Beacon Council 2003-2004 Supporting the Rural Economy

SOUTH HOLLAND DISTRICT COUNCIL

Council Offices
Priory Road
Spalding
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Town and Country Planning Act 1990

Refusal of Planning Permission

Reference: H11/0629/03 Received: 19-MAY-03 Type: OUTLINE

Name: Mr & Mrs D Pearson
35 Little London
Long Sutton
Spalding
Lincs

Agent: Mr & Mrs D Pearson
35 Little London
Long Sutton
Spalding
Lincs

Description: Erection of a dwelling (siting and means of access included)

Location : Rear of 35 Little London Long Sutton

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

1 The proposal to construct a dwelling on this small backland site would result in a cramped form of development that would not be in keeping with the general character of the area. The proposal would also result in a new vehicular and pedestrian access being constructed close to the dwellings either side and without provision for vehicles to turn within the application site. This arrangement would be harmful to the amenities of those living nearby by reason of noise and disturbance from the coming and going of vehicles and to highway safety. For these reasons the proposal would be contrary to Policy E1 of the adopted South Holland District Local Plan.

2 The proposal is contrary to Policy H2 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;
- deliver a more sustainable pattern of development in line with Planning Policy Guidance Note No. 3 'Housing' (PPG 3).
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.
Regional Planning Guidance Note for the East Midlands No. 8, which has been finalised since the publication of the Draft Local Plan, further reduces the strategic housing requirement for Lincolnshire and this reinforces the need to address over-supply, particularly whilst the Council is

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preparing the new Local Plan.
The proposed development would, if permitted, add to the supply of housing land on small sites which would make it difficult for the Local Planning Authority to resist the grant of permission on other small sites thoughout South Holland District. Granting permission would have a cumulative effect which would prejudice the preparation of the emerging Local Plan and the achievement of its aims. It would also prejudice the Council in delivering a sustainable pattern of development in line with Planning Policy Guidance Note No. 3 'Housing'.

Note(s):

The determined plans are:
Site location plan (Scale 1:2500), received 19 May 2003.
Amended block plan (scale 1:250), received 24 November 2003.

The Environment Agency has objected to the proposal given the absence of a flood risk assessment under the provisions of Planning Policy Guidance Note No. 25 "Development and Flood Risk", July 2001. In the event that you wish to take the proposal further or re-submit a similar application you are advised to carry out such an assessment. If you require further advice on this matter please contact the Environment Agency (Planning Liaison Officer tel: 01522 785896).

Head of Planning & Development
09 JAN 2004 H11/0629/03

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 H11/0629/03 Received: 19-MAY-03 Type: OUTLINE

Name: Mr & Mrs D Pearson
35 Little London
Long Sutton
Spalding
Lincs

Agent: Mr & Mrs D Pearson
35 Little London
Long Sutton
Spalding
Lincs

Description: Erection of a dwelling (siting and means of access included)

Location : Rear of 35 Little London Long Sutton

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

1 The proposal to construct a dwelling on this small backland site would result in a cramped form of development that would not be in keeping with the general character of the area. The proposal would also result in a new vehicular and pedestrian access being constructed close to the dwellings either side and without provision for vehicles to turn within the application site. This arrangement would be harmful to the amenities of those living nearby by reason of noise and disturbance from the coming and going of vehicles and to highway safety. For these reasons the proposal would be contrary to Policy E1 of the adopted South Holland District Local Plan.

2 The proposal is contrary to Policy H2 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;
- deliver a more sustainable pattern of development in line with Planning Policy Guidance Note No. 3 'Housing' (PPG 3).
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.
Regional Planning Guidance Note for the East Midlands No. 8, which has been finalised since the publication of the Draft Local Plan, further reduces the strategic housing requirement for Lincolnshire and this reinforces the need to address over-supply, particularly whilst the Council is preparing the new Local Plan.

The proposed development would, if permitted, add to the supply of housing land on small sites which would make it difficult for the Local Planning Authority to resist the grant of permission on other small sites thoughout South Holland District. Granting permission would have a cumulative effect which would prejudice the preparation of the emerging Local Plan and the achievement of its aims. It would also prejudice the Council in delivering a sustainable pattern of development in line with Planning Policy Guidance Note No. 3 'Housing'.

