The Planning Inspectorate

Appeal Decision

Site visit made on 12 October 2017

by G J Fort BA PGDip LLM MCD MRTPI

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

Decision date: 26 October 2017

Appeal Ref: APP/A2525/W/17/3179405
Off Little Lane, Whaplode, Spalding PE12 6RU

- 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 Mr D Rous against the decision of South Holland District Council.
- The application Ref H23-1270-16, dated 12 December 2016, was refused by notice dated 7 February 2017.
- The development proposed is a house and garages.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The application that led to this appeal was in outline with all matters reserved. I have assessed the appeal on this basis.

Main Issues

3. I consider the main issues to be firstly, the effect of the proposed development on the character and appearance of the area; and secondly, whether the appeal site would be a suitable location for residential development in the context of local policy.

Reasons

Character and Appearance

4. Set in level rural surroundings characteristic of the Fenland landscape, the appeal site is level and landscaped, but was formerly occupied by large glasshouses. Small agricultural buildings are present to the rear of the site. An existing access runs to the site from Little Lane, a narrow highway with no separate footways, and limited street-lighting. The appeal site is set back deeply from Little Lane behind large glasshouses that are part of a larger complex comprising buildings of an industrial character and dwellings clustered around the junction with Mill Gate. Residential development in the environs of the appeal site is sporadic and dispersed, but in the main addresses road frontages. The proposed development would introduce a dwelling and garages on the site using the existing access.

5. Whilst I note that the appeal site was previously occupied by glasshouses its current landscaped appearance, and the agricultural and horticultural nature of the structures in its immediate environs impart a deeply rural character to it,

which blends with that of its wider and predominantly open surroundings. The proposed development would introduce buildings of a residential appearance, which combined with the extent of the domestic grounds around these would erode the rural character of the appeal site and its surroundings. Whilst I saw dwellings in the wider environs of the site, these in the main had a closer relationship with the highways from which they were accessed. In contrast the appeal site's considerable distance from Little Lane, and its consequent depth into a more open environment, would impart an intrusive and incongruous character to the proposed development.

6. For these reasons, the proposed development would cause material harm to the character and appearance of the area. As a result, it would conflict with Policy SG1 of the South Holland Local Plan (adopted July 2006) (the Local Plan) and the National Planning Policy Framework (the Framework) insofar as they seek, amongst other things to ensure that new development recognises the intrinsic character of the countryside and avoids harm to South Holland's essential character.

Location

7. The appeal site is within the open countryside for the purposes of the development plan. Policy HS7 of the Local Plan is restrictive of residential development in these areas unless it is proven to meet the needs of agricultural, forestry or other workers, or is a proposal for small-scale rural exception affordable housing. Policy SG2 seeks to ensure that, wherever possible, development is served by a choice of transport modes.

8. In this instance I have been supplied with no substantive evidence to suggest that the proposed development would meet the essential needs of agricultural, forestry, or other rural workers. Neither has it been demonstrated that the proposed development would comprise rural exception affordable housing.

9. Whilst I note the information related to the Interconnect 505 mini-bus service, I have not been supplied with details of the adjacency of its pick-up points to the appeal site, or whether a pick up from the appeal site would be practical for the service. The appellant also makes references to a South Holland Parish Volunteer Car Service Scheme; however, I am unable to draw any conclusions on the bearing of this on the appeal scheme due to a lack of substantive detail supplied regarding the operation of this service.

10. I saw that the appeal site is situated on a winding and narrow lane, with very few street lights or footways rendering it an unwelcoming environment for pedestrians and cyclists, particularly during the hours of darkness. Moreover, few services necessary to meet the day-to-day needs of the proposed development's future occupants were present in the wider environs of the site. Due to these factors, the occupants of the proposed dwelling would be heavily reliant on the private motor car for the majority of journeys. As a consequence the very limited transport choices available to the appeal scheme's occupants would limit its accessibility in the wider sense, and lead to environmental and social harms in this respect.

11. Taken together, these considerations lead me to the view that it has not been established that the appeal site would be a suitable location for residential development in the context of local policy. The proposed development would therefore conflict with Policies HS7 and SG2 of the Local Plan insofar as they

seek to manage the provision of new housing in the open countryside, and ensure that developments are served by a choice of transport modes.

Other Matters

12. It is common ground between the parties that the Council cannot demonstrate a 5 year supply of deliverable housing land, and whilst I have not been supplied with an up-to-date figure in these regards, I note references in the appellant's Design and Access Statement to a 2.9 year supply as at April 2016. In this instance I am cognisant of paragraph 49 of the Framework, which states that "housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."

13. Consequently, paragraph 14 of the Framework is engaged, which states that permission should be granted unless "any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

14. In supplying an additional house in the context of an undersupply in the district, the proposed development would deliver some social benefit, and help to meet the Framework objective of boosting significantly the supply of housing. However, given the minimal scale of the development, this matter only carries modest weight in the appeal scheme's favour.

15. The appellant considers the appeal site to constitute previously developed (brownfield) land. However, land occupied by agricultural buildings is specifically excluded from the definition of previously developed land given in the glossary of the Framework. I have been supplied with no evidence to suggest that the glasshouses which occupied the appeal site were not in agricultural use. Consequently it has not been conclusively established that the appeal site constitutes previously developed land for the purposes of the Framework, and accordingly this is a matter that weighs in favour of the proposed development only to a very minor degree.

16. I note the appellant's references to Department for Transport guidance encapsulated in the National Policy Statement for National Networks (NPS) on the viability of walking, public transport or cycling to be a realistic alternative to car journeys in rural areas; however, as the purpose and scope of the NPS is as planning guidance on nationally significant infrastructure projects it has only the most marginal bearing on the current appeal, and therefore does not weigh in its favour to any material degree.

17. I am mindful of the Framework paragraphs referred to by the appellant which establish that opportunities to maximise sustainable transport solutions vary from urban to rural areas. However, given my conclusions on the sustainable transport modes brought to my attention by the appellant, and the limited accessibility of the appeal site to essential services other than by the private car, this is a matter that carries only very modest weight in favour of the proposed development.

18. The appellant intends to move from their dwelling in the wider site to the proposed development, and use funds realised as a result to remove dilapidated glasshouses from the Little Lane Frontage, and introduce

landscaping. I note the appellant's view that this could form part of a reserved matters application. However, the lack of substantive detail or certainty of these outcomes being delivered at this outline stage leads me to attach only minimal weight to this matter in the overall planning balance.

Conclusion

19. The proposed development would cause material harm to the character and appearance of the area, and its low-level of accessibility would lead to considerable environmental and social harms. Taken together these harmful effects of the scheme would amount to adverse impacts which significantly and demonstrably outweigh the modest benefits that the proposed development would deliver. Consequently, the proposed development would not comprise sustainable development for the purposes of the Framework.

20. Moreover, for the reasons given above it has not been established that the need for the proposed development would outweigh its landscape character impacts, and as a consequence it would conflict with Policy SG4 of the Local Plan in these regards insofar as it seeks to manage development in the open countryside.

21. Furthermore, as the benefits advanced in favour of the appeal scheme are not of a sufficient weight to justify a departure from this or the aforementioned policies of the development plan in this instance, I conclude, for the reasons given above, and having regard to all other matters raised, that the appeal should be dismissed.

G J Fort

INSPECTOR