
Appeal Decision

Site visit made on 24 September 2019

by William Walton BA MSc Dip Env Law LLM CPE BVC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 March 2020

Appeal Ref: APP/Z2505/W/19/3233454

Sycamore House, Rookery Road, Bicker, Boston, Lincs PE20 3DB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Mr and Mrs A Bacon against Boston Borough Council.
 - The application Ref B/19/0065 is dated 11 February 2019.
 - The development proposed is residential development including demolition of existing dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The outline application, with all matters reserved for future determination, is for the demolition of the existing dwelling and the provision of new residential development, and I have determined it on that basis. No details have been provided concerning the number of dwellings.

Main Issues

3. Based upon the content of the officer's report I have deemed that the main issue in the determination of this appeal is whether the proposed site is in a suitable location for residential development having regard to local and national planning policy.

Reasons

4. The appeal site is a broadly triangular area of land containing a detached dwelling and a lawn to the rear on the western outskirts of Bicker in Lincolnshire.
5. Policy 1 of the South East Lincolnshire Local Plan 2011-2036 2019 (LP) sets out the areas where development is to be directed. Areas outside of defined settlement boundaries are designated as Countryside where development will not be permitted unless it 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.
6. The appeal site is located outside of the settlement boundary for Bicker. I find no evidence that the proposal is necessary at this location nor that it would meet the sustainable development needs of the area in terms of economic, community and environmental benefits. The appeal proposal, therefore, fails to

accord with Policy 1 of the LP. The planning system should be genuinely planned as set out in the National Planning Policy Framework (the Framework). Consequently, the departure that I have identified amounts to harm.

7. I note that paragraph 78 of the Framework seeks to encourage new housing development where it will enhance or maintain the vitality of rural communities. Nevertheless, I consider that the allocations in the newly adopted local plan will help ensure that this objective is met without requiring the appeal site to be brought forward for development.

Other Matters

8. The appellant states in his accompanying Design and Access Statement that it would be his intention to construct attached housing on the site which would help meet a generally acknowledged need for low cost housing. I have been presented with no clear evidence as to the scale of housing need in the area. Furthermore, I do not accept that this intention would bring the proposal within the terms of Policy 1 of the LP because I find no evidence suggesting that the site location is necessary for the proposed development.
9. The site would be close to local facilities such as the primary school and shops, and possibly closer than 2 of the sites identified for housing by the Council. However, since Bicker is defined as a Minor Service Centre it is likely that future occupants would still be heavily reliant upon the private car for accessing higher order facilities. In this regard I note that the nearest bus stop would be 350 metres away from the appeal site and I consider that a walk of this length would act as a significant impediment to the use of public transport.
10. The site would be a windfall site and its development would not result in the loss of valuable agricultural land. However, since I consider that the site would be in an unsustainable location, I do not consider that this windfall status conveys any support to the development proposal.

Conclusions

11. The appeal is dismissed.

William Walton

INSPECTOR

