

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H21-0057-22 **Applicant:** Mr & Mrs R Howse
Proposal: Residential Development - 1 dwelling
Location: Worlds End Road Tydd St Mary Wisbech
Terminal Date: 21st 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
11	Distribution of New Housing
28	The Natural Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance**National Planning Policy Framework 2021**

Section 2. Achieving sustainable development.
Section 4. Decision making.
Section 5. Delivering a sufficient supply of homes.
Section 9. Promoting sustainable transport.
Section 12. Achieving well-designed places.
Section 14. Meeting the challenge of climate change, flooding and coastal change.
Section 15. Conserving and enhancing the natural environment.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	1	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1

NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0
RESIDENTS	3	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Outline planning permission is sought for a dwelling, with all matters reserved for subsequent approval. The Supporting Statement indicates that the proposal, if permitted, would give the private home builder the opportunity to design and build their "one-off" home and that the site could be added to the register of suitable plots.

Site Description

The site (approximately 0.1ha) is agricultural land located on the eastern side of World's End Road on the periphery of Tydd St Mary. Two mature trees are situated along the northern boundary.

A new development of 6 dwellings has recently been constructed to the north-west on the opposite side of World's End Road on the periphery of the village (ref. H21-0859-16 and H21-0976-19). The nearest property to the south is Angle Farm which is approximately 90 metres from the site.

Planning History

H21-0046-89 - Outline - Dwelling, office, garage & storage of building materials and plant - Granted 27 July 1990 subject to a legal agreement ensuring that the proposed dwelling would only be occupied by a person concerned with the business.

H21-1193-16 - Outline - Residential development (5 indicative properties) - Refused 12 January 2017. Appeal dismissed.

Consultation Responses

Tydd St Mary Parish Council

Council object to this application. This area is outside of the Local Plan. The road is not sufficient for increased traffic.

LCC Highways/SUDs

Request informatives.

North Level Internal Drainage Board

No objection in principle. Draw applicants' attention to the riparian drain to the north of the site.

Environmental Protection

No comments or objections.

Public

Resident objections received (summarised):

- On agricultural land in open countryside, unlike other development which is on a brownfield site;
- Detract from the open rural aspect of the perimeter of the village;
- Local school oversubscribed;
- World's End Road is a narrow single track country road unsuitable for additional development;
- Junction at end of road will become more hazardous;
- Damage/prejudice two Black Alder trees;
- Previous refusal;
- Set precedent;
- Conditions would be necessary concerning construction traffic.

Planning Considerations

The main issues in this case are:

- Housing policy/sustainability;
- Other material considerations such as amenity, highway safety, flood risk and ecology.

Housing Policy/Sustainability

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The site is outside Tydd St Mary settlement boundary as defined in the South East Lincolnshire Local Plan (SELLP), March 2019. It is therefore within an area regarded as countryside.

SELLP Policy 1 indicates that development in the countryside will 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. This policy is up to date and the Authority presently has a supply of housing land exceeding 5 years (8.5 years).

Policies 2 and 3 of the SELLP, 2019 amongst other matters seek to ensure that development respects the character and appearance of the area and the relationship to existing development and land uses. They are consistent with advice within the National Planning Policy Framework, 2021. Paragraph 130 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area and are sympathetic to local character and history, including the surrounding built environment and landscape setting. Paragraph 174 states that planning policies and decisions should protect and enhance the intrinsic character and beauty of the countryside.

Addressing the first element of Policy 1, it has not been demonstrated that a dwelling is necessary in this particular location; for example, in conjunction with agriculture or other rural based business. It is noted that outline planning permission was granted in 1989 for a dwelling in conjunction with an associated business (H21-0046-89). However, it was granted due to the specific circumstances of the case at the time and prior to current development plan policies.

Concerning the second element, the relevant factors are addressed below.

An Economic Role - It is accepted that the development would result in an economic benefit to the construction industry, although this would be temporary in nature. There may also be potential local employment opportunities associated with the construction.

It is also recognised that future occupants may work locally, support local services and therefore make a contribution to the local economy. Overall, however, it is considered that there are no significant long term economic benefits resulting from the construction of a dwelling in this location.

A Social/Community Role - The site is accessible to local services and facilities within the village, which include a village shop, primary school and pre-school, public house and Parish Church. It is considered by the existing Local Plan to be capable of supporting some new growth for this reason. There is a bus service through the village. Whilst there is no segregated footway and the road is single width and unlit, development has recently been permitted on a site only some 30 metres to the north, which was considered sustainable on locational grounds. Taking this into account it would be difficult to refuse the application on this basis.

An Environmental Role - The site is agricultural land in open countryside beyond the southern periphery of the village. There is a clear division between the two as logically defined by the settlement boundary. There is a distinct open and undeveloped feel to the area where built development is scattered and informal with some dwellings and farmyards present. The prevailing character, southern edge of the village aside, is one of open mainly arable and grass fields. There is a clear sense that the site has a strong functional and visual relationship with the open countryside.

The proposal would introduce a dwelling onto the site and result in a significant encroachment into the countryside. Notwithstanding that the proposal is in outline form, the composition of the development would result in an urban form, incorporating 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. Overall, the proposal would urbanise the character and appearance of the site and this increased urbanisation would significantly harm the rural character and appearance of the site and the surrounding area.

Consequently, it is considered that the proposed development would not provide a sustainable location for new housing on environmental grounds.

The applicant's agent has indicated that the proposed dwelling may potentially constitute a self-build dwelling in accordance with the legal definition. The provision of this property may therefore help meet the Council's statutory duty to provide self-build housing. However, the supporting text for Policy 11 (Distribution of New Housing) of the South East Lincolnshire Local Plan sets out that there will be numerous opportunities for self-build and custom-build development within the defined settlement boundaries. In this case the site is not within a defined settlement limit.

