
Appeal Decisions

Site visits made on 24 November 2014

by **G D Jones BSc(Hons) DMS DipTP MRTPI**

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

Decision date: 23 December 2014

Appeal A, Ref: APP/E2530/A/14/2224642

Plot A, Holywell Road, Castle Bytham, Grantham, Lincolnshire NG33 4SL

- 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 G C Hix against the decision of South Kesteven District Council.
 - The application Ref S13/3191/MJRO, dated 28 October 2013, was refused by notice dated 4 March 2014.
 - The development proposed is residential development (29 dwellings).
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Appeal B, Ref: APP/E2530/A/14/2224655

Plot B, Holywell Road, Castle Bytham, Grantham, Lincolnshire NG33 4SL

- 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 G C Hix against the decision of South Kesteven District Council.
 - The application Ref S13/3192/MJRO, dated 30 October 2013, was refused by notice dated 4 March 2014.
 - The development proposed is residential development (11 dwellings).
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Decision

1. **Appeal A is dismissed and Appeal B is dismissed.**

Preliminary Matters

2. As set out above, there are two appeals relating to different sites. Although separate, the sites are located very close to each other. While some of the details contained in the respective planning applications differ, there is a great deal of commonality between the content of the two applications and appeal submissions, as well as in respect to the issues raised and the policy context. The appellants are also the same for both appeals. Consequently, while I have made separate decisions for each appeal, I have dealt with the appeals together in my reasoning to avoid duplication.
3. The appeal forms for both cases indicate that the description of the developments proposed changed from those stated on the application forms; this is consistent with the descriptions as they appear on the Council's decision notices. Accordingly, I have used the revised descriptions of the development in my formal decision.
4. Both proposals are for outline planning permission. Although the drawings submitted with the applications include indicative layouts for both sites, the application forms clearly indicate that all matters are reserved. Whilst not

formally part of the scheme, I have nevertheless treated these details as a useful guide as to how the sites could be developed.

5. Two legal agreements, both dated 20 November 2014, made between the appellants, the Council and Lincolnshire County Council under Section 106 of the Town and Country Planning Act 1990 (as amended) have been submitted; one for each appeal. The Council has advised that in light of the submission of these Section 106 Agreements it has withdrawn its second reason for refusal concerning the effect of the appeal development on local infrastructure in respect to both appeals.

Main Issue

6. The main issue for both appeals is whether any development plan policy conflict regarding the location of residential development resulting from the proposals would be outweighed by any other planning considerations.

Reasons

7. The sites are located roughly opposite each other, either side of Holywell Road on the southern fringes of the village of Castle Bytham. 'Plot A' measures some 0.96 hectares and is located on the western side of the road, while 'Plot B' is some 0.5 hectares in area and to the east of the highway. There is existing residential development to the northern and western boundaries of Plot A and to the southern and northern boundaries of Plot B. There is also residential development facing part of each site's frontage to Holywell Road. Both sites are roughly rectangular and are described as being in agricultural use on the respective planning application forms.
8. The National Planning Policy Framework (the Framework) outlines a presumption in favour of sustainable development. In respect to housing delivery, the Framework requires the Council to meet the full, objectively assessed needs for market and affordable housing in the housing market area. Applications for housing should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered to be up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
9. The Council's evidence indicates that it has a Framework compliant supply of housing land. While the appellants' evidence questions whether all of the identified sites will be developed over the five-year period and at the rates anticipated, there is no substantive evidence before me to suggest that the Council cannot demonstrate a five-year supply of deliverable housing sites nor that there has been a record of persistent under delivery of housing.
10. Although it is a weighty material consideration, the Framework does not change the statutory status of the development plan. The development plan for this area includes the South Kesteven Core Strategy adopted July 2010 (the Core Strategy) and the Site Allocation and Policies Development Plan Document (the Allocations DPD), which was adopted in April 2014 shortly after the appeals planning applications were determined.
11. Policies SP1 and SP2 of the Core Strategy set out the Council's overarching spatial strategy for the District, providing the locational strategy to be adopted when allocating land for development and when considering specific development proposals. This strategy broadly follows a hierarchy with the

majority of all new development focused on Grantham, below which there are the three market towns of Stamford, Bourne and the Deepings, followed by 16 Local Service Centres, including Castle Bytham.

