The Planning Inspectorate

Appeal Decision

Site visit made on 23 April 2019

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 July 2019

Appeal Ref: APP/Z2505/W/19/3222165
Land at Puttock Gate, Fosdyke

- 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 A Mowton against the decision of Boston Borough Council.
- The application Ref B/18/0434, dated 24 October 2018, was refused by notice dated 14 December 2018.
- The development proposed is described as residential development of up to 9 dwellings.

Decision

1. The appeal is allowed and planning permission is granted for a residential development of up to 9 dwellings at land at Puttock Gate, Fosdyke in accordance with the terms of the application, Ref B/18/0434 dated 24 October 2018, subject to the following conditions:

   1) Details of the layout, access, scale, appearance and landscaping (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

   2) Application for approval of the reserved matters shall be submitted to the Local Planning Authority within three years from the date of this permission.

   3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

   4) The development hereby permitted shall be carried out in accordance with the approved plans: Land at Puttock Gate, Fosdyke: Location Plan and DRG No. PUT01/pl002 insofar as it relates to the extent of the site, the indicative layout is for illustrational purposes only.

   5) When an application is made for approval of Reserved Matters a scheme for the provision of surface and foul water disposal works shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed to the satisfaction of the Local Planning Authority.

   6) The development hereby permitted shall comprise no more than 9 dwellings.

7) The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (S M Hemmings, 19th October 2018) and the following mitigation measures detailed within it:

(i) finished floor levels shall be set a minimum of 3.7m AOD (which is 700mm above the level of the road opposite the centre of the site);

(ii) flood resilient construction to a height of 300mm above the finished floor level;

(iii) dwellings shall be of two story construction with all bedrooms at first floor level. The mitigation measures shall be fully implemented prior to occupation and subsequently maintained for the lifetime of the development.

Procedural Matter

2. The application was submitted in outline with all matters reserved for future consideration. I have considered the appeal on that basis.

3. Since the submission of the appeal the National Planning Policy Framework has been superseded by the National Planning Policy Framework (2019) (the Framework) and the recently adopted South East Lincolnshire Local Plan 2011-2036 (2019) (the SELLP) has replaced the Boston Borough Local Plan (1999). Both parties were given the opportunity to provide additional comments, therefore no party has been prejudiced or caused any injustice by me proceeding with the appeal in light of these changes in policy.

Main Issue

4. The main issue in this case is the effect of the character and appearance of the area.

Reasons

5. The appeal site is located adjacent to the settlement boundary with existing residential properties opposite to the south and adjoining to the west. The site is bounded by open agricultural land to the north and field boundary to the east. As such, the site lies directly adjacent to but outside the development boundary of the Fosdyke and for the purposes of development plan policy, lies in open countryside

6. Policy 1 of the SELLP provides the locational strategy for development, and supports development within the settlement boundaries of 'Other Service Centres and Settlements' which Fosdyke falls within, which help sustain existing facilities or helps meet the service needs of other local communities.

7. Policy 1 requires development in the countryside to be necessary to its location and/or demonstrate it meets the sustainable development needs of the area. I have not been provided with substantive evidence to demonstrate that there is a locational need for the development nor that it has the economic, community or environmental benefits to comply with Policy 1 of the SELLP. There is conflict with Policy 1 of the SELLP which amongst other things defines settlement boundaries.

8. Section 38 (6) of the Act requires that if regard to the development plan is to be had then determination of an appeal must be made in accordance with the

development plan unless material considerations indicate otherwise. Paragraph 12 of the Framework also makes it clear, the development plan is the 'starting point for decision making', not its end.

9. The cornerstone of the Council's case is that notwithstanding the benefits of the proposal, the proposed development would be outside of the settlement boundary and would create an awkward and alien encroachment into the rural landscape eroding the character and appearance of the countryside.

10. The indicative layout proposes a development of linear form. Whilst the site is part of an agricultural field which is devoid of buildings, the proposed development would be located adjacent to a residential property at the junction of Old Main Road and Puttock Gate and run parallel to the adjacent residential properties to the south.

11. The prevailing form of the village is of a ribbon pattern with development on both sides of the highway. Plot sizes and illustrative layout accords with the pattern of development in the area. Overall, subject to the reserved matters application(s) the proposed development would relate well to the existing residential dwellings and the settlement in general.

12. The proposed development would be contrary to Policy 1 of the SELLP, one of the key strategic policies of the development plan. In the context of a plan-led system, and an up-to-date plan, this must weigh against the proposal. However, I do not consider that the proposed development would undermine the Council's settlement strategy and find that the proposed development would not harm the character and appearance of the area. The proposed development would appear as a natural location for development which would visually be read as being within the village.

13. There is no conflict with Policies 2 and 3 of the SELLP which amongst other things seek to ensure developments are appropriate to their surroundings having regard to the environment. There is also no conflict with the Framework which supports good design which is sympathetic to the surrounding built environment and landscape setting.

Other Issues

14. Reference has been made to the potential for the occupiers of neighbouring properties to experience some loss of property value. This is not a land use planning consideration and is therefore a matter that I cannot take into account.

15. My attention has been drawn by both parties to other developments granted planning permission within the area and an appeal against the refusal of up to 10 dwellings at Old Main Road[1]. I have not been provided with full details of each case. The Old Main Road appeal decision has been issued during the consideration of this appeal proposal. I note that the Inspector concluded that the proposed development at Old Main Road would fail to integrate effectively with its surroundings and would represent a conspicuous encroachment of built form into the countryside. Notwithstanding this each proposal must be considered on its individual merits, and that has been the basis of my assessment in respect of this proposal. My conclusion on the main issue of this

[1] APP/Z2505/W/18/3210572

appeal is clear that the proposed development would not harm the character and appearance of the area and would be physically well related to Fosdyke.

16. An objection has been submitted against the proposal, relating to the loss of outlook and highway concerns. These concerns were considered by the Council in the Planning Committee Report, the Council did not have concerns relating to these issues and based on the information I have before me I do not disagree.

17. The Fosdyke Parish Council have submitted a letter supporting the proposed development, highlighting that whilst the development is unlikely to bring new services to the village it would help sustain the existing facilities and services in the village. Whilst no substantive evidence has been provided, I note that the village has services and facilities to meet some of the day to day needs of residents and acknowledge that a development of this scale would help sustain existing facilities.

Conclusion and Conditions

18. In addition to the standard condition which limits the lifespan of the planning permission, I have specified the reserved matters to be approved and approved plans to provide certainty. I have included the Indicative Layout in the approved plans, insofar as it provides a scale and details the extent of the appeal site as the location plan is lacking in detail.

19. In order to protect the character and appearance of the area I impose a condition restricting the number of dwellings to be built on the site. In order to protect the site and neighbouring land from flooding and ensure there is a satisfactory drainage system I attach conditions relating to the details contained in the Flood Risk Assessment and relating to a scheme for surface and foul water disposal.

20. For the reasons given above I conclude that the appeal should be allowed.

C Pipe

INSPECTOR