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/17/3167273
Land adjacent 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 H13-1069-16, dated 18 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 29 River Lane, Moulton in accordance with the terms of the application, Ref H13-1069-16, dated 18 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/17/3167257) which is located 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 location of the development would provide access to everyday local facilities, by a range of modes of transport

Reasons

6. The appeal site forms part of an open field in arable use. It is located on the northern edge of Moulton, adjacent to No 29, a dwelling which currently forms the end property in a run of dwellings along River Lane.

7. Saved Policy SG3 of the South Holland Local Plan 2006 (LP) identifies Moulton as a local service centre whereby the principle of development is usually acceptable as such settlements provide a focus for local social and economic activities to support local residents and adjacent rural communities. However, the appeal site is located outside of the settlement boundary and the site is considered to be within the open countryside. Saved Policies SG4 and HS7 seek to restrict new housing development within the open countryside, subject to exceptions relating to an essential need in respect of rural workers or affordable housing. In this regard the proposal would be contrary to these policies.

8. However, the development limits were defined over 10 years ago. River Lane comprises of a cluster of residential dwellings and it is understood that this area as a whole falls outside of the defined settlement boundary. While the River Lane area is separated from the village core by the A151, at my site visit I saw that there is no obvious break in the built development leading out from the centre of Moulton and thus I consider that this area today clearly forms a continuation of the established settlement. I therefore consider the defined settlement limits to be out of date.

9. As a consequence, 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.

10. In setting out a presumption in favour of sustainable development, one of the core planning principles of the Framework is to actively manage patterns of growth to make fullest possible use of public transport, walking and cycling (paragraph 17). To promote sustainable development in rural areas, Paragraph 55 of the Framework envisages new rural housing to be located where it would maintain or enhance the vitality of rural communities. Consequently, new residential development should not normally be detached from being part of a viable and vibrant rural community, where there would be access to day to day facilities without the need to travel.

11. Moulton has a good range of educational, retail, health and social facilities. In terms of the accessibility of the appeal site to these facilities, River Lane is a small rural road which has no formal footpaths along its length. Therefore the carriageway acts as a shared surface for both pedestrians and vehicles. However, speeds are limited to 30mph along the majority of its length and there is good visibility. While I appreciate my site visit constitutes only a

'snap-shot' in time, the road conditions appeared to be quiet and it was not heavily trafficked. I therefore consider that the site is accessible by foot or by bicycle and that any future residents would not rely on the private car.

12. Furthermore, I note that there are two bus stops near to the junction of River Lane and the A151, within around 220m of the site. From the submitted details, as well as my own observations from my site visit, there is a regular 7 day service to Spalding and Kings Lynn, as major settlements with a wide range of services.

13. Given the proximity of the site to Moulton, the presence of dwellings along the length of River Lane along with the accessibility of the site to services and facilities in Moulton and wider areas, I consider that while it is within a semi-rural setting, the site would not be isolated.

14. Overall, while I acknowledge that there is conflict with the adopted development plan in relation to defined settlement limits, I consider that the site would be in a suitable location by virtue of its position on the periphery of Moulton as a local service centre, and its accessibility to it. I consider that the development would accord with the requirements of paragraphs 17 and 55 of the Framework, in terms of the delivery and management of patterns of growth and sustainable transport.

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 the conditions for a detailed scheme of landscaping and boundary treatments as this would be contrary to the flexibility provided by the outline nature of the application, with all matters to be reserved.

17. 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

18. While there may be conflict with the adopted development plan, in terms of its defined settlement limits and Policies SG2, SG4 and HS7, in accordance with Paragraph 14 of the Framework, I find no adverse impact which would significantly and demonstrably outweigh the benefits.

19. 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