



Appeal Decision

Site visit made on 12 March 2019

by M Heron BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th July 2019

Appeal Ref: APP/Z2505/W/18/3212198

Land at the corner of Burnham Lane and Marsh Lane, Skeldyke, Kirton, Boston PE20 1LX

- 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 Douglas against the decision of Boston Borough Council.
 - The application Ref B/18/0272, dated 2 July 2018, was refused by notice dated 29 August 2018.
 - The development proposed is the erection of a new single storey passive house with living green walls.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. During the determination of the appeal I was made aware that the South East Lincolnshire Local Plan (LP) was adopted on 8 March 2019. This forms the new development plan for the Council. I have been provided with Policies 1 and 2 of the LP which replace saved Policies CO1 and G1 of the Boston Borough Local Plan that are referred to in the Council's decision notice. The appellant has had the opportunity to comment on these policies and I am required to determine this appeal on the basis of the development plan and national policy which are in place at the time of my decision. Accordingly, I have determined the appeal on this basis.

Main Issue

3. The main issue is whether or not there are special circumstances which justify the proposed dwelling having regard to national and local planning policy on development in the countryside.

Reasons

4. The appeal site is a broadly rectangular field located close to the junction of Skeldyke Road, Marsh Road and Burnham Lane. The site is located within a small pocket of built form that is approximately 3km south east of the nearest settlement (Kirton). For the purposes of planning policy, it is within the countryside. Policy 1 of the LP sets out the spatial strategy for the Council. It states that within the countryside development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.

5. Given the presence of existing built form adjacent to the appeal site, the proposal would not represent a truly isolated home in the countryside. Nonetheless, it would be in a countryside location that is away from services and facilities. It would therefore be isolated to a degree. Paragraph 79 of the National Planning Policy Framework (the Framework) seeks to avoid isolated homes in the countryside unless there are special circumstances. For the site to be acceptable Paragraph 79 e) of the Framework requires that the design of the proposal must be of exceptional quality that is truly outstanding or innovative. The proposal must also significantly enhance its immediate setting. These are matters which I address below.

Exceptional Design that is Truly Innovative or Outstanding

6. The appeal scheme has evolved from a previous refusal¹ and seeks permission for a contemporary, detached, Passivhaus type dwelling and an associated detached garage. Its design is not bold in architectural terms, rather it is relatively simple and has been led by site specific environmental achievement. As a result, it would have high insulation values, mechanical ventilation, facilities for rainwater harvesting, sustainably sourced timber boarding and would incorporate technology to support the use of renewable energy.
7. I appreciate that the proposal adopts an environmentally sustainable design approach. Whilst this is commendable, I find that the design incorporates well known techniques for achieving sustainable construction. I therefore do not find them to be truly innovative.
8. The proposal would also include living green walls which would wrap around the bedroom wing. These would be visible from the public domain and may have been a factor in drawing support from the Parish Council. Nonetheless, on the evidence before me, this is a design feature that has already been incorporated into some modern architecture. I therefore find that this element of the proposal would be neither innovative nor unique.
9. The proposal would have a functional internal arrangement and, whilst its zinc roof could optimise the use of photovoltaic panels and would be low maintenance, I have nothing to suggest that the proposal as a whole would possess any features of exceptional design quality.
10. Taking all of the above into account, I find that the proposal cannot be considered to be outstanding or innovative design which reflects the highest standards in architecture.

Impact on Immediate Setting

11. Apart from an existing telegraph pole positioned towards its centre, the appeal site is undeveloped. Although it is bound by single residential properties to the north and east, the pocket of development in which it is located is surrounded by large, open, agricultural fields. One such field lies beyond the access track (Marsh Lane) immediately to the south of the appeal site. This gives the area a distinctly rural feel and the largely undeveloped nature of the appeal site contributes positively to this character.
12. I accept that the proposal would not be greater in height than the surrounding barn style buildings. Nonetheless, it would introduce a substantial amount of

¹ B/18/0077

built mass to the site. Although set back, the proposed dwelling would therefore erode the sense of openness. In addition, whilst living green walls would soften its presence to an extent, the proposal's modern design would comprise domestic features such as a considerable amount of glazing. This would appear alien and out of place in this rural setting.

13. Furthermore, although I acknowledge that the Council considers that the proposed materials would be acceptable, in my view, the use of black cladding and coated aluminium window frames would be markedly different to the materials palette of properties in the immediate vicinity. This, together with the use of concrete piles to raise the building above ground floor level and away from the risk of flooding, would unacceptably draw the eye to the building and reinforce its incongruous domestic form.
14. Taking all of the above into account, in my view the proposal would appear as a conspicuous and incompatible urban development which would significantly erode the open and rural character of the area. It would therefore fail to significantly enhance its immediate setting and would not be sensitive to the defining characteristics of the local area. The proposal's harmful impact would be visible from the public domain and I am not satisfied that this could be suitably mitigated through additional planting at the site secured conditionally. Neither would the removal of the existing telegraph pole, which is relatively unobtrusive, or the inclusion of a wildflower meadow justify this harm.

Findings

15. Overall, for the reasons given I conclude that the proposal would fail to meet any of the exceptions of the criteria set out in Paragraph 79 of the Framework. The special circumstances required to justify a new dwelling in the countryside have not been met. It would also be contrary to Policies 1 and 2 of the LP insofar as they seek to permit developments that are necessary to the countryside location and ensure they are sustainable in terms of their layout, quality of design and impact upon the character and appearance of the area.

Other Matters

16. My attention has been drawn to a recent development² that was granted in the countryside by the Council. However, I have not been provided the full details of this development and therefore cannot make meaningful comparisons with the appeal proposal, which I have assessed on its own merits.
17. I understand the Council's concern that the proposal would set a precedent for other similar infill developments. However, it would retain the right to consider such proposals on their individual merits as I have done with this case.
18. I also note that the proposal would be acceptable in a number of respects. For example, it would not harm living conditions at surrounding properties or result in harm in terms of highway safety. However, these are requirements which have to be met in order for a development to be acceptable in any event. They therefore do not justify a scheme that would conflict with local and national planning policy. The absence of objections from neighbours is also not a reason to permit such a scheme.

² B/17/0447

Planning Balance

19. Whilst I note that the Council has not always met its housing requirement between 2011 and 2019, Paragraph 74 of the Framework states that a 5 year supply of deliverable housing land (5YHLS), with the appropriate buffer, can be demonstrated where it has been established in a recently adopted plan. Given the recent adoption of the LP, I am therefore satisfied that the Council can demonstrate a 5YHLS at this time.
20. In any event, even if there were a housing deficit, a single dwelling would make only a minimal contribution to the Council's housing stock. Similarly, the economic benefits of the proposal would also be minimal and would primarily relate to short-term employment during the construction period. In this context, I give limited weight to these social and economic benefits.
21. On the other hand, I have found that the proposal would not represent a design of exceptional quality. It would therefore not qualify as an exception in terms of Paragraph 79 of the Framework, which states that new isolated homes in the countryside should be avoided. It would also conflict with the development plan which seeks to meet the sustainable development needs of the area in terms of economic, community or environmental benefits.
22. Consequently, this conflict and the associated harm would significantly and demonstrably outweigh the limited social and economic benefits associated with the provision of one dwelling. There are no material considerations, including the Framework, which justify a decision other than in accordance with the development plan.

Conclusion

23. Having regard to the above reasons and to all other relevant matters raised, I conclude that this appeal should be dismissed.

M Heron

INSPECTOR