Note(s):

The Environment Agency has objected to the proposal given the absence of a flood risk assessment under the provisions of Planning Policy Guidance Note No. 25 "Development and Flood Risk", July 2001. In the event that you wish to take the proposal further or re-submit a similar application you are advised to carry out such an assessment. If you require further advice on this matter please contact the Environment Agency (Planning Liaison Officer tel: 01522 785896).

The determined plans are:
Site location plan (Scale 1:2500), received 19 May 2003.
Amended block plan (scale 1:250), received 24 November 2003.

Director of Customer Services
07 JAN 2004

H11/0629/03

Appeal Decision

Site visit made on 11 January 2005

By Sarah Colebourne MA, 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

24 FEB 2005

Appeal Ref: APP/A2525/A/04/1154345
Rear of 35 Little London, Long Sutton, PE12 9LE

- 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 Mr and Mrs D Pearson against the decision of South Holland District Council.
- The application (Ref.H11/0629/03), dated 11 January 2003, was refused by notice dated 9 January 2004.
- The development proposed is residential development.

Summary of Decision: The appeal is dismissed.

Procedural Matters

1. The application includes the means of access with siting, design, external appearance and landscaping reserved. However, I have noted that the amended block plan received by the Council on 24 November 2003 which formed the determined plan also includes the siting of the proposed dwelling. I have therefore dealt with the appeal on the basis of this plan, to include the means of access and the siting of the proposed dwelling. The appellants have submitted a further plan showing two alternative options A and B for siting. However, I have been unable to consider options A and B as these did not form part of the determined application.

Main Issues

2. I consider the main issues are:-

   - the effect of the proposal on the supply of housing land in this part of South Holland district.
   - the effect of the proposed dwelling on the character and appearance of the area.
   - the effect of the proposed dwelling on the living conditions of neighbouring residents with reference to noise and disturbance.
   - the effect of the proposed access on highway safety.

Planning Policy

3. The Regional Planning Guidance Note for the East Midlands No 8 (RPG8) was published in 2002 and now forms part of the development plan under the provisions of the Planning and Compulsory Purchase Act 2004. It is now known as the Regional Spatial Strategy (RSS). The RSS reduces the strategic housing requirement for Lincolnshire.

4. The development plan also includes the Lincolnshire Structure Plan, adopted in 2006, which includes policies 9 and 10 concerning housing land provision in the district.

5. The development plan also includes the South Holland District Local Plan (LP) adopted 1998. Policy E1 of the adopted LP sets out the criteria against which all development proposals are to be assessed. Policy H1 states that most new housing development shall take place within the towns.

6. The First Deposit Draft LP 2001 includes policy H2 which seeks to permit development within four settlements, of which Long Sutton is one, only for land which currently has planning permission. The status of this document is unclear to me and I shall therefore accord it limited weight.

7. I have made further reference to the government's advice in Planning Policy Guidance Note (PPG) 3 *'Housing'*.

Reasons

Housing land.

8. The Council claims that there is sufficient housing land in the district with planning permission to provide about 5.5 years supply, based upon the requirement for Lincolnshire in the RSS. It claims that on the basis of the land availability position at September 2003, 70% of all housing development will take place outside the main town of Spalding. The Council's Urban Capacity Study 2003 shows that there is potential for about 100 dwellings in the four main villages, including Long Sutton, together with an estimated further 280 dwellings in other villages. These figures, in my view, support the Council's view that further residential development in Long Sutton such as the proposed development would not be needed as it could lead to a significant over supply of housing land in this part of South Holland district. I consider its stance is justified and in accordance with the development plan and with the 'plan, monitor and manage' approach advocated by PPG3.

9. The Council is concerned that if the appeal were allowed it would set a precedent which would have a cumulative effect in undermining the Council's housing strategy. The Appellants have referred to other developments elsewhere in the district which have been approved since the LP was introduced. However, I do not know the background of those developments and in any case each application and appeal should be treated on its own merits and on the basis of the relevant policies and any other material considerations at that time.

