SOUTH HOLLAND DISTRICT COUNCIL

Terry Huggins
Acting Chief Executive
Andrew Petcher
Acting Director of Customer Services
Bob Atkins
Director of Corporate Services

Town and Country Planning Act 1990

Refusal of Planning Permission

Reference: H14/0421/03 Received: 01-APR-03 Type: OUTLINE

Name: Mr A Dungarwalla
The Willows
109 Six House Bank
West Pinchbeck
Spalding, Lincs. PE11 3QG

Agent: R N Cowling MBIAT
Architectural Technologist
9 Galway Close
Spalding, Lincs.
PE11 3FL

Description: Residential building plot for one dwelling.

Location : Plot Opposite 109 Six House Bank West Pincheck

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

1 The proposed development is contrary to Policy H3 of the First Deposit Draft of the South Holland District Local Plan to 2011 which only permits new housing on sites which currently have planning permission. This policy is part of an overall housing strategy within the evolving local plan 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, and;
• be in accordance with advice within the Government's Planning Policy Guidance Note No. 3 'Housing' which indicates that new housing should be in sustainable locations.
The proposed development would, if permitted, add unnecessarily to the supply of housing land, contrary to those aims, and would create a precedent for granting other permissions. This would have the cumulative effect of further prejudicing the preparation of the emerging Local Plan and the achievement of the aims to concentrate housing development in urban areas and secure a more sustainable pattern of development.

Note(s):

The determined plans are:
Site location plan received on 1 Apr 03.

Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE
Telephone: (01775) 761161
Fax: (01775) 711253
Email: Info@sholland.gov.uk

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Sevenoaks

Head of Planning & Development
06 JUN 2003

H14/0421/03

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.

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Town and Country Planning Act etc

DRAFT REFUSAL

Reference H14/0421/03 Received: 01-APR-03 Type: OUTLINE

Name: Mr A Dungarwalla
The Willows
109 Six House Bank
West Pinchbeck
Spalding, Lincs. PE11 3QG

Agent: R N Cowling MBIAT
Architectural Technologist
9 Galway Close
Spalding, Lincs.
PE11 3FL

Description: Residential building plot for one dwelling.

Location : Plot Opposite 109 Six House Bank West Pincheck

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

1 The proposed development is contrary to Policy H3 of the First Deposit Draft of the South Holland District Local Plan to 2011 which only permits new housing on sites which currently have planning permission. This policy is part of an overall housing strategy within the evolving local plan 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, and;
•be in accordance with advice within the Government's Planning Policy Guidance Note No. 3 'Housing' which indicates that new housing should be in sustainable locations.
The proposed development would, if permitted, add unnecessarily to the supply of housing land, contrary to those aims, and would create a precedent for granting other permissions. This would have the cumulative effect of further prejudicing the preparation of the emerging Local Plan and the achievement of the aims to concentrate housing development in urban areas and secure a more sustainable pattern of development.

Note(s):

The determined plans are:
Site location plan received on 1 Apr 03.

Director of Customer Services
02 JUN 2003

H14/0421/03

Beacon Council 2003-2004 Supporting the Rural Economy

SOUTH HOLLAND DISTRICT COUNCIL

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Town and Country Planning Act 1990

Approval of Reserved Matters

COPY Earlier App

Reference: H14/1384/05 Received: 10-OCT-05 Type: RESERVED MATTERS

Name: Mr & Mrs Smith
136 Six House Bank
West Pinchbeck
Spalding
Lincs PE11 3QG

Agent: Neil Dowlman Architecture
14 Main Ridge West
Boston
Lincs
PE21 6QQ

Description: Erection of dwelling and detached double garage (1 1/2 storey)

Location : 112 Six House Bank West Pinchbeck

South Holland District Council hereby give notice that APPROVAL HAS BEEN GRANTED for the details submitted under the terms of the outline permission, subject to any condition(s) set out below:

1 Prior to the commencement of the development hereby permitted, full details of the existing and proposed site levels and proposed floor levels of buildings and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the details so approved.

Reason: To ensure that the Local Planning Authority retains control of the finished levels of the proposed development to protect the amenity of adjacent properties and to protect the character of the surrounding area.
This Condition is imposed in accordance with Policy E1 of the Adopted South Holland District Local Plan which establishes a broad range of assessment criteria to safeguard, enhance and maintain the amenities and interests of the locality.

2 Before the development hereby permitted is commenced samples of the materials to be used for external walls and roofs shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the external appearance of the proposed development harmonises with existing buildings in the area.
This Condition is imposed in accordance with Policy E1 of the Adopted South Holland District Local Plan which establishes a broad range of assessment criteria to safeguard, enhance and maintain the amenities and interests of the locality.

