



**Guildhall Gainsborough
Lincolnshire DN21 2NA
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This meeting will be recorded and published on the website

AGENDA

Planning Committee

Thursday 25 April 2013 at 6.30 pm

The Council Chamber, Guildhall, Gainsborough

Members: Councillor Chris Underwood-Frost (Chairman)
Councillor Stuart Curtis (Vice-Chairman)

Councillors Owen Bierley, Alan Caine, David Cotton, Richard Doran,
Ian Fleetwood, Malcolm Leaning, Giles McNeill, Jessie Milne, Roger
Patterson, Judy Rainsforth

1. Apologies for absence.
2. Public Participation Period. Up to 15 minutes are allowed for public participation. Participants are restricted to 3 minutes each.
3. Minutes.
Meeting of the Planning Committee held on 6 March 2013, previously circulated.
4. Members' Declarations of Interest.

Members may make any declarations of interest at this point but may also make them at any time during the course of the meeting.
5. Update on Government/Local Changes in Planning Policy

Agendas, Reports and Minutes will be provided upon request in the following formats:

Large Clear Print: Braille: Audio Tape: Native Language

6. Planning Applications for Determination
(Summary attached at Appendix A)
Print herewith PL.16 12/13 **PAPER A**
7. Tree Preservation Order – Middle Rasen
Print herewith PL.17 12/13 **PAPER B**
8. Planning Summer School
Print herewith PL.18 12/13 **PAPER C**

9. To note the following determination of appeals:

- i) Appeal by Mr A Dearden against West Lindsey District Council's refusal to grant planning permission for residential development at Northcotes, Highfield Terrace, Glentham.

Appeal dismissed – see copy letter attached as Appendix Bi

Officer's original recommendation to refuse.

- ii) Appeal by Mr J Ward against a failure to give notice within the prescribed period of a decision on an application for outline planning permission for residential development on land at Westfield Drive, North Greetwell.

Appeal dismissed – see copy letter attached as Appendix Bii

- iii) Appeal by Mr B Ilsley against West Lindsey District Council's refusal to grant planning permission for 14 external lighting posts at Wold View Fisheries, Pelham Road, Claxby.

Appeal allowed – see copy letter attached as Appendix Biii

Officer's original recommendation to grant.

- iv) Appeal by Mrs A Clarke against West Lindsey District Council's refusal to grant planning permission for a first floor extension to create two additional bedrooms, and a side porch extension at 34 Lodge Lane, Nettleham.

Appeal dismissed – see copy letter attached as Appendix Biv

Officer's original recommendation to refuse.

- v) Appeal by HR Bourn and Sons against West Lindsey District Council's refusal to grant planning permission for the conversion and alterations to existing agricultural buildings to form 3 no. residential properties at Manor Farm, Stockmoor Lane, Middle Rasen

Appeal dismissed – see copy letter attached as Appendix Bv

Officer's original recommendation to refuse.

- vi) Appeal by Mr and Mrs Adrian Morvinson against West Lindsey District Council's refusal to grant planning permission for the erection of two bungalows at 63 High Street, Marton.

Appeal dismissed – see copy letter attached as Appendix Bvi

Officer's original recommendation to refuse.

M Gill
Chief Executive
The Guildhall
Gainsborough
17 April 2013

1 - 129445 Clixby

Planning application for installation of anaerobic digestion plant, including technical building and flare stack, storage, digester and hydrolyser tanks, earth bund, silage clamps and associated infrastructure, at Manor Farm, Brigg Road, Clixby.

RECOMMENDED DECISION: Grant Planning Permission

2 - 129722 Normanby by Spital

Planning application to erect 2no wind turbines - resubmission of 128606 at Heath Farm, Normanby Cliff Road, Normanby-By-Spital.

RECOMMENDED DECISION: Refuse planning permission

3 - 129621 Burton

Planning application for replacement dwelling – resubmission – at The Aviary Hall Drive Burton

RECOMMENDED DECISION: Grant permission subject to conditions



Appeal Decision

Site visit made on 18 February 2013

by Stuart Hall BA(Hons) DipTP FRTPI MCIHT

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

Decision date: 5 March 2013

Appeal Ref: APP/N2535/A/12/2186653

Northcotes, Highfield Terrace, Glenthams, Market Rasen LN8 2EN

- 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 A Dearden against the decision of West Lindsey District Council.
 - The application Ref 128898, dated 18 June 2012, was refused by notice dated 14 September 2012.
 - The development proposed is residential development.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application is in outline, with matters of details other than access being reserved for subsequent determination. However, the application form, Design and Access Statement (DAS) and appeal submissions make clear that the application is intended to establish the principle of three dwellings on the site. This is reflected in an illustrative drawing submitted with the application and, as agreed at the site visit, is the basis on which the appeal is approached.

Main Issues

3. There are two main issues in this appeal. These are: the effect of the proposed development on the objectives of local and national policies relating to the location of new housing; and its implications for the interests of highway safety.