10. I have noted the Appellants reference to the availability of services within walking distance of the appeal site but find that this does not outweigh my conclusions on this matter. I have also noted the Appellants claim that the site would fall into the category of affordable housing but have been provided with no evidence in support of this which would outweigh my conclusions.

11. For the reasons stated above I conclude that the proposed development could result in a precedent which could lead to a significant over supply of housing land in this part of South Holland district and would also be contrary to the adopted development plan in respect of the provisions of the RSS. I conclude also that it would prejudice the preparation of the emerging LP.

Character and appearance.

12. Policy E1 of the adopted LP states that, amongst other things, new development should fit in with the general character of the area. The appeal site is located in an area which includes dwellings of different ages and styles. It is situated to the side and rear of 35 Little London, a detached two storey property and adjacent to 29 Little London, an end of terrace, two storey property.

13. At my site visit I saw no evidence of other backland development in the immediate area. The proposed development would be seen from the highway and in my view would appear incongruous amongst the neighbouring properties which are set closer to the highway.

14. The appeal site currently forms the rear garden and part of the side garden to no 35. The proposed development would greatly reduce the size of garden to both no 35 and the proposed dwelling. I noted at my site visit that most gardens in the area are quite spacious and consider therefore that the proposal would be in contrast to this. In my opinion, the proposed development would result in an unacceptable level of private amenity space for the occupiers of both no 35 and of the proposed dwelling. For these reasons I conclude that the proposed development would harm the character and appearance of the area, contrary to policy E1 of the adopted LP.

Neighbours' living conditions.

15. Policy E1 of the adopted LP states that, amongst other things, new development should maintain the amenities of other adjacent land users and residents, existing and future. No 35 has a number of ground and first floor windows in its side elevation which would face the proposed access. These windows are in close proximity to the proposed access and this is one of only two elevations containing habitable room windows in the property. Moreover the existing residents at no 35 would have no control over passing vehicles to and from the proposed development. I therefore consider that there would be an unacceptable degree of noise and disturbance to the occupiers of that property from vehicles using the proposed access.

16. No 29 has a door in its side elevation facing the proposed access. The plans indicate that a hedge would be removed between the proposed access and no 29 and replaced with a fence. I consider that a condition requiring suitable boundary treatment would enforce this and could help retain the privacy of no 29. For these reasons, in my view the proposed access would not cause significant harm to the living conditions of the residents of this property.

17. I conclude that, notwithstanding my view on the effect on no 29, the proposed development would adversely affect the living conditions of the residents of no 35 in terms of noise and disturbance, contrary to policy E1 of the adopted LP.

Highway safety.

18. Policy E1 of the adopted LP states that, amongst other things, new development should be acceptable in terms of road safety in the surrounding area. There is an existing access within the curtilage of, and which serves, no 35. The appeal site has no existing access. The proposal includes the creation of a new access within the appeal site adjacent to the existing one which serves no 35. The highways authority has requested that a turning area is provided within the site in order that vehicles can leave and enter the highway in forward gear.

19. The width of the proposed access at 3.6m and the restricted size of the site, appear to me to be insufficient to provide an adequate turning area within the site. This would result in vehicles reversing from the proposed access into the road. In addition, the garden of no 35 would be reduced which would result in limited space for the provision of a turning area there and consequently the likelihood of vehicles leaving and entering that property in reverse gear. I noted at the time of my visit that the road was relatively heavily trafficked. Therefore any vehicle reversing from, or to, either the existing or the proposed properties would be likely to impede the free flow of traffic.

20. The Appellants have referred to other developments elsewhere in the district which do not include turning areas. However, I do not know the background to these developments and in any case each application and appeal must be decided on its own merits. Therefore, for the reasons stated above, I conclude that the proposed development would have an adverse effect on highway safety, contrary to policy E1 of the adopted LP.

Conclusions

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

Formal Decision

22. I dismiss the appeal.

J. Coleborne

INSPECTOR