

**BOSTON BOROUGH COUNCIL**

**Planning Committee – 21 August 2018**

Reference No: B/18/0228

Expiry Date: 05-Sep-2018

Application Type: Outline Planning Permission

Proposal: Outline application for the erection of up to 10 residential dwellings with all matters reserved

Site: Land adjacent to Lloyds Farm, Old Main Road, Fosdyke, PE20 2DB

Applicant: Mr & Mrs Adrian, Butterfield  
Agent: Mr Adrian Brotherton – Ashgrove Associates

Ward: Five Village

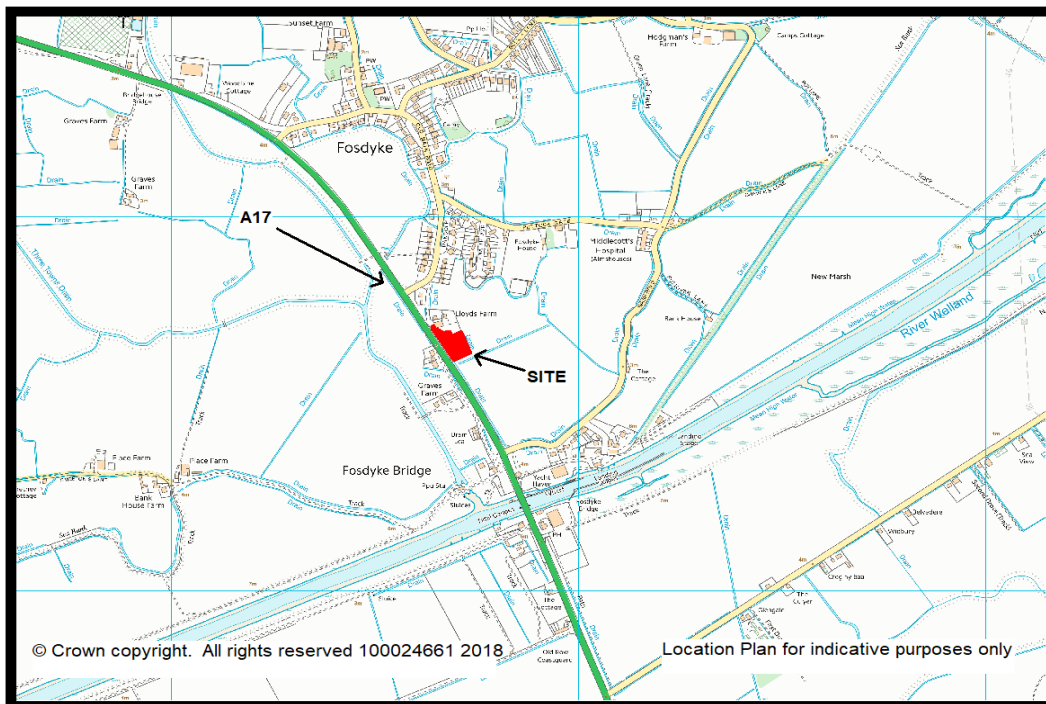
Parish: Fosdyke Parish Council

Case Officer: Trevor Thompson

Third Party Reps: None

Link to Planning Record: [B/18/0228](#)

**Recommendation: REFUSE**



## **1.0 Reason for report**

- 1.1 This application has been presented to the Planning Committee given that the site is located within countryside close to the settlement boundary and therefore may raise issues with regard to the interpretation of planning policy, especially given the recent outline permission granted for housing on a nearby site. This is one of two applications submitted by the same applicant for housing near Fosdyke - both of which raise similar issues.

