



Appeal Decision

Site visit made on 19 March 2019

by Ian McHugh Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 June 2019

Appeal Ref: APP/Z2505/W/18/3211205

The Grange, 114 Church Green Road, Fishtoft, Boston, PE21 0QY

- 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 Ms J Hill against the decision of Boston Borough Council.
 - The application Ref B/18/0075, dated 21 February 2018, was refused by notice dated 24 May 2018.
 - The development proposed is an outline application with some matters (appearance, landscaping and scale) reserved for a proposed development of 6 no. dwellings, including details of access and layout.
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Decision

1. The appeal is allowed and outline planning permission with some matters reserved (appearance, landscaping and scale) is granted for 6 no. dwellings, including details of access and layout at The Grange, 114 Church Green Road, Fishtoft, Boston, PE21 0QY, in accordance with the terms of the application Ref: B/18/0075, dated 21 February 2018, subject to the 8 conditions set out in Schedule A.

Procedural Matters

2. The description of the development contained in the planning appeal form and in the Council's decision notice differs from that given by the appellant on the planning application form. I am satisfied that wording used on the appeal form and the Council's decision notice is a more precise description and, therefore, I have used this in my decision above.
3. Since the appeal was lodged, the Council has adopted a new Local Plan. Consequently, I have considered this appeal having regard to the relevant policies of the South East Lincolnshire Local Plan 2011- 2036 (LP). The Council also states that it has a five year supply of deliverable housing land. Both parties have made reference to the emerging LP policies in their evidence and were invited to comment further on housing land supply. I have considered any comments received in my decision.
4. The submitted evidence contains reference to the National Planning Policy Framework 2012 (the Framework). However, this has been superseded by the Framework 2019, which I am required to take into account. Whilst paragraph numbers and the arrangement of the Framework have changed, I consider that the revised version does not alter the relevant appeal considerations.

Main Issues

5. These are whether the appeal site is an acceptable location for new residential development together with its effect on the character and appearance of the area.

Reasons

6. The appeal site is a currently an unused touring caravan site, which is situated in the countryside between Fishtoft and the outskirts of Boston. It is substantially enclosed by trees and other vegetation. Within the site, the land is laid out with stone-surfaced bays and internal roadways. A relatively large, former storage building is situated at the rear of the site. The appellant's property, The Grange, adjoins the site to the north and there are two dwellings on the opposite side of Church Green Road.
7. The site has a relatively lengthy planning history, which has been summarised in the Council Officer's report. The evidence points to the site being originally part of an agricultural holding, with other uses being a haulage and warehouse business and, most recently, the touring caravan site. I also note that a proposal to redevelop the site in 1993 for residential use was refused by the Council and subsequently dismissed at appeal (APP/Z2505/A/93/218646/P5). That refusal was based on similar reasons to those given by the Council in relation the current appeal proposal. However, I can only give the 1993 decision limited weight, because of its age and due to the Government's current objective of significantly boosting the supply of homes, as stated in paragraph 59 of the Framework.
8. The proposal, which is in outline with access and layout to be considered at this stage, is to redevelop the site for 6 no. dwellings. The development would be laid out in a form that would reflect an agricultural holding, with a detached dwelling towards the front of the site and the other buildings (dwellings) grouped around a central parking and manoeuvring area. The plans indicate that the majority of trees and hedging around the perimeter of the site would be retained. Vehicular access would be directly off Church Green Road at the northern end of the site. The existing access at the opposite end would be closed.
9. Policy 1 of the LP establishes the settlement hierarchy for the District. This is complemented by Policy 11. These policies seek to direct new development to the more sustainable locations in the Borough, where there are a range of services and community facilities. In that regard, the appeal site is not within one of the defined settlements. Policy 1 goes on to state that development in the countryside will be permitted if it is necessary to be in a countryside location and/or if it will meet the needs of the area in terms of economic, community or environmental benefits. The explanatory text to the policy states that recreation and tourism uses can meet the broad sustainable objectives of the Local Plan.
10. The Council also refers to the proposal being in conflict with paragraph 79 of the Framework (previously paragraph 55), which states that the development of isolated homes in the countryside should be resisted unless it meets with certain criteria. However, because of the close proximity of the other dwellings, I am not persuaded that the appeal site is isolated, and in this regard, I consider that paragraph 79 is not, in itself, wholly relevant.

