The Planning Inspectorate

Appeal Decision

Site Visit made on 22 June 2021

by I A Dyer BSc (Eng) FCIHT

an Inspector appointed by the Secretary of State

Decision date: 5 July 2021

Appeal Ref: APP/A2525/W/21/3269707
North of 35 Jarvis Gate, Sutton St James, Lincs, PE12 0EP

- 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 L Dodd, A Merchant and P Roffe against the decision of South Holland District Council.
- The application Ref H20-0553-20, dated 7 July 2020, was refused by notice dated 9 September 2020.
- The development proposed is residential development - 3 No plots including accesses and field access.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application was submitted in outline with all matters of detail reserved for future consideration save for access. I have assessed the proposal on this basis and treated all of the drawings as simply being an illustration of how the proposal could ultimately be configured.

Main Issues

3. The main issues are: -

   - The effect of the proposal on the character and appearance of the site and the surrounding area,
   - Whether the site is a suitable location for three new dwellings with particular regard to local policy for the provision of housing, and: -
   - Whether the site would provide suitable living conditions for future occupiers, with particular reference to noise and disturbance.

Reasons

Character and appearance

4. The appeal site is part of an open field, currently grassed, and it fronts onto Jarvis Gate at its junction with Broad Gate. To one side of the site there is a bungalow, 35 Jarvis Gate (No 35), and on the other side and to the rear lie open countryside, with increasingly sporadic development. The boundary with No 35 is formed by a mature hedge containing trees. The rear boundary would be with the open field and the indicative plan indicates a degree of planting. The other two boundaries are formed by ditches with occasional shrubs and

small trees. Opposite the site lies a building of agricultural/industrial appearance set well back from the road in a substantial landscaped plot.

5. At this point Jarvis Gate is subject to a 60MPH speed limit and lacks footways or street lighting. Close to the boundary of the site with No 35 the speed limit drops to 30MPH, and this restriction carries on through the village.

6. The building opposite appears as a separate feature within the landscape, albeit its setting has been landscaped. No 35 and the dwelling opposite it mark the commencement of the built-up area of Sutton St James.

7. The appeal site sits clearly outside of the village and in the countryside and there is a clear division between the two as logically defined by the settlement boundary. Being undeveloped and verdant in appearance the appeal site reads as part of the countryside.

8. The proposal would introduce three dwellings into the site and create new accesses. Notwithstanding that the proposal is in outline form, the composition of the development would result in an urban form, incorporating accessways, areas for parking and other residential paraphernalia associated with occupancy in addition to the buildings themselves. This would harmfully jar with the rural character of the site and its immediate environs.

9. Overall the proposal would urbanise the character and appearance of the site and this increased urbanisation, together with the reduction in verdancy of the site, would significantly harm the rural character and appearance of the site and the surrounding area. This harm would be readily apparent to passers-by on the road and from nearby dwellings in the area.

10. My attention has been drawn to several developments on the fringes of Sutton St James which the appellants consider similar to the proposal. However, these gained permission prior to the adoption of the South East Lincolnshire Local Plan 2011-2036 (2019) (the Local Plan), which established a five year supply of housing land within the Council's area. Further, the developments referred to lie some distance from the appeal site and do not form part of its immediate context within the landscape. I do not, therefore consider that these developments are so contextually similar as to be directly comparable and I have, in any case, determined this appeal on its own merits.

11. I therefore conclude that the proposal would result in significant harm to the character and appearance of the site and the surrounding area. The proposal would therefore be contrary to Policies 2 and 3 of the Local Plan in as much as these seek to ensure that the design of all development is, amongst other things, appropriate to the character and quality of the area and requires that development proposals demonstrate how they respect the character and appearance of the area and the relationship to existing development and land uses.

12. These policies are in close accord with the aims of Paragraph 127 of the National Planning Policy Framework (2019) (the Framework), with which the development would also be in conflict.

Suitable location for dwellings

13. The Local Plan sets out a spatial strategy which seeks to locate development, including housing, in locations with access to goods and services whilst

protecting the natural environment from inappropriate development. Sutton St James is identified in Policy 1 of the Local Plan as a Minor Service Centre where development will be permitted that supports its role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. However, the policy establishes that development will normally be limited to Allocated and Committed sites and infill and the appeal site lies outside of the identified settlement boundary. It is therefore in the countryside for planning purposes where development will only be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.

