ORIGINAL

DECISION

NOTICE

NOT ABLE TO

FIND

The Planning Inspectorate

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

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S.H.D.C. PLANNING DEPT.
RECEIVED
21 APR 1993
File Nos.

John Anderson Planning
The Old Stables
Harston
GRANTHAM
Lincolnshire
NG32 1PP

Your Ref:

Our Ref:
A:T/APP/A2525/A/92/214920/P7
B:T/APP/A2525/A/92/214921/P7
C:T/APP/A2525/A/92/214922/P7
D:T/APP/A2525/A/92/214923/P7

Date:
19 APR 93

Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEALS BY HEY & CROFT LTD (IN ADMINISTRATIVE RECEIVERSHIP)
APPLICATION NOS: A: H09/0563/92; B: H09/0267/92;
C: H09/1109/91; D: H09/0773/91.

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeals. These appeals are against the failure of the South Holland District Council to give within the prescribed periods notices of their decisions in respect of applications for A: residential development; B: formation of a vehicular access to a housing estate; C: approval of matters reserved under outline permission dated 14 September 1988 (reference No H09/0764/88); D: outline permission for residential development on land at Marsh Road, Holbeach Hurn. Spalding, Lincolnshire. I held a local inquiry into the appeals on 23 March 1993 and inspected the sites on 24 March 1993.

2. At the outset of the inquiry, the withdrawal of appeals B and C was indicated on behalf of the appellants. Later in the proceedings, following assurances from the Council that application H09/0773/91 would be determined if so requested, appeal D was also withdrawn. The remainder of this letter is, therefore, concerned solely with appeal A.

3. This appeal application was accompanied by a layout for 35 dwellings. At the time that the appeal against non-determination was lodged, the Council had not agreed to consider a submitted revised layout. This reduces the number of dwellings proposed to 29. However, at the inquiry, it was indicated on behalf of the Council that they were prepared to accept the appeal proceeding on the basis of this revised layout plan (Ref No 228.1D). Since this layout has essentially the same form and access points, and simply involves a decrease in numbers of dwellings and an increase in open space, I agree with the submissions made that this substitution could in no way be prejudicial to interested

100%

persons. I shall, therefore, determine the appeal on the basis of the amended layout for 29 dwellings.

4. From the evidence put to me at the inquiry, the written representations and my inspection of the site and its surroundings, I consider that the main issues in this appeal are the effect of the development on the character and appearance of Holbeach Hurn and the effect of the proposed access arrangement on highway safety in Marsh Road and Low Road.

5. The Lincolnshire Structure Plan Alteration No 1 1991 is the relevant Development Plan for Holbeach Hurn. Policy 5A, which replaces Policy 3 of the 1982 Structure Plan (which was current at the time of a 1990 appeal), requires residential development, other than at named towns, normally to be made in or around existing settlements. Proposals are to be assessed in relation to their scale and impact on the character, density and physical extent of existing development and, in an addition since the earlier plan, a need to retain an appropriate level of open space is referred to.

6. The District Council has drawn-up an Interim Boundary of Development (IBD) for Holbeach Hurn and this was amended in 1990. The appeal site falls wholly within the IBD boundary and all but 0.1 ha of the total appeal site area of about 2.3 ha was granted outline planning permission for residential development in 1988. Although this permission has since expired, the Council accept that it remains a material consideration since the basic planning policy framework is substantially unchanged.

7. However, in 1990 an appeal was dismissed in relation to a detailed application which sought to locate 55 dwellings on the current appeal site. It was considered that the addition of such a large estate to a village described as rambling, and with under 70 dwellings within it, would be unsympathetic and harmful to its character. As a consequence, the Council commissioned a village appraisal from a consultant planner. This study was subject to consultation with local residents, who had expressed concern at the substantial additional numbers of dwellings in prospect within the IBD. Consultation with the appellants followed and a further modification to the IBD was approved by the Council in March 1992.

8. The appraisal suggested that the visual character of Holbeach Hurn owes a great deal to the close relationship of village street spaces to the open countryside, large trees in proximity to domestic scale buildings and the overall low density of the village. It recommended acceptance of estate development on the appeal site. Despite suggested broad tracts of open space linking through from both undeveloped frontages of Marsh Road to Low Road, in order to maintain views along and across the site out into the surrounding countryside, it suggested a capacity for 35 dwellings. In broadly endorsing the appraisal, the Council added the caveat

that development of the appeal site needed to be in character with that of the existing settlement. Although the current statement of planning policies for Holbeach Hurn has only the status of Supplementary Planning Guidance, I consider that it should be accorded significant weight since it was approved after a process of public consultation.

9. For my part I accept the descriptions of the visual character of Holbeach Hurn set out in the village appraisal and also the previous inspector's description of the village as being rambling. Since the appeal site lies within the centre of the village, its development must inevitably consolidate the form of the settlement and to that extent alter its appearance. Moreover, to add 29 dwellings to the village must affect its character. Nevertheless, I accept the arguments advanced on behalf of the appellants that it would not be realistic to consider a density significantly below that now proposed, which is broadly that of the existing village. It was generally agreed between the parties that, provided there is a phasing scheme, then a development of between 25 and 35 dwellings would not be inappropriate.

10. For the Council, it was stressed that the reason that a further reduction by 3 or so dwellings had been sought, was not to pursue any arbitrary density concept, but rather to seek to retain the visual character of the settlement. It seems clear to me that the reason why it has not proved possible to agree on a layout for as many as 35 dwellings, despite the suggestions in the village appraisal, is because the appellants have chosen to seek a layout solely consisting of detached dwellings, rather than including any higher density terraced or semi-detached properties. The latter are by no means uncommon in Holbeach Hurn. The Council, nevertheless, do not object to the dwelling mix nor to the house designs. The point at issue appears solely whether there is sufficient coherence to the tracts of open space in the proposed layout, to maintain the close relationship with the countryside by retaining views through the development.

11. As far as the northern frontage to Marsh Road is concerned, in my judgement, at present the views across the site, whether from Marsh Road or Low Road, are somewhat limited as a result of the double hedge line to Marsh Road. While mature trees along the west side of Marsh Road can be seen in views from Low Road and those around the Old Vicarage in the reverse direction, there would still be glimpses of these trees over and between the proposed houses. Moreover, the new estate road could open up clearer views and the two pedestrian links would offer access not currently available. I can see no reason ,therefore, to withhold permission for the northern part of the proposed development in respect of its effect on the character or appearance of the village.

12. However, it was acknowledged that the large trees around the Parish Church are very much the visual focus of the village. Equally the views out into open countryside from the

general vicinity of the church, village hall and entrance to the recreation ground seem of the essence of the appraised character of the village. While the revised layout does provide, in effect, a village green at this point, I do not consider that simply to provide a further pedestrian link to Low Road, flanked by a modest extent of open space, is sufficient to retain the close interrelationship of the village centre and the surrounding countryside. The visual relationship would be essentially lost, but would be retained if the dwellings proposed on plots 3, 8 and 9 were to be omitted. I am not convinced that a gap broad enough to retain a vista of the countryside need be a particular problem in relation to wind funnelling, nor that a utilitarian barn need be placed in view in order to form such a visual link.

13. As it stands, I consider that the absence of a clear view through the southern end of the proposed development would be harmful to the character and appearance of Holbeach Hurn and, therefore, also contrary to the Development Plan and the development brief. I do not think that the imposition of conditions could simply overcome this concern. Inevitably there would be other consequential adjustment necessary to the scheme and indeed, given that it is accepted that there is some flexibility in the total numbers possible on the site, adjustments elsewhere might allow total numbers on the overall site to be maintained.

14. Turning to the highway concerns, I share the judgement of both parties that it is best to minimise vehicular access to Low Road, both to safeguard its unspoilt rural character and from a highway safety point of view, given its limited width and the restricted visibility at its northern end. I do not dissent, however, from the acceptance of 2 dwellings with access to Low Road adjoining the Old Chequers.

15. With regard to the 2 proposed new junctions to Marsh Road, the Highway Authority clearly demonstrated that the visibility as proposed at both, and particularly that nearest the church, would be significantly substandard in relation to the guidance of Planning Policy Guidance PPG13. Given the traffic flow recorded on Marsh Road, the Highway Authority were prepared to accept a minor road distance of only 2.4 m for up to 20 dwellings served off each access. If moved to the optimum locations on the two frontages, the northern access would have major road visibilities of 78 m (to the north) and 102 m (to the south) and the southern access, 82 m and 270 m respectively. In the interests of securing the development of the site, I accept that such distances can be considered acceptable, despite the deficiencies in visibility to the north which would remain, as compared to the 90 m recommended for a road subject to a 30 mph limit in PPG13.

16. Nevertheless, to achieve even these visibilities would require relocation of the access points from the positions shown on the layout drawing. The change in position of the southern access to the apex of the bend would require movement

by about 10 m and there might need to be some modest adjustments in the positions of buildings. It was conceded for the Council that traffic calming measures within the development could justify the absence of footways, which would help keep a rural character. Nevertheless, in order to provide margins for statutory services and useable turning heads, further adjustments in the layout and position of buildings were suggested. It was argued for the appellants that all these highway concerns could be dealt with by conditions. I do not consider that this would have been a very satisfactory way to seek to proceed, given that the appeal application is a fully detailed proposal. However, in view of my finding of material harm in relation to the effect on the character and appearance of the settlement sufficient to justify refusing permission, this aspect does not need to be considered further.