Reasons

Location of new housing

4. The appeal site is surrounded by residential development well within the settlement limits of Glenthams. It comprises the curtilage of a small, dilapidated, unoccupied dwelling which the appellant says is no longer fit for purpose. Also, there are unattractive brick, metal and timber outbuildings on the overgrown site. Therefore, no objection is raised in principle to residential use, which would offer the opportunity to improve the appearance of the site.
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However, saved Policy STRAT 3 of the *West Lindsey Local Plan First Review 2006 (LP)* defines a hierarchy of settlements as a basis for the distribution of new development and identifies Glenthams as a Subsidiary Rural Settlement. Within it, by virtue of saved LP Policy STRAT 7, windfall and infill housing must meet a local need and incorporate provision of affordable housing.

5. That part of the site occupied by the dwelling is previously developed, as defined in the *National Planning Policy Framework (NPPF)*. Accordingly, it does not wholly fall within the lowest priority for the release of housing land identified in saved LP Policy STRAT 9. Even so, though the existing buildings would be demolished, their condition suggests that for practical purposes the scheme would amount to three additional dwellings. The appellant's confidence that there would be sufficient local demand is not supported by evidence of local need, or by any declared willingness to restrict occupation to local people. Further, it is stated that the scheme would not support a financial contribution towards affordable housing elsewhere. Accordingly, I conclude that the scheme would conflict with the thrust of the above policies.
6. Those policies provide a coherent approach to the location of new housing development that remains consistent with the broad sustainability objectives of the *NPPF*. The appellant's disagreement with the policies themselves, on the grounds that they are unlikely to lead to an improvement in service provision within smaller settlements, is not a reason to set them aside. The Council's evidence of a 6.6 year supply of available housing land in 2012 does not suggest that they are in need of review, or that they are outdated by virtue of the national recession in house building rates. There is no evidence that Glenthams should accommodate any shortage of housing land there may be in neighbouring Council's areas, or that its sustainability credentials have improved since its place in the settlement hierarchy was identified in 2006.
7. Notwithstanding the presumed quality of the development, details of which are not before me for determination, the above considerations lead me to conclude on this issue that the proposal would conflict with the objectives of local and national policies relating to the location of new housing. Whilst the proposal itself may cause limited harm to those objectives, it would add to the risk of them being materially undermined by the cumulative effect of similar development in such relatively unsustainable locations.

Highway safety

8. The illustrative drawing shows that it should not be necessary for vehicles to reverse off the site. However, it was agreed at the site visit that the access width at the highway boundary is only some 4.3 metres (m), a little less than stated in the DAS, and I noted that the carriageway visibility, for a driver waiting to leave the site, would be restricted to less than 10 m. The road has no segregated footway, and several dwellings have no off-street parking. During my visit, free two-way access and visibility were impeded by parked vehicles on both sides of the road.
9. Highfield Terrace is a short cul-de-sac with only some 10 dwellings between the cul-de-sac head and the appeal site entrance. Therefore, vehicle traffic passing the entrance is likely to be light and slow-moving. However, in opposing the scheme the local highway authority point out that the road falls outside the

parameters of the *Lincolnshire Design Guide for Residential Areas* in terms of width, turning head and footway provision. The evidence does not convince me that highway safety considerations rule out any redevelopment of the site. Even so, I conclude that there would be potential hazards arising from vehicle movements associated with three dwellings, particularly to young and elderly pedestrians. Those hazards weigh against the proposal before me.

Other matters

10. The bulk of the site adjoins the rears and sides of other residential property. Two storey development in accordance with the submitted drawing would place rear elevations only 4.5 m from and overlooking the rear garden to the west. An end elevation would be immediately to the south of the small amenity area of "Eastview", and the vehicle parking and turning area would adjoin the rear garden of the dwelling immediately to the east. As the drawing is only illustrative, the ensuing adverse effects on neighbours' living conditions are not firm grounds for rejecting the outline proposal. However, bearing in mind that it is put forward in support of the appellant's case, it casts substantial doubt on the site's ability to accommodate three dwellings to acceptable standards.
11. The site is in a derelict and visually unattractive state. In so far as it is unoccupied and contains previously developed land, in principle its development would accord with the *NPPF's* encouragement for the effective use of land not of high environmental value. Having regard to the varied density, layout and form of surrounding development, the site is capable of being developed in a manner that may enhance, and need not harm, the character and appearance of its surroundings. However, in view of the proposal's conflict with development plan policies, identified above, the *NPPF's* presumption in favour of sustainable development has limited relevance to the outcome of the appeal.

Conclusion

12. Taken together, these and all other matters raised do not outweigh my conclusions on the main issues regarding the harm this proposal would cause to the objectives of housing location policies, reinforced by its potential risk to highway safety. Having taken account of the views of local residents and other interested parties, that harm remains an overriding objection to the proposal. It follows that the appeal should not succeed.

