



Appeal Decision

Site visit made on 17 October 2023

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th December 2023

Appeal Ref: APP/D2510/W/23/3320292

**Land to the East of Holme Farm, West Fen, Stickney, Lincolnshire
PE22 8BH**

- 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 Nigel Coton against the decision of East Lindsey District Council.
 - The application Ref S/203/01294/22, dated 7 July 2022, was refused by notice dated 17 October 2022.
 - The development is described as the “proposed erection of 2 detached houses with double garages and stores and associated site works”.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council’s decision notice references Policy SP4 of the East Lindsey Local Plan Core Strategy, adopted 2018 (‘the LP’). The Council, in their appeal statement, clarifies that the inclusion of Policy SP4 was a typographical error, and the decision notice should have referred to LP Policy SP3. The Council’s officer report clearly references LP Policy SP3 throughout. Furthermore, the appellant highlighted the error in their appeal statement, had an opportunity to provide further comments and therefore, has not been prejudiced. Consequently, I have determined the appeal on this basis.

Main Issues

3. The main issues are whether the appeal site is an acceptable location for the proposed development, with regard to:
 - a) the Council’s housing strategy and the character and appearance of the surrounding area; and
 - b) flood risk and the Sequential Test.

Reasons

Suitable Location – Housing Strategy and Character and Appearance

4. The proposal is for the construction of two detached dwellings. Policy SP1 of the LP defines Stickney as a Large Village. LP Policy SP3 sets out the criteria for windfall housing development in Large Villages and requires a site to be within an “appropriate location” within the settlement and outside of, but immediately adjacent to, the “developed footprint” of the settlement.

5. Stickney is predominantly focused around the A16 (Main Road) that has a north/south alignment, and the roads of Hall Lane and Horbling Lane that extend away from the A16 to the east and west. Hall Lane becomes West Fen where the road passes over the West Fen Catchwater Drain ('the WFCD') and from my site visit, I noticed that there was a marked difference in the character and appearance of the areas either side of the WFCD.
6. Hall Lane is characterised by densely arranged dwellings positioned along both sides of the road with limited gaps. The road has a pavement along one side, street lighting and a 30mph speed limit. In contrast, West Fen is characterised by sporadic dwellings set within large plots, interspersed with open fields/gaps. There are drainage ditches to either side of the road, no pavement, no street lighting and a 60mph speed limit. Consequently, I find that the "developed footprint" of Stickney ceases at the end of Hall Lane at the WFCD.
7. The appellant has directed me to a historic map of the area dated 1916 that indicates the built development along both Hall Lane and West Fen comprised a more sporadic linear pattern of development. However, I must base my assessment of the developed footprint on existing circumstances.
8. The appeal site is on the southern side of West Fen and comprises a broadly rectangular section of a larger U-shaped field that fronts the road. The appeal site comprises a large gap that separates the adjacent dwelling (Holme Farm) and a detached barn from a short ribbon of development to the east. The adjacent ribbon of development comprises a group of buildings that are clearly detached from the continuous built-up area of Stickney by the WFCD and open fields. Furthermore, the appeal site is a generous distance beyond the developed footprint of Stickney, at the end of the ribbon of development furthest from the WFCD.
9. Accordingly, the appeal site would not be within the settlement of Stickney, nor would it be outside of Stickney but immediately adjacent to the developed footprint of the Large Village.
10. A large gap would be retained between the proposed dwelling on Plot 2 and Holme Farm. However, the gap would form part of Plot 2's garden. The appellant is willing to restrict future development within the gap through a condition removing permitted development rights. However, the Planning Practice Guidance ('the PPG') states that the blanket removal of freedoms to carry out small scale domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity¹. Furthermore, the removal of permitted development rights would not prevent the siting of domestic paraphernalia within the gap. Consequently, I do not have a mechanism before me that would prevent the potential future erosion of this gap.
11. I acknowledge that the proposed dwelling on plot 1 would be separated from the ribbon of development by the retention of an existing field access, and the development would have a low density. However, the proposal would erode a gap which contributes to the rural character of West Fen and would result in the ribbon of development merging with Holme Farm.

