



Appeal Decision

Site visit made on 26 July 2021

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 August 2021

Appeal Ref: APP/A2525/W/21/3270402

**Land Adjacent to Millgate Lodge, Land off Millgate, Whaplode, Spalding.
(Grid Ref Easting: 532372; Grid Ref Northing: 322440).**

- 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 Mrs N Wallinger of NKW Design against the decision of South Holland District Council.
 - The application Ref H23-0501-20, dated 30 June 2020, was refused by notice dated 22 September 2020.
 - The development proposed is erection of 6 self-build eco-homes with access from Millgate.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) has been published since the appeal was lodged. Both main parties were given the opportunity to comment on any relevant implications for the appeal.
3. A signed and completed Planning Obligation under Section 106 of the Town and Country Planning Act 1990 has been submitted in support of the proposal. The Obligation would secure the delivery of serviced plots and their occupation as self-build/custom build eco homes. This Obligation meets the tests set out in paragraph 57 of the Framework, and I have proceeded to determine this appeal giving due consideration to the Obligation.
4. The application has been submitted in outline with all matters reserved for future consideration. I have dealt with the appeal on that basis, treating the provided site layout as being indicative.
5. The wording of the location of the development varies between the planning application form, decision notice and appeal form. I have taken the location in the heading above from the planning application form.
6. I have determined 3 appeals¹, including this appeal, in the Council's area for proposals for self-build homes. Whilst there may be some duplication on matters including the consideration of planning policy, I have addressed each appeal on its individual merits.

¹ Appeal Refs: APP/A2525/W/21/3270308, APP/A2525/W/21/3270402 and APP/A2525/W/21/3270404

Main Issues

7. The main issues in this appeal are:

- The effect of the proposal on the character and appearance of the area; and
- Whether, having regard to the development plan and national planning policy, the appeal site is an appropriate location for self-build housing.

Reasons

Character and Appearance

8. The appeal site is located adjacent to a cluster of buildings which includes a number of dwellings and commercial buildings. Although this group includes buildings of some scale and covers a significant area, it is representative of the sporadic forms of development which occur in the countryside.
9. The appeal site previously contained a number of glasshouses which extended across a wider area. The majority of these glasshouses have been removed, and whilst the foundations and other elements of the structures remain, the site has a relatively open character. An exception to this is a derelict glasshouse at the front of the site. Although this glasshouse is in a state of disrepair, it is representative of the agricultural background of the site and does not detract unduly from the rural character of the area. The glasshouse is also screened by mature planting, although the retention of this planting cannot be relied upon. Nevertheless, the removal of this glasshouse would represent a benefit in respect of the appearance of the area.
10. There is a builder's yard which covers part of the appeal site. However, this is set back from the highway of Millgate and is not readily visible from the public realm. It is also viewed within the context of nearby commercial uses, and as such is not an unduly prominent or incongruous feature in this area. The extent of the appeal site projects up to the boundary with Millgate, and the proposed development would be significantly more prominent than the relatively secluded builder's yard. Whilst the yard may represent previously developed land, this only covers a limited extent of the appeal site.
11. The proposal would involve the introduction of residential development extending from the edge of the highway and into the area which contained the glasshouses and contains the builder's yard. This would consolidate the existing residential development, which consists of dwellings facing onto the highway. When combined with the projection of the appeal proposal into the site, this would result in an enclave of residential development which would be an incongruous feature in this rural area.
12. I am mindful that the proposal is submitted in outline, and that layout and landscaping amongst other things could be addressed by the reserved matters. However, I consider that the projection beyond the line of existing dwellings would be readily apparent, and due to its incongruous urbanising effect the development would be an obtrusive and jarring element in views of the area. The removal of the derelict glasshouse would not compensate for the unsuitable extent and effect of the proposal.
13. I conclude that, due to its extent and location, the proposal would lead to significant harm to the character and appearance of this rural area. The

proposal would therefore conflict with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019 (the Local Plan) with regards to protecting the character and appearance of the area, as well as consideration of the relationship with existing development and land uses. The proposal would also be contrary to the Framework in respect of achieving well designed places as well as recognising the intrinsic character of the countryside.