Stuart Hall

INSPECTOR



Appeal Decision

Site visit made on 18 February 2013

by Stuart Hall BA(Hons) DipTP FRTPI MCIHT

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

Decision date: 12 March 2013

Appeal Ref: APP/N2535/A/12/2187306

Land at Westfield Drive, North Greetwell, Lincoln LN2 4RB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Mr J Ward against West Lindsey District Council.
 - The application Ref 128780, is dated 31 May 2012.
 - The development proposed is residential development.
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Decision

1. The appeal is dismissed.

Clarification

2. The outline application, in which all matters of detail save access are reserved, does not give a number of proposed dwellings and states that it does not involve the gain or loss of residential units. However, the Design and Access Statement (DAS) refers to two existing dwellings that would be demolished, and to an illustrative plan submitted with the application purporting to show how five new single storey dwellings could be accommodated.
3. The appeal refers to "up to five" units. The DAS states that the condition of one of the dwellings to be demolished, currently vacant, is such that it may well be beyond refurbishment for occupation. Therefore, I approach the appeal on the basis that for practical purposes the scheme could result in up to four additional dwellings for occupation.

Main Issue

4. Had the Council determined the application, it states that permission would have been refused on the grounds that the appeal site is not an acceptable location for new housing, having regard to both local and national planning policies, and the proposal cannot be considered as sustainable development capable of being supported. Taking into account local residents' views, the main issue in this appeal remains the effects of the proposed development on the sustainability objectives of national and local housing location policies.
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Reasons

Location of new housing

5. The bulk of the appeal site is an irregularly shaped area of overgrown land, within which there is a dilapidated and unoccupied dwelling and a number of low brick and breeze block structures suggestive of a former smallholding. This area is almost surrounded by a mix of one and two storey dwellings, most of which have short rear gardens. It is accessed from the busy A158 Wragby Road East via a narrow drive, now completely overgrown. Another narrow but shorter access from Westfield Drive is not in use. The appeal site also includes the curtilage of a dwelling on Westfield Approach, which would be demolished to enable construction of a replacement access.
6. The site is within the settlement limits of North Greetwell and, though most of it is not previously developed as defined in the *National Planning Policy Framework (NPPF)*, no objection is raised in principle to the residential use of this currently unused land. However, saved Policy STRAT 3 of the *West Lindsey Local Plan First Review 2006 (LP)* identifies North Greetwell as a Subsidiary Rural Settlement in a hierarchy of settlements forming the basis for the sustainable distribution of new development. Accordingly, saved LP Policy STRAT 7 provides among other things that any windfall and infill housing must meet a local need; incorporate provision of affordable housing; and have no impact, either individually or cumulatively, on the Council's housing strategy.
7. In an appeal decision made early in 2006, concerning a larger site in North Greetwell, the Inspector concluded that the location was sustainable in view of its proximity to Lincoln (*ref APP/N2535/A/05/1186294*). However, in doing so he said that he did not attach significant weight to the then emerging Policy STRAT 3 because he was unaware of its status. Three months earlier, in a decision on the current site, (*ref APP/N2535/A/05/1185668*) that Inspector, being aware that the draft policy had been considered at a public enquiry, gave it significant weight and concluded that the scheme would be contrary to sustainability objectives of national and regional policies.
8. This is still borne out by the continued absence of services in North Greetwell, other than a petrol filling station and a restaurant not targeted at local residents. In view of the now adopted status of saved LP Policy STRAT 3, the earlier of the above decisions has the greater bearing on the current case. In relation to saved LP Policy STRAT 7, no evidence of local need is put forward, nor is it proposed that occupation be restricted to local people. The offer to negotiate a contribution to affordable housing once permission is granted carries little weight, as the Council's negotiating position would be compromised by the permission. Though the proposal may have limited impact in itself, it would contribute to potential cumulative harm to housing location strategy.
9. Most of the site falls within the lowest priority for the release of housing land identified in saved LP Policy STRAT 9, at a time when there is evidence of a 6.6 year supply of available housing land. I note that in a recent appeal (*ref APP/N2535/A/12/21187100*) the Inspector found this level of "over supply" to be relatively modest. I am aware that the five year supply plus 5% referred to in the *NPPF* is a minimum, not a maximum requirement. However, a provision some 25% in excess of that requirement does not indicate to me that the above

LP Policies are out of date, and does not add weight in favour of a decision other than in accordance with the development plan. Nor does the appellant's opinion that those policies are short-sighted provide a reason to set them aside.

10. Rather, those policies continue to provide a coherent approach to the location of new housing development, consistent with the broad sustainability objectives of the *NPPF*. The proposal conflicts specifically with the three above-named requirements of saved *LP* Policy STRAT 7, and more generally with the thrust of other relevant *LP* and *NPPF* policy. Taking into account all of the above considerations, I conclude on this issue that the proposed development would harm the sustainability objectives of national and local housing location policies.

Other matters

11. Though the site is not well screened from adjoining dwellings by the variety of largely open boundaries to rear gardens, were development to go ahead it would be reasonable and appropriate to require boundary treatment sufficient for that purpose. As the appellant envisages single storey dwellings, and having regard to the separation distances that could be achieved, there would be no undue loss of privacy due to overlooking. Dwellings to each side of the proposed new access could also be adequately screened from the effects of the limited volumes of passing vehicle and foot traffic.
12. At the site meeting, it was agreed that at its narrowest point the gap between curtilage boundaries outside the site through which the proposed access would pass is 4.5 metres (m). This exceeds the local highway authority's standards for private drives. I estimate that where the access would meet the highway its centre would be approximately 30 m from the middle of the right angled corner where Westfield drive meets Westfield Approach. In the absence of objection from the local highway authority, and bearing in mind the limited vehicle speeds achievable on this tight turn, I conclude that this arrangement would not put the interests of highway safety at undue risk.

