

DECISION DELEGATED TO HEAD OF PLANNING

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Application No: H11-0487-22 Applicant: Mr K Bunn
Proposal: Proposed Dwelling
Location: Browns Gate Long Sutton Spalding
Terminal Date: 20th July 2022

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
05	Meeting Physical Infrastructure and Service Needs
11	Distribution of New Housing

National Guidance

National Planning Policy Framework 2021

Section 2 - Achieving sustainable development
Section 5 - Delivering a sufficient supply of homes
Section 12 = Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	1	0	0	0
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	1	0	0	0
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Outline Planning permission is sought with all matters reserved.

The application is accompanied by:

- Design and Access Statement
- Flood Risk Assessment

Site Description

The site comprises a rectangular shaped plot of level agricultural land 0.25ha.in area The site lies in the countryside as defined on the Local Plan proposals map.

The site fronts onto and is accessed from Browns Gate, a minor rural lane running south east to north west and lies to the south of the A17 which in turn lies to the south of Long Sutton, a Main Service Centre.

The site lies at the southern extremity of a cluster of ribbon development, described in the accompanying Design and Access Statement as a hamlet, that straddles part of Browns Gate and the B1390 St James Road. The site is bordered to the north west by the curtilage of a bungalow which defines the southern limit of ribbon development on this side of Browns Gate. The land is unenclosed to the south-west and south-east, while the north-eastern boundary of the site adjoining Browns Gate is defined by a recently erected post and rail timber fence.

The site and surrounding area is not subject to any special constraints or designations. It does however lie within Flood Zone 3 as identified on Environment Agency flood mapping.

History

There is no relevant planning history associated with the site and the proposal has not been subject to pre-application discussion.

The following applications for residential development in the locality can be considered material, although they pre-date the 2019 Local Plan.

H11-100-15 Refused - Erection of 4 dwellings Adjacent to 6 St James Road.

Note: The application was refused having regard to a) countryside location; and b) Highway safety (for pedestrians)

H11 -0936-18 Approved - Erection of 6 AH units - Junction of Browns Gate with St James Road

Note: The application was approved having regard to the 'exception test' for affordable housing.

Consultation Responses

Long Sutton Parish Council

Objects to this application on the grounds that it would be outside of the planning boundary and in line with the SELLP there should not be any increase in dwellings in this area. The potential for further development linking to St James Road is also raised, should this site be developed. The Parish Council also advise that similar proposals for development in the vicinity of this location have until recently been refused. Reference is made to Old Gate, a residential cul-de-sac off St James Road to the north of the site.

Lincolnshire County Council as Highway Authority and Lead Local Flood Authority

Request that the application be refused due to:

'The proposed dwelling is outside of the Long Sutton settlement boundary but close enough to the settlement for it to be reasonable to expect that future residents of the property would want to access the facilities and services and visit other residents within Long Sutton on foot. The existing footway network does not however extend as far as the Application Site and those residents and any visitors would therefore have to share the un-lit carriageway of Brown's Gate with vehicles, where they would be at risk of injury. The Application therefore fails to meet the objectives of

paragraph 110 of the National Planning Policy Framework document of ensuring that safe and suitable access to the site can be achieved for all users'.

Environment Agency

Draws attention to SE Lincolnshire Strategic Flood Assessment Standing Advice Note (Appendix C, Cell D8). The advice note does not seek to control or mitigate residential development of this scale. Accordingly there is no objection on strategic flood risk grounds.

South Holland Internal Drainage Board

Advises that Drainage Consent would be required and has provided advisory relating to the need for compliance with: Bylaw 3 relating to Discharge of water to a watercourse (treated foul or surface water); and has recommended site investigation to ascertain SUDS related filtration capacity.

BJPlanning Considerations

The Local Plan Strategic Priorities section sets out the need to deliver sustainable development that meets the social and economic needs of the area, whilst protecting and enhancing the environment; to provide enough choice of land for housing to satisfy local housing need, whilst making more sustainable use of land to minimise the loss of high quality agricultural land by developing in sustainable locations and at appropriate densities.

Policy 1 of the Local Plan sets out the hierarchy for the location of residential development recognizing that the countryside of South East Lincolnshire is a precious resource and that development should only be allowed, within the settlements or on sites allocated for development in the Local Plan, other than under exceptional circumstances. Accordingly, development will only be permitted in the countryside that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.

The principle consideration in this instance relates to the principal of development in the countryside outside of a settlement boundary. In such locations, permissible residential development is limited to the provision of replacement dwellings, dwellings converted from redundant rural buildings or affordable homes on 'Rural Exception Sites'.

The site does not provide an opportunity for infill development in an existing frontage but rather represents an incursion into open countryside, that would result in the extension of the existing pattern of ribbon development deeper into the countryside. There are no local circumstances which indicate in favour of development.

Para 11 of the NPPF states that planning decisions should apply a presumption in favour of sustainable development and that development proposals that accord with the provisions of the development plan should be approved without delay. In this instance the Development Plan is up to date, the proposal is contrary to Policy 1 of the SELLP and it therefore considered that the adverse effects of granting permission would significantly and demonstrably outweigh the benefits.

Permission is sought for residential development in an unsustainable location, contrary to Policy 1 of the Local Plan 2019. On such basis planning permission should be refused.

The Highway Authority has objected on the grounds that the site lies outside of the settlement boundary and has expressed concern that the footpath network does not extend as far as the application site. Note: the nearest footpath providing meaningful connectivity is located 80m to the north and serves a terrace of housing extending northwards from No 12 Browns Gate. Their central concern is that the site is not served by a footway independent from the carriageway and that pedestrians visiting the site would be vulnerable and exposed to passing traffic. On such basis the Highway Authority has requested that the application be refused as it would be contrary to the provisions of Para 110 of the NPPF.

Conclusion

The proposal is for residential development in the countryside. Such forms of development are unsustainable by definition and contrary to the provisions both of the Local Plan and of National Policy which seek to direct residential development to more sustainable locations and by so doing protect the countryside from harmful and inappropriate development. No special circumstances have been submitted to justify development in this location, and given that the Council can

demonstrate a housing land supply far in excess of the 5 year threshold, there are no grounds on the basis of housing need to support development in this location.

In addition the proposal would conflict with Para 110(a) of the NPPF 2021 which seeks to ensure that safe and suitable access to the site can be provided for all users.

On such basis the proposal would conflict with the provisions of the development plan for South East Lincolnshire and with national policy and planning permission should be refused.

Additional Considerations - Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is considered that the recommendation in this case will not have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is considered that the recommendation in this case would not interfere with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.