

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H23-0870-19 **Applicant:** Mr & Mrs R Tomizzi
Proposal: Residential development - single-storey dwelling and detached triple garage (re-submission of H23-0331-19)
Location: Rear Of 48 Broadgate Whaplode Drove Spalding
Terminal Date: 24th November 2019

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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
19	Rural Exception Sites

National Guidance

National Planning Policy Framework 2019

Section 2. Achieving sustainable development
 Section 5. Delivering a sufficient supply of homes
 Section 11. Making effective use of land
 Section 12. Achieving well-designed places
 Section 14. Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a planning application seeking outline permission for a single-storey dwelling and detached triple garage at land to the rear of No. 48 Broadgate, Whaplode Drove, Spalding.

Outline permission was previously refused for residential development comprising three detached dwellings with detached garages (planning ref. H23-0331-19). In the officer report, two reasons were stated to warrant refusal:

- Principle of development: "It is not considered that the application has demonstrated that development is essential in this location or meets a defined housing need" as required by Policy 1 of the South East Lincolnshire Local Plan, 2019

- Design and layout: "The proposed development would set a harmful development by positioning residential dwellings in a backland, countryside location behind the main built-up area of the village. This would have an adverse impact on the character of the area and would set a harmful precedent for further development inside and outside the settlement boundary". This material consideration contravenes Policies 2 and 3 of South East Lincolnshire Local Plan, 2019.

Given the above, the following reason for refusal was stated on the decision notice:
"The site is not considered to be a suitable site for housing with particular regards to the principles of sustainable development and the protection of the countryside character of the area. It is therefore contrary to Policies 1, 2 and 3 of the South East Lincolnshire Local Plan (2019) as well as Paragraphs 7, 8 and 127 of the National Planning Policy Framework (2019)."

Site Description

The site is grassed land located to the rear of the properties No. 44 and 48. There is an existing access between these properties that serves the site. Whilst No. 44 is a detached bungalow with no ancillary development, the curtilage of No. 48 contains a two-storey dwelling and large outbuildings for storage to the rear. A large L shaped bungalow is adjacent to the south of the site which obtained permission under application ref. H23-1124-17. There is timber close board fencing with a range of heights on the site boundaries except on the northern boundary where hedgerow and overgrown shrubs would significantly obscure views from that direction.

History

H23-0331-19 - Residential development - Refused.

Consultation Responses

Whaplode Parish Council

Support.

SHDC Environmental Protection Officer

No objection.

Ward Member

No objection although it is advised that approval would create a precedent for development out of the settlement boundaries.

Planning Considerations

Principle of development

The linear development along Broadgate constitutes the core of the urban pattern of Whaplode Drove. This is the built-up area contained within the settlement boundaries as shown on the Inset Map for Whaplode Drove in the South East Lincolnshire Local Plan (SELLP), 2019. The application site is outside but adjacent to the settlement boundary of Whaplode Drove. Policy 1 of the SELLP sets out the spatial strategy for new development across the district. The rest of the area outside the settlement boundaries is designated as Countryside. This Policy echoing Paragraphs 7 and 8 of National Planning Policy Framework (NPPF), 2019 establishes that "in the Countryside development 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".

South Holland has a housing land supply of 6.07 years according to South Holland District Council 5-year Housing Land Supply Assessment (as at 31st March 2019). Therefore, the proposal would not make any contribution to the social need for further housing given that sufficiency has been achieved in this respect. In terms of local spatial strategy, Whaplode Drove is categorised within the "Other Service Centres and Settlements" tier of the settlement hierarchy by Policy 1. Development in such settlements should normally be limited to committed sites and infill and the proposal contravenes this policy criterion as it is backland development. Moreover, settlements at a higher hierarchy tier would be sequentially preferred to steer new housing development.

Policy 19 of SELLP lays down the criteria for which proposals for housing outside but adjoining the defined settlement boundaries identified by Policy 1 will be permitted. The proposed development is against the three criteria because it does not respond such as market housing to "an identified local need for affordable housing", it is irrelevant "with the role and function of the settlement" because the housing need has been met and no evidence of "pre-application engagement with the local community" has been given.

The site is located within Environment Agency Flood Zone 1 and the South East Lincolnshire Strategic Flood Risk Assessment (March 2017) identifies the site as not being affected by flood hazard or flood depth. The site is therefore in a sequentially preferable area in terms of flood risk, in accordance with Section 14 of the National Planning Policy Framework (NPPF). Notwithstanding this, taking into account on balance all considerations above, it is concluded that the principle of development is not considered to be acceptable in this case.

Design and layout

The previous outline application sought permission for 3 detached houses. There were one 2-bedroom bungalow (Plot 1) and one 4-bedroom two-storey house (Plot 2) shown behind No. 44 whereas one 3-bedroom bungalow (Plot 3) was to the rear of No. 48.

This application hereby assessed only proposes one dwelling which would relate to Plot 3 of the former application. The material increase of the scheme has been substantially reduced by the removal of Plots 1 and 2. The form and design of the house has been altered although the bungalow type and number of bedrooms remain.

The single dwelling would not extend further to the open field than the large bungalow adjacent to the south and behind No. 50 which has been somewhat recently approved (planning ref. H23-1124-17). The hedgerow and shrubs on the northern boundary would screen significantly any view onto the site from that direction. Thus, the development proposal would lead this time to less than substantial harm to the character of the local area.

Conclusion

Taken in isolation, the proposal has been enhanced in terms of design and layout to the extent that there would be less harm to the existing verdant rural setting and linear development of the village. However, there is still harm to the surroundings and the principle of development has been demonstrably unacceptable which is paramount against any other planning material consideration. Accordingly, it is considered that the proposal contravenes Policies 1, 2, 3 and 19 of the South East Lincolnshire Local Plan (2019) as well as Paragraphs 7, 8 and 127 of the National Planning Policy Framework (2019). This application should therefore be refused via delegated decision.

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.