¹ Paragraph: 017 Reference ID: 21a-017-20190723

12. The appeal site is set back from the road by an existing grass verge incorporating a drainage ditch and a tree belt. The proposal seeks to retain a large proportion of the existing roadside trees. However, the Proposed Site Layout Plan indicates that the existing trees are to be thinned out. Furthermore, they are predominantly deciduous species and therefore, the proposed dwellings would likely be more prominent in the winter months when the leaves have fallen. Additionally, the proposed dwellings would be visible when travelling along the road, due to the positioning of Holme Farm's access, the retained access to the agricultural field and the proposed access. While additional landscaping is proposed, screening should not be used to hide an otherwise unacceptable form of development.
13. Consequently, the proposal would erode the existing gap, which is a key characteristic of this rural landscape, and it would extend the ribbon of development further along the road. As a result, the proposal would significantly harm the character and appearance of the surrounding countryside. Additionally, the proposal would not be connected to Stickney by way of a footpath. As such, the proposal would not comprise an "appropriate location" in respect of LP Policy SP3(4).
14. I have been directed to a planning approval for the conversion and extension of the barn adjacent to Holme Farm². However, the building was existing and therefore the proposal was determined against different LP policies. Consequently, it is not directly comparable to the appeal proposal. In any event, I must determine each case on its own merits.
15. In reference to the first main issue, the appeal site would not be an acceptable location for the proposed development, with regard to the Council's housing strategy and the character and appearance of the surrounding area. It would therefore conflict with Policy SP3 of the LP, the purpose for which has been set out above, and Policy SP10 of the LP which, amongst other things, supports well-designed sustainable development which maintains and enhances the character of the district's towns, villages and countryside.

Suitable Location - Flood Risk and the Sequential Test

16. The submitted Flood Risk Assessment³ ('FRA') identifies the appeal site as within Flood Zone 3a. Residential uses, insofar as they relate to flood zones, are categorised as "more vulnerable" within Annex 3 of the National Planning Policy Framework ('the Framework'). Paragraph 162 of the Framework states that development should not be permitted in an area of high flood risk if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding i.e. the Sequential Test ('the ST'). While paragraph 163 of the Framework states that the Exceptions Test ('the ET') may have to be applied if it is not possible for development to be located in areas with a lower flood risk.
17. The appellant asserts that as the proposal is for two dwellings it comprises minor development and therefore, the ST and ET are not applicable. "Minor" in respect of flood risk is defined within the PPG⁴. The proposal would not meet this definition and therefore the ST and ET are relevant.

² Planning Ref: S/203/02387/20

³ Flood Risk Assessment, produced by RM Associates, dated March 2022

⁴ Paragraph: 051 Reference ID: 7-051-20220825

18. The submitted FRA states that the proposed dwellings could be designed so they would not be at risk from flooding. While I have no reason to disagree, the PPG states that *even where an FRA shows the development can be made safe throughout its lifetime without increasing risk elsewhere, the ST still needs to be satisfied*⁵. Furthermore, it is the relevant decision maker who is responsible for determining whether a proposal passes the ST. Consequently, no objection from the Environment Agency or the Lead Local Flood Authority does not imply that the ST has been passed.
19. The PPG states that for individual proposals subject to the ST, the area to apply the test will be defined by local circumstances relating to the catchment area for the type of development proposed⁶. The Council considers that a search area of 'inland' East Lindsey to be reasonable, while the appellant's search area is restricted to a 10-15 mile radius from the appeal site. Other than Stickney, the surrounding area is characterised by multiple dispersed settlements that in my opinion would comprise a limited search area. Housing is also a form of development found across the whole district that, in general, does not have a need to locate in a flood risk area. Based on the evidence, I am satisfied that a search area of inland East Lindsey would be reasonable in this case.
20. The initial ST asserts that the appellant has monitored the housing market since 2015 and there has been a lack of large quality individual plots. However, this has not been substantiated with evidence. Notwithstanding this, the initial ST identifies some available building plots within 0-5m radius and 0-10m radius of the appeal site. I acknowledge that the initial ST also includes a list of housing sites consented by the Council however, the search area is restricted to Stickney and West Fen. Furthermore, the evidence contained within the updated ST was limited to land for sale on one online property search company, on one date.
21. In response to the Council's own list of sites within Stickney that have obtained planning approval for two dwellings and have not commenced, I accept that one site⁷ may not be reasonably available. A second site⁸ was discounted as being at a higher risk of flooding than the appeal site. However, while the road on which the second site is located is closer to the WFCD, the FRA maps indicate that parts of the road are within Flood Zones 1, 2 and 3 and therefore, without knowing the precise location of the site, it would appear that the site would be either at a lower or equal risk of fluvial flooding.
22. The appellant discounted some of the Council's list of sites due to their size. However, the PPG is clear that a reasonably available site can include a series of smaller sites and/or part of a larger site if these would be capable of accommodating the proposed development⁹. Furthermore, the appellant asserts that these sites were not reasonably available, however, as detailed previously, this was based on an assessment of one online property search company, on one date. Additionally, the appellant has not advanced information regarding other consented schemes within the inland East Lindsey search area.