17. The evidence at the inquiry was that agreement in principle had been reached to deal with foul sewage by upgrading the local authority's private disposal works in the village and that the Internal Drainage Board would use their statutory powers should there be any difficulty with riparian owners in respect of upgrading watercourses to take surface water run-off. These matters could, therefore, reasonably have been dealt with by a Grampian-style condition. The offer on behalf of the appellants of a unilateral undertaking under Section 106, to meet the costs of such works, does not add significantly to a Grampian condition, since it would be expected that such costs would be borne by the developer. Even though drainage matters appear capable of resolution, this does not outweigh the harm identified in relation to the character and appearance of the village.

18. I have considered all other matters raised in evidence or in representations, including the advantage to Holbeach Hurn of further development to safeguard retention of facilities in the village. The appellants were supported at the inquiry in this argument by a local businessman. However, my reason for rejecting the appeal proposal does not mean that an acceptable development need be of a significantly different scale. In none of these matters do I find anything to lead me to depart from the conclusions reached in relation to the main issues.

19. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss appeal A, and refuse planning permission for the development described in paragraphs 1 and 3 above.

I am Sir
Your obedient Servant



PETER G ROBOTTOM MA(OXON) DipTP MRTPI MIMgt
Inspector

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APPEARANCES

FOR THE APPELLANTS

Mr A P Ledden	-	Solicitor, Nabarro Nathanson, 50 Stratton Street, London W1X 5FL.
He Called:	-	Mr K C Clement, former commercial director, Hey & Croft Ltd.
	-	Mr J S Anderson TD BA MSc PPRTPI ARIBA FRSA, Consultant Planner and Architect.

FOR THE LOCAL PLANNING AUTHORITY

Mr G Stephenson	-	of Counsel, instructed by Maples and Son, 23 New Road, Spalding, Lincs. PE11 1DH.
He Called:	-	Mr B Smith DipTP MRTPI, Director of Planning and Building Control Services, South Holland District Council.
	-	Mr C Briggs IENG AMICE FIHIE, Highways Development Officer, Lincolnshire County Council.

INTERESTED PERSON

Mr J Sharpe	-	Rose & Crown, Holbeach Hurn, Spalding, Lincs.

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DOCUMENTS

Document 1	-	List of persons present at the Inquiry.
Document 2	-	Letter of notification of the Inquiry.
Document 3	-	Responses to that letter.
Document 4	-	Confirmation of withdrawal of appeals B, C and D.
Document 5	-	Statement of case by appellants.
Document 6	-	Statement of case by the Council.
Document 7	-	Extract from Lincolnshire Structure Plan 1982.
Document 8	-	Extract from Lincolnshire Structure Plan Alteration No 1 1991.
Document 9	-	Decision Letter in respect of previous appeal dated 12 July 1990.
Documents 10/1-2	-	Village appraisal by K R Mehmed on behalf of South Holland DC and committee decisions thereon.
Document 11	-	Notes of meetings submitted by the Council.
Document 12	-	Committee consideration of the appeal applications.
Documents 13/1-8	-	Bundles of supporting correspondence and information submitted by the Council.
Document 14/1-12	-	Appendices to evidence on behalf of the Highway Authority.
Document 15	-	Correspondence submitted by Mr Anderson.
Documents 16/1-3	-	Correspondence submitted by Mr Clement.
Document 17	-	Schedule of suggested conditions.
Document 18	-	Unilateral undertaking put forward on behalf of the appellants.

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PLANS

Plans A/1-12 - Original application drawings for Appeal A.

Plan B - Revised layout drawing Ref No 228.1D for 29 dwellings for Appeal A.

