
Appeal Decision

Site visit made on 17 November 2017

by Helen Heward BSc (Hons) MRTPI

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

Decision date: 19th January 2018.

Appeal Ref: APP/D2510/W/17/3180537

Land at The Grove, Edlington Road, Edlington, Horncastle, LN9 5RJ

- 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 John Gaunt against the decision of East Lindsey District Council.
 - The application Ref S/049/02457/16, dated 8 December 2016, was refused by notice dated 13 March 2017.
 - The development proposed is the erection of a dwelling.
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Procedural Matters

1. The application is in outline with all matters reserved.
2. Following my initial review of the case and site visit I concluded that a hearing should be held to facilitate a full examination of the issues and evidence in the interests of fairness to all parties. Both parties expressed strongly that they wished for the appeal to be determined in writing and did not wish for an opportunity to be heard. Accordingly I determined the appeal in writing.

Decision

3. The appeal is dismissed.

Main Issues

4. The main issues in this case are (i) whether or not the proposed development would support a sustainable pattern of development in rural areas and (ii) whether or not the proposal would satisfy requirements of the East Lindsey Single Plot Exceptions Supplementary Planning Document 2012.

Reasons

5. Paragraph 55 of the National Planning Policy Framework (Framework) includes advice that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Paragraphs 17 and 30 also advise that planning should actively manage and encourage a pattern of growth and development to facilitate the use of sustainable modes of transport.
 6. Policy A3 of the East Lindsey Local Plan Alteration 1999 (Local Plan) includes a settlement hierarchy that classifies Edlington as a small village. Amongst other things Policy A3 seeks to limit new development in small villages to development essentially serving a local need only. In this regard I do not consider the Policy to be consistent with advice in the Framework for
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development in rural areas. The Council also draws attention to more recent Facilities Survey in 2015 where they assessed Edlington as falling within the category of 'Hamlet'. Having regard to advice at paragraphs 215 of the Framework, the weight I attach to Policy A3 in this appeal is limited.

Supporting a sustainable pattern of development in rural areas

7. The appellant's Design and Access Statement (DAS) describes Edlington as a hamlet. The appeal site has two boundaries directly adjoining dwellings, there are dwellings opposite and other development can be seen loosely scattered around. It is not an isolated location.
8. The evidence indicates that Edlington does not have basic services and facilities such as a village shop, post office or school to meet general everyday needs of residents or to support community life. There is no evidence that the development would help enhance or maintain existing community services and facilities in any other nearby villages either.
9. Horncastle, one of the district's main towns, is roughly 3.2km away. I walked a section of public footpath Edli/84/1 southwards towards Horncastle. After a narrow constrained unlit section I was soon out into open countryside. An alternative is available alongside the A158. Both routes are largely unlit and lack natural surveillance. I very much doubt that either would be used as a regular pedestrian or cycle route to Horncastle for day to day trips. The walk from the site to bus stops on the A158 is also along an unlit road. The information provided indicates that the bus services to Horncastle and Lincoln are quite limited. I am not persuaded that the site is within easy reach of Horncastle or other main centres via sustainable modes of transport.
10. My attention is drawn to appeal decision APP/R2520/A/14/2219593, for the erection of 14 dwellings in Eagle, a small village on the outskirts of Lincoln. At paragraph 26 the Inspector noted that "*Eagle is currently able to cater for limited convenience shopping needs, whilst Lincoln City Centre is some 8 miles away by road and North Hykeham is about 5 miles away and offers facilities such as an ASDA superstore. In these circumstances, routine car journeys need only be relatively short, in terms of a rural district*". However, Edlington has no convenience shopping facilities.
11. The occupiers of the proposed dwelling would be likely to be dependent upon the use of the private motor car to meet all of their day to day shopping needs as well as for other trips, including to school and for access to other services and facilities. The applicant acknowledges that a lack of facilities can encourage multiple car trips. The distance to Horncastle is not great but the dependency on the car and the frequency of use would be.
12. The proposed dwelling would provide for an additional household. This limits the weight I attach to arguments that the dwelling would not lead to any more car trips than currently take place because it would be occupied by persons who already live at The Grove with an existing family within the community.
13. I conclude that the proposal would not support a sustainable pattern of development in rural areas. It would not be consistent with advice in the Framework for promoting sustainable development in rural areas and to actively manage and encourage a pattern of growth and development to facilitate the use of sustainable modes of transport.

