DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H21-0100-23**	**Applicant:**	**Mr & Mrs R Howse**
Proposal:	Residential Development - re-submission of H21-0057-22		
Location:	Worlds End Road Tydd St Mary Wisbech		
Terminal Date:	31st March 2023		

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
RESIDENTS	2	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Outline planning permission is sought for a dwelling, with all matters reserved for subsequent approval. This is a resubmission of H21-0057-22 that was refused in 2022.

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.

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.

H21-0057-22 - Outline - Residential Development - 1 dwelling - Refused 18 March 2022

Consultation Responses

North Level District Internal Drainage Board

The Board has no objection in principle to the above application.

LCC Highways/SUDS

Recommendation: No objection

The principle of development is acceptable. As this is an outline application with all matters reserved, access and layout have not been considered. Please make the applicant aware of the requirements for access, parking, visibility, turning and layout as detailed within the Lincolnshire County Council Design Approach, in order to support any further application. Additionally, sufficient information will be required to demonstrate that the use of a suitable drainage system for the management of surface water run-off is appropriate for this site to mitigate concerns with flooding of the property and surrounding land.

No Objections
Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon

the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

Tydd St Mary Parish Council

This application is outside the Local plan. The road is not sufficient for increased traffic.

Public Comments

Resident objections received (summarised):
- Local school oversubscribed
-Concerned regarding damage to the adjacent trees
- Set a president
- The road cannot take the pressure of increase in traffic
- Would impact on the scenic area

Planning Considerations

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 relevant development plan in this case is the South East Lincolnshire Local Plan (SELLP), which was adopted in March 2019. The Council has a housing land supply exceeding five years (5.9 years on 31 March 2022).

The application site is outside of the settlement boundaries of Tydd St Mary. The principle consideration in this instance relates to the principal of development in the countryside outside of a settlement boundary. In such locations, permissible residential development is generally limited to those necessary to such a location (i.e. agricultural), the provision of replacement dwellings, dwellings converted from redundant rural buildings or affordable homes on 'Rural Exception Sites'.

Policy 1 (Spatial Strategy) of the SELLP 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.

Addressing the first element, it has not been demonstrated that residential development is necessary in this particular location; for example, in conjunction with agriculture, another rural based business or affordable housing. 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.

There has been no additional justification for a propped dwelling in this location submitted from that of what was submitted with original application H21-0057-22.

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

An Economic Role - Future occupants may work locally and support local services, thereby making a contribution to the local economy. There may also be employment opportunities associated with the construction, albeit in the short term.

A Social Role - The proposal would make a contribution, albeit small, towards housing supply in the District However, no explanation has been submitted why the new dwellings cannot be accommodated within an existing settlement boundary. 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 environmental objective identifies the need to protect and enhance our natural, built, and historic environment. It has not been demonstrated that the development is

necessary in this location and how it would protect/enhance the existing character of the area. 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 site does not provide an opportunity for infill development in an existing frontage but rather represents an incursion into open countryside. The form of development would represent and encroachment on to the open field's. There are no local circumstances which indicate in favour of development. The proposal would not be integrated sensitively with the character and appearance of the surrounding area.

The proposal therefore conflicts with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan, 2019. Policies 2 and 3 are concerned with protecting the character and appearance of the area, as well as consideration of the relationship with existing development and land uses. These policies are in accordance 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 also be sympathetic to local character and history, including the surrounding built environment and landscape setting. Paragraph 174 seeks to protect the character of the countryside.

It is noted that planning permission was 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.

Parking/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. In conjunction with Policy 36 of SELLP 2019, Appendix 6 sets out the minimum standards for parking provision based upon the use class. Two spaces for dwellings with up to 3 bedrooms and 3 spaces for dwellings with 4+ bedrooms should be provided within the curtilage. It is not clear how many bedrooms the proposed dwellings would have and this would be fully assessed at Reserved Matters stage.

The Local Highway Authority has not raised any objections to the scheme.

The proposal therefore satisfactorily complies with Policies 2, 3 and 36 of the SELLP in this respect.

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.

Within the submitted planning statement it has been confirmed that the finished floor levels will be at a level of 3.6ODN and the construction above this will incorporate flood damage mitigation measured for a minimum 300mm.

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. No additional information justifying the need for a dwelling in this location has been submitted following the refusal of H21-0057-22.

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.