



Appeal Decision

Site visit made on 28 July 2020

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 August 2020

Appeal Ref: APP/A2525/W/20/3248137

Kingfisher, Small Drove Lane, West Pinchbeck PE11 3NL

- 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 S Franks against the decision of South Holland District Council.
 - The application Ref H14-0865-19, dated 29 August 2019, was refused by notice dated 17 January 2020.
 - The development proposed is replacement dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application form gives the location of the site as Small Drove. I have used the full title, Small Drove Lane, as per the Council's decision notice.
3. The description of the proposal on the application form and the Council's decision notice refers to a 'Proposed Replacement Dwelling'. I noted during my site visit that the previous dwelling on the site has been demolished. I have addressed whether or not the proposal can be considered a 'replacement' under the main issue having regard to the requirements of the development plan.
4. The proposal is in outline form with all matters of detail reserved for subsequent approval. I have therefore considered the position and footprint of the dwelling and access point shown on the submitted site layout plan as being indicative only for the purposes of my assessment.

Main Issue

5. The main issue is whether the appeal site would be a suitable location for the proposed development, having regard to the development plan and national policy and the effect of the proposal on the character and appearance of the area.

Reasons

6. The appeal site is set away from the nearest settlement boundary at Northgate as identified on the Policies Map for the South East Lincolnshire Local Plan (2019) (LP) and is in the countryside for the purposes of decision making.

7. Policy 1 (Spatial Strategy) of the LP directs development in accordance with a settlement hierarchy. Countryside is placed at the bottom of the hierarchy and development will be permitted where 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. This approach is consistent with the sustainability aims of the National Planning Policy Framework (the Framework).
8. Residential land uses on Small Drove Lane are sporadic and the predominant land use is agricultural. However, there are other dwellings close to the appeal site including at Rose Villa which shares a boundary with the site. Ribbon development on Northgate, which sits within the nearest settlement boundary, is located facing the end of Small Drove Lane in relatively close proximity to the site. For these reasons the site's location does not have attributes which make it particularly isolated in terms of the meaning within the Framework.
9. Even though the site is not isolated, this does not mean it would meet the sustainability aims of the CS and the Framework. The site is accessed via a single track road with no footpath or street lighting. There is nothing before me to suggest that Northgate has more than a very limited range of services and facilities. The nearest settlements with a greater range of services and facilities are not conveniently located so as to encourage walking or cycling. Consequently, it is likely that there would be a reliance on the private motor vehicle to meet day to day needs. These factors do not persuade me that development in this location would meet the sustainable development needs of the area.
10. During my site visit I noted evidence of the previous residential use of the site. However, the previous dwelling has been demolished and therefore a new dwelling would not meet the criteria under Policy 22 (Replacement Dwellings in the Countryside) of the LP. The reasoned justification in the sub-text to this policy confirms the policy approach seeks to ensure that proposals do not harm the character of the countryside. This is consistent with Paragraph 170 of the Framework which states amongst other things that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.
11. Even though the site has been left in a derelict state, and a new dwelling could be well-designed, this does not overcome the conflict with the criteria under Policy 22. In any case, I am not persuaded that development of the site would be the most effective way of ensuring it better reflects the prevailing agrarian character of Small Drove Lane and its position in the countryside.
12. Taking all the above factors into account, I conclude that the site is not a suitable location for the proposed dwelling having regard to the sustainable development principles and aims to protect the intrinsic character and beauty of the countryside set out in Policies 1 and 22 of the LP and the Framework.

Other Considerations

13. I acknowledge that the Parish Council support the proposal. The timeline provided by the appellant indicates that the original dwelling was demolished at the beginning of 2014 as it was unsound. However, I have no substantive evidence before me, for example in the form of building control records to

confirm that demolition took place before the previous planning permission¹ expired. The Council also suggests pre-commencement conditions were not discharged and that this would render the previous permission as having expired. No substantive evidence has been provided, such as a Lawful Development Certificate, which would provide a formal position on these matters. Whilst I have great sympathy for the appellant's personal circumstances and the chain of events which prevented them from building the previously approved replacement dwelling, without substantive evidence to demonstrate there is an extant permission on the site, this greatly diminishes the weight that I am able to afford to the previous permission as a material planning consideration.

Planning Balance and Conclusion

14. Paragraph 12 of the Framework confirms amongst other things that the development plan is the starting point for decision making and where a planning application conflicts with an up-to-date development plan permission should not usually be granted.
15. A single dwelling would make a limited contribution towards the Council's housing requirements. However, in principle a new dwelling in this location would conflict with the sustainable development aims of the LP and the Framework. A dwelling would not comply with the qualifying criteria for replacement dwellings in the countryside set out in the LP. These are matters which attract significant weight and tip the balance firmly against the proposal.
16. No further material considerations have been advanced of sufficient weight to justify a decision other than in accordance with the up-to-date development plan. Therefore, for the reasons set out, I conclude that this appeal should be dismissed.

M Russell

INSPECTOR

¹ LPA Ref H14-0257-11