



# B O S T O N

## B O R O U G H C O U N C I L

REPORT TO:	Planning Committee
DATE:	6 <sup>th</sup> February 2018
SUBJECT:	Receipt of Appeal Decision
PORTFOLIO HOLDER:	Councillor Michael Cooper
REPORT AUTHOR:	Interim Development Manager
EXEMPT REPORT?	No

### **SUMMARY**

The purpose of this report is to advise members of the receipt of an appeal decision in respect of a delegated refusal of outline planning permission for the erection of three dwellings (B/16/0447) at Land East of Church Road, Freiston, Boston PE22 0NT.

The appeal was dismissed. A copy of the Inspector's decision letter is attached to this report.

### **RECOMMENDATION**

The Committee are asked to note this report and the comments arising from it.

### **REASONS FOR RECOMMENDATION**

To address Service Delivery Action Plan points for 2017/18.

## **1.0 INTRODUCTION**

- 1.1 It is established practice that all appeal decisions are reported to Planning Committee as part of performance monitoring and to consider if any particular decisions raise issues which might influence practice or future decision making.
- 1.2 All applicants have a right of appeal against the decision of the planning authority, over a refusal, an approval with conditions (if the conditions are unacceptable to the applicant) and in cases of 'non-determination' where the authority has not issued a decision within the prescribed 8 or 13-week period without an agreed 'extension of time'. This right of appeal applies to all categories and types of applications – including Enforcement and other Notices where there are defined categories or grounds of appeal which any appellant has to follow.

## 2.0 APPEAL DECISION

### Land East of Church Road, Freiston, Boston PE22 0NT

2.1 Planning application reference B/16/0447 was for outline planning permission for the erection of three dwellings. Consideration was given to access, with all other matters reserved for later approval. The application was refused, under delegated authority, on 5 January 2017.

2.2 The reasons for refusal were:

1. *“The application site is within an unsustainable countryside location, outside the defined settlement limits of Freiston and Haltoft End in an area where the NPPF (2012) indicates that, inter alia, new isolated homes in the countryside should be avoided unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside. No such evidence has been submitted with this application. The special circumstances set out at paragraph 55 of the National Planning Policy Framework (2012) to justify new dwellings in the countryside have therefore not been met.*
2. *The development would result in the filling in of a gap between existing properties, giving the appearance of consolidating a group of existing buildings along Church Road which would create a suburban appearance to the locality and will have a substantial adverse impact on the countryside and the surrounding environment.*
3. *The approval of this application would set a precedent for the submission of similar ‘infill’ countryside sites both along Church Road and elsewhere within the district which this Council would find difficult to resist: the resultant effect would undermine the character of the countryside and further erode countryside protection policies. The application is therefore contrary to the objectives of the Local Plan policy G1 and the sustainability objectives of the National Planning Policy Framework (2012).”*

2.3 The Inspector considered the main issues to be:

- whether the location of the proposed development would be consistent with the principles of sustainable development having regard to national and local planning policies; and
- the effect of the proposed development on the character and appearance of the surrounding area.

### Sustainable Development

2.4 The Inspector concluded that there is a limited number of services and facilities available in Freiston and that the future residents would have a general reliance on the car. She also noted that the Council did not have a 5 year supply of housing land.

2.5 She concluded that the proposed development would not fully enable the 3 dimensions of sustainability to be jointly and simultaneously achieved, and that the benefits associated with the provision of new housing would be significantly and demonstrably outweighed.

### Character and Appearance

- 2.6 The Inspector took the view that the proposal would result in the loss of the open gap between an existing isolated dwelling and an isolated small group of buildings, leading to the consolidation of built form in a countryside location. In addition, the proposal would be out of character with the sporadic nature of built development in the area and would introduce an urbanising form of development which would have a materially harmful effect upon the character and appearance of the surrounding area.
- 2.7 She concluded that due to the harm that the proposed development would cause to the character and appearance of the area it would not be sustainable development, and would conflict with Policy G1 of the Local Plan.
- 2.8 For the above reasons, the Inspector dismissed the appeal.

### **3.0 CONCLUSION**

- 3.1 For the year to date (from 1 April 2017) seven out of 11 appeal decisions (64%), including enforcement appeals, have gone in favour of the Council, and four against (36%). This is below the Performance Target, which would tolerate 1 out of 5 going against the Council (20%).

#### **FINANCIAL IMPLICATIONS**

None

#### **LEGAL IMPLICATIONS**

None

#### **ANY OTHER IMPLICATIONS**

None

**CONSULTATION** Portfolio Holder: Councillor Michael Cooper

#### **APPENDICES**

Appeal decision Land to the East of Church Road, Freiston, Boston PE22 0NT

**BACKGROUND PAPERS**

Background papers used in the production of this report are listed below: -

**Document title**

Appeal file and application file.  
Land to the East of Church Road,  
Freiston, Boston PE22 0NT  
B/16/0447

**Where the document can be viewed**

Development Management