The Planning Inspectorate

Appeal Decision

Site visit made on 5 January 2016

by L Fleming BSc (Hons) MRTPI

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

Decision date: 17 February 2016

Appeal Ref: APP/A2525/W/15/3134914
Land to Rear of Playing Field, Station Road, Tydd Gote, Wisbech

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Martin Melton against the decision of South Holland District Council.
- The application Ref H21-0484-15, dated 23 May 2015, was refused by notice dated 28 July 2015.
- The development proposed is a single detached dwelling.

Decision

1. The appeal is allowed and planning permission is granted for a single detached dwelling at Land to Rear of Playing Field, Station Road, Tydd Gote, Wisbech in accordance with the terms of the application, Ref H21-0484-15, dated 23 May 2015, subject to the following conditions:

    1) The development hereby permitted shall begin not later than three years from the date of this decision.

    2) The development hereby permitted shall be carried out in accordance with the following approved plans: 051-P01 Proposed Drawing.

    3) No works shall begin on constructing the walls of the dwelling hereby permitted until details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

    4) The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment. The mitigation measures proposed therein shall be fully implemented prior to the occupation of the dwelling.

Main Issues

2. The main issues are:

    - whether the dwelling would be in an acceptable location having regard to development plan and national policies;

    - the effect of the dwelling on the character and appearance of the surrounding area.

Reasons

Location of development

3. Saved policy SG3 of the South Holland Local Plan (2006) (LP) sets out a settlement hierarchy to guide the development of the District. Tydd Gote is categorised as an Other Rural Village where new development will only be permitted in exceptional circumstances to meet demonstrated local needs and where it is well related to the built up area of the settlement. Saved policy HS7 of the LP adds that new housing will only be permitted in such locations where it is proved to meet the needs of agricultural, forestry or other workers. As such the appeal proposal is contrary to policy HS7.

4. It is agreed that the Council cannot demonstrate an up to date 5 year land supply in accordance with paragraph 47 of the National Planning Policy Framework (the Framework). Both policies SG3 and HS7 seek to restrict housing development in locations such as the appeal site. In accordance with paragraph 49 of Framework they cannot be considered up to date in this regard and proposed development should be considered in accordance with the presumption in favour of development.

5. Paragraph 55 of the Framework encourages development in rural areas where it will enhance or maintain the vitality of rural communities but requires isolated new homes in the countryside to be avoided unless there are special circumstances.

6. The proposed dwelling would be positioned on the northern edge of a field on the edge of the village accessed via an existing driveway off Station Road. Although the field is mainly open it has thick hedging and trees along its boundaries particularly to the north and east. The existing driveway runs adjacent to a public open space comprising children's play equipment and a playing field next to the site. The driveway also provides access to Robin Hood Cottage which is a large detached property with outbuildings set in a large plot. To the west of the site are two other detached dwellings also set in relatively large plots fronting main road.

7. The proposed dwelling would be close to other dwellings set in spacious plots. Sharing its access driveway with Robin Hood Cottage. It would be next to public open space and within walking distance along the driveway and public footpaths to all other parts of the village. I consider it would form part of the village of Tydd Gote and would therefore be neither isolated nor remote.

8. The proposed development would provide an additional home in the village the occupants of which might support local services and there may also be employment opportunities associated with construction. Although very minor, the proposed dwelling would therefore have some benefit to the vitality of the community.

9. The Council refer to the emerging South East Lincolnshire Local Plan and the fact that this does not identify Tydd Gote as a suitable location for residential development, other than for local need. However this document has not yet been submitted for public examination and I therefore give the emerging policies limited weight.

10. Taking all of the above into consideration, whilst the proposal is contrary to LP policy HS7 this policy is to be treated as out of date and I attach limited weight

to it. The dwelling would be in an accessible location close to local services and facilities and as such I conclude that it would be in an acceptable location and would accord with the objectives of the Framework.

Character and appearance

11. The existing trees and hedging would have the effect of largely screening views of the proposal from all directions. It would therefore not be visible when looking towards the settlement over the agricultural land to the north of the site. I have already found that the proposed dwelling would be viewed as part of the village and would not be widely visible. The dwelling would be readily assimilated within the village and consequently, I conclude that there would be no harm to the character and appearance of the surrounding area.

12. The access driveway from Station Road is within the Tydd Gote Conservation Area, with the remainder of the site adjacent to it. I am therefore required to have special regard to its preservation or enhancement. Station Road is characterised by dwellings of a variety of styles and ages which mainly have a road frontage. The proposed dwelling would utilise an existing access driveway which serves Robin Hood Cottage which sits in a large plot behind properties which front onto Station Road. As the access driveway is already in place and the site is well screened by existing trees and hedging, the proposed development would have no effect on Station Road street scene.

13. The proposed detached dwelling in a large plot, although not having a frontage to Station Road, would reflect the layout of Robin Hood Cottage. Furthermore the spacious plot would be consistent with other nearby properties thus resulting in no harm to character and appearance of the wider area. For these reasons the character and appearance of the Tydd Gote Conservation Area would be preserved.

14. I have also considered the Council's concern that the grant of planning permission would set a precedent for other similar developments. However, each application should be considered on its individual merits and I do not consider that a concern of this nature justifies withholding planning permission.

15. I therefore conclude that the proposed development would be in accordance with the Framework in that it would not have an adverse effect on the character or appearance of the countryside and the character and appearance of the Tydd Gote Conservation Area would be preserved. Furthermore the proposal would be consistent with the aims of saved policy SG14 of the LP which seeks to ensure new development relates to the pattern of development in the area.

Conditions

16. I agree that the conditions suggested by the Council are needed in interest of proper planning, the avoidance of doubt, to safeguard the character and appearance of the area and ensure appropriate flood risk management.

17. I have amended the conditions suggested having regard to the advice on imposing conditions in the Framework and Planning Practice Guidance in the interests of clarity and to assist the efficient delivery of development.

Conclusion

18. For the reasons set out above, I conclude that the appeal should be allowed.

L Fleming

INSPECTOR