The Planning Inspectorate

Appeal Decision

Site visit made on 26 July 2021

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 August 2021

Appeal Ref: APP/A2525/W/21/3270308
Land to south of 36 Cranmore Lane, Holbeach
(Grid Ref Easting: 534828; Grid Ref Northing: 324157)

- 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 Mrs N Wallinger of NKW Design Ltd against the decision of South Holland District Council.
- The application Ref H09-0551-20, dated 8 July 2020, was refused by notice dated 4 September 2020.
- The development proposed is erection of 6 self-build eco-homes with access from Cranmore Lane.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) has been published since the appeal was lodged. Both main parties were given the opportunity to comment on any relevant implications for the appeal.

3. A signed and completed Planning Obligation under Section 106 of the Town and Country Planning Act 1990 has been submitted in support of the proposal. The Obligation would secure the delivery of serviced plots and their occupation as self-build/custom build eco homes. This Obligation meets the tests set out in paragraph 57 of the Framework, and I have proceeded to determine this appeal giving due consideration to the Obligation.

4. The application has been submitted in outline with all matters reserved for future consideration. I have dealt with the appeal on that basis, treating the provided site layout as being indicative.

5. I have determined 3 appeals[1], including this appeal, in the Council's area for proposals for self-build homes. Whilst there may be some duplication on matters including the consideration of planning policy, I have addressed each appeal on its individual merits.

[1] Appeal Refs: APP/A2525/W/21/3270308, APP/A2525/W/21/3270402 and APP/A2525/W/21/3270404

Main Issues

6. The main issues in this appeal are:

   - The effect of the proposal on the character and appearance of the area; and
   - Whether, having regard to the development plan and national planning policy, the appeal site is an appropriate location for self-build housing.

Reasons

Character and Appearance

7. The appeal site is part of an agricultural field. Cranmore Lane is not one of the main routes into Holbeach, but the site is prominent in views from the highway on the edge of the settlement.

8. The form of the settlement leading to the site on the west side of Cranmore Lane consists of linear development with individual dwellings fronting onto the highway. Whilst there is some backland development on the opposite side of Cranmore Lane and a site containing commercial buildings of a significant scale, this is also generally of a linear arrangement extending from the settlement.

9. Although the proposal has been submitted in outline, due to the number of dwellings proposed and the extent of the site, I consider that the proposal would lead to a depth and arrangement of development which would not reflect the linear form of the settlement leading to the site. The site projects significantly further to the south than the existing extent of development. There is a house to the north which is located behind the line of frontage development, but the proposal would extend even further from Cranmore Lane. The proposal would therefore appear as an obtrusive and incongruous projection of development into the countryside, which would contrast uncomfortably with the built form of the settlement in the vicinity.

10. Reference has been made to significant development further to the east, elements of which were apparent on my visit. However, this development is located some distance from the site, and does not set a prevailing context to justify the unsympathetic relationship to the linear development along Cranmore Lane.

11. The Council considers that this site is in an area of transition, although I saw that the boundary of adjacent development provides a clear edge between the settlement and the surrounding countryside. The appellant refers to this being a hard edge, and that the proposal would represent an opportunity to provide a soft green edge to this part of Holbeach. However, I consider that the existing edge is visually acceptable as it represents a legible boundary between the built extent of the settlement and the surrounding countryside. The introduction of a soft edge would weaken this character, and the landscaping itself is likely to appear as a contrived and alien feature within the landscape. The appellant also submits that the layout of the site is not fixed at this outline stage. However, I consider that the incongruous form and projection of the appeal proposal would be readily apparent, and which could not be successfully mitigated through landscaping or layout.

12. I acknowledge that the appeal site is not in a valued landscape within the terms of the Framework. However, this does not justify the unsympathetic extent of the development proposed in this countryside location.

13. I conclude that, due to its extent and location, the proposal would lead to significant harm to the character and appearance of the area. The proposal would therefore conflict with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019 (the Local Plan) with regards to protecting the character and appearance of the area, as well as consideration of the relationship with existing development and land uses. The proposal would also be contrary to the Framework in respect of achieving well designed places as well as recognising the intrinsic character and beauty of the countryside.

Location

14. The appeal site is outside the defined settlement boundary and is therefore considered to be within the countryside under Policy 1 of the Local Plan. The appellant refers to the community benefits arising from the proposal. However, it has not been demonstrated that this development is necessary to this location as referred to in Policy 1(D). Moreover, due to the harm I have identified in respect of character and appearance , the proposal would also not provide the environmental benefits required by Policy 1.

15. The appellant also refers to Policy 19 of the Local Plan, which relates to Rural Exception Sites. This states that housing on sites outside but adjoining defined settlement boundaries will be permitted where the scheme would meet an identified need for specialist housing that cannot be met within the settlement boundaries. The appellant submits that self-build housing would represent 'specialist housing'. However, the supporting text to Policy 19 sets out that Rural Exception Sites are specific to the needs of a particular settlement. Whilst there may be general demand for self-build sites as shown on the self-build register, there is no evidence that this is specific to this particular settlement. It has also not been demonstrated that the demand for self-build housing cannot be met within the settlement boundaries, although I will address the Council's duties on this matter later in my decision. Policy 19 also requires that there should be a legal agreement to ensure that the housing is available for members of the immediate community, which has not been provided in respect of the appeal proposal. Therefore, even if I was to conclude that the proposal would represent 'specialist housing', it would not meet other requirements of Policy 19.

