



Appeal Decision

Site visit made on 28 August 2019

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th September 2019

Appeal Ref: APP/Z2505/W/19/3225714

Morley House, Morley Lane, Bicker, Nr Boston PE20 3DP

- 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 Domenic De Benedictis against the decision of Boston Borough Council.
 - The application Ref B/18/0320, dated 27 July 2018, was refused by notice dated 3 October 2018.
 - The development proposed is 2 No residential building plots fronting Sharpe's Paddock (leading off Morley Lane).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. My decision is based on the description of the proposal given on the planning application form. The proposal is in outline form with all matters reserved. The details provided suggest that access would be via the private drive known as 'Sharpe's Paddock' which is accessed off Morley Lane. However, I have considered details of access as being indicative only and my considerations relate to the principal of the site being developed as two residential building plots.
3. The development plan at the time of the Council's decision comprised the Boston Borough Local Plan (BBLP) (1999). Since the decision, the Council has adopted the South East Lincolnshire Local Plan 2019-2036 (SELLP) (March 2019). Following the adoption of the SELLP, Policies C01, G1 and G2 of the BBLP referred to in the Council's decision notice, are no longer in force. The appellant has been provided with an opportunity to comment on the SELLP and the policies now in place. I have therefore considered the appeal against the relevant policies of the up to date development plan, the SELLP.
4. When the Council determined the planning application, it was not in a position to demonstrate a 5-year housing land supply. However, the Council now has a 5-year supply of deliverable housing land. Accordingly, full weight is attached to the policies of the SELLP for the purposes of determining this appeal.

Main Issues

5. The main issues are:
 - whether the appeal site would be a suitable location for the proposed

- development having regard to the development plan and national policy; and
- the effect of the proposal on the character and appearance of the area.

Reasons

Location

5. Other than the access road, the majority of the appeal site is a grass field and the SELLP identifies the field as being outside the development boundary for Bicker and within countryside.
6. Policy 1 of the SELLP sets out the Spatial Strategy for the area with land outside defined settlement boundaries and in the countryside sitting at the bottom of the hierarchy in terms of areas where development is to be directed. The policy stipulates that in the countryside development will be permitted where it is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.
7. Open market housing is not a development type that requires a countryside location. This is particularly the case in this instance where the council has a suitable supply of deliverable housing land a recently adopted development plan with a spatial strategy setting out how the housing needs for the area will be met.
8. In terms of the meaning within the Framework, the site is not isolated given its location adjacent to the settlement boundary of Bicker which is a Minor Service Centre under Policy 1 of the SELLP. However, these factors do not justify a deviation from development plan policies. There is no substantive evidence before me to demonstrate that the proposal would meet the sustainable development needs of the area. The recently adopted local plan indicates that the sustainable development needs can be met in line with the Spatial Strategy with new dwellings located within defined settlements.
9. To conclude, the appeal site is not in an appropriate location for the provision of new dwellings and would be in conflict with the spatial strategy in Policy 1 of the SELLP. The proposal would be in conflict with the key principles relating to sustainability and Paragraph 12 of the Framework which states that the development plan is the starting point for decision making and where a proposal conflicts with an up-to-date development plan it should not usually be granted.

Character and appearance

10. The site is currently used as a paddock and adjoins other paddock land with post and rail fencing forming intervening boundaries. Consequently, these paddocks give a generally open settlement edge character to the area. Existing planting assists in screening the site from Donington Road. Existing buildings on Morley Lane also obscure views of the site, although the development would still be appreciable including from views up the access road. The rural character of the site is particularly evident when viewed from Monument Road and there is a clear distinction between the built form of the village edge and the open countryside where buildings are fewer in number and more sporadic. Development of the plot would extend the built footprint and increase the presence of built form within the countryside. The domestic

appearance of the buildings, associated curtilages and access points would have an urbanising effect and would be detrimental to the character and appearance of the countryside.

11. The site is located outside but next to the Bicker Conservation Area (CA) which includes the two-storey detached dwellings on Morley Lane, one of which is Morley House which is a Grade II Listed building. Whilst I have found the proposal would harm the character and appearance of the area, this specifically relates to the effect of the increased presence of built form in the countryside. The relationship of the proposal with the setting of the CA and the Listed Building did not feature as a reason for refusal on the Council's decision notice. From the evidence before me and from what I saw on site, I find no reason to disagree with the Council. Subject to careful design and sympathetic use of materials, the setting of these heritage assets would not be harmed. However, this does not override the concerns relating to the effect of the proposal on the character and appearance of the countryside.
12. To conclude, the proposal would be contrary to Policy 2 (Development Management) of the SELLP which amongst other things require sustainable development considerations to be met in relation to the character and appearance of the area. The proposal would also conflict with Paragraph 170 of the Framework which requires planning decisions to recognise the intrinsic character and beauty of the countryside.

Other Matters

13. The appellant suggests that prior to the adoption of the South East Lincolnshire Local Plan, they were led to believe that the proposal may have received a positive determination. This is not a matter for me to consider under an appeal made under s78 of the Act. They also contend that the planning application should have been determined against the development plan in place at the time the application was submitted. Given the advanced stage of the SELLP in the adoption process when the planning application was determined, the Council were entitled to attach weight to the emerging policy at that time. In any case, the Council's decision notice also confirms that the proposal was found to conflict with policies within the development plan that was in place, the Boston Borough Local Plan (BBLP) (1999).
14. My attention has been drawn to there being a previous outline planning permission for residential building plots accessed via Sharpe's Paddock and a recent planning application for a dwelling on one of these plots which has been granted planning permission. The Council's officer report for that application, ref B/19/0041 on land adjacent to Morley Lodge, confirms that the plot sits within the development limits for Bicker. There is nothing before me to suggest the appeal site formed part of the previous outline permission. The appeal site sits outside the development limits and is therefore not comparable. I must have regard to the site-specific considerations for the appeal proposal and the development plan in place in reaching my conclusion.
15. A lack of objections to the proposal and the availability of the existing access road and other infrastructure including sewers does not override the conflict with the development plan identified under the main issues.

Conclusion

16. For the reasons given the appeal is dismissed.

M Russell

INSPECTOR