Beacon Council 2003-2004 Supporting the Rural Economy

SOUTH HOLLAND DISTRICT COUNCIL
Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE

tel: 01775 761161
fax: 01775 710772
web: www.sholland.gov.uk

Town and Country Planning Act 1990

Refusal of Planning Permission

Reference: H20/0672/03 Received: 28-MAY-03 Type: OUTLINE

Name: S Sutton
127 Chapel Gate
Sutton St James
Spalding
Lincs

Agent: S Thrower
Architectural Design Services
3 Newgate Road
Tydd St Giles
Wisbech Cambs PE13 5LH

Description: Proposed building plot for dwelling and garage

Location : Adjacent to 79 Chapel Gate Sutton St James

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

1 The proposal is contrary to Policy H3 of the First Deposit Draft of the South Holland District Local Plan to 2011 and would prejudice the preparation of that plan, the housing strategy of 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;

• Deliver a more sustainable pattern of development in line with Government's Planning Policy Guidance Note No. 3 'Housing' (PPG3).

The adopted Local Plan was prepared before the revised PPG3 was introduced whereas the first Deposit Draft Local Plan responds to the revised guidance. Greater weight should therefore be given to the emerging policies on these issues.

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. There are a substantial number of similar sites within the settlements and also within the other villages and towns. Granting permission would have a significant cumulative effect which would further prejudice the preparation of the emerging Local Plan and the achievement of its aims. It would also prejudice the Council in delivering a sustainable pattern of development in line with PPG3 guidance.

Note(s):

Beacon Council 2003-2004 *Supporting the Rural Economy*

SOUTH HOLLAND

Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE

tel: 01775 761161
fax: 01775 710772
web: www.sholland.gov.uk

The determined plans are:
Site location plan and Dwg.No.FD/91903 received 28 May 2003.

Head of Planning & Development
12 NOV 2003 H20/0672/03

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.

Town and Country Planning Act etc

DRAFT REFUSAL

Reference H20/0672/03 Received: 28-MAY-03 Type: OUTLINE

Name: S Sutton
127 Chapel Gate
Sutton St James
Spalding
Lincs

Agent: S Thrower
Architectural Design Services
3 Newgate Road
Tydd St Giles
Wisbech Cambs PE13 5LH

Description: Proposed building plot for dwelling and garage

Location : Adjacent to 79 Chapel Gate Sutton St James

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

1 The proposal is contrary to Policy H3 of the First Deposit Draft of the South Holland District Local Plan to 2011 and would prejudice the preparation of that plan, the housing strategy of 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;

• Deliver a more sustainable pattern of development in line with Government's Planning Policy Guidance Note No. 3 'Housing' (PPG3).

The adopted Local Plan was prepared before the revised PPG3 was introduced whereas the first Deposit Draft Local Plan responds to the revised guidance. Greater weight should therefore be given to the emerging policies on these issues.

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. There are a substantial number of similar sites within the settlements and also within the other villages and towns. Granting permission would have a significant cumulative effect which would further prejudice the preparation of the emerging Local Plan and the achievement of its aims. It would also prejudice the Council in delivering a sustainable pattern of development in line with PPG3 guidance.

Note(s):

The determined plans are:

Director of Customer Services
22 OCT 2003

H20/0672/03

Appeal Decision

Site visit made on 9 February 2004

by C R Wareham MRTPI

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 2 4 FEB 2004

Appeal Ref: APP/A2525/A/03/1133459
Land adjacent to 79 Chapelgate, Sutton St James PE12 0EF

- 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 S Sutton against the decision of South Holland District Council.
- The application (Ref. H20/0672/03), dated 13 May 2003, was refused by notice dated 12 November 2003.
- The development proposed is a building plot for a dwelling and garage.

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

Main Issue

1. From what I saw of the site and its surroundings and read in the representations, in my opinion the main issue in this case is the relationship of the proposal to the adopted and emerging development plan policy.

Planning Policy

2. Policies in the Lincolnshire Structure Plan Alteration no 1, adopted in 1991, set out the provision for new residential development in the district up to 2001 while those in the policies proposed for adoption in November 2000 do the same for the period up to 2011. In the South Holland District Local Plan, adopted in 1998, policy E1 sets out a range of assessment criteria for all development proposals. Policy H2 allows new housing development within the boundaries of development of villages provided that it is in scale and character to its surroundings among other things.

3. In May 2001 the Council adopted an Interim Rural Housing Planning Statement which is intended to reflect the change in national planning guidance in PPG3 and the revised structure plan. New policy H2A confines new housing within the boundaries of development of villages and requires development on sites of less than 0.4ha to be frontage development contained within the village fabric and in scale and character with its surroundings. There was public consultation on the Interim Statement and I think that it should be given considerable weight as supplementary planning guidance in line with the advice in PPG12.

