



Appeal Decision

Site visit made on 18 October 2024

by **R Bartlett PGDip URP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 December 2024

Appeal Ref: APP/Z2505/W/24/3342164

Beck Barn, New Hammond Beck Road, Wyberton, Boston, PE21 7JD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
- The appeal is made by Mr Aidas Linkauskas against the decision of Boston Borough Council.
- The application Ref is B/23/0395.
- The development proposed is the construction of 2no. dwellings.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline form with all matters reserved. I have therefore treated the information and illustrations in the supporting statement as being indicative only.
3. A revised version of the National Planning Policy Framework (the Framework) was published on 12 December 2024. Any reference to the Framework in this decision is to the most recent version and its new paragraph numbers.

Main Issues

4. The main issues are whether the site is an appropriate location for new residential development, having regard to i) the spatial strategy and the accessibility of services and facilities for future occupiers; and ii) its risk of flooding.

Reasons

Access to services and facilities

5. The appeal site is located outside of the main built-up area of Boston and as such is defined as countryside. Policy 1 of the South East Lincolnshire Local Plan 2011-2036 (2019) (the local plan) sets out the spatial strategy for the area. It states that outside of defined settlement boundaries, development will be permitted where it necessitates such a location, and/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. Despite being outside of any defined settlement boundary, the site is close to an edge of centre retail park comprising two large supermarkets. Walking time between the site and these supermarkets is approximately 10 minutes. Some employment opportunities also appear to exist within walking and cycling distance, as well as public houses, a fast-food restaurant and other shops. Whilst I did not see any schools within walking distance of the site, I am advised that there are

several within a 3 mile radius. There are bus stops along the A52, approximately a 10 to 15 minute walk from the site, and I am advised that buses into Boston run approximately every 30 minutes, with a journey time of 20 minutes and a stop outside of a GP surgery.

7. Although the site is only a 10 to 15 minute walk away from the nearest shops, and to bus stops providing access to other services in Boston, the majority of this walk would be along New Hammond Beck Road, which has no footpath, limited street lighting and which is subject to the 60mph national speed limit. I accept that the road is straight and that in hours of daylight there would be reasonable visibility between drivers, pedestrians and cyclists. However, walking or cycling along this route in the dark would not be particularly safe or desirable, particularly for, or with, children.
8. The road was quiet at the time of my visit. However, I noted that there is a substantial employment site nearby, which can only be accessed from New Hammond Beck Road, that is currently vacant and is being advertised for sale or to let. I am not aware what use or other restrictions apply to this employment site, but based upon its scale it clearly has the potential to generate a high volume of traffic, including HGV movements, which would further deter and increase the danger of walking and cycling along this route.
9. It is not possible to reduce the speed limit by a planning condition as these limits are controlled by other legislation and regulations to assess their suitability and justification. A reduced speed limit would not in any event address the absence of lighting and footpaths.
10. I therefore conclude that the proposal does not require a countryside location, and in the absence of safe pedestrian access between the site and local services, the site is not an appropriate location for new residential development, having regard to the spatial strategy and the accessibility of services and facilities for future occupiers. Consequently, the proposal would not meet the sustainable development needs of the area and would be contrary to Policy 1 of the local plan.

Flood risk

11. The submitted flood risk assessment identifies the site as falling within flood zone 3 (high probability) on the Environment Agency flood map. The wider surrounding area is also designated as flood zone 3.
12. Regardless of the likelihood of the site flooding, or of any mitigation measures that could be incorporated into the development to reduce the risk of flooding to future occupiers of it, the starting point is to direct new development to areas at the lowest risk of flooding, i.e. to flood zone 1. The onus is on the applicant to demonstrate that there are no reasonably available sites on which the development could be located in lower risk flood zones. This is otherwise known as the sequential test.
13. The starting point for the sequential test is generally borough wide, with smaller search areas being applied to those areas where it can be justified, for example in large towns or regeneration areas, where it is important to allow development to support other wider sustainability objectives or where there is evidence of need for a development within a specific catchment area.

14. There are no circumstances in this case which would justify a reduced search area and it is not unusual for a district or borough wide sequential test search area to be applied to housing development on unallocated sites outside of settlement boundaries.
15. It has not been demonstrated that there are no other sites available, for example allocated housing sites or land for sale on the open market in flood zone 1, on which the two proposed houses could be located. As such the sequential test fails. As the sequential test is failed it is not necessary to consider the exception test. However, the development of two market houses in this location would not provide any wider sustainability benefits to the community that would outweigh flood risk.
16. I therefore conclude that the site is not a suitable location for new residential development having regard to flood risk. The proposal would therefore be contrary to Policy 4 of the local plan and paragraphs 173 and 174 of the Framework. These policies seek to steer new development away from those areas at the highest risk of flooding, applying a sequential approach to its location.

Other Matters

17. Reference is made to a variety of planning application reference numbers. As I have not been provided with any details of these cases I am unable to consider their relevance to this appeal. From the comments provided by the parties the cases are not directly comparable due to being served by, or located much closer to, existing street lit footways. I have determined this case based upon its own merits and the evidence before me.
18. I acknowledge that there would be some benefits in terms of providing two new homes on previously developed land, which could be delivered quickly, and would be relatively close to shops and services. However, these benefits would be very modest and would not outweigh the conflict with national and local planning policies.
19. Whilst bio-diversity enhancements could be secured by conditions, it has not been demonstrated how this would be achieved following the construction of two dwellings with associated parking, access and hardstanding on the site, together with the retention of the field access. I therefore afford this limited weight.
20. The Council states that it has a 5.5 year supply of housing land and whilst the appellant disputes this I have not been provided with any substantive evidence to the contrary. There is no evidence before me to suggest that the Council's policies are out of date and as such paragraph 11(d) of the Framework is not engaged. Furthermore, even if the Council's policies were out of date, footnote 7 of paragraph 11(d)(i) lists areas at risk of flooding as a strong reason for refusing permission.

Conclusion

21. The proposal would conflict with the development plan and there are no material considerations before me, including the Framework, that would justify making a decision other than in accordance with it. Accordingly, for the reasons given above and having had regard to all issues raised, the appeal is dismissed.

R Bartlett INSPECTOR