Beacon Council 2003-2004 Supporting the Rural Economy

SOUTH HOLLAND DISTRICT COUNCIL

FILE COPY

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Town and Country Planning Act 1990

Refusal of Planning Permission

Reference: H09/0496/03 Received: 23-APR-03 Type: FULL

Name: Mr K J Vaughan
c/o Mrs J Horry
Myrtle House
Mill Lane
Gedney Hill Spalding Lincs

Agent: A C Hornsby
Peak Hill
Cowbit
Spalding
Lincs. PE12 6AW

Description: Erection of detached 3 bed house with detached double garage

Location : Holbeach Drove Gate Holbeach Drove

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

1 The proposal is contrary to Policy H3 of the emerging South Holland District Local Plan to 2011 (First Deposit Draft) and 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, and;
• deliver a more sustainable pattern of development in line with Planning Policy Guidance Note No. 3 'Housing' (PPG3).
The adopted Local Plan was prepared before the revised PPG3 was introduced whereas the First Deposit 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, and would create a precedent for granting other permissions. There are a substantial number of similar sites within the settlements and also within the other villages and towns. Granting permission would have a significant cumulative effect which would further prejudice the preparation of the emerging Local Plan and the achievement of its aims.

2 The proposal represents an over-development of the site by reason of inadequate provision for amenity space and the excessive bulk and scale of the building proposed.

3 The proposal is contrary to Policy E1 of the adopted South Holland District Local Plan in that it is

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not in keeping with the general character of the area in which it is situated through its layout, siting and design.

Note(s):

The determined plans are:
1:1250 site location plan/1:250 block plan and dwg no. 03/21/01 received 23 April 2003.

You are advised that the Environment Agency objected to the proposal given the absence of a Flood Risk Assessment (FRA) under the provisions of Planning Policy Guidance Note No. 25 'Development and Flood Risk', July 2001. However, this Council published a Strategic Flood Risk Assessment (SFRA) in February 2003 which shows the application site to be within an area adequately defended by existing Drainage Board systems. The Council is therefore satisfied that the submission of a Flood Risk Assessment would not be required in the event that you wish to take the proposal further or re-submit a similar planning application. The Environment Agency has been notified of this decision.

Details of the Council's SFRA are available at the Council Offices, Priory Road, Spalding or on the Council's web-site, www.sholland.gov.uk.

Head of Planning & Development
22 AUG 2003 H09/0496/03

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

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c/o Mrs J Horry
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Mill Lane
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Agent: A C Hornsby
Peak Hill
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Lincs. PE12 6AW

Description: Erection of detached 3 bed house with detached double garage

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

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• 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, and;
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3 The proposal is contrary to Policy E1 of the adopted South Holland District Local Plan in that it is not in keeping with the general character of the area in which it is situated through its layout, siting

and design.

Note(s):

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Director of Customer Services
20 AUG 2003

H09/0496/03

1 of 8

2/8/03

Appeal Decision

Site visit made on 3 June 2004

by R W Moon BSc MCD MRTPI

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

29 JUN 2004

Appeal Ref: APP/A2525/A/04/1139148
Holbeach Drove Gate, Holbeach Drove, Spalding, Lincolnshire.

- 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 Mr K J Vaughan against the decision of South Holland District Council.
- The application (Ref.H09/0496/03), dated 22 April 2003, was refused by notice dated 22 August 2003.
- The development proposed is the erection of a house and garage.

Summary of Decision: The appeal is dismissed

Main Issues

1. I consider the main issues in this appeal to be the effect of the proposed development on the character and appearance of the area and the impact of the proposal having regard to the overall housing strategy within the emerging development plan.

Planning Policy

2. The development plan for the area includes the Lincolnshire Structure Plan Alteration No. 1, adopted in 1991 (SP) and the South Holland District Local Plan, adopted in 1998 (LP). SP Policy 5A encourages appropriate growth in and around most existing settlements through the grant of permission for new residential development. LP Policy E1 includes a number of criteria which new developments are required to satisfy including the one that they should be in keeping with the general character of the area in which they are situated. The appeal site is situated within the development boundary of Holbeach Drove.

3. In its statement and reasons for refusal, the Council refers to the emerging structure and local planning policies. Reference is made to the Lincolnshire Structure Plan Policies Proposed for Adoption, dated 2000 (SPR). In the light of Regional Planning Guidance for the East Midlands (RPG8), the County Council is obliged to reduce housing allocations in that plan and the First Deposit Draft was due to be placed on deposit between April and May 2004. The Council also refers to the South Holland District Local Plan First Deposit Draft, dated 2001 (RLP). RLP Policy H3 is based on a reassessment of housing needs in the District in the light of commitments and a new strategy to direct most development to a limited number of settlements. In villages it indicates that within settlement boundaries provision is made only for the development of land which currently has the benefit of planning permission with the objective of securing the role of market towns.

4. Both the emerging structure and local plans have had regard to the guidance in *Planning Policy Guidance: Housing (PPG3)* in so far as it requires local planning authorities to revise their plans as quickly as possible and take account of the guidance so that their plans are up to date. Having regard to the guidance in paragraph 48 of *Planning Policy Guidance: General Policy and Principles (PPG1)*, the early stage in the progress of the plan and given the limited information about the nature of the objections or support for the relevant policies, I have only given them limited weight in this decision.

Reasons

Character and Appearance

5. The appeal site is situated at the corner of the B1166 and the B1168, two routes linking the dispersed settlements in the area with the main towns and larger villages. It is the remainder of a once larger site containing buildings which has been acquired and developed for highway junction improvements. Holbeach Drove Tree Preservation Order No. 3 1996 gives protection to a group of 3 ash trees on the roadside edge of the site. The eastern boundary comprises a dense hedge with some larger semi-mature trees which overhang the site. The site is unused at present and lies adjacent to a small bungalow to the north and a larger 2 storey house set back some way from the common boundary to the east. Apart from a petrol filling station/shop opposite and the public house to the east, the settlement appears to be wholly residential having a variety of house styles and layouts, mostly on generous plots.

6. The proposed design of the dwelling would result in a 2-storey modern brick built house which would not be out of character with many of the other newer properties in the locality. However, the site is restricted in depth and length, more so as a result of the need to protect the ash trees and their canopies which overhang about half of the site. These trees are semi-mature and would grow much larger in the years ahead shading the house and its garden. There is a limited amount of private amenity space once the footprint of the house and the detached double garage is taken into account and furthermore there would inevitably be pressure to remove or lop branches of the TPO trees to provide more light which would threaten their long term health. Consequently, I consider that the site is of an inadequate size to accommodate the proposed development. It would appear cramped on this conspicuous corner site and out of character with the majority of housing in the area. I conclude that the proposed development would be harmful to the character and appearance of the area and contrary to LP Policy E1.

Housing Strategy

7. Turning to the second issue while I have given limited weight to the emerging policies, they are consistent with the objectives of PPG3 which is an important material planning consideration. Given the age of the adopted plans I consider that their objectives are out of date with national guidance and that this and the emerging policies should prevail. I note what the appellant says about restricting choice for people who wish to remain in the locality and the fact that, by itself, one dwelling is unlikely to undermine the strategy. Nevertheless, RLP Policy H3 is framed to secure the broader strategic objectives based on more sustainable patterns of development as required by national and regional polices in PPG3 and RPG8 respectively and prevent the cumulative effect of many small scale developments which would undermine the strategy. I conclude that the proposal would be harmful to the emerging local policies and contrary to the objectives of national and regional policies.

Conclusions

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

Formal Decision

9. I dismiss the appeal.

RW Moon.

INSPECTOR