



Appeal Decision

Site Visit made on 1 June 2021

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th June 2021

Appeal Ref: APP/E2530/W/21/3269574

Land at Morkery Lane, Castle Bytham NG33 4SW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mr Anthony Eudall against the decision of South Kesteven District Council.
 - The application Ref S20/2095, dated 21 November 2020, was refused by notice dated 12 February 2021.
 - The development proposed is Permission in Principle (part 1) for the demolition of redundant, dilapidated barn (used for the storage of hay and horse paraphernalia) and replacement with self-build, modular dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposal is for permission in principle. Planning Practice Guidance advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted¹. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. I have determined the appeal accordingly.

Main Issue

4. The Council's reason for refusal relates to the location of the proposal, but it is also implicit that it considered the suitability of the land use in that location. With this in mind and the matters raised by the main parties, the main issue is whether the site would be a suitable location for housing, with particular regard to its accessibility to local shops, services, and facilities.

Reasons

Location and Accessibility

5. The appeal concerns a parcel of land to the northern side of Morkery Lane, to the west of the village of Castle Bytham, which is occupied by a barn structure.

¹ 16 PPG Paragraph: 012 Reference ID: 58-012-20180615.

6. The Council's Settlement Hierarchy, set out in Policy SP2 of its Local Plan², introduces the guiding principles for the location of new development. It suggests that the majority of development will be focused in Grantham in order to support and strengthen its role as a Sub-Regional Centre, then in turn to the three market towns of Stamford, Bourne and the Deepings, the Larger Villages and the Smaller Villages. Castle Bytham is identified as a Smaller Village, where the policy suggests development will be supported in accordance with relevant policies of the Local Plan, including Policies SP3 and SP4, but only where it would not compromise the village's nature and character.
7. Despite the presence of residential and other development between the village and the site and the location of the proposal close to Morkery Lane, it would be some distance from these buildings and the existing built form of the village. The proposed development would therefore not be situated on the edge of a settlement or amount to infill development between existing buildings and so would fail to meet the qualifying elements of Local Plan Policies SP3 and SP4. Moreover, the proposal would be for development in the open countryside, to which Local Plan Policy SP5 applies. This limits development to that which has an essential need to be located outside the existing built form of a settlement and includes a closed list of supported development types, none of which include self or custom-build or general needs housing.
8. The appellant has suggested that the proposal accords with the criterion under Policy SP4, particularly those that refer to the impacts of the development on its surroundings. As these are matters for the technical stage of consent, they are largely not relevant to the consideration of this main issue and, in any event, they are only triggered for development proposals that meet the qualifying element of the policy. Therefore, the demonstration of clear local community support would not prevail over the key aim of the policy.
9. Similarly, I have been referred to the designated neighbourhood development area for Castle Bytham, but this appears to relate to the area a Neighbourhood Plan for the village may cover. I have also not been provided with any policies or site allocations from such a plan, so I have afforded this argument limited weight in my consideration of the location of the proposed development.
10. Castle Bytham has a limited range of shops, services and facilities, and the appeal site is some distance from and poorly located in relation to it. The route to the village along Morkery Lane lacks a dedicated footway or lighting and the footpath to the north appears to be across fields. I note that the appellant and his family cycle to the village from the site but the road appears to be fast flowing. Accordingly, the opportunities to walk or cycle to the village would not be convenient or realistic ones, particularly for occupants with young children or mobility issues, especially after dark or during inclement weather.
11. Nevertheless, given the extent of shops, services, and facilities in the village, future occupants of the proposed house would be highly likely to be required to travel further afield by private motorised transport to access education, retail, employment, and healthcare. The proposal would not, of itself, generate a large number of traffic movements and I accept that many of these journeys may be shorter, to the village. A greater dependency on car use is also inevitable in more rural locations, but the cumulative effect of allowing developments in locations such as the proposal would be likely to increase the

² South Kesteven District Council Local Plan 2011-2036.

amount of unsustainable journeys made. I appreciate that the 'Call Connect' on-request bus service may be available to serve the site, but I am not aware of the frequency or arrangements for these services, so I am unable to conclude that it would sufficiently discourage further use of private motorised transport.

