
Appeal Decision

Site visit made on 10 December 2019

by Peter Mark Sturgess BSs (Hons), MBA, MRTPI

an Inspector appointed by the Secretary of State.

Decision date: Thursday, 19 December 2019

Appeal Ref: APP/A2525/W/19/3238353

Land adjacent to the Hollies, Millgate, Whaplode, Spalding.

- 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 S.W & P Hoyes against the decision of South Holland District Council.
 - The application Ref H23-0152-19, dated 7 February 2019, was refused by notice dated 10 April 2019.
 - The development proposed is residential development for two dwellings
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Decision

1. The appeal is dismissed.

Procedural Matters

2. This is an application for outline planning permission with all matters reserved. I therefore regard the plans submitted with the application as for illustrative purposes only.

Main Issues

3. Whether the proposed development would provide a suitable site for housing, having regard to the proximity of services and the character and appearance of the area.

Reasons

The location of the site in relation to the village

4. The site is located on the southern edge of the village of Whaplode.
5. To the north of the site is frontage development and small housing estates, interspersed by other suburban/urban features such as playing fields and a church. To the south lies more sporadic development with gaps, which allows views of the farmland surrounding the village.
6. I note a house has been constructed opposite the appeal site, as part of a planning permission for two dwellings.
7. The site is a flat piece of agricultural land. There is no defined boundary between the site and the agricultural land to the west. There is no boundary feature dividing the land from Millgate, although there are some trees located on the grass verge between the site and the road. On the northern boundary of the site are the garage and outbuilding of the

Hollies. To the south lies a high hedge which separates the site from the garden of Station House. Further south, on the west side of Millgate, are three houses, agricultural land and what appears to be some form of horticultural use. On the east of Millgate, south of Buttercup Paddock, the only house is that which has been constructed as part of the planning permission referred to above.

Policy Context

8. The South East Lincolnshire Local Plan 2011 -2036 (SELLP) was adopted in March 2019 and therefore can be regarded as up to date for the purpose of this appeal. I note that the SELLP is able to demonstrate a deliverable 5-year supply of housing sites and the matter whether or not the council has a 5-year housing land supply is not in dispute.
9. The policies of the SELLP seek, amongst other things, to promote sustainable communities in South East Lincolnshire, positive improvements in the built environment and residents' quality of life.
10. One of its methods of achieving this is to allow development within settlements according to a hierarchy and by defining settlement boundaries. The SELLP explains that settlement boundaries are important because they provide a degree of certainty for communities and developers about where new development can be located.

Sustainable Development

11. Policy 1 of the SELLP seeks, amongst other things, to positively improve the built environment and manage development. Whaplode is defined as a 'minor service centre' in the SELLP and is expected to provide 130 new dwellings in the plan period through a mixture of allocated sites, existing planning permissions, changes of use and infilling. It has a settlement boundary defined in the SELLP.
12. The SELLP draws the settlement boundary for the south side of Whaplode, in the vicinity of the appeal site, tightly along the built edge of the village. It follows the sharp transition in most of this area between the small housing estates at Cobgate Close, Sandringham Close and Buttercup Paddock and the agricultural land beyond. The section of Millgate, south of the Hollies and Buttercup Paddock, makes a softer transition between the more open agricultural land to the south and the tighter urban grain of Whaplode to the north. It is clear that the land south of the Hollies and Buttercup Paddock is outside the built-up area of the village, as it does not display the tighter grained urban/suburban characteristics of land to the north.
13. The appellant and the council have referred to the sustainability of the site in relation to its proximity to the services within Whaplode. However, it can often be the case in villages, which might have developed over centuries, that land outside its developed area is closer to the services of the village than some of its housing areas. This does not mean that these areas should be developed, especially where they contribute to the character and appearance of the village, as this site does. The SELLP recognises, in the reasoned justification to Policy 1, that the countryside outside the settlement boundary is a precious resource mainly due to its

agricultural and recreational value and should be protected from inappropriate development.

14. The appeal site is outside the settlement boundary of Whaplode, defined in the SELLP, and therefore lies in the countryside surrounding the village. I find that the proposal is in conflict with Policy 1, as the proposal does not fall within any of the uses defined in the SELLP as being appropriate to a countryside location, nor does it meet the sustainable development needs of the area in terms of economic, community or environmental benefit.

Character and Appearance

15. Policy 2 of the SELLP outlines criteria that seek, amongst other things, to allow development that respects the character and appearance of the area. The development of the agricultural land, which constitutes the appeal site, would lead to an urbanising of this area which would harm its character and appearance by giving rise to a harsher, less graduated, transition from the urban to the rural environment in this location. It would also lead to a consolidation of sporadic development that would harm the village's rural setting. I therefore find that the development is in conflict with Policy 2 as it would not respect its character and appearance as required by the policy.

Conclusion on the main issues

16. I have identified two main issues in this appeal: conflict with Policy 1 of the SELLP as the site is outside the defined built up area for Whaplode; conflict with Policy 2 of the SELLP as the proposal would damage the character and appearance of this edge of village location. As the development plan (the SELLP) is up to date for the purposes of this appeal I find that in accordance with paragraph 38(6) of the Planning and Compulsory Purchase Act 2004, in the absence of other material considerations sufficient to outweigh the policies of the development plan, the appeal should be dismissed.

Other Matters

17. The appellant has argued that planning permission should be granted for the appeal proposal as planning permission has been granted for two dwellings opposite the appeal site. I understand from the council's statement that the planning permission for these dwellings predates the adoption of the SELLP. Whilst I have had regard to the existence of this planning permission it does not alter my view that this appeal should be dismissed.

Conclusion

18. I find that having regard to all matters before me, including the policies of the development plan, when taken as a whole, the appeal should be dismissed.

Peter Mark Sturgess

Inspector