

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H14-0969-21 **Applicant:** Mr M Coulam
Proposal: Erection of 2 detached bungalows
Location: Land At Horsepit Lane Pinchbeck Spalding
Terminal Date: 17th March 2022

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

- 5 - Delivering a sufficient supply of homes
- 12 - Achieving well-designed places
- 14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	1

OTHER STATUTORY BODIES	1	0	0	0
RESIDENTS	11	0	0	2

CASE OFFICER ASSESSMENT

PROPOSAL

This is a full planning application for the erection of two detached bungalows on land at Horsepit Lane, Pinchbeck. The proposal seeks to provide one frontage bungalow with another set behind. Both dwellings will have the same internal layout and contain two bedrooms, a garage, a bathroom and an open plan lounge / dining / kitchen area. Each dwelling is given two off road parking spaces. Proposed materials are Trentino facing brick and grey concrete double pantiles. Proposed foul water drainage would be addressed by mains sewer, with surface water addressed by soakaways.

SITE DESCRIPTION

The site is outside of defined settlement limits and whilst there are dwellings in the immediate vicinity, this application is in planning terms classed as being located in the open countryside. Hedging will be retained to the southern boundary with new hedging to the northern and western boundaries. Low level boundary beech fencing will be sited adjacent to the access at the eastern frontage of the site. Single storey dwellings are sited immediately to the south of the site, with single storey dwellings to the east on the opposite side of Horsepit Lane. The site is in Environment Agency Flood Zone 3, and is not subject to increased hazard, with a maximum predicted flood depth of 0.25 metres on the 2115 South Holland Strategic Flood Risk Mapping.

RELEVANT HISTORY

H14-1054-99 - On opposite side of Horsepit Road

Full - Erection of 4 bungalows - Refused - 05 May 2000.

H14-0022-11 - On opposite side of Horsepit Road

Full - Erection of 14 dwellings and associated works - Refused - 23 June 2011 - Dismissed at appeal - 09 January 2012.

CONSULTATION RESPONSES

LCC - County Highways & SUDS Officer

Has no objections and requests standard access and utility informatives.

"The proposed access to the site will be directly off Horsepit Lane and although the carriageway reduces in width from the junction before reaching the proposed access, it will not be detrimental for the safe passage of vehicle movements, as there is sufficient forward visibility and locations for calling vehicles to wait safely and pass without causing an obstruction. Due to the short length of the Lane, vehicle speeds would be relatively low and although there is an absence of footways partially along Horsepit Lane, pedestrians are able to share the space safely."

"The additional vehicle and pedestrian movements along Horsepit Lane for the development of two dwellings, would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact on the highway network. These are the only reasons the National Planning Policy Framework (NPPF) will permit to be cited for restricting or refusing development on highway grounds."

SHDC - Environmental Protection

Requests a construction management plan.

Welland & Deepings Internal Drainage Board

"I note from the submitted documents that it is proposed to create a new culvert access to the plots within the existing private frontage dyke."

"If planning permission were granted then an application for consent to alter a watercourse would need to be submitted to the Board in advance of any site works. This would be subject to the agreement of technical details."

"I note from the application form that soakaways are to be used for surface water disposal. If this should change at any point in the future the Board would need to be consulted again at the time."

The Right Honourable Sir John Hayes CBE MP

Horsepit Lane is narrow with deep dykes on both sides.

Manoeuvrability is poor.

Overdevelopment

Setting a development precedent

Loss of prime agricultural land.

Members of the public - Objections - 23

Highway safety

Increase in traffic

Parking provision

Road is in poor condition.

Pedestrian safety

No footpaths serve this part of Horsepit Lane.

Poor lighting of area.

Disruption to and capacity of electricity and gas services.

Impact on foul and surface water drainage.

Loss of wildlife

Loss of agricultural land

Out of character

Overlooking

Overdevelopment

Overshadowing from boundary treatment

Outside of defined settlement limits

There are more sustainable sites recently granted approval.

Previous applications for Horsepit Road have been refused and dismissed at appeal. Nothing has changed.