## **2.0 Application site and proposal**

- 2.1 The application site is located outside of the settlement boundary of Fosdyke and within countryside as defined on inset map 28 of the Boston Borough Local Plan. The site is located on the east side of Old Main Road and the A17 at Fosdyke and occupies about 0.4ha. The site forms part of the existing farmyard and the remainder is a grass field.
- 2.2 The main part of the application site has a frontage of approximately 60m including the proposed private drive extending from Old Main Road and past Lloyds Farm to the north. It has an average depth of approximately 50m and the site and lies approximately 120m from the settlement boundary.
- 2.3 Lloyds Farm and associated building lies to the north of the site which is owned by the applicant. The applicant also owns 'The Bungalow' located about 60m to the north of the site at the junction of Old Main Road and the A17 which is subject to a separate outline application for residential development (ref B/18/0227-see Planning history section below). This application also forms part of this Committee agenda.
- 2.4 This application seeks outline planning permission for residential development for up to 10 dwellings with all matters reserved for later approval. The application is accompanied by an indicative layout plan which shows how the site could be developed. Vehicular and pedestrian access to the proposed dwellings will be from a private drive off Old Main Road.

## **3.0 Relevant history**

- 3.1 There have been no recent planning applications on this site though Members may recall that at the meeting held in January of this year, outline planning permission was granted, contrary to Officer recommendation, for residential development (up to 5 dwellings) on land fronting Old Main Road, some 50m or so from the application site. This site is located, within countryside and next to the settlement boundary. No application for the approval of reserved matters has yet been submitted (ref B/17/0407)
- 3.2 As indicated above, an outline application has been submitted for the demolition of an existing bungalow and erection of up to 6 dwellings with all matters reserved at 'The Bungalow', located at the junction of Old Main Road and the A17, some 60m

from the current application site. (Ref: B/18/0227). No decision has been made on this application and it will be determined by Committee at this meeting.

#### **4.0 Relevant policy**

##### **Boston Borough Adopted Local Plan**

- 4.1 The Development Plan consists of the saved policies of the Boston Borough Local Plan (Adopted 1999). S.38 (6) of the 2004 Act requires that determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 4.2 This site is not specifically allocated within Local Plan but as indicated above the site is within countryside about 120m from the settlement boundary. The saved Local Plan Policies of relevance to this application are as follows:
- Policy G1 – Amenity
  - Policy G2 – Wildlife and Landscape Resources
  - Policy G3 – Surface and Foul Water Disposal
  - Policy G4 – Safeguarding the Water Environment
  - Policy G6 – Vehicular and Pedestrian Access
  - Policy CO1 – Development in the Countryside
  - Policy H3 – Quality of housing development
  - Policy T2 – Roads and Footpaths in New Developments

##### **National Planning Policy Framework (NPPF) (2018)**

- 4.3 The NPPF (2018) replaces the NPPF (2012) version. At the heart of the new framework is a presumption in favour of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and should not be taken in isolation. As with the former NPPF, these overarching objectives are economic, social and environmental. The sustainability credentials of this development with regard to these three objectives are discussed in detail further below.
- 4.4 Paragraph 9 of the Framework indicates that:

‘These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area’.

Paragraph 11 of the NPPF indicates that plans and decisions should apply to a presumption in favour of sustainable development. It adds that for decision making, this means

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, (this includes development proposals involving the provision of housing in situations where the

Borough cannot determine a 5 year supply of deliverable housing sites) granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

4.5 The Council does not have a 5 year supply of housing and therefore policies relevant to the supply of housing are out of date. The tilted balance in paragraph 11 of the NPPF is therefore engaged and on this basis there is a presumption in favour of sustainable development which presumes in favour of the grant of permission unless harm significantly and demonstrably outweighs the benefits of the scheme.

4.6 With regard to rural housing , paragraphs 77 and 78 of the NPPF are relevant. Paragraph 77 indicates that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs’.

4.7 Paragraph 78 states:

‘To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby’.

4.8 Section 9 of the NPPF relates to transport issues. Paragraph 103 states:

‘The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.’

### **South East Lincolnshire Local Plan**

4.9 The site is outside the settlement boundary as identified on Inset map 34 of the South East Lincolnshire Local Plan and within countryside. Fosdyke is identified as an ‘other service centre and settlement in the SELLP.