4 In November 2001 the First Deposit Draft of a revised local plan was published, in which policy GEN1 broadly repeats what is said in policy E1 of the adopted plan. Policy H3 says that within the villages housing will only be allowed on land within the boundaries of development which currently has the benefit of planning permission. As far as I am aware there has been no further progress in its preparation and I have no information on the

response, if any, to these policies. Because the draft plan is still at a relatively early stage I am unable to give its contents significant weight when considering this appeal.

Reasons

5. 79 Chapelgate is the western half of a pair of semi-detached houses on the southern side of the road. The appeal site is a substantial grassed area on its western side. The access to a single-storey building on the rear part is shared with land at the rear of the detached house to the west. There is open land to the south and beyond the houses and bungalows on the opposite side of the road. Although all matters of detail are reserved for decision at a later stage, I think that the site is large enough to accommodate a dwelling satisfactorily, while providing sufficient amenity space and parking and turning areas for vehicles not only for the new house but the existing properties on either side. The housing along this stretch of road is a mixture of different ages, sizes and styles including the recently built houses next to the site and in 2 other gaps nearby. The dwelling could be designed to blend in with its neighbours and I see no reason why it should have an adverse impact on living conditions in neighbouring properties. As a result the proposal would meet the requirements of policies E1 and GEN1 in the adopted and emerging local plans.

6. Because the appeal site is inside the boundary of development for the village, the new dwelling would also be in line with policy H2 in the adopted local plan. That predates the publication of the latest versions of the structure plan and PPG3, but the proposal would also meet the requirements of policy H2A in the interim statement, which was adopted in response to those documents.

7. According to the text supporting policy H3 in the draft local plan most new development will be located in Spalding and other towns. Because of the relatively large amount of new dwellings in villages and a high rate of outstanding planning permissions, no new housing will be permitted in the villages for the duration of the plan in order to meet its strategic objectives. It seems to me that this blanket ban could be contrary to the guidance in PPG1 and PPG12 that plans should have a degree of flexibility. I think that the policy could also conflict with the objectives of PPG3 to encourage more efficient use of land for housing within existing settlements. Also in the decision on a recent appeal relating to land adjacent to 127 Chapelgate the Inspector said that the emerging local plan aimed to be in accordance with PPG3 but that guidance did not seek to prevent individual houses in defined villages.

8. While the emerging local plan needs to review adopted policy in the light of changes in national and strategic guidance and the local housing supply situation, I have explained in paragraph 4 above why I give little weight to the policies in it. In the circumstances I believe that the failure of the proposal to comply with the emerging local plan is not sufficient reason to justify refusing planning permission for a proposal that would meet the requirements of the adopted plan and recent supplementary planning guidance which aims to reflect current national and strategic planning policy.

9. In reaching this conclusion I have borne in mind that paragraph 47 of PPG1 says that refusal of planning permission on the grounds of prematurity may be appropriate in respect of proposals which are so substantial or whose cumulative effect would be so significant that granting planning permission would prejudice the outcome of the plan process. I do not think that one house would count as a substantial proposal but I saw some similar gaps between houses elsewhere in the village. According to the Council current housing commitments are already some 200 houses over the structure plan allocation of housing in

the district for the period up to 2011. The number of houses built in the district outside Spalding since 2001 is substantial and about 100 houses could come forward on unidentified small sites in the smaller towns with a further 280 on similar sites in smaller villages. It seems to me that even if all of these windfalls were to come forward the increase in the level of the anticipated over-supply would not be material. In the circumstances even if allowing this appeal resulted in applications for development on similar sites, I am satisfied that the cumulative effect would not justify refusing planning permission on the grounds of prematurity.

10. I have considered all the other matters raised but in my opinion there are no material considerations which outweigh my conclusion on the main issue or indicate that planning permission should be refused for a proposal which would be in line with adopted local planning policy.

Conditions

11. The Council has not suggested any conditions that should be attached to the planning permission in the event that the appeal is allowed and I propose to apply only those normally used in an outline permission.

Conclusions

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

Formal Decision

13. I allow the appeal and grant outline planning permission for a building plot for a dwelling and garage on land adjacent to 79 Chapelgate, Sutton St James in accordance with the terms of the application Ref. H20/0672/03, dated 13 May 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 buildings, 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) 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.

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

Information

14. 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.

15. 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.

16. 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.

17. Attention is drawn to the requirements of s.76 of the Town and Country Planning Act 1990 concerning the provision of benefits for the disabled.



INSPECTOR