Given small garden size, where will the two new fruit trees for each plot be planted?

The observations of LCC County Highways are factually incorrect.

Potential to develop the site further if permission granted - This concern does not carry material planning weight.

Disruption during construction - This concern does not carry material planning weight.

Applicant response to objections from public and The Right Honourable Sir John Hayes CBE MP

Highway safety - "As an experienced developer, highway and site safety is paramount throughout the construction process and forms part of the site Safety Policy and Procedures Manual, the content being discussed with the workforce during Site Induction, post construction would be subject to the property owners travelling on suitable road surfaces with correct visibility sight lines allowing safe ingress and egress to and from the site."

Development of site - "Were we to cultivate the balance of this parcel of land with continuous crop rotation it would impact on the current site ecology, bringing with it the frequent use of large farm machinery, trailers and lorries that would be utilised for the setting, crop harvesting and associated removal from site, all of which would further add

to major road congestion.

Overdevelopment - "At the design stage due consideration was afforded to the question of sufficient garden and amenity space with no overlooking prevalent with these properties being single storey bungalows, both having ample space and outlook around the properties."

Outside of defined settlement limits - "It is said that a settlement or development boundary must have been fixed in an adopted or emerging local plan, my view in this however, further raises the question of these properties on the boundary line which would benefit this area of Pinchbeck with much needed affordable housing inline with the National Planning Policy Framework."

"The adjacent Catherines Way having already had more properties constructed with no widening of Horsepit Lane or removal of ditches, how was this site passed for planning and not refused on the grounds of Highway safety and its upheaval to the existing properties, this being a mirrored scenario of this smaller application."

Loss of wildlife - "An extremely relevant point with priority being given to the retention of the existing natural boundary hedging and mature trees all of which will be protected during the construction process and trimmed when appropriate after completion. It should be further noted that following a recent ground survey of the proposed site curtilage no evidence of any protected species were evident. Birds that currently frequent the mature trees and hedges will not be affected."

Dykes - "There are a number of evident dykes on both sides of Horsepit Lane as mentioned that are applicable to all road users along this Lane and are trafficked daily by its residents without incident, the ditch however, adjacent the proposed road access crossing point to the proposed site would be back filled and constructed fully in accordance with the Highways Departments requirements."

Loss of agricultural land - "The want for this extremely small area to remain as prime agricultural land and contribute to the affordability of food prices is absurd and in terms food security plus environment protection."

PLANNING CONSIDERATIONS

Assessment against SELLP Policy 1 - Spatial Strategy - Countryside

When assessed against the above criteria the following can be observed:

Whilst the properties are immediately adjacent the defined settlement limits of Pinchbeck they are outside of the defined settlement limits of Pinchbeck and must be assessed as such. Economically they would provide short term employment during the construction phase. On balance, there would be considered to be a negative community impact through the expansion of the development in the countryside thereby placing development away from where goods and services are located. Environmentally there would be a strong reliance on the motor car to access good services, and the proposal would also lead to the loss of agricultural land. There are a number of developments for new housing within the defined settlement limits of Pinchbeck that are in a more sustainable location. The local planning authority can demonstrate a five year housing land supply of 8.2 years under the Liverpool Method. This means that all of the housing policies in the South East Lincolnshire Local Plan carry material planning weight when assessing new housing applications.

Pre-application advice given under reference PE-00121-19 was very clear in its wording:

"I can advise that now the new Local Plan has been formally adopted, the approach that the Local Planning Authority is taking to new applications for residential development outside of settlement boundaries (whether adjacent to the boundary or not) is to refuse them. I would therefore advise against submitting an application for residential development on this site."

Further pre-application advice given under reference PE-00188-21 was also unambiguous, stating:

"Policy 1 of the South East Lincolnshire Local Plan, 2019, only makes provision for new housing where it is proven to be essential in that location. This Policy is in accordance with advice within Paragraph 79 of the National Planning Policy Framework, 2019... Open market housing is not a development type that requires a countryside location. This is particularly the case in this instance where the council has a recently adopted development plan with a spatial strategy setting out how the housing needs for the area will be met."

