The Planning Inspectorate

Appeal Decision

Site visit made on 25 June 2015

by P Jarvis Bsc (Hons) DipTP MRTPI

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

Decision date: 29 July 2015

Appeal Ref: APP/A2525/W/15/3010702
Horseshoe Road, Spalding, Lincolnshire PE11 3JA

- 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 Brett Maddison against the decision of South Holland District Council.
- The application Ref H16-0482-14 dated 4 June 2014 was refused by notice dated 17 September 2014.
- The development proposed is residential development (outline).

Procedural Matter

1. The proposal seeks outline permission with means of access only to be determined at this stage. The plans show an indicative layout for two detached dwellings and garages but I have taken these as illustrative only.

Decision

2. The appeal is allowed and planning permission is granted for residential development (outline) at Horseshoe Road, Spalding, Lincolnshire PE11 3JA, in accordance with the terms of application ref: H16-0482-14 dated 4 June 2014, and subject to the following conditions:

    1) The development hereby permitted shall be carried out in accordance with approved plans: 2364-12/01 and 2364-12/02.

    2) Details of the 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 begins and the development shall be carried out as approved.

    3) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission. The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

    4) No development shall take place until the following matters have been submitted to and approved in writing by the local planning authority: detail of:

        a. Means of foul sewage disposal

        b. Means of surface water drainage, to include local sustainable disposal

c. Existing and proposed ground and floor levels of buildings and hard surfacing

The development shall be carried out in accordance with the approved details.

5) No development shall take place (other than any approved demolition and site clearance works) until an assessment of the nature and extent of any contamination and a scheme for remediating the contamination has been submitted to and approved in writing by the local planning authority. The assessment shall be undertaken by a competent person, and shall assess the presence of any contamination on the site, whether or not it originates on the site. The assessment shall comprise at least a desk study and qualitative risk assessment and, where appropriate, the assessment shall be extended following further site investigation work. In the event that contamination is found, or is considered likely, the scheme shall contain remediation proposals designed to bring the site to a condition suitable for residential use. Such remediation proposals shall include clear remediation objectives and criteria, an appraisal of the remediation options, and the arrangements for the supervision of remediation works by a competent person. The site shall not be brought into use until a verification report, for the purpose of certifying adherence to the approved remediation scheme, has been submitted to and approved in writing by the local planning authority.

6) In the event that contamination (that was not previously identified) is found at any time during construction works, the presence of such contamination shall be reported in writing to the local planning authority. If such contamination is identified development shall be halted on the affected part of the site until a remediation scheme for dealing with that contamination has been submitted to, and approved in writing by the local planning authority. The approved remediation scheme shall be implemented and a verification report, for the purpose of certifying adherence to the approved remediation scheme, shall be submitted to the local planning authority prior to first occupation of any of the dwellings hereby approved.

7) No development shall take place within the site until a programme of archaeological work has been implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.

8) The means of access indicated on the approved plans shall be provided before the dwelling to which it relates is occupied.

Main issue

3. The main issue is whether the proposal would comprise sustainable development having particular regard to the nature of the proposed use, its impact on the character of the countryside and the location of the site.

Reasons

4. The appeal site is located within open countryside beyond the western edge of the built up area of Spalding. It comprises a brownfield site with two dilapidated buildings on it. It was formerly occupied by a plant hire business but closed down over ten years ago and has been vacant since then.

5. Policy SG4 of the South Holland Local Plan (2006) (LP) relates to development in the countryside and states that only development which is essential in the proposed location will be permitted and where it cannot reasonably be located within defined settlement limits. LP Policy HS7 states that new housing outside the defined settlement limits will only be permitted where essential to meet the needs of agriculture or other similar uses or is for small scale rural exception affordable housing. The proposal would not satisfy these criteria.

6. However, the National Planning Policy Framework (the Framework) is a significant new material consideration. At its heart is the presumption in favour of sustainable development and one of its main aims is to boost significantly the supply of housing. Paragraph 55 states that isolated new homes in the countryside should be avoided unless there are special circumstances such as, amongst other things, that the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting. Furthermore, one of the core principles set out in paragraph 17 is to encourage the effective use of brownfield land. Thus, in this regard, the LP policies referred to above are not consistent with national policy in the Framework and to that extent are out of date.

