The Planning Inspectorate

Appeal Decision

Site visit made on 8 January 2019

by J Gilbert MA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th January 2019

Appeal Ref: APP/A2525/W/18/3207775
Land off Broadgate, Weston Hills, Spalding PE12 6DQ.

- 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 Mrs C Bodal Hansen against the decision of South Holland District Council.
- The application Ref H22-0163-18, dated 14 February 2018, was refused by notice dated 1 May 2018.
- The development proposed is described as "residential development."

Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was made in outline with all matters of detail reserved for future determination. Although detailed matters are not formally submitted for determination, the submission is accompanied by indicative details for 10 detached houses on plan 3284-18-01 to which I have had regard.

Main Issue

3. The main issue in this appeal is whether the proposal would be in a suitable location, having particular regard to the development plan and the character and appearance of the area.

Reasons

4. Weston Hills is in 2 parts approximately 2km apart with ribbon development in between. There is a primary school, church, village hall and day nursery in the southern part, while the northern part hosts a public house. There is a bus service linking Weston Hills with Spalding. Weston Hills is defined as an Other Rural Settlement in the South Holland Local Plan 2006 (SHLP) and as an Other Service Centre in the South East Lincolnshire Local Plan (SELLP) (Publication Version March 2017). However, the SELLP is at examination and is yet to be adopted. As such, I give the SELLP limited weight at this time.

5. The appeal site forms part of an agricultural field adjacent to Broadgate and Fengate Drove. There are residential properties along the opposite side of Broadgate and along St John's Road. At the southern end of the field, there is a detached house and its garden at 273 Broadgate. There are a number of agricultural fields to the north and east of the site with only sporadic built

development. The appeal site is not located within a defined settlement limit within the SHLP. It lies therefore within the open countryside.

6. The proposed development would result in the provision of new homes in the countryside. Given the proximity of other residential properties, it would not be far away from other buildings or people, and would not be isolated in terms of paragraph 79 of the National Planning Policy Framework (the Framework).

7. SHLP policy SG4 states that planning permission will only be granted in the open countryside if it is essential in the proposed location and cannot reasonably be accommodated within defined settlement limits. It also confirms that where development would unacceptably impact the landscape character of the area, it will only be permitted where the need for the development in that location outweighs the impact, and there is no other site or solution to accommodate the proposed development. No convincing justification has been provided by the appellant to confirm that there are no other sites or solutions which could accommodate the proposed development. SHLP policy HS7 confirms that outside defined settlement limits, new housing will only be permitted where there is a proven need for agriculture, forestry, or other workers, or it is for small scale rural exception affordable housing. The proposal does not appear to meet either of policy HS7's requirements.

8. While the appellant states that the proposed development would mirror Broadgate's built environment, I consider that it would significantly encroach on the field. It would extend the built-up area of Weston Hills to the east and would have a suburbanising and intensifying effect on this element of the agricultural landscape. Notwithstanding the presence of a single house at 273 Broadgate adjacent to the site, the proposed development would expand the settlement beyond existing settlement boundaries and fundamentally alter the rural nature of this part of Broadgate and Fengate Drove. This would be harmful to the character and appearance of the area.

9. The appellant has referred to recent permissions H22-0558-18 for 3 dwellings, H22-0645-18 for 3 dwellings, H22-0850-18 for 4 dwellings) along Broadgate, and an allowed appeal[1] on Austendyke Road. All lie outside defined settlement limits. Each site has different site-specific circumstances to the appeal site before me, either by reason of their location adjacent to development on 3 sides in the cases of H22-0558-18 and the Austendyke Road appeal or because of established rows of houses on 2 sides in respect of H22-0645-18 and H22-0850-18. I consider that these permissions are not sufficient to indicate that the appeal site is suitably located for the proposed development.

10. The Council considers that granting this proposal would compromise future decisions affecting the area's character by setting an undesirable precedent. As noted by the Inspector in the appeal on Austendyke Road, my findings must be based only on the planning merits of the case that is before me. I have already found that this site has different site-specific circumstances to the other local sites referenced. If other proposals were to come forward, they would be assessed in respect of factors relevant to their specific circumstances. I consider that precedent does not offer a basis for resisting the proposal.

11. There is no dispute between the parties that the Council cannot demonstrate a 5 year housing land supply (HLS). The appellant considers the appeal site to be

[1] APP/A2525/W/17/3170487, decision issued 14 August 2017.

a sustainable windfall site and has confirmed that the Council had 3.9 years' supply in April 2016. The Council has not provided me with more recent data. I have no reason to disagree that the Council cannot demonstrate HLS.

12. Therefore, paragraph 11 of the Framework confirms that permission should be granted unless specific policies in the Framework provide a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

13. The proposed development would potentially provide 10 houses with landscaping and tree planting, provide support for local services and facilities and contribute to the local economy. It would make a modest difference to the identified housing shortfall locally and so the benefits of the proposal carry modest weight in favour of the proposal. In contrast, I consider that the adverse impacts that would result from the proposed development not being suitably located with particular regard to the character and appearance of the area and the loss of Grade 1 agricultural land are more significant factors weighing against it. Therefore the adverse impacts would significantly and demonstrably outweigh the benefits and so the proposal would not represent sustainable development. This weighs against the grant of permission.

14. In conclusion, the proposed development would not be in a suitable location, having particular regard to the development plan and the character and appearance of the area. It would be contrary to SHLP policies SG1, SG2, SG4, SG14 and HS7. Policy SG1 states that development should be consistent with sustainable development principles, including the need to avoid damage to South Holland's essential character. Policy SG2, amongst other things, outlines a sequential approach to development. Policies SG4 and HS7 are set out above. Policy SG14 indicates, amongst other things, that development should not adversely affect the character and appearance of the locality. It would also conflict with paragraph 127 of the Framework which requires development to be sympathetic to local character.

Other Matters

15. The Council has confirmed that the appellant would be required to enter into a planning obligation for the provision of 25% affordable housing given that the site is above the 0.5ha affordable housing threshold set out in the Framework. No planning obligation has been provided. As I am dismissing the appeal for other reasons, I have not sought a planning obligation in this instance.

16. Objections have been raised by local residents and the Parish Council with regard to overdevelopment, highway safety, loss of agricultural land and views, effects on privacy, overshadowing, and property values, noise, and drainage. As I am dismissing this appeal, I have not addressed these concerns in detail.

Conclusion

17. For the reasons given above, the appeal is dismissed.

J Gilbert

INSPECTOR