This proposal does not accord with SELLP Policy 1.

Assessment against SELLP Policy 2 - Development Management

When assessed against the relevant criteria the following can be observed:

1. The size, scale and layout of the plots is not commensurate with the plot size and frontage layout of the dwellings with defined settlement limits in the vicinity of the site. No trees will be removed to facilitate this proposal. It is considered that development in this location will have a material detrimental impact on the character and appearance of the area, and the relationship of the dwellings to adjacent land uses.
2. The design of the bungalows are in keeping with those in the surrounding area, however, the orientation is incongruous to the frontage layout of dwellings along this section of Horsepit Lane.
3. Proposed brick and tile would require exact confirmation via condition. The use of brick and tile as building materials is acceptable in this location.
4. Each bungalow affords off road parking spaces for two vehicles. This accords with Appendix 6 of the SELLP. The access point will be constructed over a dyke. The County Highways & SUDS Officer does not have material highway safety concerns and has no objections to the proposed access or manoeuvrability on site.
5. The proposal is considered to have a minor impact on community services and infrastructure by extending development beyond defined settlement limits, thereby increasing urban sprawl in an unsustainable manner.
6. There is not considered to be a noise, odour or disturbance impact from the proposal. With regard to visual intrusion the following can be observed:

Overdevelopment - The submitted plan shows a total plot size of 887.02 square metres, when averaged between the 2 plots this is 443.51 square metres per plot. For comparison purposes 19 Horsepit Lane is 432 square metres, 21 is 566 square metres, 23 is 710 square metres, 25 is 464 square metres, 27 is 516 square metres, 29 is 757 square metres and 31 Horsepit Lane is 973 square metres. The bungalow plot sizes are therefore on the smaller side of plot sizes in the vicinity. It is considered however that by virtue of the proposed layout to facilitate the ability of vehicles to exit the site in a forward gear, there is a lack of amenity space on each plot.

Overbearing / Overshadowing - The proposed bungalow have an eaves height of 2.4 metres and a ridge height of 5.75 metres. The boundary hedge to the south is approximately 1.9 metres in height, with the separation distance to 1 Catherines Way from the rear bungalow being 9.55 metres. Given the separation distance and that the bungalow is sited to the north-north-east, there is not considered to be an overbearing impact to 1 Catherines Way. The separation distance between the two bungalows is 7.4 metres, with a 1.8 metre high close boarded fence inbetween. The frontage bungalow has an obscure glazed bathroom window facing the fence, with the rear bungalow having a lounge / dining room window facing the fence. This room is also served by a rear elevation window so there is not considered to be a material loss of light to the lounge / dining area.

Overlooking - There is not considered to be an overlooking impact to the south due to the 1.9 metre boundary hedge and fence. Catherines Way is located to the south-west beyond 1.9 metre high hedging, with agricultural land outside of defined settlement limits to the north-west and north. The lounge / dining room of the frontage bungalow is located 25 metres from 23 Horsepit Lane at the nearest point to the east. With other dwellings on Horsepit Lane located a further distance away there is not considered to be an overlooking aspect from this proposal.

7. The site is in Environment Agency Flood Zone 3, and is not subject to increased hazard, with a maximum predicted flood depth of 0.25 metres on the 2115 South Holland Strategic Flood Risk Mapping. There is not considered to be the need to undertake a sequential test on this site as the local planning authority requires finished floor levels of 0.3 metres above ground level on all new dwellings. Additionally, the proposal plots are outside of defined settlement limits, therefore there are sequentially more preferable sites within the settlement of Pinchbeck.

Assessment against SELLP Policy 3 - Design of New Development

When assessed against the relevant criteria the following can be observed:

1. There is considered to be a material impact on a sense of place from the proposed bungalows. The size, scale and layout of the plots is not commensurate with the plot size and frontage layout of the dwellings with defined settlement limits in the vicinity of the site. No trees will be removed to facilitate this proposal. It is considered that development in this location will have a material detrimental impact on the character and appearance of the area, and the relationship of the dwellings to adjacent land uses.

