



Appeal Decision

Site visit made on 12 February 2025

by **P Storey BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 March 2025

Appeal Ref: APP/Z2505/W/24/3347378

Land to the SE of Sheepgate Equestrian, Sheepgate, Leverton, Boston PE22 0AR

- 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 H Payne against the decision of Boston Borough Council.
 - The application Ref is B/23/0398.
 - The development proposed is outline planning application for the proposed construction of new dwelling and detached garage with access to be considered.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application sought outline planning permission with all matters reserved other than access. I have determined the appeal on that basis, and any details in relation to the reserved matters are considered illustrative only.
3. An update to the National Planning Policy Framework (the Framework) was published on 12 December 2024. The main parties have been given the opportunity to comment on the effect of the updated Framework for the appeal, and I have had regard to any comments received in my decision.

Main Issues

4. The main issues are whether the development would:
 - be in a suitable location for new housing, having regard to the spatial strategy of the development plan, and access to services and sustainable transport; and
 - accord with local and national planning policy relating to flood risk.

Reasons

Whether a suitable location

5. The appeal site is a vacant parcel of grassland located at the northwestern end of a row of detached dwellings. It borders residential gardens to the southeast, the road of Sheepgate to the southwest, and land associated with the Sheepgate Equestrian business to the remaining sides.
6. The site lies outside of any defined settlement boundary and is therefore classified as countryside under the development plan. Policy 1 of the South East Lincolnshire Local Plan 2011-2036, Adopted March 2019 (the LP) seeks to focus

development within the settlements defined by the LP. Development in the countryside will be supported only where it meets at least one of two tests: 1) that the development is necessary to such a location; or 2) where it is demonstrated that the development meets the sustainable development needs of the area in terms of economic, community or environmental benefits.

7. Whilst the appellant does not argue that the proposal meets the first test of necessity, they contend it meets the second test relating to sustainable development. They assert that the proposal would provide a self/custom build plot along with biodiversity and environmental enhancements. Illustrative plans indicate measures such as planting and wildlife enhancement features to support these claims. Additionally, the appellant argues that the site is not remote, given the presence of nearby buildings.
8. The nearest settlement, Leverton, is defined by LP Policy 1 as one of the borough's "other service centres and settlements". Leverton offers some local amenities, including a convenience store, café, church and church hall, fire station and motor garage. It is also served by buses providing reasonably frequent services to destinations including Boston and Skegness via the A52.
9. The appellant refers to recent planning permissions granted elsewhere in the borough, arguing the considerations in those cases are similar to those in the current appeal. Although I do not hold full details of each referenced case, I have been provided with copies of the relevant officer reports.
10. Two of these permissions¹ relate to "Land adjacent to Dial House". In both instances, the Council concluded that the proposals met the sustainable development test of Policy 1, citing environmental benefits such as sustainable construction measures and biodiversity and ecological enhancements. The officer report for application Ref B/21/0188 confirms that these measures were demonstrated through detailed evidence, and that a lower level of detail would have been insufficient.
11. In the current appeal, whilst the evidence provided at the outline stage is limited, the appellant suggests that more detailed measures could be secured at the reserved matters stage. The cases cited by the appellant were also outline applications. However, based on their officer reports, they provided specific details addressing the Policy 1 requirements. In the current case, whilst I note the indicative measures shown on the illustrative plans, I am not convinced that they provide sufficient detail to demonstrate the scale of benefits required by the policy.
12. I have also been provided with the officer report for permission² granted at "The Old Horseshoes, Sheepgate". Although no plans were provided, the officer report indicates that the site lies northwest of the appeal site, near the A52. The report also notes that, whilst the site is within the countryside, its proximity to footpaths, public transport and services made it a sustainable location. The Council also considered its environmental benefits would weigh in its favour, though I am provided with limited specific detail of such measures. Cumulatively, these factors led the Council to conclude that the proposal complied with Policy 1.

