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## Appeal Decision

Site visit made on 31 October 2017

**by Rachael A Bust BSc (Hons) MA MSc LLM MEnvSci MInstLM MCI MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 22 November 2017**

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**Appeal Ref: APP/Z2505/W/17/3179256**

**Land to the east of Church Road, Freiston, Boston PE22 0NT**

- 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 R Fleet against the decision of Boston Borough Council.
  - The application Ref B/16/0447, dated 4 November 2016, was refused by notice dated 5 January 2017.
  - The development proposed is the erection of three dwellings. Consideration given to access with all other matters reserved for later approval.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The application was submitted in outline with all matters reserved. The application was accompanied by an indicative site layout plan which also shows 3 proposed access points to each dwelling. I have treated this information as illustrative only, except for the details relating to access as this forms part of the application.

### Main Issues

3. The main issues are:
  - 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.

### Reasons

#### *Sustainable development*

4. The appeal site is located outside of the settlement development limits of Freiston which lies to the south and Haltoft End to the north. By virtue of it being outside of the defined settlement development limits, it is by definition in planning terms, located within the countryside. Freiston and Haltoft End are two small settlements, over 900 metres apart and the appeal site lies in between.

5. There are a limited number of services and facilities available in Freiston; however these would not meet the full range of day to day needs of residents. The appeal site is connected to both Freiston and Haltoft End by a narrow footway. There is evidence of limited bus services being available within Freiston, however no details have been provided regarding routes or frequency. From my site visit it was not apparent as to whether any bus services actually run past the site. The nearest bus stop was within Freiston village itself. A wider range of services and facilities is available in Butterwick or Boston.
6. Paragraph 55 of the National Planning Policy Framework (the Framework) states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. New isolated homes in the countryside should be avoided, apart from in very limited cases. None of the exceptions set out in paragraph 55 apply in this case. The appeal proposal would be physically, functionally and visually isolated from both the rural communities of Freiston and Haltoft End.
7. The Council does not have a 5 year supply of housing land. As such relevant policies for the supply of housing should be treated as being out of date by virtue of paragraph 49 of the Framework. As a consequence, the Council has not sought to rely upon saved Policy CO1 of the Boston Borough Local Plan (1999) (LP). That policy resists new residential development in the countryside unless supported by other Local Plan policies.
8. Paragraph 14 of the Framework states, that there should be a presumption in favour of sustainable development, unless any adverse effects of the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Paragraphs 7 and 8 set out the 3 dimensions and roles of sustainable development; economic, social and environmental which are required to be jointly and simultaneously achieved.
9. In economic terms, the proposed development would generate short term employment during the construction phase. In social terms, the proposed development would provide for 3 new dwellings which would make a modest contribution to the supply of homes within Boston Borough. The occupation of the dwellings would provide a limited contribution to help support local services and facilities. These economic and social benefits are limited in scale and must be balanced against adverse impacts.
10. Although Freiston has a small number of services and facilities, the need to travel outside of the settlement to access key services, education and employment cannot be overlooked. The environmental dimension of sustainability includes the need to move to a low carbon economy.
11. Whilst there is a footway to both of the nearby settlements, given its narrow nature and the lack of street lighting this would contribute to making this unattractive for pedestrian use. The distance to the services and facilities of Freiston, which are mostly located at the opposite end of the settlement, leads me to conclude that it is highly likely that the future occupants of the dwellings would need to use a private car to provide a convenient and safe access to the facilities in Freiston and those in Butterwick and Boston.
12. Given the above locational circumstances of the site, I consider that future residents would have a general reliance on the car rather than buses, walking

or cycling. As such the proposal would not be sustainable in environmental terms. Whilst the occupants of the proposed dwellings would make use of the limited services and facilities in the village and elsewhere which would support their vitality, they would be doing so using unsustainable means.

13. Taking the above factors into account the proposed development would not fully enable the 3 dimensions of sustainability to be jointly and simultaneously achieved. The benefits associated with the provision of new housing would be significantly and demonstrably outweighed. Consequently, I find that the proposal would not lead to a sustainable form of development when assessed against the policies within the Framework as a whole, in accordance with paragraph 14, and would therefore not accord with national planning policy, including paragraph 55 of the Framework.

#### *Character and appearance*

14. The appeal site is a grassed field on the eastern side of Church Road, there are the remains of a derelict barn on the site. To the north lies a drain beyond which is the single bungalow "Mafalda." To the south is a small gap before the 2-storey house known as "West View." Adjacent to "West View" is the commercial operation of McCartney Food Services.
15. This part of Church Road is characterised by flat open agricultural fields and between the two settlements a number of sporadic dwellings and agricultural/commercial buildings are found.
16. The appeal proposal would result in the loss of the open gap between an existing isolated dwelling and an isolated small group of buildings. This would lead to the consolidation of built form in this countryside location.
17. Development on the appeal site would be out of character with the sporadic nature of built development in this area. As such the consolidation of development would introduce an urbanising form of development which would have a materially harmful effect on the character and appearance of the surrounding area.
18. Due to the harm that the proposed development would cause to the character and appearance of the area it would not be sustainable development. Consequently, I find that appeal proposal would unacceptably harm the character and appearance of the surrounding area. Accordingly, it would conflict with saved Policy G1 of the LP, which seeks, amongst other things, that new development should ensure that it does not substantially harm the general character of the area.

#### *Other matters*

19. My attention has been drawn to 2 applications for residential development that have been approved. No documentation relating to these applications has been provided. Consequently, I am unable to confirm that these applications were approved, determine when the respective decisions were made or understand the circumstances that led the Council to their decision on these. As such I can give this matter limited weight in my decision.
20. I have considered the Council's concern that the grant of planning permission would set a precedent for other similar developments. Each application and appeal must be determined on its individual merits. However, given that I

have concluded that the appeal proposal would not be sustainable development and unacceptable, it cannot set a precedent.

21. Concerns have been raised regarding the impact that the appeal proposal would have on the living conditions of the occupiers of "Mafalda." The Council had no concerns regarding the impact on living conditions. As the proposal is in outline form the reserved matters process would allow an adequate opportunity to ensure that any detailed design did not adversely affect the living conditions of nearby occupiers.
22. There are commercial operations nearby at McCartney Food Service Ltd. I note from the Council Officer's Report that the Environmental Health Manager has concerns that this commercial use may generate noise from fixed plant and vehicular movements. However, these concerns did not form one of the Council's reasons for refusal. Given that I have found the proposal to be unacceptable in principle I do not need to explore this issue in further detail.

### **Conclusion**

23. Notwithstanding the limited benefits of the proposal, including the contribution to the supply of housing, I conclude that the appeal proposal would not be consistent with the principles of sustainable development and would cause harm to the character and appearance of the surrounding area.
24. For the reasons set out above and taking all matters into consideration, the appeal proposal would conflict with relevant local and national policies and the development plan as a whole. Accordingly, the appeal should be dismissed.

*Rachael A Bust*

INSPECTOR