Conclusion

13. These and all other matters raised, taken together, do not outweigh the harm identified in relation to the proposal's conflict with the objectives of national and local policies for the location of new housing. It follows that the appeal should not succeed.

Stuart Hall

INSPECTOR



Appeal Decision

Site visit made on 18 February 2013

by Stuart Hall BA(Hons) DipTP FRTPI MCIHT

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

Decision date: 12 March 2013

Appeal Ref: APP/N2535/A/12/2187302

Wold View Fisheries, Pelham Road, Claxby LN8 3YR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Bryn Ilsley against the decision of West Lindsey District Council.
 - The application Ref 128540, dated 4 April 2012, was refused by notice dated 30 August 2012.
 - The development proposed is 14 No. external lighting posts.
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Decision

1. The appeal is allowed and planning permission is granted for 14 No. external lighting posts at Wold View Fisheries, Pelham Road, Claxby LN8 3YR in accordance with the terms of the application Ref 128540, dated 4 April 2012, and the plans submitted with it, subject to the following condition:
 - 1) The lights on the posts hereby permitted shall not be in use outside the period of September to March inclusive, and not outside the following times: 1700 hours to 1900 hours.

Procedural Matter

2. The pre-arranged accompanied site visit took place in late morning. However, as the 14 lighting posts are already erected with lights in place, and following a request by Osgodby Parish Council, it was agreed that I should make a further unaccompanied visit after dark. I did so that evening, and with the lights switched on I toured the surrounding countryside by car before re-visiting the site, where I noted that three of the lights were not functioning.

Main Issue

3. The main issue in this appeal is the effects of the lighting posts and their use on the character and appearance of their countryside surroundings.

Reasons

4. The posts have been erected within a large commercial recreation site covering over 14 hectares, containing fishing pools, picnic areas, tackle shop and café, parking, and an area for five touring caravans. Planning permission exists for
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- 10 holiday cabins. Within the site, extensive tree planting has not yet matured. The thin tubular posts, painted black, are some 4.2 metres (m) tall and topped with hooded light fittings. They are spaced at irregular intervals along some 400 m on the eastern side of a drive that serves a number of fishing pegs and links the visitors' car park with Pelham Road. The lights are said to be required for less than an hour between 1700 hrs and 1900 hrs from mid September to end March, mainly to enable anglers to dismantle tackle and leave the site safely.
5. The site is set in a generally flat area of mixed farmland, containing occasional substantial stands of trees, near to the foot of the western scarp edge of the Lincolnshire Wolds and to the boundary of the Wolds Area of Outstanding Natural Beauty (AONB). On its long western and eastern boundaries it is largely bordered respectively by a stand of mature evergreen trees and a railway line beyond a semi-mature evergreen hedge. The site's contrived and well-maintained layout contrasts sharply with the open field pattern of the surrounding countryside. However, little of the relatively enclosed site can be seen from public viewpoints, except from public footpaths including the Viking Way on the escarpment, some two and more kilometres (km) away.
 6. Whilst the lighting posts are urban in character, they are barely visible from outside the site and within it their appearance is in keeping with the long gravelled drive and open timber fencing that borders its other edge. Their spacing, interspersed with young trees, ensures that they do not dominate the open outlook. When illuminated, the low energy fittings emit a soft yellow light directed at the drive and the land immediately bordering it. The light is not readily evident from nearby, save from the lane at the site entrance and from the nearest dwelling some 80 metres away, adjacent to a rail level crossing where there is further illumination.
 7. Some 2 km east of the site, the Viking Way follows a lane running north-south on the top of the high ground, roughly 200 m east of the top of the escarpment. Though there are far-distant views westwards, in which I saw several lights, I found no point on the lane from which the site could be seen, due to the intervening gently sloping land above the scarp. It may be that the site is visible from the Viking Way where it leaves the lane south of Normanby le Wold. However, that part of the path, some 3 km from the site, is unlikely to be in use at night. Whilst artificial light on the site can be identified on descending the lane from Normanby le Wold to Claxby, that village and nearby farm buildings provide significantly brighter light sources.
 8. I have regard to the views of local residents and other interested parties; to the great weight that should be given, by virtue of paragraph 115 of the *National Planning Policy Framework*, to conserving landscape and scenic beauty in AONBs; and more generally to the potentially harmful effects of light pollution. Any external light source will have some effect on the night sky, in which connection I note the recent approval of six 8 m high lighting columns at a proposed manège close by to the west of the appeal site. I bear in mind that three of the 14 lights were not in use at the time of my second visit, and that their visibility from further afield will reduce as recently planted trees on the site grow to maturity.