¹ B/21/0188 and B/21/0499

² B/23/0036

13. Conversely, the appeal site is several hundred metres further from the settlement. Whilst it is near existing development, it is physically and functionally disconnected from services, amenities and public transport links. To reach the settlement, future occupiers would need to travel along unlit roads without footpaths, resulting in a high likelihood that they would rely on private vehicles for daily needs. Although the appellant suggests these roads may be safer for pedestrians than the footpath along the main road, I am not convinced by this argument. For these reasons, I do not find the site to be a sustainable location in terms of access to services and sustainable transport.
14. Although the appeal proposal shares some similarities with the cited cases, such as its countryside location and self-build nature, there also appear to be significant differences, as discussed above. Moreover, I must consider this appeal based on its specific merits. Taking all matters into account, including the considerations related to the previous permissions, I am not persuaded that the proposed development would satisfy either of the tests set out in Policy 1.
15. For these reasons, I conclude that the proposed development would not be in a suitable location for new housing, having regard to the spatial strategy of the development plan, and access to services and sustainable transport. It would therefore conflict with Policy 1 of the LP, the aims of which have previously been set out. It would also conflict with Policy 2 of the LP which, in respect of this issue, seeks to ensure that sustainable development considerations are met. Additionally, it would conflict with the relevant provisions of the Framework, which have similar aims to the development plan.
16. Although the Council's decision notice also cites conflict with LP Policy 3, which relates to the design of new development, I do not find specific conflict with the policy in respect of this issue.

Flood risk

17. The appeal site is within Flood Zone 3, which the Planning Practice Guidance (the PPG) defines as having a high probability of flooding. Both the Framework and Policy 4 of the LP seek to steer development to the areas at the lowest risk of flooding by applying the sequential test. Policy 4 specifies that for development in Flood Zones 2 or 3, the sequential test must demonstrate that there are no other sites available with a lower risk of flooding.
18. The Flood Risk Assessment (FRA) submitted with the planning application applies the sequential test and concludes that no sequentially preferable sites are available in areas at lower risk of flooding. This conclusion is based on a localised search area around Leverton, which is entirely within Flood Zone 3. Based on the scale of the development and its likely local impacts, the appellant contends that the sequential test should be limited to this localised search area. They also reference a similar approach in granting the recent permission to the northwest on Sheepgate.
19. However, Policy 4 requires the sequential test to be based on a Borough or District-wide search area of alternative sites within defined settlement boundaries. It explains that whilst a reduced search area may be justified, this must be based on specific local circumstances, such as where there is a specific need for the development in that location.

20. In this case, there is limited substantive evidence to justify the reduced search area in accordance with the requirements of Policy 4. I acknowledge that the Environment Agency have not objected to the proposal. I also note the nearby permission, but I have been provided with limited detail of the specific similarities between these cases beyond the officer report. As such, I am not persuaded that a reduced search area would be justified for this proposal. Consequently, I am not convinced that the sequential test sufficiently demonstrates that no suitable sites are available in areas at lower risk of flooding.
21. For these reasons, I conclude that the proposed development would fail to accord with local and national planning policy relating to flood risk, with specific reference to Policy 4 of the LP and the relevant provisions of the Framework, the aims of which have previously been set out.

Other Matters

22. It is stated that the appellant works at the adjacent equestrian centre, and it is contended that the proposed development would enable them to live near their workplace, reducing the need to travel. However, limited justification and no mechanism has been provided to ensure that the appellant would occupy the dwelling, or that it would remain connected to the equestrian centre. Whilst there may be some benefits in these terms during the appellant's occupancy, the uncertainty surrounding its tenure means I can only afford these benefits limited weight.
23. Nevertheless, the proposed development would make efficient use of the land and contribute to the supply of housing in accordance with the objectives of the Framework. It would also generate economic benefits through construction-related employment and increased local spending, with the potential for biodiversity and landscape enhancements. Whilst these factors weigh in favour of the proposal, they would not outweigh the significant weight that must be given to the conflict with the development plan.
24. Although the appellant questions the Council's housing land supply position, I have found the proposal would conflict with the relevant policies of the Framework relating to flood risk. Under paragraph 11.d) i. of the Framework, this provides a strong reason for refusing the development, even if the Council cannot demonstrate a five-year supply of deliverable housing sites. As such, this consideration does not alter my previous findings.

Conclusion

25. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

P Storey

INSPECTOR