
Appeal Decision

Site visit made on 15 November 2016

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

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

Decision date: 6th December 2016

Appeal Ref: APP/D2510/W/16/3157597

Field Cottage, Ings Lane, Little Steeping, Spilsby, Lincolnshire PE23 5BJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr and Mrs Derek and Shielagh Wilford against the decision of East Lindsey District Council.
 - The application Ref S/104/01181/16, dated 20 May 2016, was refused by notice dated 27 July 2016.
 - The application sought planning permission for change of use, conversion of and alterations to existing detached double garage to a holiday let without complying with a condition attached to planning permission Ref S/104/00067/13, dated 12 March 2013.
 - The condition in dispute is No 4 which states that: *"The accommodation hereby permitted shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The owners/operators of the site shall maintain an up-to-date register of the names of all owners/occupiers of accommodation on site, and of their main home addresses, and shall make this information available to the Local Planning Authority upon request."*
 - The reason given for the condition is: *"To ensure that the development is restricted to holiday use only and that the accommodation is not used for residential purposes and in accordance with Paragraph 55 of the National Planning Policy Framework which seeks to restrict residential development in the open countryside to that which is necessary to serve proven agricultural needs."*
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. Field Cottage is a modest detached single storey building which is within the grounds of Home Farm. Planning permission was granted in 2013 for the conversion of this building to a holiday let. This permission was subject to a number of planning conditions including one that restricted the occupation of the property for this purpose. The appeal relates to the removal of the disputed condition in order that Field Cottage can be used as a permanent residential dwelling.
 3. The main issue is therefore whether the condition is reasonable or necessary having regard to local and national policy concerning the provision and accessibility of permanent residential accommodation within rural areas.
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Reasons

4. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. However, it is agreed that the policies within the East Lindsey Local Plan Alteration 1999 (LP) relating to housing are considered to be out of date in terms of paragraph 49 of the National Planning Policy Framework (the Framework). Consequently, Paragraph 14 of the Framework applies and I have approached this appeal on the basis that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
5. The Framework sets out a number of core planning principles which underpin decision-taking. These include supporting thriving rural communities within the countryside and actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling. Paragraph 55 of the Framework is clear that new housing should be located where it will enhance or maintain the vitality of rural communities, and isolated new homes in the countryside should be avoided unless there are special circumstances. In promoting sustainable development in rural areas, the Framework therefore seeks to ensure that new residential development should not be detached from being part of a viable and vibrant rural community, where there would be access to day to day facilities without the need to travel.
6. In setting out a settlement hierarchy for the District, saved LP Policy A3 seeks to focus growth in towns and main villages where there is accessibility to services and facilities. Little Steeping is identified as a small village whereby some small-scale development is permitted, subject to detailed considerations. Development outside of such settlements within small hamlets and the open countryside is not supported by the policy. Similarly, Policy T16 which states that conditions for holiday accommodation will be removed where it is located in an area where permanent residential accommodation will be permitted, also supports this stance. Accordingly, while these are housing policies which are out-of-date, I consider that their objectives are broadly consistent with the Framework and, as part of the adopted development plan, they carry some weight, in accordance with paragraph 215 of the Framework.
7. Little Steeping comprises ribbon development along Main Road, Station Road and onto Ings Lane. I saw that facilities within Little Steeping are limited to a pub, shop, Church, garage and village hall. There are other businesses which operate within the village including a commercial laundry services, holiday caravan site and farming enterprises. Development along this road is sporadic, with some farmsteads and rural dwellings separated by open fields and paddocks. Ings Lane is a narrow rural single width road which is unlit and has no footpaths running along its length. While I note that this is typical of many such roads in the locality, due to the conditions of this road, I consider that occupants would not readily walk or cycle between the appeal site and the village centre.
8. The appeal property is located to the east of the village along Ings Lane and while I acknowledge the sprawling nature of development within the village, I therefore consider that the appeal site is physically detached from the core of Little Steeping. In combination with a lack of services within the village, I

therefore find that the appeal site would be isolated for planning purpose insofar as it would be remote from key facilities required for everyday living.

