The Planning Inspectorate

Appeal Decision

Site visit made on 18 March 2019

by A Graham BA(hons) MAued IHBC

an Inspector appointed by the Secretary of State

Decision date: 6th August 2019

Appeal Ref: APP/A2525/W/18/3215631
Land Adjacent Fenland Lodge, King John Bank, Walpole St Andrew, Wisbech, PE14 7JT

- 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 and Mrs D. Moore against the decision of South Holland District Council.
- The application Ref H18-0450-18, dated 8 May 2018, was refused by notice dated 9 August 2018.
- The development proposed is a residential dwelling.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was made with all matters except access reserved and I have determined the appeal on this basis.

3. Since determination of this application a revised National Planning Policy Framework ('the Framework') has been published in February 2019. I have therefore had regard to any changes in the Government's position in assessing this appeal under the relevant sections of the revised Framework.

4. The South East Lincolnshire Local Plan (SELLP) was formally adopted on the 8 March 2019, after the appeal was submitted. In these circumstances, I am required to determine the appeal against the current development plan for the area at the time of my Decision.

5. My attention has also been drawn to a number of appeal Decisions[1] that relate to similar matters that may be considered relevant to this appeal. However, the full details of those cases, including their design and context, are not before me. I am therefore unable to assess any direct comparability to the current appeal proposal.

Main Issues

6. The main issues are whether the development would:

   a) introduce an isolated home in the countryside; and

1. Three previous appeal cases were referred to: APP/Q1153/W/18/3194516, APP/D0515/W/18/3201780 and APP/D0515/W/18/3201560

b) comply with national planning policy which seeks to steer new development away from areas at the highest risk of flooding.

Reasons

7. The council is unable to demonstrate a deliverable five year supply of housing sites as required by the National Planning Policy Framework ('the Framework'). In these circumstances Paragraph 11 of the Framework states that permission should be granted unless policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development or, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.

Isolated home in the countryside

8. The appeal site is located along a linear drove type road typical of the planned fenland landscape. Within this landscape, buildings, or even clusters of buildings, that are dispersed and separated from defined and more recognisable settlements are a common feature.

9. The appeal site sits within a dispersed row of properties, which exhibits the character of a short section of ribbon development along one side of the road rather than a settlement. As the Council illustrate many of these dwellings were constructed prior to any appropriate Planning control being available. I consider therefore that such a loose collection of buildings, although not individually separated, clearly fall outside of any recognisable or more nucleated settlement.

10. Along this stretch of King John Bank I notice that there are several gaps between dwellings. Within this context the site in question represents a natural break in the built form that is typical of such small scale collections of buildings within the open countryside. The site is hedged to both side boundaries but is open both to the front and rear. As a result there are far reaching views over the fenland landscape both to and from this site.

11. The appellant has suggested that this site can be considered as being a subdivision of its neighbour for the purposes of meeting the criteria under paragraph 79. However, despite a small window facing this site from the gable end of the adjoining bungalow, for the majority of the boundaries very well established hedges are located between this site and its two neighbours. The area in between was laid to grass and no signs of cultivation or any domestication such as one would expect from a domestic garden was present.

12. Such hedges clearly define and separate the site from its alleged host property therefore. Moreover, the front and rear of this plot were open and continuous with the open countryside at either end. As such I do not consider that the site can be deemed to be a subdivision in order to justify this scheme.

13. Although the Framework does support smaller settlements as having a positive effect upon the viability of services in larger villages, in this case I do not consider that the proposal is within a settlement. Furthermore, I consider that this collection of buildings could not be seen as being sustainably located in terms of proximity to facilities. Although there may be some benefit to the larger settlements around, any use of these facilities would require the near complete reliance of the private car in order to reach them.

14. For the above reasons, I conclude that the proposal would introduce an isolated home in the countryside. It would therefore be contrary to guidance in the Framework relating to rural housing.

Flood Risk

15. The site is located within Flood Zone 3 as identified by the Environment Agency It is common ground that the Sequential Test is met in this case, although the site is also required to meet the Exception Test, as set out at paragraphs 159-160 of the Framework. This requires that the development would provide wider sustainability benefits to the community that outweigh the flood risk.

16. The proposal would make a small contribution towards the supply of housing land and would generate some modest economic benefits in terms of employment during the construction period and local expenditure by future residents. However, it would be remote from services and would not relate to any recognisable settlement.

17. Moreover, the impact of raising the floor levels of the proposed dwelling by up to 2.25 metres in order to avoid flood risk would also contribute to more substantial harm to the openness of the countryside and the character of the area. Such mitigation would create a much larger 2 storey building whose impact would be significantly greater. Whilst appearance and scale are reserved matters, this requirement would inevitably result in an awkward appearance.

18. The risks involved in developing within Flood Zone 3 are therefore not outweighed by the wider sustainability benefits to the community in this case. The proposal would therefore be contrary to guidance in the Framework relating to flood risk.

Conclusion

19. As set out above, the proposal would create an isolated home in the countryside, would fail to meet the Exception Test, and would be contrary to the Framework in this regard.

20. It is common ground that the Council is unable to demonstrate a 5 year supply of deliverable housing sites, as required by the Framework. However, the balance towards granting permission set out at Paragraph 11 d) of the Framework does not apply in this case. This is because policies in the Framework that protect areas of particular importance (in this case relating to flood risk) provide a clear reason for refusing the proposal.

21. The modest benefits of the proposal, outlined above, do not outweigh the harm I have identified to justify a departure from national policy in this regard.

22. For the reasons given above I conclude that the appeal should be dismissed.

A Graham

INSPECTOR