
Appeal Decision

Site visit made on 27 September 2016.

by Martin H Seddon BSc DipTP MPhil MRTPI

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

Decision date: 27 October 2016

Appeal Ref: APP/E2530/W/16/3153485

Plot adjacent to No.2 Bourne Road, Lound, Lincolnshire, PE10 0JY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Clyde Thompson against the decision of South Kesteven District Council.
 - The application Ref: S16/0285 dated 1 February 2016 was refused by notice dated 4 April 2016.
 - The development proposed is a dwelling on the plot adjacent to No.2 Bourne Road.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether there are any exceptional circumstances justifying the proposed dwelling as an exception to local and national policies that generally seek to restrict residential development in the countryside.

Reasons

3. The appeal site is a narrow plot of land located between a pair of two storey semi-detached dwellings and the boundary with the site of a covered reservoir. It is part of larger plot of land that comprises a removal and storage business. There is another pair of semi-detached dwellings at the southern side of the reservoir.
4. The development plan includes the South Kesteven Core Strategy. Policy SP1 of the Core Strategy seeks to focus development in Grantham, the 3 market towns and local service centres. The appeal site is not within a local service centre, as defined by Core Strategy policy SP2, but is within an area designated as countryside. Proposals in the countryside will only be supported if they meet certain criteria. The proposed dwelling fails to meet any of these listed criteria and conflicts with Core Strategy policies SP1 and SP2.
5. The Council has referred to appeal ref: APP/E2530/W/15/3141443 concerning the change of use of land to allow the siting of two mobile homes for residential occupation in connection with business use of a site in the countryside at South Witham. In that appeal the Inspector noted that the Council's Core Strategy pre-dates the National Planning Policy Framework (the Framework) and that policy SP1 is not entirely consistent with national planning policy.

6. Paragraph 55 of the Framework concerns the promotion of sustainable development in rural areas. It indicates that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. Although development at Lound is near to the appeal site, I accept the Council's view that Lound does not offer a range of localised services and facilities and on that basis the appeal site would not be considered to be a sustainable location for a new dwelling.
7. The special circumstances in paragraph 55 of the Framework include, at bullet point 1, the essential need for a rural worker to live permanently at or near their place of work in the countryside. The Inspector in appeal ref: APP/E2530/W/15/3141443 also considered bullet point 1 of paragraph 28 of the Framework regarding the need to support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings. He also had regard to the lack of a definition of 'rural worker' in the Framework. He concluded that paragraph 55 of the Framework anticipated the possibility that the appellant's business, in that particular case, may be capable of satisfying the requirement of bullet point 1 of paragraph 55 or otherwise demonstrating that special circumstances exist.
8. The special circumstances put forward by the appellant concern the operation of the business and security. The appellant seeks to provide a dwelling to house a manager who would be able to provide security on-site and to deal with customers who are using the storage facilities. One of the dwellings on-site, No.2 Bourne Road, is described as being occupied by an elderly relative. The Council considers that the two dwellings already on-site should be capable of providing additional security through their occupation without the need for a new dwelling. No compelling evidence has been submitted by the appellant to demonstrate that such an option may be completely ruled out.
9. Signage at the appeal site indicates that the premises are subject to 24 Hour CCTV security, but no details have been supplied or reasons provided why additional security measures/improvements would be insufficient to protect the site, having regard to the business operations that are carried out. The appellant contends that the site is within a crime threatened area. Reference is also made to fear of crime, which is capable of being a material consideration. However, no evidence has been provided of any incidence of crime at the site or within the locality. Moreover, no costings have been submitted to demonstrate that the employment of a security firm on a regular, or as needed, basis would render the whole business unviable.
10. The appellant has referred to the need to consider what harm or adverse precedent would be created by granting the appeal. Although the Council has cited the appeal decision at South Witham, I have considered this appeal based on the particular site circumstances having regard to relevant development plan policies and all other material considerations, including the Framework. The Council has not objected to the design of the proposed dwelling or means of access, and I see no reason to disagree. However, as mentioned above, no compelling detailed evidence has been submitted to demonstrate exceptional circumstances through an essential need for the dwelling on the grounds of security or as a necessary component in ensuring the vitality of the business and its employment benefits. The proposal therefore conflicts with national planning policy in the Framework.

Conclusion

11. All other matters raised have been taken into account, including the appellant's view that the site is not in an 'open' part of the countryside because it is contained and well screened. In addition, the intention to build the house to high environmental standards, and the letter of support from a third party. However, for the reasons given above the appeal is dismissed.

Martin H Seddon

INSPECTOR