
Appeal Decision

Site visit made on 7 July 2020

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

an Inspector appointed by the Secretary of State

Decision date: Friday, 21 August 2020

Appeal Ref: APP/A2525/W/20/3252743

Land west of Fensever, Further Old Gate, Holbeach, PE12 8QE

- 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 Ms S. Munn against the decision of South Holland District Council.
 - The application Ref H09-0017-20, dated 7 January 2020, was refused by notice dated 9 March 2020.
 - The development proposed is proposed paragraph 79 dwelling.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: - 1) the effect of the proposed dwelling on the character and appearance of the countryside; 2) whether the site would be a suitable location for a dwelling in respect of access to day to day services, and; 3) flood risk.

Reasons

Character and appearance of the area

3. The site is located along a narrow lane around 1.2 miles south of Holbeach. The lane contains sporadic housing development and farm buildings interspersed with large tracts of flat agricultural land and drainage ditches. The site itself contains a recently formed vehicular access, a parking area for around 4 cars, a mobile home, a large modern agricultural building and flat agricultural land. There are various fences and other means of enclosure across the southern part of the land. The majority of the land is agricultural in nature and there is no current differentiation between this land and the site of the proposed dwelling.
4. The area is characterised by a small number of traditionally designed buildings fronting the highway, interspersed with large areas of open agricultural land, divided by hedges and drains which allow long views across the open farmland. The appeal site is currently undeveloped, apart from the residential caravan at the front of the site. There are established dwellings to either side of the appeal site, albeit some distance away. The appeal building would be unconventional in design with vertical curved walls, a sloping roof covered with grass and full height windows. It would be visible from the current entrance to the site and

block views into the open countryside currently available from the road. It would also introduce domestic features, such as the drive and the pedestrian access to the public side of the building. This would harm the character of the flat open Fenland landscape within which it is located.

5. I therefore conclude that the proposal would have a harmful effect on the character and appearance of the countryside and would conflict with Policies 2 and 3 of the South East Lincolnshire Local Plan, March 2019, (SELLP) which in combination with and amongst other matters, seek to protect the character and appearance of the area.

Access to services

6. Paragraph 79 of the National Planning Policy Framework (the Framework) seeks to avoid the development of isolated homes in the countryside. The appeal proposal would enable the owner to care for her horses without the need to travel and become self-sufficient in terms of food production. Nevertheless, even if the appellants did have such a lifestyle, future occupiers of the dwelling may not. Furthermore, Holbeach is around 1.2 miles from the proposed dwelling and is accessed over unlit, mainly single-track roads with no footways which would not provide an attractive walking route, especially in the dark winter months. The distance from Holbeach and the single-track nature of the local roads would make regularly accessing the services in the town by cycling difficult. The site is not on a regular bus route. There would therefore be a reliance on the private car to access the services in Holbeach. In spite of the electric car charging point there is no mechanism to ensure that an electric car would be used instead of one powered by fossil fuels.
7. Although reference has been made to a business taking place on the site, no evidence has been supplied that the proposal is required to be in a countryside location to meet the needs of this business.
8. I therefore conclude that the proposal would have poor access to day to day services by a choice of transport modes and would conflict with Policy 2 of the SELLP.

Flood Risk

9. The site is within Flood Zone 3. National Planning Policy indicates that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 (areas with a high probability of river or sea flooding) be considered. Where development is necessary in such areas, the development should be made safe for its lifetime without increasing the flood risk elsewhere.
10. The Sequential Test ensures that a sequential approach is followed to steer new development to areas with the lowest probability of flooding. The Council accepts that the sequential test for assessing flood risk referred to in paragraph 157 and 158 of the Framework has been passed. It is therefore necessary to go on to apply the exception test.
11. Paragraph 60 of the Framework sets out the two parts of the exception test which must both be satisfied for the development to be permitted provided that the sequential test is passed. The first is that the development would provide wider sustainability benefits to the community that outweigh the flood risk. The

second is that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible reducing overall flood risk.

12. The Council has indicated that the flood mitigation measures put forward by the appellant are acceptable. Therefore, the proposal would satisfy the second part of the test. However, due to my findings on the first and the second main issues, the development would not provide wider sustainability benefits to the community that would outweigh the flood risk, so the first part of the test is not satisfied. For this reason, the proposal does not pass the exception test as required by the Framework.
13. I therefore conclude that the proposal would not be justified in an area at risk of flooding and would be contrary to Paragraph 155 of the Framework which says that inappropriate development in areas at risk of flooding should be avoided.

Other Matters

14. The appellant has argued that the appeal should be allowed as the proposal complies with paragraph 79 of the Framework regarding the provision of isolated homes in the countryside. In particular the criteria set out in 79(e). These criteria include, amongst other things, the design of the building being exceptional quality, it would help to raise the standards of design more generally in rural areas, it would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.
15. I do not consider the location of the proposed dwelling to be isolated. It does not therefore meet the objective of paragraph 79 of the Framework. However, and notwithstanding the dwellings location, the house has clearly been designed to address its environmental impacts, in terms of its carbon emissions and use of resources, in its construction and use. Whilst this is a benefit, it does not in itself make the building one of exceptional quality, nor would it help raise the standards of design more generally in rural areas. Measures to limit or prevent dwellings using more resources than necessary or limiting their carbon emissions are in use on other dwellings around the country. Indeed, the appellant mentions other examples of houses constructed to the 'Passivhaus principles' in her submissions. Therefore, despite the appeal proposal adopting up to date methods of construction, energy consumption and design it is unlikely that this would help raise the standards of design more generally in rural areas as examples are available elsewhere. Even if it were in an isolated location, I therefore do not consider that the proposed dwelling would comply with the criteria in paragraph 79 of the Framework.
16. I have been provided with a planning appeal decision in support of this proposal. I am not bound by other decisions. I have had regard to this decision in assessing this appeal. However, I find that the circumstances and material considerations set out in this decision are different from those at the example cited, for example the appeal decision relates to a site in a different district and so is subject to a different development plan. I have therefore afforded it little weight in this appeal.

Conclusion

17. I find that the appeal should be dismissed.

Peter Mark Sturgess

INSPECTOR