



---

# Appeal Decision

Site visit made on 3 March 2023

**by L Hughes BA (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 5 April 2023**

---

**Appeal Ref: APP/A2525/W/22/3303340**

**29 Station Road, Tydd Gote, Wisbech PE15 5QA**

- 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 Mr S Necker against the decision of South Holland District Council.
  - The application Ref H21-0314-22, dated 23 March 2022, was refused by notice dated 11 May 2022.
  - The development proposed is the erection of a 3-bed dwelling.
- 

## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The appellant's description of development also included justification for the proposal, which I have therefore removed from the description in the banner heading above.
3. The proposed dwelling would have the same footprint and broad dimensions as a 4 bay garage building<sup>1</sup>, approved as ancillary to 2 recently constructed pairs of semi-detached dwellings fronting onto Station Road<sup>2</sup>. The Council does not dispute the appellant's assertion that the garage permission has been commenced, and my site visit identified foundations present which appeared to be in the approved location. Given this, I find it likely that the remainder would be implemented, and I therefore accept the fallback of this garage as a material consideration.

## Main Issues

4. The main issues are:
  - whether the proposed development is in a suitable location for housing, having regard to the local development strategy for the area;
  - the effect of the proposed development on the character and appearance of the area; and
  - whether the proposal would allow for suitable waste collection.

---

<sup>1</sup> Reference H21-0442-21

<sup>2</sup> Reference H21-0489-20

## Reasons

### *Suitable Location*

5. The appeal site is located outside of the settlement boundary of Tydd Gote, as defined by the South East Lincolnshire Local Plan (SELLP) 2011-2036 (2019). Consequently, Policy 1 of the SELLP designates the site as being within the countryside. In accordance with part D of the policy, development in the countryside will be permitted that is necessary in such a location, or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits. As a unit of market housing the scheme does not comply with any SELLP defined exceptions for new dwellings being necessary in the countryside.
6. As a justification under Policy 1, the appellant considers that the site has already been changed to residential use by the extant approval for the domestic garage. However, this garage use is only ancillary to a residential use, and therefore it inevitably requires a location adjacent to those properties that it serves. I thus find this to be a different context to the siting of a new dwelling, which has locational flexibility. Furthermore, as I discuss in my reasoning on character and appearance below, the character of the site would be different for a garage than for a new dwelling. Therefore, I do not give the fallback of the garage any weight in favour of the principle of a new dwelling on this site.
7. The appellant also suggests as justification under Policy 1 that by providing a new dwelling amongst existing dwellings, it would represent sustainable development and a local benefit. However, they do not refute the Council's identification that it has in excess of 5 years supply of deliverable housing sites. Consequently, while I accept that a new dwelling would be a general benefit, I find there is no compelling need for additional housing in this location. Furthermore, the appellant does not define in any further detail what any local benefits would be, such that I can only give this very limited weight.
8. The appellant also submits that demonstration of the special justifications set out in Policy 1 are in any case, not required, due to the judgement from *Braintree District Council v SSCLG & Ors* [2018] EWCA Civ 610. This is because that judgement identified that the National Planning Policy Framework (the Framework) version extant at that time did not specifically define what constitutes a settlement, and that a site may not need to be within the defined limits of a village to be considered as not being isolated under its provisions.
9. However, while I have regard to the findings from this judgement, each case must be assessed on its own merits. As outlined above, the proposals map places the site outside the settlement boundary and in the countryside for the purpose of Policy 1. I also find that this boundary designation is a fair reflection of the position on the ground, identifying as outside of the settlement the whole of the wider field within which the proposal would sit.
10. Even if I were to accept the appellant's case that the site is within the settlement, SELLP policy 1C would thus apply. This identifies Tydd Gote as an 'other service centre and settlement' whereby development is normally limited to committed sites and infill. I do not find that the site would be infill or set amongst existing residential development. It would be a clear protrusion into the open field setting of its immediate context, with no built form to 3 of

its adjacent sides. I accept there are detached dwellings further to the west which are at depth compared to the remainder of the frontage character of the streetscene. However, these dwellings are set within the middle of their own substantial grounds to all sides, and are thus markedly different to the appeal proposal.

11. Furthermore, the *Braintree v SSCLG* judgement specifically noted that the Framework identifies only broad principles and indicates a broad approach. As such I do not find the general proximity of the site to other dwellings, to override the need to comply with the development plan spatial strategy, and specifically the SELLP policy 1 requirements, when considering the principle of residential development for the site.
12. In conclusion and in the absence of any other substantive evidence to suggest that the proposal would meet the sustainable development needs of the area in terms of economic, community or environmental benefits, the proposed development would not be in a suitable location for housing, having regard to the local development strategy for the area. It would be contrary to Policy 1 of the SELLP and undermine the spatial strategy by directing growth to the wrong place. It would also conflict with the Framework (2021) with regard to its section on rural housing. While the proposal would not be isolated in the sense of it being remote from the settlement, I have no evidence that it is required in the proposed location to reflect local needs or enhance the vitality of rural communities under paragraphs 78 and 79. It would also conflict with the Framework paragraph 12 which reinforces the statutory status of the development plan as the starting point for decision-making.

#### *Character and Appearance*

13. The appeal site comprises part of an open field, with further open countryside beyond. It lies behind 2 pairs of recently constructed semi-detached dwellings which face onto Station Road, and would be accessed down a private drive to their side. The dwellings along both sides of Station Road display a mix of designs and sizes, with an established residential village character of dwellings fronting the road, framed by mature trees and other vegetation and open spaces to their rears.
14. As outlined above, the proposed dwelling would not comprise infill. It would be out of character with the development form of predominantly frontage dwellings in this part of Tydd Gote, due to its position behind the frontage houses and its extent into the open field. This is notwithstanding that the appellant identifies that it would have the same footprint, height, and roof pitch of the extant garage permission. While the presence of that permission may indicate that the garage would have an acceptable impact on the rural character and appearance of the locality, and allows for some domestication of the site, it does not follow that a dwelling would only have the same impact. The visual perception of a dwelling would be different to that of an ancillary garage, due to aspects such as a range of fenestration and a porch, and a garden area with domestic paraphernalia. Therefore, I find that the appeal proposal would have a greater and more obtrusive visual impact. That it would be screened from general public view from Station Road would not address its inherent intrusion into the landscape, as well as its visibility from the neighbouring properties, and the fields behind.

15. In conclusion, the proposed development would cause harm to the character and appearance of the area. This would conflict with the SELLP policies 2 and 3 which seek to ensure a quality of design appropriate to the local area and the relationship to existing development and land uses, with specific reference to the character and appearance of the area and the relationship to existing development. The proposal would also conflict with paragraph 130 of the Framework regarding development maintaining and being sympathetic to an area's prevailing character and setting.

#### *Waste Collection*

16. The Council raises a concern relating to the design of the proposal's long private drive creating issues for waste collection. This is not predicated on any stated policy of the development plan. While the reason for refusal refers that the scheme's design fails to accord with its Guidance Note 'Private Drives - Waste Vehicle Collection Service', that Note does not constitute adopted planning policy. The Note states that its restriction on the carrying distance for private drives is in part to avoid the potential impacts of unmanaged depositing of waste, which can lead to unacceptable impacts upon the visual and residential amenity of communities. However, such general guidance must be considered with regard to the particular circumstances of the case. In this instance, future occupiers would be aware of the waste transportation distance, and the distance to the kerbside does not appear unreasonably excessive to the extent that it would generate unmanaged depositing. I therefore find that the proposal would be acceptable in this regard and with no further conflict with the development plan.

#### **Other Matters**

17. I find it a neutral matter that no objections have been received from technical consultees or from the general public. The loss of the permitted garage would reduce the parking available for the associated dwellings, but in the absence of any substantive evidence for such parking being essential and as the dwellings were originally granted permission without such parking, its loss is also neutral in my determination.

#### **Conclusion**

18. The proposal conflicts with the development plan as a whole. With no other material considerations outweighing this conflict, for the reasons given above I conclude that the appeal is dismissed.

*L Hughes*

INSPECTOR