9. Taking into account all matters raised, the above considerations lead me to conclude that the lighting posts and the controlled use of their lights does not have a material effect on the character and appearance of their countryside surroundings, either in daylight or at night. Accordingly, the scheme does not conflict with the thrust of saved Policy NBE 10 of the *West Lindsey Local Plan First Review 2006*, which places high priority on preserving distinctive landscape features, character and amenity value. Taking into account the nature of the light emitted and the proposed limited periods of use, nor does it conflict with saved Policy NBE 18, which seeks to limit lighting to the minimum necessary and refers to aesthetic effect and visibility of the night sky.
10. It follows that the appeal should succeed. In the interests of limiting the risk of light pollution, a planning condition is attached restricting the hours of use to those necessary to serve the scheme's purpose.

Stuart Hall

INSPECTOR



Appeal Decision

Site visit made on 12 March 2013

by William Fieldhouse BA (Hons) MA MRTPI

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

Decision date: 14 March 2013

Appeal Ref: APP/N2535/D/13/2192441
34 Lodge Lane, Nettleham, Lincoln LN2 2RS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs A Clarke against the decision of West Lindsey District Council.
 - The application Ref 129151 was refused by notice dated 19 November 2012.
 - The development proposed is a first floor extension to create two additional bedrooms, and a side porch extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on the character and appearance of the area.

Reasons

3. The appeal site is located towards the edge of Nettleham on a main road along which there are bungalows and two-storey houses in a variety of styles including in terms of significant differences in roof height, pitch, shape and form. The appeal property is set back from the road at the end of a row of five similar detached brick-built bungalows. The low hipped roofs of these bungalows all appear to be essentially unaltered from their original design when viewed from the front. No. 36, to the other side of the appeal property, is a two-storey house close to the road.
 4. The proposed replacement of the existing roof with a first floor extension and a mansard-style roof would significantly increase the mass, and alter the form, of the property such that it would appear substantially different to its original design, and to the other bungalows in the row.
 5. Whilst the dwelling is partially screened by existing cherry trees in the highway verge, additional landscaping would be carried out, and No. 36 largely obscures the property when approaching from the south, the proposal would be seen from the road opposite and to the north, and from nearby dwellings. It would be quite different to any of the surrounding buildings, and appear bulky, dominant, and out of place in the row of bungalows, notwithstanding the fact
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that the single garage to the side would be retained. The proposed use of render on the front elevation would add to the incongruity of the proposal in the context of the brickwork on the original building and adjoining bungalows.

6. I am aware that a proposed two-storey rear extension at No. 36 was recently allowed on appeal¹, and have been referred to various examples of dwellings in the local area that have been altered or built in a style that differs from those nearby, including large houses close to bungalows. However, all of those cases differ in terms of the character and appearance of the building in question and its surroundings, and none of them are sufficiently similar in nature to set a precedent for the particular proposal before me, or persuade me that it would not appear inappropriate in the street scene. Indeed, some of the examples shown in the photographs provided by the appellant serve to demonstrate the harm that can be caused by development that relates poorly to its setting.
7. I conclude on the main issue that the proposal would materially harm the character and appearance of the existing building and the surrounding area. It would, therefore, be contrary to the objectives of policy RES11 of the West Lindsey Local Plan First Review (2006) which seeks to ensure that extensions to dwellings are well designed in relation to the size, shape and materials of the host building, and subordinate to it. Furthermore, the National Planning Policy Framework (2012) advises that planning permission should be refused for development that fails to take the opportunities available for improving the character and quality of an area².
8. The position of a main drain may make the erection of a rear extension difficult and costly, and a front extension would alter the street scene. The proposal is clearly designed to meet the current circumstances of the appellant, and would upgrade the dwelling, provide more space in a building form that would allow a good internal layout, and avoid a significant increase in height or overlooking to adjoining properties. However, those benefits would not outweigh the harm to the character and appearance of the area that I have identified.

Conclusion

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

William Fieldhouse

INSPECTOR

¹ Appeal Ref APP/N2535/D/12/2186356, allowed 2 January 2013.

² National Planning Policy Framework (2012) paragraph 64.

Appeal Decision

Site visit made on Tuesday 12 March 2013

by William Fieldhouse BA (Hons) MA MRTPI

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

Decision date: 25 March 2013

Appeal Ref: APP/N2535/A/12/2189643

Manor Farm, Stockmoor Lane, Middle Rasen, Lincolnshire LN8 3TU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by HR Bourn and Sons against the decision of West Lindsey District Council.
 - The application Ref 129033, dated 7 August 2012, was refused by notice dated 17 October 2012.
 - The development proposed is the conversion and alterations to existing agricultural buildings to form 3 no. residential properties.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect on the character and appearance of the area; and
 - whether the proposal would represent a sustainable form of development, having particular regard to its nature and location.

Reasons

3. The appeal site includes a group of agricultural buildings of varied age, materials, design and condition located in the countryside just outside the settlement boundary of Middle Rasen as defined in the West Lindsey Local Plan First Review (2006). The main two buildings, which in most part date back to the early 19th century, are in a perpendicular arrangement. A high brick wall defines the site's frontage to North Street, opposite which are houses, and runs along part of the side of the site on Stockmoor Lane. There are paddocks to the north and east, and agricultural fields to the west.
 4. The proposal would entail the demolition of a modern agricultural building and various other additions, the conversion of the older two buildings, and a substantial single-storey extension and two smaller extensions, to create three dwellings. Two detached double garages would be erected at the rear of the site with access from Stockmoor Lane, and an integral garage would
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be provided for one of the dwellings using the existing access from North Street.

