The Planning Inspectorate

Appeal Decision

Site visit made on 24 July 2017

by I Radcliffe BSc(Hons) MRTPI MCIEH DMS

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

Decision date: 25 August 2017

Appeal Ref: APP/A2525/W/17/3175028
Land off Stockwell Gate, Whaplode, Spalding PE12 6UE

- 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 D & R Property Services Limited against the decision of South Holland District Council.
- The application Ref H23-1064-16, dated 18 October 2016, was refused by notice dated 20 December 2016.
- The development proposed is residential development.

Decision

1. The appeal is dismissed.

Procedural matters

2. The application was submitted in outline, with all matters reserved. I have dealt with the appeal on that basis and I have taken the illustrative plan that has been submitted into account only insofar as it is relevant to my consideration of the principle of the development on the appeal site.

3. The publication version of the South East Lincolnshire Local Plan was issued in March 2017. However, as it is unclear whether it has been subject to public consultation, and it has not yet been examined, I attach little weight to this plan and its policies.

Main Issues

4. The main issues in this appeal are;

   - whether the location of the proposed development would be in accordance with the development plan;
   - whether the proposal would comply with planning policy which seeks to steer development away from areas at the highest risk of flooding.
   - the effect of the proposed development on the character and appearance of the area; and,
   - the accessibility of services and facilities.

Reasons

Location of development

5. Applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework ('the Framework') is an important material

consideration. A core planning principle of the Framework is that decision taking should be plan led.

6. The development plan for the area includes the South Holland Local Plan (SHLP) which was adopted in 2006. In order to further sustainability objectives and in the interests of protecting the countryside, policies SG1, SG2, SG3 and SG4 set a development strategy for South Holland. Among other things windfall proposals for residential development, such as the appeal proposal, are to be assessed in accordance with the identified settlement hierarchy, which has Spalding at the top.

7. Whaplode is classified as a 'Group Centre' in the third tier and the appeal site lies outside its defined settlement limit. As a result, for planning policy purposes it lies within the open countryside where new development is strictly controlled by policy HS7. As the proposal would not accord with the exceptions set out in policy HS7, the location of the proposed scheme would therefore be contrary to policies SG1, SG2, SG4 and HS7 of the SHLP.

Flood risk

8. The appeal site is located within Flood Zone 3 which is the zone with the highest probability of flooding, ignoring the presence of defences. In accordance with the Framework, where development is proposed within this zone a Sequential Test needs to be carried out to demonstrate whether there are reasonably available sites appropriate for the proposal in areas with a lower risk of flooding. No such test has been submitted.

9. In the view of the Council, there are reasonably available sites at a lower risk of flooding within the built up area of Whaplode that could accommodate the amount of residential development that could be built on the appeal site. On the basis of the submitted '*Residential Flood Hazard Map*' which shows large areas of the District, including large parts of Whaplode, at lower flood risk than the appeal site I have no reason to disagree with the Council.

10. As a result, I therefore find that the proposed development could be located in an area of lower flood risk. The proposed development is therefore contrary to the policy contained in paragraphs 100 and 101 of the Framework which seeks to minimise flood risk by directing development to areas at lowest risk.

Character and appearance

11. The appeal site is a field of pasture that lies beyond the northern edge of the built up limits of Whaplode where development is petering out. In combination with the open land on the opposite side of the road this results in a very real sense of being beyond the periphery of Whaplode in an area where open undeveloped countryside dominates. The proposed development would result in the loss to residential development of the open area of countryside that separates the house at Eastern Forge from Cragg's Hill Farmhouse.

12. With the control that exists at reserved matters stage well designed attractive new dwellings could be built on the appeal site. Nevertheless, whether the site was developed for four detached houses as shown on the indicative site plan, or for a greater or lesser number of dwellings, the resulting urbanisation would result in the loss of countryside. This loss would cause harm to the rural character and appearance of the area and interfere with the pleasant transition between the settlement and the surrounding countryside.

13. Taking all these matters into account, I therefore conclude that the proposed development would result in demonstrable harm to the character and appearance of the countryside and the pattern of development in the locality. This would be contrary to policy SG4 of the SHLP which only supports new development within the countryside that is essential and seeks to protect its intrinsic character. It would also be contrary to a core planning principle of the Framework which seeks to conserve and enhance natural environment.

Accessibility

14. The site is located on the northern edge of Whaplode. The settlement has a reasonable range of services and facilities for a village of its size and is capable of meeting some of the day to day needs of its residents. Whilst at 1300m distant the village centre is not within a reasonable walking distance of the appeal site, it is within a comfortable cycling distance.

15. Spalding and Kings Lynn provide a wider range of services and facilities and two bus services provide a regular connection to these towns. These services stop on the main road through the village which, at 800m from the appeal site, are just within a reasonable walking distance. Taking all these matters into account, I therefore find that whilst the appeal site is less than ideally located in relation to services and facilities it is in a reasonably accessible location for development.

Other matters

16. Reference has been made to seven decisions of the Council and two appeal decisions where planning permission has been granted for housing schemes. Some of these schemes are also in the open countryside and abut the proposed development boundaries for settlements in locations which the appellant considers are in less accessible locations than the appeal site.

17. It is an established principle that each application must be considered on its own merits. The decision makers in relation to the other decisions referred to exercised their judgement on the evidence in relation to those particular cases. I must similarly use my judgement in respect of the evidence before me. As a result, these decisions have not altered my assessment of the proposed development.

Overall Conclusions: The Planning Balance

18. The Framework sets out a presumption in favour of sustainable development. The policies of the Framework as a whole constitute the Government's view of what sustainable development means in practice. There are three dimensions to sustainable development: social, environmental and economic.

19. The appellant states that the Council has a housing land supply of 2.9 years. This has not been challenged by the Council. As a result, a significant undersupply of housing exists in the District.

20. In such circumstances, paragraph 49 of the Framework advises that policies relevant to housing land supply, such as policies SG1, SG2, SG4 and HS7 of the SHLP are out of date. Consequently, in accordance with paragraph 14 of the Framework, which explains how the presumption in favour of sustainable development should be applied, planning permission should be granted subject to two exceptions. These are where specific policies in the Framework indicate that development should be restricted; or, where the adverse impacts of doing

so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

21. In terms of the first exception I have referred to, the appeal site is located within Flood Zone 3 which has the highest probability of flooding when there are reasonably available sites at a lower risk of flooding within the built up area of Whaplode. The proposed development is therefore contrary to a specific policy of the Framework which in seeking to minimise flood risk by directing development to areas at lowest risk indicates that development should be restricted. As a consequence, the proposed scheme would not constitute a sustainable development.

22. The appeal site is in a reasonably accessible location regarding services, facilities and public transport links. It would make a small contribution towards addressing the notable shortfall in housing and the site could be used to deliver self-build plots which national policy is supportive of. The scheme would generate some construction employment, although by its nature this benefit would be short lived. It would also by increasing the local population slightly increase by a small amount the spending power of the local economy. The proposed development would therefore result in some social and economic benefits.

23. However, these material considerations in favour of the proposal are insufficient to outweigh the conflict that I have identified with a specific policy of the Framework that indicates that development should be restricted, the environmental harm to the character and appearance of the countryside and the conflict with the development plan, albeit by virtue of the lack of a 5 year housing land supply I attach only some weight to the policies of the SHLP cited in this decision. The appeal should therefore be dismissed.

Ian Radcliffe

Inspector