Beacon Council 2003-2004 Supporting the Rural Economy

SOUTH HOLLAND DISTRICT COUNCIL

FILE COPY

Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE

tel: 01775 761161
fax: 01775 710772
web: www.sholland.gov.uk

Town and Country Planning Act 1990

Refusal of Planning Permission

Reference: H09/0481/03 Received: 17-APR-03 Type: FULL

Name: D Brown(Blding Contractors)Ltd
30 Park Road
Holbeach
Spalding
Lincs

Agent: G R Merchant
Unit 4 Wrights Mews
12A Park Road
Holbeach
Spalding Lincs

Description: Erection of two 4 bed houses with detached double garage, one 3 bed bungalow with detached double garage & one 3 bed bungalow with integral double garage

Location : Damgate Holbeach

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

1 It is considered that there are overriding material reasons for not granting permission under Policy H2 of the emerging South Holland District Local Plan to 2011 (First Deposit Draft). Granting planning permission would prejudice the preparation of that plan, the housing strategy of which aims to:
• reduce the over-supply of housing land in the district to be more in line with Policies 9 and 10 of the Lincolnshire Structure Plan to 2011;
• deliver a more sustainable pattern of development in line with Government's Planning Policy Guidance Note No. 3 'Housing' (PPG3), and;
• respond to the review of the guidance within PPG3.
The adopted Local Plan was prepared before the revised PPG3 was introduced, whereas the First Deposit Draft Local Plan responds to the revised guidance. Greater weight should therefore be given to the emerging policies on these issues.

The Proposed Development would, if permitted, add unnecessarily to the supply of housing land, contrary to those aims of the housing strategy and could also create a precedent for granting other permissions on similar sites. Granting permission would have a significant effect which would prejudice the preparation of the emerging Local Plan and the achievement of its aims.

2 The proposal is contrary to Policy E1 of the adopted South Holland Local Plan in that it would not be in keeping with the general character of the area in which it is situated through its style, layout and siting.

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3 The development if permitted would act as a precedent for further unsatisfactory development of a similar nature on neighbouring sites.

Note(s):

The determined plans are:
Dwg nos. 678-03/01, /02, /03, /04, /05 and /06 received 17 April 2003.

Head of Planning & Development
22 AUG 2003 H09/0481/03

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

Town and Country Planning Act etc

DRAFT REFUSAL

Reference H09/0481/03 Received: 17-APR-03 Type: FULL

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Description: Erection of two 4 bed houses with detached double garage, one 3 bed bungalow with detached double garage & one 3 bed bungalow with integral double garage

Location : Damgate Holbeach

South Holland District Council hereby give notice that permission has been refused etc for the following reasons:

1 It is considered that there are overriding material reasons for not granting permission under Policy H2 of the emerging South Holland District Local Plan to 2011 (First Deposit Draft). Granting planning permission would prejudice the preparation of that plan, the housing strategy of which aims to:
• reduce the over-supply of housing land in the district to be more in line with Policies 9 and 10 of the Lincolnshire Structure Plan to 2011;
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Note(s):

The determined plans are:

Dwg nos 678-03/01, /02, /03, /04, /05 & /06 received 17 Nov 03.

Director of Customer Services
20 AUG 2003

H09/0481/03

Appeal Decision

Site visit made on 5 January 2004

by J S Deakin FRICS

an Inspector appointed by the First Secretary of State

The Planning Inspectorate
4/09 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-inspectorate.gsi.gov.uk

Date

Appeal Ref: APP/A2525/A/03/1129220
Damgate, Holbeach, Spalding, Lincs

- 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 D Brown (Building Contractors) Ltd against the decision of the South Holland District Council.
- The application ref: HO9/0481/03 dated 15 April 2003, was refused by notice dated 22 August 2003.
- The development proposed is residential development.

Summary of Decision: The appeal is allowed and planning permission granted subject to conditions set out in the Formal Decision below.

Development Plan and other Planning Policies

1. The development plan includes the Lincolnshire Structure Plan (1991) and South Holland Local Plan which was adopted in 1998. The appeal site is within the boundaries of development of Holbeach. Local Plan Policy H1 says that most new housing development shall take place within various specified towns, including Holbeach. Proposals will be assessed in relation to the scale and impact of the development in its surroundings. Local Plan Policy E1 sets out criteria which development proposals must satisfy. These include requirements that the proposal must maintain the amenities of other adjacent land users and residents and that it should be in keeping with the general character of the area.

2. Policy 3 of the Lincolnshire Structure Plan - November 2000 – 'Policies Proposed for Adoption' says that new housing development will be principally located at defined towns. The South Holland District Local Plan – First Deposit Draft was published in November 2001. Policy H2 states that at Holbeach (among other towns) provision is only made for the development of land which currently has the benefit of planning permission. Applications to renew permissions will be granted unless there are over-riding material reasons for not doing so in any particular case. The Council says that this Policy was formulated in the light of advice on sustainability issues contained in PPG3 – 'Housing, and to address the over-allocation of land generally throughout the District.