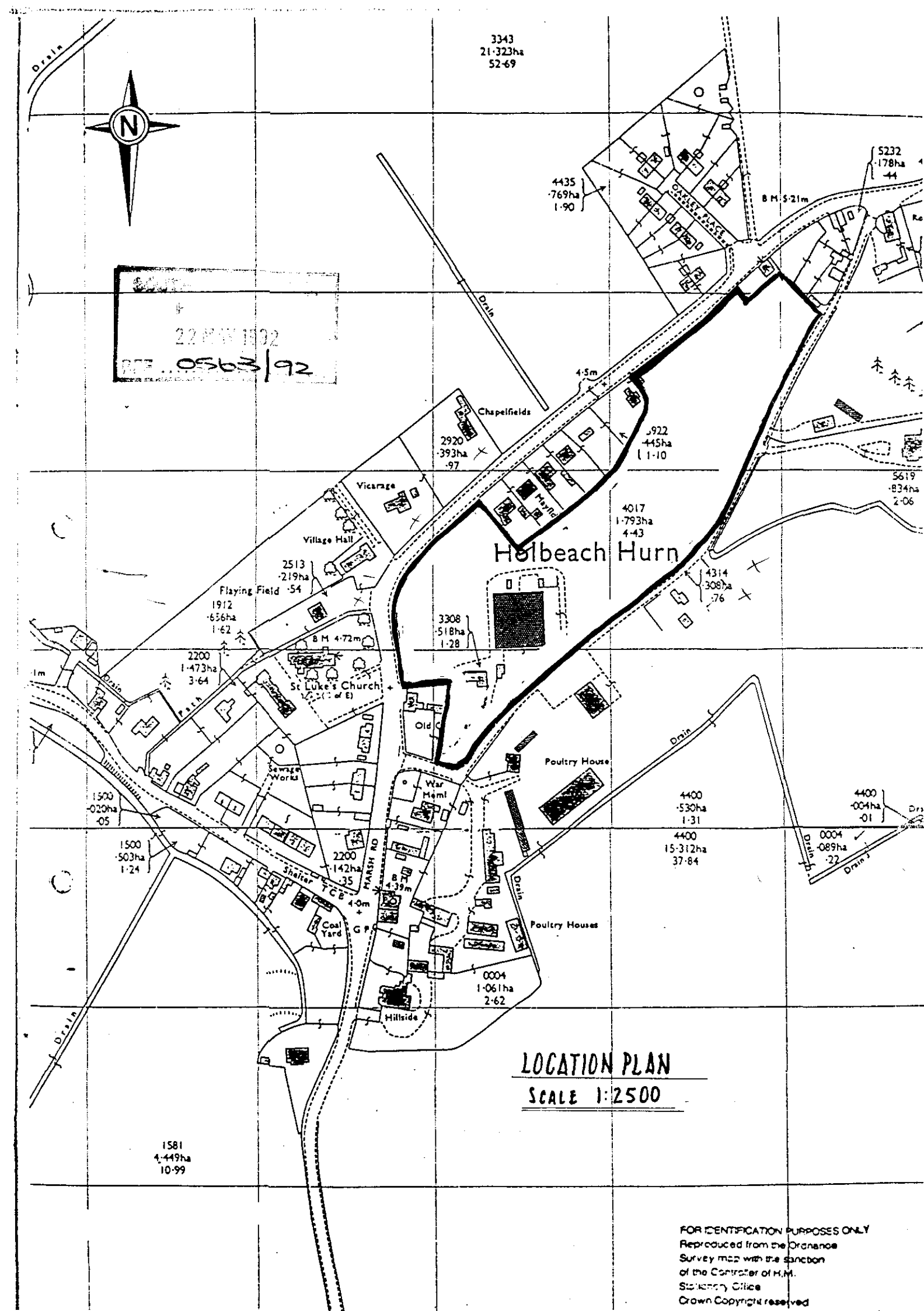
Plan C - Location plan.

Plans D/1-5 - Plans showing the Interim Development Boundary for Holbeach Hurn, the 1990 amendment, the current situation following the village appraisal and the layouts for 35 and 29 dwellings related to the IBD.

Plans E/1-3 - Highway Authority plans of required modifications to access points (See Documents 14/9 and 14/11) and actual visibility at proposed southern access point (see Document 14/10).

PHOTOGRAPHS

Photographs 1-5 - Photographs provided by the Highway Authority of Marsh Road, Low Road and the access points (See Documents 14/4, 14/6, 14/9, 14/10 and 14/11).


3343
21·323ha
52·69
Drain
N
4435
·769ha
1·90
GARLEY PLACE
B M 5·21m
5232
·178ha
·44
Drain
4·5m
Chapelfields
2920
·393ha
·97
·922
·445ha
1·10
Vicarage
Village Hall
Mayfield
4017
1·793ha
4·43
Holbeach Hurn
5619
·834ha
2·06
2513
·219ha
Flaying Field ·54
1912
·656ha
1·62
4314
·308ha
·76
3308
·518ha
1·28
B M 4·72m
2200
1·473ha
3·64
St Luke's Church
Old
Path
Drain
Sewage Works
War Mem'l
Poultry House
Drain
1500
·020ha
·05
4400
·530ha
1·31
4400
·004ha
·01
4400
15·312ha
37·84
0004
·089ha
·22
1500
·503ha
1·24
2200
·142ha
·35
MARSH RD
B M 4·39m
Shelter
T C B
4·0m
Coal Yard
G P
Poultry Houses
Drain
0004
1·061ha
2·62
Hillside
Drain
LOCATION PLAN
SCALE 1:2500
1581
4·449ha
10·99
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