12. Policy SP1 (Spatial Strategy) states, among other things, that detailed site allocations and development proposals for each of the four towns and the Local Service Centres will be included within a separate Development Plan Document. Policy SP2 (Sustainable Communities) states that outside the four main towns development will be directed to rural settlements where localised services are strong, including Castle Bytham, in accordance with the Spatial Strategy and subject to certain criteria which are focussed on enhancing and preserving local services and facilities. The supporting text to Policy SP2 explains that some limited development in these villages will prevent local services from becoming unviable and help to create more mixed and balanced communities.
13. Core Strategy Policy EN1 seeks to protect and enhance the character of the District and sets out a series of criteria against which development proposals will be assessed.
14. The *Managing the Supply and Delivery of Housing Development* section of the Allocations DPD states that the Core Strategy allocates sufficient land for housing development to meet housing needs for the whole plan period. It also identifies that the Council continues to monitor housing land supply and in the event that insufficient allocated housing land is available to be brought forward to provide a five-year supply, consideration will be given, in accordance with the Core Strategy, to undertaking a partial review of the allocations included in the Plan and to granting planning permission for additional housing sites which meet the locational requirements of Core Strategy Policies SP1 and H1.
15. Among other things, Policy SAP H1 of the Allocations DPD states that other than those sites that are allocated, new greenfield sites on the edges of towns and villages will not be considered acceptable for housing development and that planning permission will only be granted for small infill (sites of 10 or fewer houses) and redevelopment sites subject to certain criteria. Neither appeal site is allocated for housing development.
16. Based on the evidence, the sites are not previously developed land. They are both open, undeveloped pieces of land which have a similar character and appearance to the adjoining countryside. Notwithstanding the appellants' submissions in this regard, for these reasons, both are greenfield sites. The Supplementary Evidence Document July 2013 (the Allocations SED), produced by the Council to support the Allocations DPD, describes the sites as being located on the edge of the settlement and outside the main confines of the village. From my observations of the sites and having considered the wider evidence, this is a reasonable assessment of both sites. Therefore, the sites are new greenfield sites on the edge of Castle Bytham and not small infill or redevelopment sites in the terms of Policy SAP H1 of the Allocations DPD. Consequently, the appeals proposals would conflict with this Policy and the associated Spatial Strategy and Sustainable Communities policies of the Core Strategy, Policies SP1 and SP2.
17. The Council does not expressly identify which criteria of Core Strategy Policy EN1 it believes the proposals would conflict with. Both sites were considered as part of the Allocations DPD process. The summaries for each site within the

- Allocations SED give a helpful insight into how they were assessed and why they were not allocated for development in the Allocations DPD. However, neither summary indicates that the proposals would be contrary to any of the criteria of Policy EN1. Furthermore, I have found nothing in the wider evidence to give me good reason to believe there would be any conflict with this Policy.
18. The appellants' evidence indicates that by limiting residential development in communities such as Castle Bytham, the role of these settlements and the viability of the services and facilities within them may be undermined. The closure of the shop in Castle Bytham is cited as an example of this. The evidence also refers to the nature and limited scale of other residential development that has been granted planning permission in the area. Nonetheless, there is no substantive evidence to indicate that more housing is needed in or around Castle Bytham either to maintain a Framework compliant supply of housing land or to support local services and facilities.
 19. The Council's development strategy is embodied in the adopted development plan, the most recent element of which, the Allocations DPD has only recently been adopted. The Allocations DPD has been the subject of consultation and scrutiny. It has also been tested through the examination process, during which matters such as the viability of services and facilities would have been considered. Through this process, the Allocations DPD would also have been tested for compliance with the Framework and the Core Strategy. I have found nothing in the evidence that leads to believe that there have been any changes in circumstances since the examination and adoption of the Allocations DPD that might indicate that the approach adopted by the Council is now in any way inappropriate.
 20. Nonetheless, I acknowledge that new residential development may help to support existing services and facilities in the village due the additional population. However, this would be true of very many sites in and around settlements in the District and as such it carries only limited weight. The appellants' evidence also refers to there being a risk of Plot A being taken out of agricultural use due to its size. The same might be said of Plot B given that it is smaller than Plot A. However, there is no clear evidence to support this suggestion and in any event this matter would only carry limited weight relative to the significant policy conflict identified.
 21. The proposals would also provide additional market housing. There is no in principle reason why additional housing should not be provided in the District. Nonetheless, from the information before me it appears that the Council has proactively done what paragraph 47 of the Framework requires local planning authorities to do to boost the supply of housing. Consequently, the delivery of the additional marketing housing proposed also carries only limited weight.
 22. Both appeal schemes would also provide on-site affordable housing at a rate of 35%. This would be secured via the S106 Agreements, which would also secure the provision of open space and play areas and the payment of contributions for health, play and open space and education facilities. The provision of additional affordable housing is a significant consideration. Nonetheless, when combined, all of the matters the appellant has identified in support of both appeals do not outweigh the identified policy conflict.
 23. In summary, therefore, the development proposed in both appeals conflicts with Policy SAP H1 of the Allocations DPD and Policies SP1 and SP2 of the Core

Strategy. Although there are considerations that weigh in favour of both proposals, most notably the delivery of affordable housing, these do not outweigh the considerable policy conflict.

Other Matters

24. In addition to the foregoing matters I note that concern has been raised locally in respect to a number of matters. However these have not led me to any different overall conclusion.

Conclusion

25. For all of the reasons given above, I conclude that both of the appeals should be dismissed.

G D Jones

INSPECTOR

Richborough Estates