3. Government Policy as set out in PPG3 – 'Housing' seeks to promote more sustainable patterns of development and to make more efficient use of land, by maximising the re-use of previously developed land within urban areas.

Main Issues

4. I consider that the main issues are: (i) the impact of the development on the character and appearance of the surrounding area; and (ii) whether the proposal would prejudice housing strategy policies in the emerging South Holland District Local Plan.

Reasons

Impact on the Surrounding Area

5. Planning Permissions (HO9/0453/01 and HO9/0454/01) were granted on 20 June 2001 for two house on the appeal site. These permissions were renewals of earlier permissions and are still valid and the general principle of residential development has been accepted by the Council. The current proposal is for a more intensive scheme with two houses at the front, and two bungalows at the rear accessed by a private drive. The site is in a sustainable location less than 1 km from town centre shops, services, and public transport. It is not disputed that the site was previously developed and the proposal would therefore be in accord with Government Policy as set out in PPG3.

6. The appeal site is on the fringe of the built-up area of the town and this part of Damgate has a semi-rural appearance, although there is a high density development of small dwellings in Castle Drive to the west. A development of four houses would be more intensive than the existing and approved frontage development and would cause some change in the character and appearance of the locality.

7. I have noted the objections from nearby residents but consider that there would be no significant overlooking or visual impact on neighbours because the dwellings at the rear would be bungalows. Fencing and landscaping conditions would also protect residents amenities.

8. I am required by Sec 54A of the Town and Country Planning Act 1990 to determine the appeal in accordance with the development plan unless material considerations indicate otherwise. In this case, I acknowledge that some harm would be caused to the character of the area, contrary to adopted Local Plan Policies E1 and H1. However, I consider that the benefit of providing additional housing land is a material consideration of sufficient weigh to override policies in the development plan, which was adopted prior to the publication of PPG3.

Housing Strategy

9. The Council contends that there is an over-allocation of housing land generally throughout the district and says that it has been consistent in refusing applications for new development on sites outside Spalding. Although the site has planning permission for two dwellings, the appeal proposal for four dwellings would not comply with Policy H2 of the First Deposit Draft Local Plan. However, the Plan is at a very early stage in the statutory process; there could be changes in the Revised Deposit Draft and objections would have to be considered at a Public Inquiry. Having regard to advice in PPG1 on the status of emerging plans, I consider that little weight can be given to policies in the emerging Plan.

10. In my opinion, the evidence put before me relating to over-allocation of housing land is not conclusive. In any case, I consider that two additional dwellings would have little impact on overall housing strategy throughout the District and would not seriously prejudice the preparation of the emerging Plan.

Other Considerations

11. The Council contends that allowing this appeal would set a precedent for similar development. Each proposal must be considered on its own merits. Having regard to the circumstances of this case, I consider that the possibility of establishing a precedent is not a material consideration of sufficient weight to justify dismissing this appeal.

Conclusion

12. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be allowed.

Conditions

13. The Council has suggested various conditions which should be imposed if the appeal is allowed. The submitted plans do not give full details of external materials or the type of surfacing of the access and I impose a condition requiring prior approval of these matters. The hedge along the western boundary has been removed recently; details are required of further landscaping along this boundary and elsewhere within the site, in order to protect the character and appearance of the area. I have reworded some of the conditions to follow more closely the wording of the Model Conditions in Circular 11/95.

Formal Decision

14. I allow the appeal and grant planning permission for residential development at Damgate, Holbeach, Spalding, Lincs in accordance with the terms of the application No. HO9/0481/03 dated 15 April 2003, and the plans submitted therewith, subject to the following conditions:

    1) The development hereby permitted shall be begun before the expiration of five years from the date of this decision.

    2) No development shall take place until details of the types and colours of the external finishes have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

    3) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include the construction of the private drive, vehicle and pedestrian access, and hard surfacing materials. Soft landscape works shall include planting plans, written specifications, schedules of plants and an implementation programme. All hard and soft landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

4) If within a period of five years from the date of the planting of any tree or shrub, it is removed, uprooted, or destroyed or dies, another tree or shrub of the same species and size of that originally planted shall be planted in the same place unless the Local Planning Authority gives its written consent to any variation.

5) No dwelling shall be occupied until 1.8 metre high close boarded fencing has been erected along the northern and southern boundaries of the site, running westwards from the front of the dwellings on Plots 1 and 2, in accordance with details which have been previously submitted to and approved in writing by the Local Planning Authority.

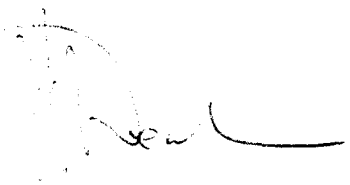
Information

15. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court.

16. This decision does not convey any approval or consent that may be required under any enactment, by-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

17. An applicant for any approval required by a condition attached to this permission has a statutory right of appeal to the Secretary of State if that approval is refused or granted conditionally or if the authority fails to give notice of its decision within the prescribed period.

18. Attention is drawn to the requirements of section 76 of the Town and Country Planning Act 1990 concerning provisions for the benefit of the disabled.



INSPECTOR