Character and Appearance

5. In order to safeguard and enhance the character and appearance of the countryside, local plan policy RES9 allows the conversion of rural buildings to residential use provided that certain criteria are met. The local plan pre-dates the National Planning Policy Framework 2012 ("the Framework"). However, the objectives of policy RES9 are broadly consistent with the approach to protecting the countryside and re-using rural buildings set out in the Framework¹. The Council has not objected to the proposal on the grounds that insufficient efforts have been made to secure a suitable business or community use for the building, and as this is not a requirement of the Framework, I have assessed the proposal against criteria (i) and (iii) of local plan policy RES9, but not criteria (ii) and (iv).
6. Whilst the buildings to be retained are of some heritage value due to their age, and their style and layout which is traditional to the local area, there is no substantive evidence to suggest that they are of significant architectural or historical interest.
7. The proposed alterations to the two buildings to be retained would make use of their original form and openings, and involve the use of traditional materials, features, and techniques. However, part of the single-storey building is in a poor state of repair, and the proposal would require a significant amount of reconstruction of the walls, as well as the replacement of the roof². The conversion would entail several additional doors and windows that cumulatively would materially alter their agricultural nature. Furthermore, the proposed extension to the single-storey building would significantly increase its size, introduce a large amount of new development onto the site, and disrupt the original L-shaped layout of the original buildings, adversely affecting their character.
8. The two detached garages would further reduce the openness of this part of the countryside. However, it would be possible to allow the proposal without that element, and I have therefore attached little weight to the effect that the proposed garages would have.
9. The buildings that would be removed are in the most part low quality and in poor condition, but they are clearly agricultural structures and do not appear out of place, or significantly detract from the quality of the area. The proposal, in contrast, would introduce a significant amount of residential development, with large domestic curtilages, into the countryside that would be out of keeping with the buildings to be retained and their immediate rural setting. Whilst the existing trees along the Stockmoor Lane frontage would be retained, and a good quality landscaping scheme would be carried out, this would fail to adequately mitigate the impact of the introduction of residential development of such a scale onto the site.

¹ National Planning Policy Framework (2012) paragraph 17 5th bullet point and paragraph 55.

² Design and Access Statement Appendix C - Structural Survey (Alan Wood and Partners June 2012).

10. The proposal would lead to the viable use of the buildings, and prevent them deteriorating further to the detriment of the character and appearance of the area. The proposed repairs to the existing boundary walls, which contribute positively to the quality of the area, would ensure their long term retention and improve their appearance. However, these benefits would not be sufficient to offset the harm that I have identified above, and could in any case potentially be achieved by means other than as part of the current proposal.
11. I conclude on this issue that the proposal would materially harm the character and appearance of the area, contrary to the objectives of national policy³ and local plan policies STRAT12 and RES9 which collectively seek to protect the intrinsic character and beauty of the countryside, and ensure that residential conversions do not adversely affect the existing buildings or their setting in the countryside.

Sustainable Development

12. The Council advises that there is a five-year supply of deliverable housing land in the district, although it appears that there may be an under supply in the Central Lincolnshire area. The Framework is clear that a five-year supply is a minimum requirement, and it does not mean that planning permission should be refused for small scale housing development on additional sites provided that they are in appropriate locations and would meet relevant policy objectives. The contribution that three dwellings would make towards meeting housing needs would be modest, but it is a factor that weighs in favour of the proposal.
13. In this case, the site is close to a sustainable settlement, rather than being isolated in the countryside. Notwithstanding this, it is in a location where local plan policy STRAT12 controls development in order to protect the countryside from encroachment and steer new housing to within designated towns and villages. To my mind, this approach is in line with that set out in the Framework which encourages development in locations where it will enhance or maintain the vitality of rural communities⁴.
14. I have already found that the proposal fails to comply with the requirements of local plan policy RES9 relating to the re-use of existing buildings, and there is no other apparent reason to justify departing from the local plan strategy relating to the location of new residential development. The scale of the development, and its location reasonably close to the local services in Middle Rasen and the wider range of shops and facilities in Market Rasen, mean that the number and length of car journeys generated by the proposal would be limited. However, if even small scale residential developments were allowed in similar locations on a regular basis, the cumulative impact could be considerable.
15. I conclude on this issue that the nature of the proposal, and the location of the site, means that it would not represent a sustainable form of development, and would be contrary to the objectives of national policy and local plan policies STRAT1 and STRAT12 which seek to steer development to

³ National Planning Policy Framework (2012) paragraph 17, 5th bullet point, and paragraph 64.

⁴ National Planning Policy Framework (2012) paragraph 55.

within certain settlements, reduce the length and number of car journeys, and prevent inappropriate development in the countryside.

