The Planning Inspectorate

Appeal Decision

Site visit made on 15 March 2019

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 02 April 2019

Appeal Ref: APP/A2525/W/18/3212261
Land west of Fengate, Moulton Chapel, Spalding PE12 0QA

- 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 & Mrs Leon Smith against the decision of South Holland District Council.
- The application Ref H13-0459-18, dated 13 May 2018, was refused by notice dated 28 June 2018.
- The development proposed is detached dwelling with attached garage.

Decision

1. The appeal is dismissed

Procedural Matter

2. I note that the South East Lincolnshire Local Plan 2011-2036 Adopted March 2019 (LP) has been adopted since the Council's decision notice was issued. I have therefore made my determination having regard to the LP rather than the former development plan policies cited in the Council's reasons for refusal of planning permission. The main parties have been given an opportunity to comment on the LP, and the responses have been taken into account in my assessment.

Main Issues

3. The main issues are:

   - the effect of the proposed development on the character and appearance of the area; and
   - whether the proposed development would provide a suitable location for housing, having particular regard to accessibility of services and facilities.

Reasons

Character and appearance

4. The proposed development would consist of a detached dwelling and attached garage that would be located on land that is an open field. While the appeal site is adjacent to a number of dwellings which were under construction at the time of the site visit, given that it is an open field bound on two sides by open countryside, the site more closely relates to the open countryside than with the ribbon of built development along Fengate. Although the site is not subject to any local or national designations, given its open, undeveloped nature the

appeal site reads as part of the wider pleasant countryside, which provides an attractive setting for the village.

5. While the form and materials of the proposed building would be generally in keeping with the adjacent dwellings, the proposed development would include new built development, significant areas of hardstanding and domestic gardens that would substantially alter the landscape character of the site and extend the built-up area of Moulton Chapel into the countryside. I note that there is a dwelling on the opposite side of the highway to the appeal site, and another some distance to the north of the site. However, since these properties are separated from Moulton Chapel by open fields, they are visually detached from the village and read as part of the countryside rather than part of the settlement. Consequently, given the strong relationship of the appeal site with the open countryside, the proposed development would be a discordant intrusion into the open countryside.

6. For the reasons given above the proposed development would harm the character and appearance of the area and would conflict with LP Policies 2 and 3 which seek that considerations including the effect on the character and appearance of the area are met. It would also conflict with paragraph 127 of the National Planning Policy Framework which requires developments to be sympathetic to local character.

Local housing

7. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The appeal site is located outside of Moulton Chapel Settlement Boundary (MCSB) and for the purposes of the LP, the appeal site lies within the Countryside.

8. LP Policy 1 directs developments within settlement boundaries and states that development in the Countryside will be permitted 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 proposal is for new market housing, and given the evidence before me, there is no sufficient justification for housing of this type in this location. Consequently, the proposal would conflict with LP Policy 1.

9. There are a limited number of services in Moulton Chapel including a primary school and two public houses. However, the range of services and facilities available in the village are insufficient to meet the day to day needs of its residents. In addition, the nearest settlements such as Moulton and Cowbit that offer a wider range of services and facilities are not within a reasonable walking or cycling distance of the appeal site. I acknowledge the IHT Guidelines for Providing Journeys on Foot, however there is limited further information before me and therefore I attribute it limited weight.

10. I note that there are several bus services that run from a bus stop within reasonable walking distance of the appeal site including the CallConnect service. However, given the limited services and facilities in Moulton Chapel, from the evidence before me, the bus service would be unlikely to remove entirely the reliance on private vehicles for daily requirements. I acknowledge that opportunities vary between urban and rural areas, nevertheless, there

would still be negative environmental effects arising from the location in terms of the accessibility of local services.

11. Consequently, the proposed development would not provide a suitable location for housing, having particular regard to accessibility of services and facilities. It would not accord with LP Policy 1 which directs developments within settlement boundaries or with LP Policy 11 which directs new housing to allocated sites within settlement boundaries. It would also conflict with the Framework in terms of environmental sustainability and sustainable transport.

12. The proposal would not conflict with LP Policy 10 which concerns assessed housing requirements. LP Policy 4 relates to flooding and is not directly relevant to this case.

Other Matters

13. I note the Inspectors comments for appeal decisions for cases in Cowbit, Weston Hills and Deeping St Nicholas. Although the sites in those cases may have been outside of settlement boundaries, given that they are in different locations to the appeal site and were determined under a different development plan, they do not provide direct comparisons to the appeal proposal. In any event, further details are not before me and each case must be determined on its own individual merits.

14. While I acknowledge paragraph 68 of the Framework which places importance on small and medium sized sites, given that the appeal proposal would be located outside of the MCSB and would conflict with the development plan, this has not altered my decision.

15. I acknowledge the dwellings under construction adjacent to the appeal site, and the various planning application consents noted by the appellant. However, from the evidence before me, these developments were approved under the previous development plan and the sites at Roman Road appear to be allocated for housing under the LP. In any event, further details are not before me and each case must be determined on its own individual merits.

16. While the appellant has noted that the proposed dwelling would be for a local rural worker, given the dwellings adjacent to the appeal site, the proposed dwelling would not be isolated and the circumstances in paragraph 79 of the Framework would not apply.

17. I acknowledge the concerns regarding the consistency of the service provided by the Council. However, this is a matter between the appellant and the Council, and in this instance I have limited my consideration to the planning matters before me.

Planning Balance

18. The main parties dispute whether the Council can demonstrate a 5 year housing land supply. Taking the appellant's best position as a benchmark, the adverse impacts of the development as outlined above would significantly and demonstrably outweigh the benefits. The primary reasons for this are the harm to the character and appearance of the area and that the proposed development would not provide a suitable location for housing, having particular regard to accessibility of services and facilities. The Framework places emphasis on good design being a key aspect of sustainable

development and requires that developments are sympathetic to local character. Consequently, the proposed development would also conflict with the Framework in this regard.

19. While there may be temporary economic benefits during the construction phase and future occupiers may contribute to the local economy and community, given that the proposal is for 1 dwelling only and would provide limited contribution to the housing supply, the benefit in this regard is limited.

Conclusion

20. For the reasons given above, the appeal is dismissed.

R Sabu

INSPECTOR