



Appeal Decision

Site visit made on 23 April 2019

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 August 2019

Appeal Ref: APP/Z2505/W/19/3220845

Bridge House, Grantham Road, Boston, Lincolnshire PE21 7NL

- 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 & Mrs Carl Smith against the decision of the Boston Borough Council.
 - The application Ref B/18/0119, dated 20 March 2018, was refused by notice dated 26 July 2018.
 - The development proposed is described as change of use from independent behavioural school to residential use of site.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was submitted in outline with all matters reserved for future consideration. The number of residential units is not prescribed on the application form however indicative plans and a statement have been submitted by the Appellant advocating a development of between 5 and 9 residential units. Therefore, notwithstanding the illustrative nature of the plans, I have considered the appeal on the basis of residential development up to 9 residential units.
3. Since the submission of the appeal the National Planning Policy Framework has been superseded by the National Planning Policy Framework (2019) (the Framework) and the recently adopted South East Lincolnshire Local Plan 2011-2036 (2019) (the SELLP) has replaced the Boston Borough Local Plan (1999). Both parties were given the opportunity to provide additional comments, therefore no party has been prejudiced or caused any injustice by me proceeding with the appeal in light of these changes in policy.

Main Issue

4. The main issue in this case is the effect of the proposed development on the character of the area.

Reasons

5. The site lies within a predominantly commercial area adjacent the Alban Retail Park, accessed from the A52 road. South Forty Foot Drain lies to the north of

- the site. The site currently comprises a behavioural school with informal car parking area adjacent.
6. The Council have drawn my attention to the SELLP in particularly Policies 13, 14 and 34 relating to the Boston Distributor Road (BDR). The proposed development is located within an area identified as 'safeguarding corridor' on the adopted Policies Map. Policy 33 of the SELLP requires development which prejudices the design of infrastructure, including the BDR will not be permitted.
 7. An indicative plan of the BDR is contained within Appendix 10 of the SELLP, plan/diagram '19.3 - Proposed Highways'. The plan details that the BDR is split into 3 highway phases, none of which appear to involve the appeal site or land adjacent. Whilst I appreciate that the highway plan is indicative and may be subject to change, I have not been provided with substantive evidence to demonstrate how the proposed development would prejudice the construction of the BDR.
 8. Policy 3 of the SELLP requires development to be appropriate to the local area and to create distinctive places through the use of high quality and inclusive design. The appeal site is within a commercial area, separated from nearby residential properties by the bridge over the adjacent South Forty Foot Drain. The appellant has drawn my attention to the historic residential use of the building on the appeal site, however this is no longer the case.
 9. The proposed development would introduce residential development onto land which is adjacent large areas of car parking and commercial buildings. The commercial functioning is the predominant feature of the area. The proposed pocket of residential development would be at odds with the immediate area.
 10. The appellant has suggested that existing landscaping could be enhanced. Landscaping would be the subject of a reserved matters application; however, I am not persuaded that this would be adequate to integrate the development with the surrounding area.
 11. I conclude that the proposed development would harm the character of the area. There is conflict with Policies 2 and 3 of the SELLP which amongst other things seek to ensure developments are appropriate to their surroundings. There is also conflict with the Framework which seeks to ensure development functions well and adds to the overall quality of an area.

Other Matters

12. The appellant has drawn my attention to the previous approval of a planning application at the site; however, no substantive details have been provided to demonstrate that the approved scheme was directly comparable. Notwithstanding this the planning policies for the area have now changed and in any event each development needs to be considered on its individual merits and circumstances against the relevant policies and taking account of other material considerations. I have reached my conclusion based on the individual merits of the appeal proposal.
13. The appellant has drawn my attention to the lack of objections from consultees, however this does not outweigh the harm I have identified above.
14. The Council have confirmed their 5 year supply of housing land via the adoption of the SELLP, I have no substantive evidence before me to doubt this.

Conclusion

15. For the reasons given above I conclude that the appeal should be dismissed.

C Pipe

INSPECTOR