4.10 Paragraph 48 of the NPPF states:

Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

4.11 It is anticipated that the South East Lincolnshire Local Plan will likely be adopted before the end of this year. Therefore the policies contained within this document will attract increasing weight over the next few months as the plan approaches adoption.

## **5.0 Representations**

5.1 None received.

## **6.0 Consultations**

6.1 Fosdyke Parish Council welcomes development within the Parish but has concerns with regard to the concentration of the development, and query if sufficient parking is available on site. The Parish Council say that drainage must be to the main sewage system in operation in the village and that consideration should also be given to the closeness of the A17.

6.2 County Highway Authority has no objections subject to four conditions.

6.3 Environment Agency has no objections subject to one condition.

6.4 Welland and Deepings Internal Drainage Board has made comment with regard to surface and foul water disposal but has raised no objections.

6.5 Anglian Water Services has no objections subject to one condition regarding the disposal of foul water.

6.6 Environmental Health considers that 'the proposed residential properties are likely to be impacted by activities within the existing adjacent farmyard which I suspect has no restriction to its use or hours of use. Therefore before Environmental Health could support the development of housing at this location, an assessment of the noise impacts on the site from the farmyard needs to be undertaken'

## **7.0 Planning issues and discussions**

7.1 The main considerations in the determination of this application are:

- Principle of the development
- Impact upon residential amenities,
- Impact on the character of the locality
- Sustainability

- Loss of agricultural land
- Impact on highway safety

### Principle of development

- 7.2 The NPPF supports sustainable housing development in rural areas. Although the Framework does not refer to settlement boundaries it does seek to recognise the character and beauty of the countryside. Policy G2 of the Local Plan seeks to resist development which would have an adverse effect on the existing landscape and Policy G1 seeks development which does not harm the general character of the area because of its scale, density, layout or appearance. These aims are consistent with the Framework.
- 7.3 The site is identified as being within countryside as defined within the adopted Development Plan where saved Local Plan Policy CO1 primarily seeks to resist development unless supported by other Local Plan policies. The objective of this policy is essentially to conserve the character of the countryside.
- 7.4 As indicated above the lack of a five year supply of housing land means that any Local Plan policies that are to do with housing supply are 'out of date'. The weight attached to such policies and their breach still falls to be determined in the planning balance.
- 7.5 Thus the fact that the proposed development would be located in the countryside does not necessarily by itself make it unacceptable in principle. Instead, such applications for housing schemes within countryside locations are assessed more generally in relation to the objectives of Local Plan policy G1 which resists development which will cause substantial harm to the amenity and character of an area.
- 7.6 The NPPF encourages housing in rural areas where it will maintain or enhance the vitality of rural communities, for example, where there are groups of smaller settlements, developments in one village may support services in a village nearby but it does not specifically support infill development within open countryside and in an unsustainable location.
- 7.7 As indicated above, at the meeting held in January of this year, outline planning permission was granted for residential development (up to 5 dwellings) on land fronting Old Main Road, some 50m or so from the application site. At that time Members considered that although the site is within countryside at the edge of the village, the development was considered to be acceptable infill development and that Fosdyke was a sustainable village. This decision is a material consideration in the determination of this application which has some weight. However, this approval does not set a precedent for this current application to be supported in principle since each application must be judged on its merits, especially since the location and the characteristics of the two sites are different.