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3 Before any development is commenced, a scheme of landscaping and tree planting for the site, including details of positions, heights on planting and species of trees and shrubs, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.
This Condition is imposed in accordance with Policy E1 of the Adopted South Holland District Local Plan which establishes a broad range of assessment criteria to safeguard, enhance and maintain the amenities and interests of the locality.

4 The approved scheme of landscaping and/or screening shall be carried out in its entirety within a period of two years beginning with the date on which development of the land is commenced. The trees, shrubs or bushes shall be adequately maintained by the owner(s) of the land on which they are situated for a period of ten years beginning with the date of completion of the scheme, and all losses shall be made good during that period.

Reason: In the interests of visual amenity and to ensure that the approved scheme is implemented satisfactorily.
This Condition is imposed in accordance with Policy E1 of the Adopted South Holland District Local Plan which establishes a broad range of assessment criteria to safeguard, enhance and maintain the amenities and interests of the locality, and Policy E11 of the Adopted South Holland District Local Plan which safeguards, enhances and extends the amenity, wildlife and landscape quality of the district.

5 Details of the design of all external doors to be utilised in the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and all external doors used in the development shall conform to the details so approved.

Reason: In the interest of visual amenity.
This Condition is imposed in accordance with Policy E1 of the Adopted South Holland District Local Plan which establishes a broad range of assessment criteria to safeguard, enhance and maintain the amenities and interests of the locality.

6 Details of the window frames to be utilised in the development hereby permitted, including samples if so required, shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Such details shall indicate, at a scale of not less than 1:20, the longitudinal and cross-sectional detailing, cill and lintel detailing, and means of opening. The window frames shall be installed in accordance with the approved details and thereafter so maintained.

Reason: In the interest of visual amenity.

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This Condition is imposed in accordance with Policy E1 of the Adopted South Holland District Local Plan which establishes a broad range of assessment criteria to safeguard, enhance and maintain the amenities and interests of the locality.

7 Details of the design and positions of all external boxes for gas and electricity supplies and of any gas flues and soil vent pipes shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and there shall be no variation from the details so approved without the prior written consent of the Local Planning Authority.

Reason: In the interest of visual amenity.
This Condition is imposed in accordance with Policy E1 of the Adopted South Holland District Local Plan which establishes a broad range of assessment criteria to safeguard, enhance and maintain the amenities and interests of the locality.

Reason For Approval
The proposal is in accordance with local policies as set out in Policies E1 and SG14 of the Adopted South Holland District Local Plan, 1998.

There are no material considerations that indicate against the proposal.

Note(s):

The determined plans are:
1:2500 site location plan, dwg. nos. B1676-01A, B1676-02A, B1676-03A and B1676-04 received 10 October 2005.

Head of Planning & Development
22-NOV-05

H14/1384/05

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.

Appeal Decision

Site visit made on 10 February 2004

by David Tester CChem MRSC FCIWEM

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

Appeal Ref: APP/A2525/A/03/1132361
plot opposite 109 Six House Bank, West Pinchbeck, Spalding, PE11 3QG

- 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 A Dungarwalla against the decision of South Holland District Council.
- The application Ref.H14/0421/03 dated 1 April 2003, was refused by notice dated 6 June 2003.
- The development proposed is one dwelling.

Summary of Decision: The appeal is allowed and planning permission granted subject to conditions set out in the Formal Decision below.

Procedural Matters

1. The application is in outline with all matters reserved.

Main Issues

2. The main issue is whether the proposal would comply with local and national policies that seek to concentrate housing development in urban areas.

Planning Policy

3. The development plan for the area comprises the Lincolnshire Structure Plan Alteration No.1 Population - Housing – Settlement (1991) and the South Holland District Local Plan (1998). Policy 5A of the Structure Plan allows for individual development in and around most existing settlements. Policy H2 of the Local Plan allows new housing within the villages, as defined by boundaries of development, provided it is in scale and character. Under Section 54A of the Town and Country Planning Act 1990, as amended, I am required to determine this appeal having regard to the development plan and to make my decision in accordance with it unless material considerations indicate otherwise.

4. The Council has adopted an Interim Rural Housing Planning Statement (May 2001), prior to the review of the Local Plan in order to take the first steps towards achieving a more sustainable pattern of housing development in the Rural Area of the District. As a result, policies H2 and H5 (housing in the countryside) of the Local Plan have been replaced with policy H2A. Policy H2A restricts proposals for new housing on small sites of less than 0.4ha to frontage development on sites that are self-contained within the village fabric. The Interim Statement is a material consideration, which has been made in line with Planning Policy Guidance Note 3: Housing (PPG 3) following public consultation and therefore carries significant weight.