12. I have had regard to the planning decisions to which I have been referred, as far as they are relevant to the appeal before me. However, the proximity and nature of access from the rural housing identified therein to the shops, services, and facilities available will inevitably differ in each context and is unlikely to be identical. In any event, based on the evidence before me, these decisions would not provide justification for a development that I consider would be harmful for the reasons set out above.
13. In light of the above, I conclude that the appeal site would not be a suitable location for housing, having regard to the Council's settlement hierarchy, and its accessibility to local shops, services, and facilities. Hence, the proposal would be contrary to the spatial principles of Local Plan Policies SP2 and SP5; and the aims in respect of the location and accessibility of development outlined in paragraphs 78 and 103 of National Planning Policy Framework (the Framework).

Other Matters

Self-Build and Custom Housing

14. The appellant has advanced a case that the proposal would be a self-build project that allows him to continue to remain close to his family. Paragraph 61 of the Framework requires that planning policies should reflect the needs of people wishing to commission or build their own homes. The appellant has also highlighted the Council's responsibility under the Self Build and Custom Housebuilding Act 2015 (the Act) to provide enough suitable permissions to meet identified demand for South Kesteven, as informed by the Peterborough Sub-Regional Housing Market Assessments. I have also had regard to the updated planning guidance produced by Right To Build but given it limited weight as it is not the latest expression of government policy in respect of such matters.
15. The evidence before me appears to suggest that the Council has granted a very limited number of permissions for such housing, as required by the legislation. The Council has not disputed this point. This is therefore a serious concern and demonstrates that it is failing in its responsibilities.
16. The appellant has indicated his willingness to enter into a Unilateral Undertaking to ensure his proposal is a self-build home. Despite this, I have not been provided with such an undertaking or another legal mechanism, such as a planning obligation, to ensure compliance with the provisions of the Act and provide certainty that the dwelling would be a self-build project, as promoted by the appellant. No suggestion has also been made as to how this could otherwise be secured. Nonetheless, even if the proposal was provided as a self-build house for the appellant, the contribution to the overall demand for such housing would only be modest as a single unit is proposed.
17. I have considered the information on the appeal decisions referred to by the appellant in respect of this matter, but none of the appeals relate to South

Kesteven, so different policies apply, and it is unclear whether any relate to the same application process. In any event, I have determined this appeal on its individual merits, based on the evidence before me.

18. I acknowledge that Local Plan Policy H3 does not refer to the provision of smaller developments of self and custom build homes, as it only relates to sites over 400 homes. Nevertheless, Policies SP3 and SP4 of the Local Plan do not inhibit such types of housing development simply because they also do not explicitly refer to them, so would not be in conflict with the Framework.

Housing Land Supply

19. The 2019 Housing Delivery Test (HDT) results suggest that the Council only delivered 82% of the housing required, but I am mindful that the 2020 HDT results, published on 19 January 2021, show a significant uplift to 99% of the housing required. While there is no evidence before me to suggest the Council is not able to demonstrate five-years supply of deliverable housing land, I am mindful that the appeal scheme could deliver one house, which could be built out relatively quickly and would contribute to the overall housing mix and supply in the District and towards national housing targets.

Other Benefits

20. There would be some limited economic and social benefits associated with the construction and subsequent occupation of the proposed house, but these benefits are tempered by the limited amount of development proposed.
21. I have been referred to the high standard of the design of the proposal; its affordability, adaptability and accessibility for future occupiers; its sustainability credentials; and its impact upon the local environment. As such aspects would be considered at the technical details consent stage, they would not apply to this 'permission in principle' stage. I have therefore afforded limited weight to these arguments.
22. I note that the appeal site would meet the definition of previously developed land contained within the Framework and it would make more efficient use of the site, as the appellant considers it to be under-utilised. However, the Framework is clear that making efficient use of land should include taking into account the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use.
23. The appellant has referred to paragraph 84 of the Framework, but it is unclear how the proposal would meet local business or community needs, or local business growth and rural diversification.

Conclusion

24. The proposed development would be contrary to the development plan and there are no other considerations which outweigh this finding, including the Framework. Accordingly, for the reasons given, I conclude that the appeal should not succeed.

Paul Thompson

INSPECTOR