Location

14. The appeal site is outside defined settlement boundaries and is therefore considered to be within the countryside under Policy 1 of the Local Plan.
15. The appellant refers to the community benefits arising from the proposal. The proposal is adjacent to existing dwellings and other built development, and would therefore not be isolated within the terms of the Framework. However, the site is located some distance from the nearest settlement of Whaplode. Access to the services in this settlement is via an unlit road with no demarcated footway. Both the distance and the nature of the route would prove a significant deterrent to residents of the proposal accessing services via sustainable means such as on foot or by bike. The evidence suggests that the site also does not have convenient access to public transport.
16. Residents are therefore likely to rely on the private vehicle to access services, contrary to paragraph 112 of the Framework which seeks to prioritise sustainable modes of transport. The proposal would also be contrary to the Council's Spatial Strategy set out in Policy 1 of the Local Plan which seeks to direct development towards the most sustainable locations. Due to the lack of a demarcated footway, and the unlit nature of the road which is subject to the national speed limit, the proposal would also not provide safe and suitable access for all residents, contrary to paragraph 110 of the Framework.
17. The poor access to services by sustainable means significantly diminishes both the community and environmental benefits arising from the proposal and which are referred to in Policy 1(D), irrespective of the harm I have previously identified regarding character and appearance. It has also not been demonstrated that this development is necessary to this location as is also referred to in Policy 1(D).
18. The appellant submits that the proposal would generate significantly fewer traffic movements than the builder's yard. However, I am mindful that the business may simply relocate elsewhere, with no overall reduction in traffic movements. Whilst this may reduce traffic levels associated with this particular site, there is no evidence that the nature and volume of existing movements are a problem. Given my previous conclusions in respect of sustainable access to services, this matter does not weigh in favour of this proposal for residential development.
19. The Framework states that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision-making. However, it has not been demonstrated that this development requires a rural location and this policy of the Framework does not therefore weigh in favour of the proposal.
20. With regards to self-build housing, the supporting text for Policy 11 of the Local Plan sets out that there will be numerous opportunities for self-build and

custom-build development within the defined settlement boundaries. Policy 17 also states that the Local Plan will seek to meet the needs of custom and self-builders as they come forward. The Council has therefore had regard to the provision of self-build housing in preparing its planning policies. I therefore do not consider that the development plan is silent on the matter of self-build housing or that there are no relevant policies. On the basis that the Council can demonstrate a housing land supply in excess of 5-years, the presumption in favour of sustainable development in paragraph 11(d) of the Framework is not engaged.

21. However, under the 2015 Act², the Council has a 'duty to grant planning permission' and a 'duty as regards registers'. These duties are also emphasised in Footnote 28 of the Framework.
22. With regards to registers, the Council confirms that it has 73 entries on its self-build register, which is a clear indication of demand within the Council's area. This is a material consideration in respect of this proposal.
23. The Council accepts that it is unclear how many permissions have been granted for self-build and custom-build plots. As part of its duties under the 2015 Act in respect of the duty to grant planning permission, the Council must give enough suitable development permissions to meet the identified demand for self-build and custom-build housing. Based on the evidence before me, the Council is unable to demonstrate that it has done this. The Council refers to problems of interpreting the information provided by applicants, such as the appeal proposal where the proposed units were identified as market housing rather than self-build and custom-build. However, it is uncertainties such as this that the Council should seek to address as part of its duties under the 2015 Act.
24. Within the context of the Council's duties under the 2015 Act, the provision of 6 self-build dwellings would be a modest contribution to the demand identified on the Council's register, and carries commensurate weight in favour of the proposal.
25. Drawing the above together, the proposal would be contrary to Policy 1 of the Local Plan in respect of the location of the development in the countryside, environmental harm to character and appearance, and the environmental and community harm in respect of poor access to services by sustainable means.
26. The proposal would also not comply with Policy 19 of the Local Plan due to its location some distance away from a settlement boundary. Furthermore, the proposal would not comply with Policies 20, 22 or 23 which relate to residential development in the countryside including for gypsies and travellers as well as the replacement and reuse of buildings. The proposal would also be contrary to the Framework with regards to achieving sustainable development and the status of the development plan.
27. Whilst I have had regard to the community benefits arising from the provision of self-build housing and the Council's duties in that regard, these matters are not of such weight to outweigh the identified harm and the conflict with development plan policies.

² Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016)

Other Matters

28. It is proposed to build the dwellings to a recognised eco-homes standard. However, this would primarily address the ecological impacts arising from the development itself. On that basis, and given the scale of the development, this carries limited positive weight in the overall planning balance.
29. There may be potential to improve the biodiversity of the site. However, given the scale of the development this potential would be very limited.
30. The appellant refers to planning permission for 6 self-build homes near Crowland elsewhere in the Council's area, which was granted planning permission some distance away from the settlement boundary. However, the Council's decision indicates that the presumption in favour of sustainable development was considered to apply in respect of the Crowland proposal. I have concluded that this has not been engaged in respect of the appeal before me. The circumstances of the Crowland permission are therefore different from the appeal proposal, which I have determined on its individual merits.
31. I have also had regard to the appeal decisions which were referred to by the appellant, both of which represented departures from the development plan. However, in both cases, the Inspector concluded that the proposal would not harm the character and appearance of the area, which differs from my conclusions on the appeal before me. One of the appeals also consisted of a significantly greater number of self-build and custom-build plots. The circumstances of those appeals are therefore materially different to the appeal before me, which I have determined on its own merits.

Conclusion

32. The proposal would harm the character and appearance of the area and would not be in an appropriate location for this form of development, in conflict with the development plan and the Framework. There are no material considerations of such weight that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR