
Appeal Decision

Site visit made on 7 June 2017

by S J Lee BA(Hons) MA MRTPI

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

Decision date: 30th June 2017

Appeal Ref: APP/E2530/W/17/3170061

4 Main Road, Harlaxton NG32 1HJ

- 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 K McGlinchey against the decision of South Kesteven District Council.
 - The application Ref S16/2602, dated 13 November 2016, was refused by notice dated 18 January 2017.
 - The development proposed is erection of dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was made in outline with all matters other than access reserved for future consideration. Other than in relation to the location of the access, I have treated the block plan as indicative only.

Main Issues

3. The main issue is whether or not the development would accord with local and national policies relating to housing in rural areas.

Reasons

4. The appeal site comprises part of the large garden of 4 Main Road. This is a large detached dwelling set within generous and verdantly landscaped grounds. To the other side of the site is No 2, itself a detached dwelling in a generous plot. The two dwellings stand somewhat alone on the northern side of the A607 and are bordered on either side by open fields.
5. The village of Harlaxton is defined as a 'local service centre' (LSC) in saved Policy SP2 of the South Kesteven Core Strategy (CS) (2010). CS Policy SP1 establishes a spatial strategy which seeks to focus development into higher order settlements such as Grantham, Stamford, Bourne and the Deepings which provide good access to services and facilities. The policy also allows for development within LSCs, where preference is given to brownfield sites within the built-up parts of the settlement.
6. Though not referred to by the Council, the appellant has drawn my attention to Policy SAP H1 of the South Kesteven Site Allocation and Policies Development Plan Document (DPD). This complements CS policies SP1 and SP2 and promotes the development of suitable brownfield development sites and small

infill sites within the built-up parts of these settlements. The policy also states that other than allocations, new greenfield sites on the edges of towns and villages will not be considered acceptable for housing development. In this regard, I tend toward the appellant's interpretation of the policy in that this refers to development on sites outside the built-up area.

7. While CS Policy SP1 and SP2 were published prior to the National Planning Policy Framework (the Framework), they are broadly consistent with its objectives, particularly in focusing development into sustainable locations and avoiding isolated development in the countryside. There has been no suggestion by either party that the policies should be considered out-of-date for any other reason and thus they carry significant weight in my decision.
8. The main area of dispute is whether the site falls within the built-up area of Harlaxton. There is no defined settlement boundary for Harlaxton and no definition of what is meant by the built-up area. As such, an element of judgement is required as to whether the development meets policy requirements.
9. It is clear that the two dwellings either side of the appeal site are somewhat disconnected from the core of the village. The nearest built form is a small business park a short distance along the A607, but on the opposite side of the road. There is a single dwelling adjacent to this before the junction with Rectory Lane. However, these buildings provide only a short built frontage before opening out into open fields. There is a small modern housing estate to the rear of these buildings which is accessed from Rectory Lane, but is not prominent from the roadside. The appeal site does not therefore relate well to these dwellings either in terms of their proximity to the site or from a visual perspective. The appeal site would not therefore be seen as being part of this residential area or well connected to it.
10. Opposite the appeal site and to either side of No 2 and No 4 are open fields. There is also a considerable distance between No 4 and the more modern housing located around The Drift which is arguably more likely to qualify as being within the built-up part of the village owing to the critical mass of development that exists. The two dwellings therefore appear cut adrift from the main body and built envelope of the village. Accordingly, they have an appearance more akin to dispersed and sporadically located dwellings in the open countryside as opposed to being an integral part of Harlaxton. This more open countryside character is reflected elsewhere on the northern side of the A607 until the dwellings at The Drift are reached. It is not necessarily unusual to find dwellings in such locations on the outskirts of villages, but this does not necessarily equate to there being part of the built-up area of the village itself.
11. I recognise that being north of the A607 does not automatically mean that a site should be considered outside the built-up area of the village. Nonetheless, in this case the road creates a significant physical barrier between the site and the edge of the village proper. The lack of other significant built development in the vicinity exacerbates the associated sense of separation and only adds to my view that the site cannot realistically be considered part of the built-up area of the village. I do not therefore accept the appellant's suggested boundary of the built-up area which does not reflect the clear difference in character between the appeal site and the majority of the village or the

physical separation caused by the road and distance from any critical mass of development.

12. It is reasonable to assume that residents of No 2 and No 4 will make use of the facilities that exist within the village, as would future occupants. However, this is part of the normal function of LSCs, which will inevitably cater for residents in rural locations outside the village. Again, this does not persuade me that the appeal site forms part of the built-up area or that the development would be policy compliant. There is also nothing before me which suggests that the vitality of services in Harlaxton are under threat, such that the development of a single dwelling outside the village within the countryside would be of any particular benefit.
13. I find therefore that the site lies in the open countryside outside the built-up area of Harlaxton. In such circumstances, Policy SP1 sets out a number of exceptions where development would be acceptable. There is no suggestion that the development would meet any of these. Moreover, no evidence has been provided which indicates that there are no opportunities within the built-up area which could accommodate the dwelling.
14. Consequently, the proposal would not comply with CS Policy SP1 and DPD Policy SAP H1 which seek to focus development within built-up areas of settlements and the most sustainable locations.

Other Matters

15. The Council has not raised any concerns in relation to the character and appearance of the area, the living conditions of nearby residents or highways. I do not consider the Council's conclusions on character and appearance as indicative of an acceptance of the site being within Harlaxton for the purposes of the relevant policies. It is perfectly possible to conclude that the development would not have an unacceptable impact on its immediate surroundings while still being in conflict with the principles set out in these policies. The finding of a lack of harm in these respects does not outweigh the conflict with the principles set out in the development plan.
16. My attention has also been drawn to a permission granted on Strood Close, which is also north of the A607 and on the periphery of the built-up area of Harlaxton. I have noted from the officer report that whilst the Council recognised a conflict with DPD Policy SAP H1 they considered there were other material considerations, including the appearance of the site, which outweighed the conflict. Such factors are not apparent or relevant here. Having observed that site, I am satisfied that there are material differences between the two locations. In particular, the Strood Close site is adjacent to a small housing estate and near to a relatively large number of dwellings. While these might also be outliers from the core of the village, the area has a far more built-up appearance and feel than the appeal site. I do not therefore consider the two proposals to be entirely comparable and this permission does not lead me to a different overall conclusion.
17. The appellant has argued the development would constitute infill. However, infill is only acceptable where the development is within the built-up area. Therefore, even if I were to accept this did constitute infill, as the site falls outside the built-up area, it would not alter the conflict with policy.

Conclusion

18. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise¹. In this case, I have found that there would be conflict with CS Policy SP1 and DPD Policy SAP H1. In the circumstances of this appeal, the material considerations considered above do not justify making a decision other than in accordance with the development plan. For these reasons, the appeal should be dismissed.

S J Lee

INSPECTOR

¹ Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990.