Other Matters

16. My findings on the two main issues mean that the presumption in favour of development set out in the Framework does not apply in this case.
17. The access arrangements are suitable, and there would be no material impact on the living conditions of the occupiers of existing dwellings. However, these are neutral factors that do not weigh in favour of the proposal.
18. One of the reasons for refusal relates to the proposed means of foul water drainage. However, a main sewer runs within 30 metres of the site, and the appellants have indicated that they would be willing to provide a connection from the proposed dwellings to that. This would satisfy the Council and the Environment Agency, and could be ensured by a condition if the appeal were to be allowed. Accordingly, I am satisfied that the site could be appropriately drained.

Conclusion

19. There are no other matters that outweigh my findings on the main issues, and therefore, for the reasons given above, I conclude that the appeal should be dismissed.

William Fieldhouse

INSPECTOR



Appeal Decision

Site visit made on 7 March 2013

by A U Ghafoor BSc (Hons) MA MRTPI

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

Decision date: 9 April 2013

Appeal Ref: APP/N2535/A/12/2189265

63 High Street, Marton, Gainsborough DN21 5AL

- 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 and Mrs Adrian Morvinson against the decision of West Lindsey District Council.
 - The application Ref 128933, dated 5 July 2012, was refused by notice dated 28 August 2012.
 - The development proposed is erection of two bungalows.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The outline application for planning permission was submitted with all matters reserved. Drawings were submitted with the application and with the appeal documents for illustrative purposes. The Council's decision notice included three reasons for refusal. However, the first two are similar in that they set out in principle objections and so I will deal with them together.
3. The Council's decision notice cited Policy 13a of the RSS¹ which relates to regional housing provision and sets out housing targets for the region in which the District is located. However, it is Government policy to revoke all RSS's outside London subject to the strategic environmental assessment process. The Government has published updated environmental reports on the proposed revocation of each regional strategy in England. Following the close of consultation on each of these reports, the Government has laid before Parliament SI 2013 No. 629², which shall come into force on 12th April 2013.
4. The RSS comprises the regional spatial strategy for the region and the regional economic strategy for the region. SI 2013 No. 629 orders that the RSS is revoked, and all directions under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 preserving policies contained in structure plans in the area to which the RSS relates are revoked.
5. Given the Government's firm intention to revoke the RSS for the East Midlands, I attach very limited, if any, weight to Policy 13a.

¹ The East Midlands Regional Spatial Strategy ('RSS') 2009.

² Statutory Instrument ('SI') 2013 No. 629 Regional Strategy for the East Midlands (Revocation) Order 2013.

Reasons

6. The main issues to consider are the following;
- Firstly, whether the proposed development of the site would be appropriate in a rural area having regard to local and national planning policies that support sustainable development and manage the supply and release of new housing land within the District, and
 - Secondly, whether or not the development would be at risk from flooding or increase flood risk elsewhere.

First main issue

7. Amongst other matters, West Lindsey Local Plan First Review 2006 ('the LP') Policy STRAT 1 sets out design and sustainable criteria for all development. Policy STRAT 3 relates to the District's settlement hierarchy and classifies Marton as a subsidiary rural settlement, because it provides a smaller range of day-to-day facilities including a primary school. Policy STRAT 9 sets out criteria for the phasing of housing development and the release of land for housing. Policy STRAT 12 relates to development in the open countryside. The main aims and objectives of these Policies are broadly consistent with guidance found in the National Planning Policy Framework³.
8. A core principle of the Framework is that planning decisions should be plan led. A presumption in favour of sustainable development is at the heart of the Framework. Paragraph 55 to the Framework says that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances which are set out in the paragraph's four indents.
9. The topography of the surrounding area is mainly characterised by rolling countryside used for agriculture and horse grazing. The appeal site is a field located to the south of the nearby village of Marton within the locally designated open countryside. The site is adjacent to a small group of dwellings and the properties form a cluster along a short section of the highway; they are physically separate from the built-up framework of Marton due to their separate location and the setting of agricultural fields. Given the positioning of the site, the development would physically extend the built-form of the small cluster of houses into this part of the countryside, and significantly change the rural character of the small cluster of properties along the highway.
10. The site is located on a public transport route and there is a footpath that links the existing properties to Marton, but it is on the other side of a mainly unlit busy rural carriageway. Like other dwellings in the immediate vicinity, the development would be mainly isolated from the settlement. Given the lack of a wide range of competitor shopping facilities or other local amenities, it is likely that future occupiers of the dwellings would be dependent upon the private car for their day-to-day needs or weekly shopping trips. In turn, this would generate additional vehicular movements to and from the site.

³ In particular paragraphs 14 – 17, 55, 56, and 214 and 215 to the Framework are relevant.

