The Planning Inspectorate

Appeal Decision

Site visit made on 22 May 2016

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 8th June 2017

Appeal Ref: APP/A2525/W/17/3167257
Land adjacent 21 and 29 River Lane, Moulton

- 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 A Rawlings against the decision of South Holland District Council.
- The application Ref H13-1053-16, dated 14 October 2016, was refused by notice dated 30 November 2016.
- The development proposed is residential development.

Decision

1. The appeal is allowed and planning permission is granted for residential development at land adjacent 21 and 29 River Lane, Moulton in accordance with the terms of the application, Ref H13-1053-16, dated 14 October 2016, subject to the following conditions:

    1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

    2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.

    3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

    4) The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (dated October 2016).

Procedural Matters

2. The application is in outline, with all matters reserved. An indicative plan showing how the site would accommodate a single dwelling was submitted as part of the application and I have had regard to this in determining the appeal.

3. I have also dealt with another appeal by the same appellants (reference APP/A2525/W/17/3167273) which is adjacent to this site. That appeal is the subject of a separate decision.

4. Reference is made to the Draft South East Lincolnshire Local Plan, however, as far as I am aware this remains un-examined and un-adopted and thus the weight I can attach to this is limited.

Main Issue

5. The main issue is whether the appeal proposal could be considered to be sustainable development having regard to the location of development beyond the defined settlement boundary and its effect upon the character and appearance of the area.

Reasons

6. The appeal site comprises part of an open grassed field. It is located behind a site fronting River Lane which has consent for the construction of 2 dwellings (ref H13-0684-16). From the details provided, it is understood that this application was also approved in outline with all matters reserved.

7. The site is located outside of the defined village boundary as set out in the South Holland Local Plan 2006 (LP) and considered to be in the countryside. In this regard the proposal would be contrary to the aims of saved Policy SG2 and SG4 of the LP which seek to avoid development within the open countryside.

8. However, the appeal site is within a residential area where there are a number of residential dwellings. While River Lane is separated from the centre of Moulton by the A151, I consider that the dwellings along River Lane, in character terms, do form part of the established settlement, towards its northern edge. I am also mindful that the development limits were defined over 10 years ago. I therefore consider these to be out of date.

9. Accordingly paragraph 14 of the National Planning Policy Framework (the Framework) applies. This requires permission to be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework as a whole. One of the core planning principles of the Framework, a set out in Paragraph 17, relates to the recognition of the intrinsic character and beauty of the countryside. Paragraph 55 seeks to secure sustainable development in rural areas. Paragraph 58 seeks to ensure that development responds to local character.

10. The appeal site forms part of a wider infill plot along River Lane, as located between Nos 21 and 29. The site is mowed and maintained and has the appearance of a more domesticated area, in contrast to the wider rural and agricultural surroundings. The rear boundary of the site would also align with the established line of rear gardens along River Lane, including Barford House and Camberley House and thus would be commensurate with the residential character of this area.

11. River Lane comprises of residential development which has a mixed character with dwellings of different ages, styles and scale. In general, there is a linear pattern of development, however dwellings along River Lane have different orientations, including fronting the road or being at right angles to it. Plot size and the positioning of dwellings is also varied.

12. In light of this mixed character, I consider that the location of the development behind the extant building plot would not be so incompatible with that character as to warrant refusal. Moreover, I also am mindful that the

proposals before me are outline, as are the approved dwellings to the site frontage, with all matters, including appearance, access, layout and scale reserved for future consideration. I therefore consider that an appropriate design could be achieved at reserved matters stage in this regard, which would respond to the character of the area.

13. In respect of the development being located outside of the defined settlement boundary, the Council also make reference to the location of development and a lack of accessibility to services and facilities. I saw that Moulton has a number of services and facilities including a school, shops, a pub, hairdressers and other services which would be within walking distance to the appeal site. While there are no footpaths along River Lane, the road is quiet and I consider access to be safe. Accordingly, the site would not be isolated and I find no conflict with paragraph 55 of the Framework in respect of rural housing.

14. On careful analysis, while I acknowledge the conflict with the adopted development plan in relation to defined development limits, I am therefore satisfied that the impact of the proposed development would be localised and contained, and would not be so harmful as to be unacceptable. I therefore conclude that the development of the site would be sustainable and in accordance with paragraphs 17 and 58 of the Framework.

Conditions

15. I have had regard to the conditions put forward by the Council. I have attached conditions limiting the life for the planning permission and setting out the requirements for the reserved matters, in accordance with the Act.

16. I have omitted specifying the plan (ref PD01) as this is indicative of the form, scale, access, and layout. This would be contrary to the flexibility provided by the outline nature of the application, with design, scale, and appearance as reserved matters.

17. I have also omitted the conditions for a detailed scheme of landscaping and boundary treatments and the condition in respect of access as again these should be dealt with as a reserved matter.

18. The appeal site is located in an area at risk of flooding and as such a condition relating to the submitted flood risk assessment is necessary at this stage. I have, however, omitted specifying the requirement for finished floor levels as this is dealt with within the statement and thus would be covered and assessed at the reserved matters stage.

Conclusion

19. While there may be conflict with the adopted development plan, in terms of its defined settlement limits, in accordance with Paragraph 14 of the Framework, I find no adverse impact which would significantly and demonstrably outweigh the benefits.

20. Accordingly, for the reasons I have given, and taking into account all other matters raised, the proposed development would be sustainable and the appeal should succeed.

C Searson
INSPECTOR