Policy 17 (Providing a Mix of Housing) states that the Local Plan will seek to meet the needs of custom and self-builders as they come forward. The Council has therefore had regard to the provision of self-build housing in preparing its planning policies. On the basis that the Council can demonstrate a housing land supply in excess of 5-years, the presumption in favour of sustainable development in paragraph 11(d) of the Framework is not therefore engaged.

It is recognised that, under the Self Build and Custom Housebuilding Act, 2015, the Council has a 'duty to grant planning permission' and a 'duty as regards registers'. These duties are also emphasised in Footnote 28 of the Framework. With regards to registers, the Council has 73 entries on its self-build register, which is an indication of demand within the Council's area. This is a material consideration in respect of this proposal.

However, within the context of the Council's duties under the Self Build and Custom Housebuilding Act, 2015, the provision of a single self-build dwelling would be a modest contribution to the demand identified on the Council's register and carries commensurate weight in favour of the proposal.

Concluding, therefore, it is considered that the proposed development would not provide a sustainable location for new housing on environmental grounds. Consequently, it would conflict with Local Plan Policy 1 which seeks to direct development within settlement boundaries and with Local Plan Policy 2, which requires developments that respect the character and appearance of the area among other things. The proposal would also conflict with paragraph 130 of the Framework, which states that planning policies and decisions should add to the overall quality of the area and be sympathetic to local character and history, including the surrounding built environment and landscape setting. Paragraph 174 states that planning policies and decisions should protect and enhance the intrinsic character and beauty of the countryside.

Whilst the Authority has had regard to the personal and community benefits arising from the provision of self-build housing and the Council's duties in that regard, these matters are not of such weight as to outweigh the identified environmental harm and the conflict with development plan policies.

It is noted that planning permission was recently granted for 6 dwellings on land some 30 metres to the north-west on the opposite side of World's End Road. However, that particular site differs from the current proposal because it is within Tydd St Mary settlement boundary and was previously occupied by buildings.

Residential Amenity

Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) set out residential amenity and the relationship to existing development and land uses as main considerations when making planning decisions. They are consistent with advice within the National Planning Policy Framework (2021).
Social/Community

A new development of 6 dwellings has recently been constructed to the north-west on the opposite side of World's End Road on the periphery of the village (ref. H21-0859-16 and H21-0976-19). The nearest property to the south is Angle Farm which is approximately 90 metres from the site.

It is considered that the site could be developed without materially harming the amenity of nearby residents in terms of overlooking, lack of privacy, overbearing effect, overshadowing, noise and disturbance, etc.

Highway Safety

Policies 2 and 3 of the SELLP indicate that sustainable development considerations should be met in terms of access and vehicle generation levels and layout of car parking. Policy 36 and Appendix 6 set out the minimum standards for parking provision based upon the use class.

Concerns have been raised on highway safety grounds. Whilst the Highway and Lead Local Flood Authority acknowledge Worlds End Road is a single-track road, they have indicated that the road is lightly trafficked and there is sufficient forward visibility to allow vehicles to stop safely and allow for the passage of calling vehicles. Pedestrians would also have reasonable sight of any vehicles using this road to manoeuvre safely on to the highway verge. They have indicated that additional vehicle and pedestrian movements along Worlds End Road for the proposed development of one dwelling would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact on the highway network. They have cited that they are the only reasons the National Planning Policy Framework (NPPF) will permit to be cited for restricting or refusing developments on highway grounds.

Other Material Considerations

Flood Risk - The site is within Flood Zone 3 of the Environment Agency's Flood Maps. They have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences. Also, large parts of the South Holland District lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test. In this respect, the site is predominantly within an area of no hazard. It is therefore considered that the proposal satisfies the sequential test. In terms of the exceptions test, 300mm FFLs are recommended if permission is forthcoming.

Drainage - This matter could be addressed by means of conditions if permission was forthcoming.

Ecology - Although the site is agricultural land it is bordered by drains. An ecological survey would therefore be recommended if permission was forthcoming. It is considered that the site could be developed without prejudicing the existing trees along the northern boundary.

Planning Balance

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The site is outside Tydd St Mary settlement boundary as defined in the South East Lincolnshire Local Plan (SELLP), March 2019. It is therefore within an area regarded as countryside.

SELLP Policy 1 indicates that development in the countryside will 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.

It has not been demonstrated that a dwelling is necessary in this particular location; for example, in conjunction with an agricultural or other rural based business.

Concerning the second element, although there would be some economic and social benefits, they are outweighed by the environmental harm that the proposal would cause. The proposal would introduce a dwelling onto the site and result in a significant encroachment into the countryside. The proposal would urbanise the character and appearance of the site and this increased urbanisation would significantly harm the rural character and appearance of the site and the surrounding area.

The site is not therefore considered to be a suitable site for housing with particular regards to the principles of sustainable development and the protection of the rural character of the countryside. It is not in accordance with Policies 1 and 2 of the South East Lincolnshire Local Plan, 2019.

Whilst the Authority has had regard to the community benefits arising from the possible provision of self-build housing and the Council's duties in that regard, these matters are not of such weight as to outweigh the identified environmental harm and the conflict with development plan policies.

Summing up, therefore, the adverse impacts of granting permission would demonstrably outweigh the benefits, when assessed against the policies in the Development Plan and National Planning Policy Framework taken as a whole.

Conclusion

For the above reasons it is recommended that the application be refused under delegated powers.

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.