5. There is a small but adequate level of space on site for cycle and bin storage. Each bungalow affords off road parking spaces for two vehicles. This accords with Appendix 6 of the SELLP. The access point will be constructed over a dyke. The County Highways & SUDS Officer does not have material highway safety concerns and has no objections to the proposed access or manoeuvrability on site.

11. There is not considered to be a noise, odour or disturbance impact from the proposal. With regard to visual intrusion the following can be observed:

Overdevelopment - The submitted plan shows a total plot size of 887.02 square metres, when averaged between the 2 plots this is 443.51 square metres per plot. For comparison purposes 19 Horsepit Lane is 432 square metres, 21 is 566 square metres, 23 is 710 square metres, 25 is 464 square metres, 27 is 516 square metres, 29 is 757 square metres and 31 Horsepit Lane is 973 square metres. The bungalow plot sizes are therefore on the smaller side of plot sizes in the vicinity. It is considered however that by virtue of the proposed layout to facilitate the ability of vehicles to exit the site in a forward gear, there is a lack of amenity space on each plot.

Overbearing / Overshadowing - The proposed bungalow have an eaves height of 2.4 metres and a ridge height of 5.75 metres. The boundary hedge to the south is approximately 1.9 metres in height, with the separation distance to 1 Catherine's Way from the rear bungalow being 9.55 metres. Given the separation distance and that the bungalow is sited to the north-north-east, there is not considered to be an overbearing impact to 1 Catherine's Way. The separation distance between the two bungalows is 7.4 metres, with a 1.8 metre high close boarded fence inbetween. The frontage bungalow has an obscure glazed bathroom window facing the fence, with the rear bungalow having a lounge / dining room window facing the fence. This room is also served by a rear elevation window so there is not considered to be a material loss of light to the lounge / dining area.

Overlooking - There is not considered to be an overlooking impact to the south due to the 1.9 metre boundary hedge and fence. Catherine's Way is located to the south-west beyond 1.9 metre high hedging, with agricultural land outside of defined settlement limits to the north-west and north. The lounge / dining room of the frontage bungalow is located 25 metres from 23 Horsepit Lane at the nearest point to the east. With other dwellings on Horsepit Lane located a further distance away there is not considered to be an overlooking aspect from this proposal.

12. The site is in Environment Agency Flood Zone 3, and is not subject to increased hazard, with a maximum predicted flood depth of 0.25 metres on the 2115 South Holland Strategic Flood Risk Mapping. There is not considered to be the need to undertake a sequential test on this site as the local planning authority requires finished floor levels of 0.3 metres above ground level on all new dwellings. Additionally, the proposal plots are outside of defined settlement limits, therefore there are sequentially more preferable sites within the settlement of Pinchbeck.

Development outside of defined settlement limits

Open market housing is not a development type that requires a countryside location. This is particularly the case in this instance where the council has a 5 year housing land supply and a development plan with a spatial strategy setting out how the housing needs for the area will be met. The site is not served by public transport, consequently, access to services and facilities is unlikely to be convenient on a day to day basis and there is likely to be some reliance on the private motor vehicle to access services and facilities. The location of the site does not therefore have attributes that make it sustainable for development for new market housing.

The proposed development would set a harmful development by positioning residential dwellings in a countryside location outside the main built-up area of the settlement. This would have an adverse impact on the character of the area and would set a harmful precedent for further development

outside the settlement boundary.

PLANNING BALANCE

Whilst there is not considered to be a material impact on amenity from the proposal, there are material planning concerns with regard to the design of the plot and impact on the character of the countryside and the surrounding area by positioning dwellings in this location outside of defined settlement limits. This application is not considered to accord to Policies 1, 2, 3, 4, 10, 11, 17, 36 and Appendix 6 of the South East Lincolnshire Local Plan, 2019, as well as Sections 5, 12 and 14 of the National Planning Policy Framework, 2021.

CONCLUSION

This application is recommended for refusal.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.