### Impact on residential amenity

- 7.8 There are residential properties on the opposite side of the A17 to the west and further to the north towards the village. Lloyds Farmhouse which is owned by the applicant is located near to the site, to the north. This application seeks outline planning permission for residential development for up to 10 dwellings with all matters reserved though an indicative layout plan has been submitted with the application which shows how the site could be developed. The indicative layout shows the proposed 10 dwellings served by a private drive with access off Old Main Road. The density of the proposed development will be around 25 dwellings per hectare (dph).
- 7.9 This development will generate both pedestrian and vehicular traffic which may have some impact on residential amenity of the occupiers of properties along Old Main Road though it is not considered that this development will cause substantial harm to residential amenity. It is considered that, subject to a good quality housing scheme which may be submitted at reserved matters stage, this site is large enough to satisfactorily accommodate a sensitively designed residential development without causing substantial harm to residential amenity to the future occupiers of this development.
- 7.10 The site is located next to the farmyard that serves Lloyds Farm and it may be the case that the future occupiers of the development may experience noise and disturbance from operations conducted at the farm. The Environmental Health Manager has raised concerns about noise disturbance and has recommended that an assessment of the noise impacts on the site from the farmyard needs to be undertaken. This assessment may be secured by condition should this Committee decide to approve this application.

### Impact on the character of the area

- 7.11 The site covers 0.4ha and contains part of the existing farmyard serving Lloyds Farm and the remainder of the site is a field located at the extreme southern end of Old Main Road which is a cul-de-sac. The site is in open countryside and there is extensive planting adjacent to the road which screens off part of the site when viewed from the A17. However the southern part of the site, consisting of the grass field is open and clearly visible from this road.
- 7.12 The proposed development is not adjacent to the settlement boundary nor does it lie in between existing development. Therefore, unlike the application to the north of the site which was approved earlier this year, the site cannot be fairly defined as 'infill'. The site is located next to existing agricultural building and a farmhouse. If developed, the proposed scheme will extend this existing development further along this cul-de sac and beyond the end of the public highway.
- 7.13 It should be noted that although outline permission referred to above has been granted for 5 dwellings to the north of the site, there is no guarantee that an application will be submitted for the approval of reserved matters for this scheme,

or if an application were to be submitted and approved, that the site will ever be developed. This being the case, if this current scheme were to be approved and built, the resultant effect may be an isolated pocket of development which is totally divorced from the village and the settlement boundary.

Furthermore, it is not considered that any potential approval of application B/18/0227 (i.e. relating to land at the junction of the A17 and Old Main Road located to the north of the site) or subsequent development of this land for housing would substantially change this outcome.

- 7.14 Regardless of whether either of these two nearby sites are developed at any time in the future, it is considered that this development will extend into countryside well beyond the built up part of the village which will represent an awkward encroachment within countryside. Consequently the character of the countryside and the village will be substantially harmed by this development. On this basis, it is considered that this proposal does not constitute sustainable development.

#### Sustainability

- 7.15 The Framework sets out three dimensions and roles of sustainable development i.e. social, economic and environmental. In addition, one of the core elements of the NPPF is that patterns of growth should be properly managed and to make the most effective use of public transport, cycling and walking. Paragraph 8 of the Framework explains that these three roles should not be undertaken in isolation because they are mutually dependent.
- 7.16 The application site is at an edge of a minor village and is within easy walking or cycling distance to the limited facilities and amenities which are available within the village. Although Fosdyke does have some facilities the need for the future occupiers of the proposed dwellings on this site to travel outside of the settlement to access key services, employment and shops is a significant factor against this application. It is therefore likely that future occupiers would be highly dependent on the use of the motor vehicle to provide safe and convenient access to day to day facilities within the nearby main villages, Boston and Spalding.
- 7.17 The applicant points out that 'the application site is located within 650m of the centre of the main part of the village of Fosdyke. It is also within 650m of the Bus stop that serves the village with a bus services to Boston, Spalding and Kirton. The site is within close distance of the Village Playing field and Social Club off Puttock Gate'. The application also includes details of the bus time tables which provide transport to and from Boston and surrounding areas.
- 7.18 Furthermore, the approval of application B/17/407 identified above would indicate that this Council has accepted that Fosdyke is a sustainable village in location terms and on this basis it may be argued that this application would promote sustainable patterns of development in accordance with the objectives of paragraphs 79 and 103 of the NPPF.
- 7.19 In social terms residential development of the site (the indicative layout shows provision of 10 new dwellings) would make a modest contribution towards the



supply of housing in the area which accords with paragraph 8 of the Framework and will provide some social benefit.