⁵ Paragraph: 023 Reference ID: 7-023-20220825

⁶ National Planning Policy Guidance, Paragraph: 027 Reference ID: 7-027-20220825

⁷ Planning Ref: S/169/00368/20

⁸ Planning Ref: S/169/02364/22

⁹ Paragraph: 028 Reference ID: 7-028-20220825

23. Accordingly, for the reasons detailed above, I cannot conclude that there are no reasonably available sites in other areas with a lower risk of flooding. Regarding the ET, the PPG states that this should only be applied where the ST has been passed. I have found that the submitted ST does not satisfy the requirements set out in the Framework and the PPG. As such, the need to undertake the ET does not arise.
24. In reference to the second main issue, the appeal site would not be an acceptable location for the proposed development, with particular regard to flood risk and the ST. It would conflict with paragraphs 161-165 of the Framework that amongst other things, seek to steer new development to areas with the lowest risk of flooding from any source and not permit development if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.

Other Matters

25. The provision of two additional dwellings would make a contribution, albeit small, to the Government's objective of significantly boosting the supply of new homes. The proposal would also provide a limited amount of short-term employment through the construction of the development, support smaller builders, and support local services in Stickney. I recognise that small and medium sites can make an important contribution to meeting the housing requirement of an area and are often built out quickly. I also acknowledge the lack of objection from consultees other than the Parish Meeting and that some of the objections raised by third parties raise matters that are non-material planning considerations. However, these would not outweigh the harm I have found in respect of the main issues.
26. The Council has a responsibility to identify land to accommodate at least 10% of their housing requirements on sites no larger than one hectare. However, the proposal is for open market housing rather than self or custom build housing, and I have not been provided with evidence that the Council is failing in its responsibilities in this regard. The use of locally sourced materials could support local businesses however, I do not have a mechanism before me to ensure that this would occur. The appellant asserts that well designed individual dwellings are in demand to give greater choice, however, this has not been substantiated with evidence.
27. The appellant asserts that the proposed dwellings would be low energy homes with high levels of insulation, solar panels and air/ground source heat pumps. They also assert that rainwater recycling would feature. However, limited information has been provided to support these matters. Even if this information was provided, it would not outweigh the harm that I have found in respect of the main issues.
28. I acknowledge that the appeal site is within proximity of Stickney's facilities and services. However, I observed on my site visit that the road has no pavement or street lighting and is frequented by HGVs and other vehicles travelling at speed, with a steep drainage ditch to either side. Accordingly, the road conditions would not be attractive for pedestrians or cyclists, particularly at night or in poor weather conditions and therefore, future occupiers would likely be heavily reliant on the private car. The inclusion of home offices within the proposed dwellings could encourage home working and reduce the need to travel to places of employment. However, future occupiers could not be

prohibited from working at premises away from their home; the rooms could be used for a different purpose; and the provision of a home office would not avoid future occupiers' need to access other facilities to meet their day-to-day needs.

29. The inclusion of electric charging points, water usage efficiency measures and the provision of wildlife and landscaping enhancement measures are all requirements of the LP or Building Regulations and therefore are neutral matters. The appeal site is not within the Green Belt, a Conservation Area or a National Landscape (formerly an Area of Outstanding Natural Beauty). However, these circumstances would not justify the harm I have identified.
30. I have been directed to a planning approval¹⁰ for a bar/restaurant and four holiday lodges on the outskirts of Stickney. However, the proposal was determined against different LP policies. Furthermore, I note the officer report states that the site is more clearly related to the village than the open countryside, that there is a verge on which pedestrians could take refuge, the road could accommodate cyclists, and there are existing buildings on the site. Therefore, it is not directly comparable to the appeal proposal. In any event, each proposal must be determined on its own merits.
31. The evolution of Holme Farm demonstrates that the dwelling has increased in scale. However, I do not agree that the changes have altered the rural character of this part of West Fen. I have been directed to two photographs of dwellings that are said to be located outside Stickney. However, insufficient detail is before me to conclude that they are directly parallel to the appeal proposal.

Conclusion

32. For the reasons given above, having regard to the development plan as a whole and all other material considerations, I conclude that the appeal should be dismissed.

A Berry

INSPECTOR

¹⁰ Planning Ref: S/120/01099/22