The Single Plot Exceptions Supplementary Planning Document 2012 (the SPD)

14. Policy H6 of the East Lindsey Local Plan Alteration 1999 (Local Plan) makes provision for housing which meets the needs of those who do not have the means to afford open market housing subject to a number of requirements, including that it is for an identified local need for low cost or social housing which cannot be met elsewhere or in any other way. The Single Plot Exceptions Supplementary Planning Document (2012) (SPD) clarifies how Policy H6 can help residents of small to medium rural settlements remain in their village. It provides a self-help solution to enable families to use resources to provide a new affordable home for their own needs within their community.
15. Paragraph 4.3 advises that a single affordable dwelling within and adjoining settlements in rural areas will be allowed provided that six criteria are all met. The appellant has resided at The Grove Edlington for some decades. The proposed house would be for his son, James, and his fiancé who would like to put down roots in Edlington. The Council does not dispute that they reside at The Grove or that the dwelling would be for persons with strong connections with the local community. On my site visit I observed that The Grove appears to be quite a large property with outbuildings. There is little to explain why a permanent home could not be provided within existing buildings. The DAS informs me that the adjacent Mole End Cottage is in the ownership of the appellant's family and is let out, but there is little evidence to say when it was last let, or what the terms of the tenancy are.
16. The DAS states that James and his fiancé have been residing at The Grove for some years and for 'over half a decade'. The appellant's evidence of property sales in Edlington indicates that since November 2013 seven properties have sold within this postcode area. The values of these properties when sold ranged from £160,000 to £675,000 and four out of seven have current values just below or slightly above the indicated average value of £207,367. There is nothing to explain why it was not possible for one of these properties to have been purchased and no financial information to inform me what James and his fiancé could afford. I conclude that it has not been demonstrated that James and his fiancé are unable to afford an open market dwelling and have a housing need which cannot be met elsewhere, or in any other way.
17. As the SPD requires that all six criteria are met, it is not necessary for me to consider the matter further. I conclude that it has not been demonstrated that the proposal would satisfy requirements the East Lindsey Single Plot Exceptions Supplementary Planning Document 2012 for self-help affordable housing.
18. The proposal would also be contrary to the aim of Policy A3 of the Local Plan to limit new development in small villages to development essentially serving a local need only. However, for reasons already stated, the weight I attach to this harm is limited.

Other Matters

19. The design and layout are reserved matters. A local resident considers that the proposal would result in a much closer group of dwellings than is characteristic of the locality. However, the pattern of development in the locality is varied. The Council found no objection in principle to the effect of the proposal upon the character and the appearance of the area, and nor do I.

20. The appellant indicates a willingness to accept an occupancy restriction on the proposed dwelling and to enter into a legal agreement to limit the future sale value of the property to a percentage of open market value and to prevent the dwelling entering the open market, but no such agreement is before me. However, the matter of a S106 agreement is not determinative in this case.
21. The application informs me that James and his fiancé have assisted Mr and Mrs Gaunt to stay in the family house, rather than move away to a smaller property. They would like to stay close to James' parents and be on hand for support and care as they reach their later years. Aside from informing me that The Grove is a large property to maintain, there is scant evidence to explain the needs of Mr Gaunt or his wife to enable them to remain living in the community. The weight I attach to this matter is very limited.
22. The construction of the dwelling and its future occupants would contribute to the wider local economy. The proposal would also add one dwelling to the provision of new dwellings.
23. That a Local Plan is old does not in itself mean that a policy is out of date. The Council advises that it has a five year housing land supply and there is no evidence to the contrary.

Conclusions

24. I conclude that the proposal would not support a sustainable pattern of development in rural areas and would be contrary to advice in the Framework. It has not been demonstrated that the proposal would satisfy requirements the East Lindsey Single Plot Exceptions Supplementary Planning Document 2012 for provision of self-help affordable housing. The proposal would be contrary to Policy A3 of the Local Plan although the weight I attach to this harm is limited.
25. The benefits from the delivery of one dwelling would be limited and the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. Therefore, and having taken all other matters into consideration, including an objection from a local resident submitted to the Council at the time of the application, the appeal is dismissed.

Helen Heward,

PLANNING INSPECTOR