7. The Council suggests that the site is suitable for continued commercial use and refer to 'consistent local demand', but produce no evidence to support that contention. I also note that the appellant has marketed the site without success but that was some years ago. Reference is made to other better, more suitable industrial estates within the area but again no specific information is provided. I have not been referred to any relevant policies which would restrict the residential use of the site and the Framework does not suggest that any redevelopment of brownfield land should only be for the same or a similar use. On this basis and given that both residential and commercial uses can contribute to a prosperous rural economy, I find no reason to restrict the loss of the commercial use.

8. In my view, the proposed redevelopment of the site to provide two dwellings would make effective use of the site and result in an enhancement to the immediate setting. Furthermore, given the current built nature of the site there would be no adverse impact on the landscape character of the area or rural appearance of the countryside. Thus to the extent that LP policies SG4 and HS7 are relevant to the proposal and remain up to date, I find no conflict.

9. However, notwithstanding the above, it is also necessary to consider whether the site is in a sustainable location with reasonable access to services and facilities and whether, as required by the Framework, it makes the fullest possible use of public transport, cycling and walking.

10. There appears to be some dispute between the parties regarding the proximity of public transport, the appellant claims that a bus service is 600 metres from the site whilst the Council suggest that it is nearer 960 m, and additionally it provides only a limited service. In terms of the nearest facilities, the appellant has clarified that there are two primary schools within 1.5 km and the centre of Spalding is 2km from the appeal site. Whilst these figures do not appear to be disputed by the Council, they are significant walking distances and I note that there is no footway along much of Horseshoe Road; however, I do accept that cycling could be an option. It is unclear from the evidence presented where the nearest facilities to the site are and there did not appear to be any local

centres or shops within the residential development in the nearest part of the built up area.

11. Overall, on the basis of the evidence provided, it my view that the site is not well served by public transport nor does it appear that local services and facilities would be within reasonable walking distance. However, whilst this would result in reliance on the car to a great extent, such trips would in the main be local and as this is the case with the current use of the site, I do not find that this results in an adverse impact of significant weight.

Other matters

12. Reference has been made to an earlier appeal decision[1] which considered a similar residential redevelopment of the site. However, that was some years ago before the publication of the Framework and under a different local plan. Whilst it would appear that local policies have not changed significantly, as noted above, I consider that the relevant policies are no longer consistent with national policy. It is clear that the circumstances have changed significantly.

13. The appellant has referred to the potential route of the Western Relief Road which could pass close to the site and likely associated further western expansion of the town. However, it would appear that it has yet to be scheduled or funded and the expansion plans are some way off approval. I therefore only give little weight to these factors.

14. The Framework seeks to boost significantly the supply of housing and I note that the Council confirms that currently a five year supply of deliverable housing cannot be demonstrated. In accordance with paragraph 49 of the Framework policies for the supply of housing, such as LP policies HS7 and, to the extent that it seeks to restrict housing development in the countryside, SG4, are to be considered out of date. The proposed development would contribute to this shortfall; this adds further weight in support of the proposal.

15. I have considered the suggested conditions provided by the Council in the light of the policies in the Framework. In addition to the standard outline conditions and a condition to refer to the approved plans in the interest of proper planning, I agree that a contamination condition is necessary given the past use of the site. There is good reason to believe that the site will disturb archaeological remains and thus a relevant condition is necessary. I have revised the wording of the conditions suggested by the Council to make them clearer and more precise. Details of means of disposal of foul sewage and surface water disposal are necessary to ensure appropriate means and details of ground and floor levels to minimise any risk of flooding.

Conclusions

16. I conclude that the adverse impacts would not significantly and demonstrably outweigh the benefits of the development and thus overall I find that the proposal would comprise sustainable development. I therefore conclude that the appeal should be allowed and planning permission granted.

P Jarvis

INSPECTOR

[1] APP/A2525/A/05/1183498