11. Although I have no evidence to show that the proposed development is necessary in the countryside, or that it would provide facilities to support recreation and tourism (as suggested in Policy 1), I consider that there are other wider benefits that weigh in favour of the proposal.
12. The Council maintains that it now has a five year supply of deliverable housing land. I have no evidence before me that indicates otherwise. Nevertheless, this does not place an upper limit on the numbers of dwellings that can be permitted, provided proposals are considered to be a sustainable form of development.
13. Having regard to the three objectives of sustainable development, as contained in paragraph 8 of the Framework, I consider that the appeal proposal would meet with both the economic and social objectives by providing additional homes and by providing local employment in the construction of the new dwellings. In addition, there would be some local spending in the area by the occupants of the properties.
14. Furthermore, paragraph 68 of the Framework stresses the importance of small and medium sized sites in meeting the housing requirement of an area. In that regard, I consider that the appeal proposal accords with the provisions of the Framework.
15. Turning to the environmental aspects of the proposal and its effect on the character and appearance of the area, I consider that the development offers an opportunity for enhancement. I note that Policy 2 of the LP seeks (amongst other things) to reflect the principles of good design and to ensure that flood risk is managed. These are a fundamental part of sustainable development and accord with the provisions of the Framework. No objections have been raised by the Environment Agency or the Council in respect of flooding.
16. The proposed layout and arrangement of the dwellings would sit in relatively spacious surroundings, complemented by the retention of some of the existing trees and other vegetation. In my opinion, the proposal would reflect the rural/agricultural character of the area and it would reflect the principles of good design. Consequently, I am not persuaded that the proposal would be unduly harmful to the character or appearance of the area. It would also result in the redevelopment of previously developed land, which is an under-used resource and is something that is generally encouraged by the Framework.
17. With regard to accessibility, I agree with the Council that the majority of trips generated by the development would be by motor vehicle, because of the limited access to public transport and the absence of footways and street lighting along Church Green Road. However, that is often the case in rural areas and in some respects sites within, but on the edges of settlements, can be some distance from services, with comparable walking distances to bus routes. In addition, paragraph 102 of the Framework refers to the fact that sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision-making.

Other Matter

18. The Council has expressed concern that approval of the proposal would create a precedent for other developments along Church Green Road and in the countryside. It contends that further developments would be harmful to the

character and appearance of the rural area. However, each case must be considered on its merits, and as the appeal proposal would constitute the redevelopment of previously developed land and would also enhance the appearance of this largely unused site, this leads me to conclude that a precedent would not be created by allowing the appeal.

Conditions

19. The Council has suggested conditions in the event of the appeal being allowed. These have been considered in the light of the advice contained within the Planning Practice Guidance. I note that the appellant has no objections to the suggested conditions.
20. The standard conditions relating to the submission of the reserved matters and the timing of commencement are necessary and imposed. A condition requiring the development to be carried out in accordance with the approved plans is necessary, for the avoidance of doubt and in the interests of proper planning.
21. Conditions specifying the geometry and requiring details of the construction of the approved access are necessary, in order to ensure a safe means of access and egress to and from the site. For the same reason, a condition is also imposed requiring the closure of the existing access at the site.
22. To mitigate against the risk of flooding, a condition is also imposed requiring that the development is carried out in accordance with the submitted Flood Risk Assessment dated October 2017. The Council has suggested that the dwellings must be at least 2 storeys in height. I also note that the appellant has submitted Drawing Number: B/3153 – 03, which shows 2 storey dwellings. However, as the height of the properties is a matter of scale, I consider that this can be dealt with as part of the reserved matters submission and there is no need for it to be conditioned at this stage.

Conclusion

23. Although there is some conflict with the general thrust of Policy 1 of the LP, in terms of the location of the development within the countryside, I consider that this is outweighed by the material considerations I have detailed above. Therefore, it is concluded that the appeal should be allowed.

Ian McHugh

INSPECTOR

Schedule A – conditions

- 1) Details of the appearance, landscaping, and scale of development, (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 made to the local planning authority not later than three years from the date of this permission.
 - 3) The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.
 - 4) The layout and access (subject to conditions 5 and 6 below) to the development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 scale Location Plan; Drawing No. B/3153 02 - Revision A; Drawing Number 3249. Fishtoft. ND. AIP (Arboricultural Implications Plan); and Drawing Number 3249. Fishtoft. ND. AIP (Tree Protection Plan).
 - 5) Notwithstanding the detail shown on Drawing No. B/3153 02 - Revision A, the proposed vehicular access shall incorporate 6.0 metres radii tangential to the nearside edge of the carriageway of Church Green Road and the minimum width of the access shall be 5.0 metres.
 - 6) Before development commences on site further details relating to the vehicular access to the public highway, including materials, specification of works and construction method shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented on site before the development is first brought into use and thereafter retained at all times.
 - 7) Within seven days of the new access being brought into use, the existing access onto Church Green Road shall be permanently closed in accordance with a scheme to be agreed in writing by the Local Planning Authority.
 - 8) The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) by Neil Dowlman Architecture, ref B3153, October 2017. The flood proofing shall include flood-proof doors or demountable defences to a height of 600mm above finished floor level and it shall also including the following mitigation measures specified in the FRA:
 - Finished floor levels shall be set no lower than 1m above lowest ground level where each dwelling will be located.
 - Flood proofing and flood resilience measures shall be used to at least 300mm above expected flood level.
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