14. No evidence is before me that it is necessary for the proposal to be in a countryside location, such as providing a rural worker's dwelling to support a local business or affordable housing for local people. There are, however, services within the village and it would support these.

15. Policy 2 of the Local Plan requires that sustainable development considerations are met. The Framework identifies three overarching objectives, economic, social and environmental for achieving sustainable development. From the above it will be seen that I have found that the proposal would harm the character and appearance of the site and the area. This would constitute environmental harm which would in itself be sufficient to render the development contrary to Policy 2.

16. I therefore conclude that the proposal would not be an appropriate location for the appeal scheme when having regard to the spatial strategy in the development plan because it would be contrary to Policies 1 and 2 of the Local Plan.

Residential amenity of future occupiers

17. No. 35 Jarvis Gate, with which the development shares a common boundary, has planning permission for a domestic kennel block to accommodate up to six dogs[1].

18. I have no information regarding the level of noise generation from that number of dogs, and the level of noise would depend on a number of factors, including the temperament of the dogs. As the dogs are kept for security it is reasonable to assume that the dogs would generate a degree of noise.

19. Whilst there is no evidence before me of any previous complaint from neighbours regarding dog noise, the proposal would be in closer proximity to the source of the noise. The site lies in a rural area and, although a snapshot in time, during my site visit provided a sense of tranquillity with little traffic or other noise disturbance. Dog barking is likely to be intermittent and could be generated at any time. Intermittent, or sudden noise is more likely to disturb residents in their gardens or sleeping than general background noise.

20. It has therefore not been demonstrated that the proposed use will have no harmful and unacceptable impact on the amenities of the future occupiers. Future occupiers of the properties may experience unacceptable noise and disturbance in their private outdoor amenity space or when sleeping. This noise would be particularly disturbing as it would take place at irregular intervals,

[1] Council Ref: H20-0324-90

including during times when the occupants are most likely to be enjoying their outdoor amenity space or asleep.

21. I note the intent to retain the existing planting along the boundary to attenuate noise disturbance, however I have no evidence before me to demonstrate that this would be effective and so I have given this matter limited weight in my assessment.

22. I conclude, on the basis of the evidence before me, that the appeal scheme would not provide suitable living conditions for future occupiers. The development is, therefore, contrary to Policies 3 and 30 of the Local Plan which, amongst other things, requires that development should not adversely affect residential amenity or health.

Other Matters

23. The Framework does not impose a blanket restriction on development outside defined settlements, nor does it explicitly prevent the use of such boundaries. The appeal site is located in close proximity to existing dwellings and is not isolated and so the countryside location does not conflict with paragraph 79 of the Framework. Paragraph 78 of the Framework states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and that planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services.

24. The Framework recognises that sustainable transport solutions will vary between urban and rural areas and that rural housing development in smaller settlements can enhance or maintain the vitality of rural communities. The appeal site lies on the outskirts of a settlement with basic services, identified as being suitable for limited housing growth. Thus the proposal would contribute to the vitality of the village.

25. However, the Framework also recognises, in Paragraphs 127 and 170, the importance of being sympathetic to local character, including landscape setting, and of recognising the intrinsic character and beauty of the countryside. The Framework seeks to balance these aims with housing growth.

26. The policies in the development plan that are most important in this case (Policies 1, 2, 3 and 30 of the Local Plan) are consistent with the aims and policies set out in Sections 5, 9, 12 and 15 of the Framework and, therefore, are not out-of-date.

27. The development would provide benefits in terms of delivering an additional three homes in a location with access to local services to boost housing supply. Whilst the Council is able to demonstrate a five year supply of housing land, this figure is not a maximum and the number of homes would provide a modest benefit, given the Government's aim of significantly increasing the delivery of housing. There would be minor benefits to the local economy in terms of short term employment in the construction industry and longer term support to local shops and businesses. Given the limited scale of the development, taken together these benefits carry limited weight.

28. However, the harm from a conflict with the spatial strategy, the effect of the development on the character and appearance of the site and surrounding area

and the failure to provide suitable living conditions for future occupiers of the proposal would, together, be significant factors weighing against the scheme.

29. In conclusion the limited benefits provided by the proposal would be outweighed by the identified harm when considered against development plan policies and the Framework when read as a whole.

Conclusion

30. The proposed development would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal fails.

I Dyer

INSPECTOR