11. The Framework identifies a number of special circumstances in which isolated new homes in the countryside would be justified. One exception is where there is an *essential need* [my emphasis] for a rural worker to live permanently at or near their place of work in the countryside. No such agricultural justification has been provided for this particular development. Another example is for dwellings that are of exceptional quality or innovative in design, but there is no case advanced on this ground. In terms of the remaining special circumstances identified in the Framework, the proposal would not be for housing development that would be of benefit to a heritage asset or involve the reuse of disused buildings.
12. Taking all of the above points together, I find that the site performs very poorly in sustainable terms. Whilst additional housing would support economic growth, but that would be at the expense of harm to the countryside by building new houses in this rural location on a greenfield site in an unsustainable location.
13. I next turn to housing land supply. The appellant's planning agent refers to a consultation paper by the Central Lincolnshire Joint Planning Unit in July 2012⁴. However, the information appears to suggest that the document is for consultation and could change in the future; I attach it little weight. The Council confirms that no firm housing figures have been agreed for the District as part of the Local Development Framework.
14. The Council's unchallenged assertion is that the most recent housing land supply assessment shows that there is a 6.6 year supply of housing land within the District. This exceeds the requirement in the Framework for a 5 year supply plus a 5% buffer. However, it is important to note that the Framework requirement is a minimum, not a ceiling, and the over supply is relatively modest given the scale of the development.
15. Nevertheless, LP Policy STRAT 1 relates to all development proposals and sets out, amongst other matters, design and sustainable criteria. It says that the development of previously-developed land ('PDL') should be maximised. Policy STRAT 9 relates to the phasing of housing development and the release of land for housing. It says that land will be released in accordance with an assessment process following the principles of plan, monitor and manage; PDL essentially related to economic regeneration, or whose redevelopment would be important to the street scene and environment or other PDL should be considered first. Policy STRAT 9 identifies five categories of land from A to E in descending order of priority.
16. In this particular case, the development would not be essential for the economic regeneration of the nearby settlement of Marton or the adjacent small cluster of houses. The site would fall in category E (Other Greenfield Land) which attracts the lowest priority under LP Policy STRAT 9. Therefore, as the development would be located on an other greenfield site, the release of this particular site is not a priority even if the residential development is small in scale.
17. For all of the above reasons, I conclude that the proposed development would not be appropriate in a rural area having regard to local and national planning

⁴ Amongst other matters, the argument is that 9,500 new homes would be needed to be spread across the rural communities of the District and the neighbouring administrative area of North Kesteven.

policies that support sustainable development and manage the supply and release of new housing land within the District. Accordingly, in principle, the development would fail to comply with LP Policies STRAT 1, STRAT 3, STRAT 9 and STRAT 12. It would fail advice contained in paragraphs 14 - 17 and 55 of the Framework.

Second main issue

18. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Areas at risk of flooding mean land within Flood Zones ('FZ') 2 and 3; or land within FZ1 which has critical drainage problems. 'Flood risk' means risk from all sources of flooding including from rivers and the sea, directly from rainfall on the ground surface and rising groundwater, overwhelmed sewers and drainage systems, and from reservoirs, canals and lakes and other artificial sources⁵.
19. The appellant's planning agent says that the site is on the outskirts of the flood risk area and about 700 metres from the nearby river. It is contended that, on the basis of the Environment Agency's flood maps published on the Internet, the site is in an area where the likelihood of flooding is low when the effects of flood defences are taken into account. The Strategic Flood Risk Assessment (2009) outlines potential hazards to life and limb from fast flowing flood water due to a sudden and unexpected breach of the flood defence systems. A rapid inundation zone has been identified which is immediately behind the flood defence line and the assertion is that the site would not be at significant risk from flooding.
20. On the other hand, the site falls within FZ3. No site specific flood risk assessment was submitted with the application for planning permission. It is difficult to assess what, if any, mitigation measures would be required to reduce the risk to life and limb from flood water inundation at short and sudden notice, or address concerns of increasing the risk of flooding elsewhere because of the scheme's scale.
21. The development would introduce two dwellings in this part of FZ3 and result in more people in an area of high flood risk. I have noted all of the information regarding flood events in the site's vicinity, yet no information has been submitted to show that alternative sites at low risk of flooding, or those within FZ1, have been considered.
22. Taking all of the above points together and on the available evidence, I conclude that the proposed development would be at risk from flooding or increase flood risk elsewhere. The scheme would conflict with guidance contained in paragraphs 99 to 108 of the Framework and the TG.

Other matters and conclusion

23. I have considered the appeal decisions in relation to a Corner Cottage and Hideaway⁶. On the basis of the information provided, both of these sites are located within built-up area. In comparison, the appeal site is located in the

⁵ For further guidance on these matters see the technical guidance ('TG') to the Framework (March 2012)

⁶ At 'Corner Cottage' Main Road West Keal (appeal ref: APP/D2510/A/12/2176313), which was allowed on 19 September 2012, the proposal involved a dormer bungalow. At 'Hideaway' Church Lane Alvingham (appeal ref: 2167924), which was allowed on 22 June 2012, the development was for the erection of a single detached dwelling.

open countryside. This particular site, given its greenfield credentials, is not a priority for housing development. These appeal decisions are strong enough precedents for the proposed scheme. In any event, I have considered this specific scheme upon its individual planning merits.

24. For all of the above reasons, and having considered all other matters including the Design and Access Statement, I conclude that the appeal should not succeed.

A U Ghafoor

INSPECTOR