9. Furthermore, while paragraph 55 of the Framework recognises that smaller settlements can support services in other nearby villages, no information has been presented to me in respect of the types of services which such other villages offer. As larger settlements, Great Steeping, Halton Holgate and the market town of Spilsby are all located around 2-3 miles away and therefore the appeal site would be even more remote from the greater range of services in these settlements. In terms of accessibility, from the limited details provided, I have considerable doubts as to whether the 'Call-Connect' service would serve as a realistic and routine transport option to access these services.
10. I therefore find that it would be highly likely that the private car would serve as the most regular and convenient means to reach services to meet the everyday needs of the residents. I also find that the use of the private car would be necessary to access to other public transport options, including a railway station at Thorpe Saint Peter. Any benefits to wider local facilities from the permanent residential occupation of the appeal property would therefore be undermined by the lack of accessibility to them.
11. The current use of the building as a holiday let would involve car journeys, and I note that the letting periods of this are not restricted. However, by their very nature, a holiday let is less likely to be occupied on a permanent basis and the use of services would also be different; for example a holiday let would not typically involve the need for regular access to employment, medical services or educational facilities. Therefore I find that any such journeys would be increased over and above the current level of occupation of the building.
12. Paragraph 55 recognises that there are special circumstances whereby isolated dwellings are supported. This includes where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting. I have no information to indicate that the building is now redundant or that the proposed use would offer an enhancement in order to meet this test. While it is understood that the site has been occupied as a holiday let for visiting family members only and the appellant's consider that the running of the holiday let is no longer viable, there is no detailed evidence to support such claims, nor is there any proof that other recent approvals for such accommodation in the area have reduced demand.
13. I therefore consider that the occupation of the building on a permanent residential basis would not accord with the Framework due to its isolated location in respect of accessibility and sustainable transport. The proposal would also conflict with LP Policy A3 and Policy T16. Finally, while there is no evidence to suggest that the removal of the condition would accord with the criteria set out within Saved LP Policy DC7 which deals with the conversion of rural buildings to dwellings, this policy is not consistent with the Framework and I afford it little weight.
14. In order to achieve sustainable development, paragraph 8 of the Framework identifies that economic, social and environmental gains must be sought jointly and simultaneously. There would be modest economic and social benefits which would arise from creation of a dwelling in permanent residential use as this would contribute to housing land supply in an area where there is a shortfall. No harm would arise in respect of other planning considerations such

as impact on neighbour amenity. I also note that there is local support for the proposal.

15. While such matters lend support to the proposals, I have found that the removal of the disputed condition would be in clear conflict with the social and environmental objectives which underpin the Framework in respect of rural housing.
16. The fact that the appellants' indicate that, as part of meeting a local housing need, they would reside within the appeal property and would typically use sustainable modes of transport, including a pony and trap, carries little weight as such personal circumstances would change over time, whereas the residential use of the development would be permanent.
17. Overall, the harm I have identified in respect of the suitability of the location for development significantly and demonstrably outweighs these benefits. The proposal cannot therefore be considered sustainable development for which the Framework presumes in favour.
18. I therefore conclude that the disputed condition is necessary and reasonable.

Other Matters

19. The appellant's have queried the Council's reference to and use of a number of documents in determining the application in respect of development plan policies, as well as the approach to rural housing and scoring within the Housing Topic Paper which has been produced in support of the Emerging Local Plan. As I have found above, LP Policy A3 is broadly consistent with the Framework, and therefore carries some weight. In contrast, however, the emerging plan and its supporting evidence are un-examined and un-adopted. As such this has had no material bearing on my decision.
20. The appellant's also consider that not enough weight was given to the 'Five Parishes Plan' which identifies a local need for housing. No copy of this has been provided, but in any case due to its unadopted state the weight I could attach to this would be limited and it would not have the same status as a formal Neighbourhood Plan.
21. My findings on this main issue are consistent with the decision of a previous Inspector¹ in November 2015 for similar proposals at the same site. While it is not clear to me the status of housing land supply within the District at that time, the Inspector found consistency between the LP and the Framework, and concluded against both local and national policy. There is no evidence to suggest that the policy context has changed. Of the other examples of appeal decisions in East Lindsey which were allowed², neither of these sites were found to be isolated in the context of paragraph 55 of the Framework, and I note that these were both located within or adjacent to settlements which were recognised as being a main town or a medium size village under LP Policy A3.
22. My attention has been drawn to two recently approved planning permissions for residential dwellings in proximity to the appeal site.³ These were approved against the advice of Officers and I note the minutes in respect of comments

¹ APP/D2510/W/15/3131946

² APP/D2510/W/15/3137331 and APP/D2510/W/16/3145508

³ S/104/01045/16 and S/104/00311/15

regarding the rural nature of the District, the sustainability of Little Steeping in terms of its services and facilities, and the need for private motor vehicles in rural areas.

23. However, as an appeal made under section 78 of the Town and Country Planning Act 1990, it falls to me to assess the merits of the appeal based on the policies and evidence before me. While I understand the debate regarding rural housing and concerns relating to the consistency of decision making, the rural character of the District and the Council's other decisions are insufficient justification for the appeal scheme where I have found that the removal of the condition would conflict with both local and national policy. The policy approach taken in other authorities in Lincolnshire would not have any relevance in this instance.
24. Finally, procedural concerns are raised by the appellant's regarding the handling of this and other applications by the Council, in respect of its determination under delegated powers in spite of a request for determination by the Planning Committee, public consultation and the accuracy of minutes. However these are matters between parties and have no bearing on my assessment of the appeal based upon its planning merits.

Conclusion

25. For the reasons given above, taking into account all other matters raised, I conclude that the appeal should be dismissed.

C Searson
INSPECTOR