16. With regards to self-build housing, the supporting text for Policy 11 of the Local Plan sets out that there will be numerous opportunities for self-build and custom-build development within the defined settlement boundaries. Policy 17 also states that the Local Plan will seek to meet the needs of custom and self-builders as they come forward. The Council has therefore had regard to the provision of self-build housing in preparing its planning policies. I therefore do not consider that the development plan is silent on the matter of self-build housing or that there are no relevant policies. On the basis that the Council can demonstrate a housing land supply in excess of 5-years, the presumption in favour of sustainable development in paragraph 11(d) of the Framework is not engaged.

17. However, under the 2015 Act[2], the Council has a 'duty to grant planning permission' and a 'duty as regards registers'. These duties are also emphasised in Footnote 28 of the Framework.

18. With regards to registers, the Council confirms that it has 73 entries on its self-build register, which is a clear indication of demand within the Council's area. This is a material consideration in respect of this proposal.

19. The Council accepts that it is unclear how many permissions have been granted for self-build and custom-build plots. As part of its duties under the 2015 Act in respect of the duty to grant planning permission, the Council must give enough suitable development permissions to meet the identified demand for self-build and custom-build housing. Based on the evidence before me, the Council is unable to demonstrate that it has done this. The Council refers to problems of interpreting the information provided by applicants, such as the appeal proposal where the proposed units were identified as market housing rather than self-build and custom-build. However, it is uncertainties such as this that the Council should seek to address as part of its duties under the 2015 Act.

20. Within the context of the Council's duties under the 2015 Act, the provision of 6 self-build dwellings would be a modest contribution to the demand identified on the Council's register, and carries commensurate weight in favour of the proposal.

21. Drawing the above together, the proposal would be contrary to Policy 1 of the Local Plan in respect of the location of the development in the countryside and the environmental harm to character and appearance. The proposal would also be contrary to Policy 19 with regards to the needs of this particular settlement, and the immediate community. The proposal would also not comply with Policies 20, 22 or 23 which relate to residential development in the countryside including for gypsies and travellers as well as the replacement and reuse of buildings. The proposal would also be contrary to the Framework with regards to achieving sustainable development and the status of the development plan.

22. Whilst I have had regard to the community benefits arising from the provision of self-build housing and the Council's duties in that regard, these matters are not of such weight to outweigh the identified harm and the conflict with development plan policies.

Other Matters

23. It is proposed to build the dwellings to a recognised eco-homes standard. However, this would primarily address the ecological impacts arising from the development itself. On that basis, and given the scale of the development, this carries limited positive weight in the overall planning balance.

24. There may be potential to improve the biodiversity of the site compared to its current agricultural use. However, given the scale of the development this potential would be very limited.

25. The appellant refers to planning permission for 6 self-build homes near Crowland elsewhere in the Council's area, which was granted planning permission some distance away from the settlement boundary. However, the Council's decision indicates that the presumption in favour of sustainable

[2] Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016)

development was considered to apply in respect of the Crowland proposal. I have concluded that this has not been engaged in respect of the appeal before me. The circumstances of the Crowland permission are therefore different from the appeal proposal, which I have determined on its individual merits.

26. I have also had regard to the appeal decisions which were referred to by the appellant, both of which represented departures from the development plan. However, in both cases, the Inspector concluded that the proposal would not harm the character and appearance of the area, which differs from my conclusions on the appeal before me. One of the appeals also consisted of a significantly greater number of self-build and custom-build plots. The circumstances of those appeals are therefore materially different to the appeal before me, which I have determined on its own merits.

27. The appeal site would provide relatively convenient pedestrian and cycle access to the facilities of Holbeach. However, this can be said of many of the sites on the edge of this settlement, and this carries only very limited weight in favour of the proposal. Whilst residents of the proposal would support services and facilities in the area, given the scale of the development proposed and within the context of the services within Holbeach, this benefit would be very limited.

28. The proposal would generate economic benefits through employment for small builders at the construction phase. However, due to the scale of the proposal this would be to a limited degree and over a limited period of time.

29. The Council Officer's report refers to the site not passing the Exceptions Test in respect of flood risk. However, this is not referred to in the Council's reason for refusal. As I have dismissed this appeal on other matters, I have not considered the matter of flood risk further.

30. Reference has also been made to the submission of details in respect of highways improvements. However, given the location of the site boundary adjacent to the highway, it is likely that details of suitable access could be provided in the reserved matters and this does not count against the proposal.

Conclusion

31. The proposal would harm the character and appearance of the area and would not be in an appropriate location for this form of development, in conflict with the development plan and the Framework. There are no material considerations of such weight that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR