



Appeal Decision

Site visit made on 20 March 2023

by R Gee BA (Hons) Dip TP PGCert UD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 May 2023

Appeal Ref: APP/A2525/W/22/3307452

Browns Gate, Long Sutton PE12 9AU

- 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 Keith Bunn against the decision of South Holland District Council.
 - The application Ref H11-0487-22, dated 11 May 2022, was refused by notice dated 20 July 2022.
 - The development proposed is a dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was submitted in outline with all matters reserved for future consideration. The appellant has submitted an indicative plan. This gives an indication of the site layout, siting of the dwelling and position of the proposed access. I have therefore taken these into account in so far as establishing whether it would be possible, in principle, to erect a dwelling on the site.

Main Issues

3. The main issues are:
 - i) whether the principle of residential development would be appropriate, with particular regard to its countryside location; and
 - ii) the effect of the proposed development upon highway safety, with particular regard to the safety of pedestrians.

Reasons

Suitable location

4. The site comprises a relatively flat and rectangular shaped plot of agricultural land fronting Browns Gate, a minor rural lane. A post and rail timber fence forms the boundary with Browns Gate. To the north of the site is a cluster of built development. To the south of the site are sporadic scattered dwellings and agricultural/horticultural businesses.
5. The site would not be located within a settlement, as defined by the South East Lincolnshire Local Plan 2019 (the LP). Consequently, it is classified as being within the countryside. Policy 1 of the LP sets out the hierarchy for the location of residential development and states that development should only be

allowed, within the settlements or on sites allocated for development in the LP, other than under exceptional circumstances. Policy 1 of the LP identifies that 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.

6. The appellant states that the intention is to live in the dwelling and farm the land. I have no substantive evidence before me regarding this, or that the appellant has demonstrated that it would fall to be an exceptional circumstance or necessary for a dwelling in this location. As such I give little weight to the expressed need for a dwelling on this particular site in the context of this appeal.
7. The appellant states that the appeal site is adjacent to an established hamlet of dwellings and as such the proposed development would not be out of character for the area. The site lies to the south of a cluster of ribbon development, adjacent to a single storey dwelling to the north-west, separated by a row of tall vegetation. The site has no enclosing boundary treatment to the south-west or south-east boundaries.
8. In this case, the proposal would introduce built development into an expanse of open land and would have a suburbanising effect on an undeveloped site, extending built development into the open countryside. The proposal would not be within the settlement boundary or well-integrated with it, given it is separated by the A17, a major trunk road. As the A17 would need to be traversed to access the services and facilities at Long Sutton and nearby settlements, it is likely that the future occupiers of the dwelling would have a high car dependency to meet their everyday essential needs.
9. Having regard to criterion D) of Policy 1 of the LP, I acknowledge the economic benefit from the dwelling's construction and from potential local employment and spending, however, this is only a very minor benefit given the quantum of development proposed. I also acknowledge that the proposal would make a positive contribution to housing supply targets. Nonetheless, given that the Council's ability to demonstrate adequate housing land supply is not contested, the net benefit of 1 unit is minimal and therefore this would only be a very minor benefit and would not outweigh the environmental harm I have identified.
10. I therefore conclude that the principle of residential development would not be appropriate, with particular regard to its countryside location. Having regard to the local development strategy for the area the proposal would be contrary to Policy 1 of the LP, as I have set out above. It would also conflict with the National Planning Policy Framework (the Framework) which supports the development plan to include strategic policies to actively manage patterns of growth and promote sustainable transport.

Highway Safety

11. Browns Gate is a narrow country road. In the immediate vicinity of the site, the road is unlit and subject to a 40mph speed limit. In the absence of any footpaths from the site to the existing footway network the Council have raised concern relating to future occupiers of the dwelling wanting to access the service and facilities at Long Sutton by foot, and having to share an un-lit

narrow carriageway of Browns Gate with vehicles where there would be a risk of injury.

12. Browns Gate is a relatively straight road with good visibility, which I observed to be lightly trafficked at the time of my site visit. The site is within close proximity to where the traffic conditions change to the national open road speed limit (60mph) to the south.
13. The existing footway on Browns Gate is approximately 80 metres away to the north of the appeal site. Given the road conditions along this section of Browns Gate, being devoid of any street lighting and of narrow carriageway width. I consider pedestrians would be vulnerable using this road to access Long Sutton, resulting in potential conflict with other road users, particularly vehicles using the road at speeds up to 40 mph. This would be to the detriment of highway safety, particularly for pedestrians.
14. Furthermore, I consider that the access and navigation to the existing footpath network would be unrealistic throughout the year, particularly in winter months, when light is poor in the early evenings compared to the summer months. Whilst the access crossover could be constructed to the highway authority's standards, further to the above the proposed development would not result in a safe and suitable access for all users.
15. My attention has been drawn to other properties within the locality that do not have a connecting footway outside of their properties, which I observed at my site visit. I do not know the precise circumstances of these dwellings. Nevertheless, these examples do not justify the harm that I have identified to highway safety.
16. Moreover paragraph 111 of the Framework sets out that development should be prevented or refused where there would be an unacceptable impact on highway safety or where the residual cumulative impacts on the road network would be severe. In this circumstance, I have found that the movements associated with the proposed dwelling would have an unacceptable impact on highway safety, and it would not result in a safe and suitable access for all users which is also set out in paragraph 110 b) of the Framework.
17. For the reasons given above, I conclude that the proposal would have a harmful effect upon highway safety, with particular regard to the safety of pedestrians. I therefore find the proposal would be in conflict with the Framework.

Other Matters

18. The appellant refers to not pursuing permission being sought at St. James Road if this appeal is allowed. No further information has been submitted regarding this. Accordingly, this is a neutral matter and weighs neither in support of nor against the proposal.
19. My attention has been drawn to permissions at Silverwood Garden Centre, including that for a replacement dwelling and a condition for the original dwelling to be demolished and a subsequent permission for an office. Based on the evidence before me I am not satisfied that the proposals are directly comparable with the appeal proposal in terms of location, scale or planning policy. In any case, I have reached my own conclusions on the proposal, based on the evidence before me.

20. I note the proposal has support from the Parish Council, however, this does not alter my findings on the main issues as other cases referred to either pre-date the adoption of the current local plan or relate to affordable housing schemes which met the exceptions test. Accordingly, the cases are not comparable to this appeal.
21. The comments of the appellant are noted regarding allowing maintenance to the drainage board. This has no bearing upon the planning merits of the case.

Conclusion

22. I conclude that the principle of residential development would not be appropriate, with particular regard to its countryside location and that the proposal would have a harmful effect upon highway safety, with particular regard to the safety of pedestrians. The proposal conflicts with the development plan as a whole. With no other material considerations outweighing this conflict, including the Framework, for the reasons given above the appeal is dismissed.

R Gee

INSPECTOR