

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H23-0871-19 **Applicant:** Mr & Mrs L Brown
Proposal: Residential development of one dwelling - re-submission of H23-1144-18
Location: Adj:100 Cobgate Whaplode Spalding
Terminal Date: 25th 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

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
 Section 15. Conserving and enhancing the natural environment

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This is an outline planning application for residential development of one dwelling at land adjacent to 100 Cobgate, Whaplode, Spalding.

Outline permission was previously refused for residential development comprising four semi-detached properties (planning ref. H23-1144-18). The reasons for which that application was refused were summarised in the Decision Notice as follows:

"Although the proposal would help to provide the supply of housing required to meet the needs of present and future generations this factor is outweighed by the harm that the proposal would cause in terms of other social and environmental factors. These include such matters as the distance from local services, reliance upon the motor car and the development's effect upon the character and appearance of the countryside. In terms of the latter, the site is poorly related to the existing built-up area and would extend existing development into the open countryside.

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 contrary to Policies SG1, SG2, SG4 and SG14 of the South Holland Local Plan and Paragraphs 79, 103 and 170 of the National Planning Policy Framework, 2018 which aim to protect the character of the countryside"

Following the Local Planning Authority's decision, an appeal was submitted (Ref: APP/A2525/W/19/3220371) and the decision of the Planning Inspectorate was dismissal. The inspector justified dismissing the appeal on the same terms.

Site Description

The site is currently grassed and used as a domestic garden of No. 100 which is to the east. The property is a two-storey 'brick-and-tile' semi-detached house within a row of former council houses. This cluster of houses constitutes ribbon development to the east and it is disconnected by approximately 300 metres from the built-up area of Whaplode. There are arable fields to the north, west and south of the application site.

History

H23-1144-18 - Residential development - Refused with Appeal Dismissed

H23-0991-98 - Siting of caravan for temporary living accommodation (retrospective) - Approved

Consultation Responses

Ward member

The proposal is objected on the basis that the new dwelling is out of the settlement boundaries.

Whaplode Parish Council

No objection.

It is advised that the proposal is outside of the settlement boundary which should be taken into consideration.

Lincolnshire County Council as Highways and Lead Local Flood Authority

No objection.

Planning Considerations

Principle of development

The application site is outside but adjacent to the settlement boundary of Whaplode as set out in the

South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 of SELLP sets out the spatial strategy for new development across the district. The rest of the Local Plan area outside the settlement boundaries is designated as Countryside. This Policy 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".

The supporting text to Policy 1 states that "housing needs may also, by exception, be justified in the Countryside; for example, for Gypsy, Traveller and Travelling Showpeople accommodation (Policy 20: Accommodation for Gypsies, Travellers and Travelling Showpeople). Moreover, the scheme is not a replacement dwelling, aimed to reuse an existing building neither is situated outside but adjoining the defined boundaries of an urban settlement, among other conditions. The proposal neither comply with the criteria of Policies 19, 22 and 23 of SELLP and Paragraph 79 of National Planning Policy Framework (NPPF), 2019 from which decision-making about proposals for rural housing should be underpinned.

Given the above, the overriding consideration is whether the proposed development can be considered necessary to that location and/or whether the site can be considered to represent a sustainable form of development following Policy 1 (countryside section). The consideration will be made on the basis of the three dimensions of the sustainable development which are interdependent and need to be pursued in mutually supportive ways:

Economic - The proposal would entail employment opportunities albeit in small scale to building constructors and material suppliers during the construction of the house. The provision of one dwelling would have very small impact on the local shops and other services in the village.

Social - The council is capable of demonstrating a 5-year housing land supply (6.07 years as at 31st March 2019). Thus, the proposal thus has no merit to the social need for further housing given that sufficiency has been achieved in this respect. There is a footpath to Whaplode opposite the existing dwelling at No 100. However, the distances involved for a round trip to the nearest services and facilities, particularly by foot, are not insignificant and, as a result of that, there is likely to be some reliance on the private motor vehicle to access services and facilities.

Environmental - In terms of character, the wider area has countryside character due to the flat fenland landscape. The additional house would represent an enlargement of the ribbon development with detrimental impact upon the countryside. Should permission be granted for the proposal, it would set a harmful precedent by encouraging further applications of a similar nature for future development along Cogbate and other rural locations across the district.

On balance, the proposed development would not be necessary on such location and would not make any significant contribution to enhance the sustainable development of the locality.

Design and layout

Whilst the previous outline application sought permission for four dwellings in the form of two pairs of semi-detached houses, the development hereby assessed is proposing one 3/4 bedroom dwelling with detached garage.

This change of form of development is at odds with the setting. The former proposed semi-detached houses were further in keeping with the adjacent ribbon development to the east. A 3/4 bedroom detached dwelling of larger massing would poorly relate with the semi-detached dwellings nearby. The legibility of the scheme therefore would be little in relation with the frontage development. In addition to that, the proposal would be detrimental to the character and appearance of the surrounding countryside. It would extend the built footprint and increase the presence of built form within the countryside at the expense of the intrinsic character and beauty of the Fenland rural landscape.

Flood risk

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).

Conclusion

The proposal is in an inappropriate location against the local spatial strategy and the principles of sustainable development. The design and layout of the proposal would not be sympathetic with the built environment nearby neither the rural character of the surrounding countryside.

Having regard to the considerations made above, the proposed development is contrary to Policies 1, 2, 3, 19, 22 and 23 of South East Lincolnshire Local Plan (SELLP), 2019 and Paragraphs 7, 8, 79 and 127 and 170 of the National Planning Policy Framework (2019).

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.