
Appeal Decision

Site visit made on 29 March 2017

by John Morrison BA (Hons) MSc MRTPI

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

Decision date: 10 April 2017

Appeal Ref: APP/Z2505/W/16/3165718

Piveltoft House, Monument Road, Bicker, Boston PE20 3DJ

- 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 Chris Gedney against the decision of Boston Borough Council.
 - The application Ref B/16/0209, dated 31 May 2016, was refused by notice dated 26 July 2016.
 - The development proposed is 4no. dwellings and access.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have taken the description of development as it is referred to on the appeal form as it most accurately describes the development to which the appeal relates. It is clear that the Council are content with this approach since the same description appears on their decision notice. I have proceeded on this basis.

Main Issue

3. The main issue is the principle of the proposed development with specific regard to its location.

Reasons

Approach to the Decision

4. The Council acknowledge that they are unable to demonstrate the supply of housing sites as required by the Framework¹ and as such they state that saved Policy CO1 (Development in the Countryside) is out of date². I agree with this approach and as such I give very limited weight to the conflict with this Policy. Whilst not directly relevant to the supply of housing, the Council also advance that the proposed development would be contrary to saved Policies G1 and H3.
5. The former of these two policies appears to be more relevant to the assessment of the amenities of neighbouring occupiers and the character of areas. With regard to H3, this addresses the quality of housing development in design, security and highway safety terms amongst other things. Whilst

¹ The National Planning Policy Framework 2012

² Paragraph 49 of the Framework

broadly according with the principles of the Framework, these policies are not directly relevant to the main issue in the determination of this appeal as it is set out above.

6. With this in mind, I have approached this decision 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 taken as a whole or specific policies in the Framework indicate development should be restricted³.

The Principle of Development

7. The appeal site is outside of Bicker as it is defined by the Local Plan⁴. It is surrounded by built development in the shape of other dwellings and the factory complex to the north and as such it is not part of the 'open' countryside in character terms, nor would the proposed development be isolated in the true sense. Nevertheless, by virtue of it being outside of the defined settlement it is, by definition and in planning terms, in the countryside. Bicker is a small village with limited service provision.
8. The frontage of the appeal site directly abuts the verge of the highway, there is no footway linking it with the edge of the village. I have not been provided with any details of public transport options nor am I aware of any formalised or well used local public rights of way network. It is clear therefore that residents would be likely to rely on the use of the private car to access services necessary for day to day living, the least sustainable of travel options.
9. Bicker itself does have a small shop and a school. Whilst I am not aware of the status of the school, this would represent a very limited range of services available. Residents would therefore likely make trips to larger settlements which, given the location of Bicker relative to them and the scale of the development proposed, would be frequent and significant in number. Consequently, development of the site in the manner proposed would not be materially different in the ability for residents to access services via sustainable means than if it were isolated, in the more 'open' countryside.
10. The proposed development would provide for four new dwellings. This would be beneficial for the Council's supply albeit limited in its strategic effect. The benefit in terms of the social arm of sustainability is further limited in my view by the degree of detachment between the appeal site and the village. There would be economic benefits in the shape of investment locally and sustaining employment in the construction industry but this would be equally limited given the scale of the scheme. Whilst the proposed development would also be beneficial environmentally in providing some screening for the adjacent factory complex, this is already provided by the substantial hedging at the rear of the appeal site. In addition, views of the complex are available from a number of other vantage points in and around the village.
11. In this case therefore and for these reasons, given that the scheme would promote unsustainable patterns of development, the benefits associated with the provision of new housing would be significantly and demonstrably outweighed. The proposed development would therefore fail to accord with the

³ Paragraph 14 of the Framework

⁴ Boston Borough Council Adopted Boston Borough Local Plan 1999

principles set out by the Framework to encourage sustainable patterns of development.

Other Matters

12. My attention is drawn to two sites that have been investigated by the Council as part of their Strategic Housing Land Availability Assessment (SHLAA). This forms part of the evidence base for the emerging South East Lincolnshire Local Plan (SELLP). The sites in question are Bic020 and Bic002. The former is to the west of the appeal site, the latter on the opposite side of Monument Road. Both of these sites share general location characteristics with the appeal site. I.e. they are both outside of the settlement. The appellant therefore queries why, as part of the SHLAA, it has not been picked up that these sites are in an 'unsustainable location'.
13. The acceptability of the two sites identified in the SHLAA is based on an initial assessment of their physical constraints. They have been identified as potential future (my emphasis) housing sites on this basis. They form part of an evidence gathering exercise for an as yet unadopted development plan. For these reasons, and taking into account my findings above, I am unable to conclude that the identification of these sites is sufficient to justify the proposed development.
14. As a further part of the SELLP's evidence base, I also note that an assessment of the sustainability credentials of settlements in the South East Lincolnshire area has been undertaken. However, the fact that this assessment found that Bicker is the 20th most sustainable settlement in the South East Lincolnshire area and the 7th most sustainable settlement in the Council's own area (Boston Borough) does not to my mind add anything significant in favour of the scheme before me.

Conclusion

15. For the above reasons and having regard to all other matters raised, the appeal is dismissed.

John Morrison

INSPECTOR