5. I have also been referred to the Draft Lincolnshire Structure Plan 2000 and the 2001 First Deposit Draft Local Plan to 2011. Policies 9 and 10 of the emerging Structure Plan set out the housing requirements in the District for the period 1991-2011 and policy 11 requires district councils to determine the appropriateness, scale and location of new residential development in settlements not defined as towns in their Local Plans. Policy H3 of the Draft Local Plan only provides for the development of land that currently has the benefit of planning permission.

Reasons

6. The appeal site is a rectangular plot of land about 40m wide and 15m deep fronting Six House Bank. There are existing dwellings on each side of the site on what is an otherwise continuous built-up frontage on both sides of this road. The site backs onto a drainage dyke which marks the development boundary between the built-up area and agricultural land beyond. Six House Bank is a rural community within Pinchbeck West and lies about 8km from Spalding, the nearest town. It is, however, adjacent to the A151, which connects it to Spalding, and Pinchbeck West has its own primary school, post office/store and churches. But there are no secondary schools facilities and employment opportunities are mainly restricted to agriculture. Significant development in this location could not therefore be regarded as sustainable.

7. The site cannot be considered brownfield as the appellant claims because the remains of an old building that once stood on the site have long since blended into the landscape. In addition, a 1995 planning permission for a single dwelling has lapsed. However, the proposed development would still comply with the Council's Interim Rural Housing Planning Statement, as well as policies 5A of the current Structure Plan and H2 of the Local Plan because the proposed infill development would be both within the village fabric and a frontage development.

8. The proposal would be contrary to policy H3 of the emerging Local Plan, which effectively imposes an embargo on new residential development in the District outside of towns. Although this Plan is a material consideration I have no information as to the stage it has reached in the adoption process. Nor is it clear whether there are any objections to this policy, which would represent an important change of direction by the Council for new housing within village boundaries. In the circumstances, I can attach little weight to the policy under para 48 of Planning Policy Guidance: General Policies and Principles (PPG1).

9. I accept that an over-allocation of housing in the District by nearly 200 dwellings through existing commitments alone is indicated in the Draft Structure Plan and the Draft Revised Regional Planning Guidance for the East Midlands (RPG8) over the period to 2011, and that the new policy seeks to restrict any further development. I agree also that under this policy if small sites were to be allowed it would make it difficult to resist other similar proposals and that, cumulatively, this could eventually undermine the Council's housing strategy. But I am mindful that the Interim Policy Statement clearly took account of PPG3 at that time and that policy H2A will itself have a significant impact in restricting new residential development both in the villages and in the countryside.

10. In my opinion, the existing Development Plan and the Interim Rural Housing Planning Statement, including policy H2A, should continue to apply until such time that the Deposit Draft of the Local Plan Review has equivalent weight, as p5 of the Interim Statement

indicates. The Council has not provided any evidence here that this is yet the case and I consider that, on balance, the policies of the Development Plan and the Interim Statement should therefore prevail.

11. This leads me to the conclusion that the proposal would comply with local and national policies that seek to concentrate housing development in urban areas.

Conditions

12. From my consideration of the main issue in this appeal I can see no compelling planning objection to the development and I intend to allow the appeal. The Council has not suggested any planning conditions in this case so I have considered appropriate conditions in the light of Circular 11/95. In addition to the usual conditions recommended by the Circular for outline permissions, I intend to impose a condition preventing the development before a scheme to culvert the Black Sluice Internal Drainage Board's Dovehirn Drain has been completed. This is to ensure that the proposal does not cause the collapse of the banks of the Drain and thus contribute to flooding.

Conclusions

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

Formal Decision

14. I allow the appeal and grant outline planning permission for one dwelling on a plot opposite 109 Six House Bank, West Pinchbeck, Spalding, PE11 3QG in accordance with the terms of the application Ref. H14/0421/03 dated 1 April 2003, and the plans submitted therewith, subject to the following conditions:

    1) Approval of the details of the siting, design and external appearance of the dwelling, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.

    2) Plans and particulars of the reserved matters referred to in condition 1 above, relating to the siting, design and external appearance of any buildings to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the local planning authority and shall be carried out as approved.

    3) Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

    4) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

    5) No development shall take place until the local planning authority has approved in writing a scheme to culvert the Black Sluice Internal Drainage Board's Dovehirn Drain at the rear of the site, and the approved scheme has been constructed in accordance with the approved plans.

Information

15. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court.

16. This decision does not convey any approval or consent that may be required under any enactment, by-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

17. An applicant for any approval required by a condition attached to this permission has a statutory right of appeal to the Secretary of State if that approval is refused or granted conditionally or if the authority fails to give notice of its decision within the prescribed period.

18. Attention is drawn to the requirements of section 76 of the Town and Country Planning Act 1990 concerning provisions for the benefit of the disabled.



D J Tester
Inspector