7.20 In economic terms, the proposal would provide employment at construction stage and may support local businesses and the local economy both during construction and when the dwellings are occupied. On this basis, the development would meet the economic dimension of sustainable development.

7.21 The environmental dimension of the NPPF aims to protect and enhance the natural, built and historic environment and biodiversity. In environmental terms, the development will have an adverse impact on the local environment given the site is exposed to public view and at a significant distance from the built up part of the village. The development will be prominent, creating an awkward and alien encroachment into the countryside and would erode the open characteristics of the rural landscape. The application does not meet the environmental thread of sustainability.

#### Loss of agricultural land

7.22 The DEFRA database that the Council has access to, indicates the entire site as Grade 1 agricultural land. It is known however that the DEFRA database is unrefined and rarely indicates variations within a site.

7.23 The NPPF seeks to protect areas of higher quality land by developing areas of poorer quality where development is demonstrated to be necessary. Policy G9 which seeks to protect the best and versatile agricultural land from development is not a saved policy.

7.24 It is inevitable, given the quality of land around this district, the lack of available housing sites and the very limited number of brownfield sites that may become an allocation, that new housing development will use agricultural land, some of it being grade 1 or grade 2. The site is not statutory Green Belt. There are no statutory Green Belts in Lincolnshire.

7.25 It is not considered that the loss of this small area of agricultural land would be sufficient to warrant refusal of this application.

#### Impact on highway safety

7.26 This outline application does not include 'access' which is a matter reserved for later approval. However the submitted planning statement indicates that the site has access onto an adopted highway and that a private driveway will lead into the site. It is not intended to gain access directly onto the A17. The site lies over 100m from the junction of Old Main Road and the A17. The County Highway Authority has no objections.

## **8.0 Conclusion**

- 8.1 This Council's recent decision to grant outline planning permission for 5 dwellings to the north of the site, at the edge of the village settlement is a material consideration in the determination of this application. However, it is considered that the approval of this application does not set a precedent to approve this application given the location of the two sites from the village settlement and that their respective spatial relationships with other properties in the area are substantially different.

Furthermore, it is also considered that any potential approval of application B/18/0227 (i.e. relating land at the junction of the A17 and Old Main Road located to the north of the site for housing) would not attract substantial weight in the determination of this application.

- 8.3 It is considered that this development will not represent a natural infill or an acceptable expansion shape of the village. It will represent both an awkward encroachment within the countryside substantially divorced from the settlement boundary, a fundamental change to the open character of the site and will introduce an urbanising form of development. Collectively this would have a materially harmful effect on the appearance of the area. Therefore this development does not meet the environmental thread of sustainable development.

## **9.0 Recommendation:**

- 9.1 It is recommended that the application is refused for the following reason set out below.

1. The application site is located approximately 120m from the settlement boundary, outside the village envelope of Fosdyke as defined in the Local Plan and within an area defined as 'countryside'. This development will extend the built up area of the village to the south creating an awkward and alien encroachment within this flat, rural landscape. The development would also consolidate the surrounding urban environment and the resultant effect would substantially erode the character and appearance of the countryside and open rural landscape. This scheme will therefore promote an unsustainable pattern of development in this area and any benefits the development may provide relating to the supply of housing in the area would be significantly and demonstrably outweighed by its adverse effects. The application is therefore contrary to the objectives of Local Plan Policies C01, G1 and G2 and the environmental dimension of sustainable development as contained within the National Planning Policy Framework (2018).

Refused drawing numbers : site location and existing site layout ref AA-18-0008/01(1/2) and illustrative site layout ref AA-18-008/02 (2/2)

In determining this application the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2018 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.

**Lisa Highes**  
**Development Manager**