding in the open countryside should be strictly controlled, and that ribbon development or a fragmented pattern of development must be avoided.

6. The appeal site comprises a yard, surfaced in hardcore, with a workshop/store and adjoining office on the east side and a smaller building in the south-western corner. It seems still to be in use as a small haulage depot. Its boundaries with the adjoining open agricultural land are marked only by small dykes. I accept that the depth of hardcore fill and ground contamination by oil and fuel might make return of the site to agriculture difficult, but I do not see that as a justification for allowing residential development. Indeed, the same factors would also pose problems for such development, particularly if it were intended to provide a garden for the dwelling and to landscape the site as proposed. You refer to the guidance in PPG3 regarding the use of derelict, underused and waste land, but the specific advice to which you allude applies explicitly to urban areas and is itself aimed at reducing pressure for development in the countryside.

7. I note your client's willingness to accept conditions requiring landscaping. While this could soften the appearance of the development, I doubt if it could screen it effectively without in itself being an alien and obtrusive feature in the surrounding open landscape. Even if it could, as PPG7 points out and you acknowledge, the fact that a house would be unobtrusive is not by itself a good argument; it could be repeated too often.

8. While you suggest that the number of cases where a dwelling would be so well contained within a group is limited, I disagree for two reasons. Firstly, for the reasons I have indicated above, I do not accept that this site is within a group. Secondly, given the pattern of development in the surrounding area, it seems to me that there are many sites where the relationship with other dwellings and the open countryside is similar. To allow this development would make it more difficult to resist proposals on such sites, with the resultant consolidation of the ribbon or fragmented development.

9. In the circumstances I have come to the conclusion that the proposed development would harm the character and appearance of the surrounding countryside. I further conclude that it would be contrary to Structure Plan policies 6A and 7A and to the objectives of national planning guidance.

10. I understand and sympathise with your client's wish to realise the value of the site upon his retirement. I accept, too, that a change of use from haulage yard to residential might bring about an improvement in the amenities of nearby residents. Nevertheless, having taken account of these and all other matters raised in the representations, I find nothing of sufficient weight to override the considerations which have led to my conclusions or to indicate a decision other than in accordance with the statutory development plan.

11. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

Yours faithfully

A handwritten signature in dark ink, appearing to read 'A R Boyland'. The signature is written in a cursive, slightly slanted style.

A R BOYLAND BEng(Hons) DipTP CEng MICE MIHT MRTPI
Inspector

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