The Planning Inspectorate

Appeal Decision

Site visit made on 7 July 2020

by Peter Mark Sturgess BSc (Hons), MBA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: Friday, 21 August 2020

Appeal Ref: APP/A2525/W/20/3252869
Land at Seagate Road, Long Sutton, Lincolnshire, PE12 9AD

- 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 and Mrs Smith against the decision of South Holland District Council.
- The application Ref H 11-1113-19, dated 14 November 2019, was refused by notice dated 8 April 2020.
- The development proposed is new build house on land at Seagate Road.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:- 1) the effect of the proposed dwelling on the character and appearance of the countryside; 2) the suitability of the site for a dwelling in respect of access to day to day services; 3) its effect on the setting of Seagate Hall, a Grade II listed building; 4) flood risk

Reasons

Character and appearance of the area

3. The site lies in a countryside location away from the main area of the settlement of Long Sutton. It is surrounded by a mixture of uses including houses, farmland and industry. It is physically disconnected from Long Sutton by the A17, a busy strategic route, and areas of open farmland. The overall character of the appeal site is predominantly open countryside.

4. The proposal would introduce a large dwelling on to vacant land alongside Seagate Road. It would restrict views into the open countryside from Seagate Road, erode the sense of openness in the area and assist in urbanising a part of Seagate Road, which currently has an open and rural character.

5. I therefore conclude that the proposal would have a harmful effect on the character and appearance of the countryside in this location and would therefore conflict with Policies 2 and 3 of the South East Lincolnshire Local Plan 2011-2036, March 2019 (SELLP) which seek, amongst other things, to protect and improve the character of the countryside of South East Lincolnshire.

Access to services

6. The proposal would be disconnected from Long Sutton by open countryside and the busy A17. Whilst not physically isolated from other buildings, would be situated away from local services in a countryside location. The location of the proposed dwelling is not within any of the areas to which the SELLP seeks to direct new development. It is outside the development boundary of Long Sutton, where the provision of new development is limited to that which is necessary to a countryside location or meets the development needs of an area in terms of economic, community or environmental benefit. No evidence has been supplied to demonstrate that it would require a countryside location or that it meets the development needs of the area in terms of economic, community or environmental benefit as required by the SELLP.

7. The distance to Long Sutton, the absence of well-lit footways and the presence of the busy A17, would make access to the town difficult without the use of a private car. I note there is a bus route within 6 minutes walking distance of the site on the A17. However, given the volume of traffic on the A17 and its east/west routing I doubt whether this would provide easy access to Long Sutton for the day to day needs of the occupants of the proposed dwelling. Access to the town would also be restricted by either walking or cycling given the presence of the busy A17 and the lack of dedicated walkways or cycle tracks along the roads.

8. I therefore conclude that the proposal would be in an open countryside location away from the main service centres of the area and would not required to be located in a countryside location, nor does would it meet the development needs of the area, in terms of economic, community or environmental benefits. It would therefore conflict with Policy 1 of the SELLP.

Effect on the setting of Seagate Hall

9. On the opposite side of the road to the appeal site are the grounds of Seagate Hall. Seagate Hall itself is an eighteenth/nineteenth century Grade II listed house, which was once the Long Sutton Vicarage. Its principal façade and gardens are remote from the appeal site and separated from it by other uses and buildings. It is located on Vicarage Lane and is some distance from the appeal site.

10. The Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on decision takers, amongst other things, to have special regard to the desirability of preserving the building or its setting. I have assessed the appeal proposal in terms of its effect on Seagate Hall and find that it would cause no harm to the heritage asset itself or to its setting. Given the distance between the appeal proposal and Seagate Hall, the intervening uses and buildings, I therefore find that the setting of the listed building would be preserved by the appeal proposal.

Flood risk

11. The appeal site is located in Flood Zone 3. Policy 4 of the SELLP deals with the approach to be taken to flood risk in the plan area. It seeks to permit development in Flood Zones 2 and 3 where certain circumstances apply. In particular it requires that the Framework's sequential test is applied to development in these areas unless there is a specific need for the development

in that location. It also sets out that the sequential test will be applied on a District wide search area. The proposed development would also need to demonstrate that the vulnerability of the proposed development is compatible with the Flood Zone within which it is located.

12. The Flood Risk Assessment (FRA) supplied by the appellant has applied a sequential test with an area of search which appears to relate to the area to the south side of Long Sutton and not to the District as a whole as required by Policy 4. It is clear from the evidence supplied by the Council, in particular the South Holland District housing land supply assessment, that there are sites for housing available elsewhere within the District. The proposal therefore fails the sequential test as there are other sites available for the proposed use in the District that are at a lower risk of flooding.

13. The appellants' FRA sets out the risks to the proposal from flooding and refers to climate change. This is required by Policy 4. However, Policy 4 also requires the proposal's vulnerability to be compatible with the flood risk zone within which it is located. As it is located in Flood Zone 3 it is assessed as being 'more vulnerable' and is only, at best, compatible with Flood Zone 3 if it passes the exception test. The exception test, set out in the Framework, requires, amongst other things, that the development would provide wider sustainable benefits to the community that outweigh the flood risk. The proposal is for a large family house some distance from the settlement of Long Sutton and other services within the District. Given the site's proposed use and its proximity to the services offered in the community, I do not consider that the proposal would provide, wider sustainability benefits to the community that outweigh the flood risk. It therefore fails the sequential test. The proposal is therefore in conflict with Policy 4 of the SELLP.

Other Matters

14. I have had regard to the personal circumstances of the appellant's. However, I find that the impact of the proposed dwelling on the character and appearance of the area would persist after the personal circumstances of the appellant's for a dwelling of this size and style have ended. I therefore give the appellant's personal circumstances little weight in the determination of this appeal.

15. In terms of the compliance of the proposal with paragraph 79(e) of the Framework, I do not consider the proposal to be in an isolated location as it is next to other buildings and uses. Therefore, this part of the Framework does not apply to this proposal.

16. Notwithstanding the proposed dwelling's location, the design, whilst being strikingly unconventional and environmentally conscious, would not enhance its immediate setting nor would it be sensitive to the defining characteristics of the local area as it would diminish the area's open and rural character. Therefore, whilst it is of some quality, it is not appropriate to this countryside location, as set out above.

17. I note that the Environment Agency has not objected to the proposal, however it is for the Council to decide whether to consider the extent to which sequential test considerations have been satisfied and that they are satisfied that in all cases the development would be safe. I have set out in paragraphs 11, 12 and 13 of this decision my assessment of the flood risk at the appeal site and to the appeal proposal.

18. I note that the appellants' appeared to receive positive pre-application advice from the Council. However, pre-application advice is not binding upon the Council and in any case, I have looked at this proposal afresh taking account of the evidence supplied by the parties.

19. Where a 5-year supply of deliverable housing sites cannot be demonstrated this can be a reason for finding a local plan out of date for the purposes of the Framework. However, the SELLP is a recent local plan, and it has been demonstrated that the area has a supply of deliverable housing sites well in excess of 5-years. Therefore, and whilst the proposal would make a small contribution to housing land supply in the SELLP area, I do not consider that this outweighs the conflict with the policies I have identified.

Conclusion

20. I find that, having regard to all matters before me, including the policies of the development plan, when read as a whole, the appeal should be dismissed.

Peter Mark Sturgess

INSPECTOR