



**Guildhall Gainsborough  
Lincolnshire DN21 2NA  
Tel: 01427 676676 Fax: 01427 675170**

**This meeting will be webcast and published on the website**

**AGENDA**

**Planning Committee  
Wednesday 26 August 2015 at 6.30 pm  
The Council Chamber, Guildhall, Gainsborough**

**Members:**

Councillor Stuart Curtis (Chairman)  
Councillor Ian Fleetwood (Vice-Chairman)

Councillors Owen Bierley, David Bond, David Cotton, Hugo Marfleet, Giles McNeill, Jessie Milne, Roger Patterson, Judy Rainsforth, Thomas Smith, Vacancy.

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 29 July 2015, 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. Review of planning application 132726 on land at Ryland Road, Dunholme  
Print herewith PL.04 15/16 **PAPER A**

7. Planning Applications for Determination  
(Summary attached at Appendix A)  
Print herewith PL.05 15/16 **PAPER B**

8. To note the following determination of appeals:

- i) Appeal by Lockwood Estates Ltd against the decision of West Lindsey District Council to refuse planning permission for the residential development of two detached dwellings on vacant land on land off High Street, Scampton.

**Appeal Allowed** - See copy letter attached as Appendix Bi.

**Officer decision** – Refuse.

- ii) Appeal by Mrs P A Horne against the decision of West Lindsey District Council to refuse planning permission for the proposed dwelling on land at North End Lane, South Kelsey.

**Appeal Dismissed** - See copy letter attached as Appendix Bii.

**Officer decision** – Refuse.

- iii) Appeal by Mr John Dixon against the decision of West Lindsey District Council to refuse planning permission for four dwellings at Deepdale Enterprise Park, Nettleham.

**Appeal Dismissed** - See copy letter attached as Appendix Biii.

**Officer decision** – Refuse.

- iv) Appeal by Turley Farms Ltd against the conditions attached to the decision of West Lindsey District Council for the erection of 63 dwellings on land at east of Hackthorn Road, Welton.

**Appeal Allowed** - the planning permission is varied by deleting condition 1 and substituting for it the following condition:

Application for approval of the reserved matters required by condition 2 shall be made to the local planning authority no later than 22 October 2016 See copy letter attached as Appendix Biv.

**Officer decision** – Grant with Legal Agreement

M Gill  
Chief Executive  
The Guildhall  
Gainsborough

18 August 2015

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

**Large Clear Print: Braille: Audio Tape: Native Language**

**1 – 133064 – Welton**

**PROPOSAL:** Outline planning application for the erection of 12no. dwellings- access to be considered and not reserved for subsequent applications- resubmission of 132425 on land adjacent Dunholme Close, Welton

**RECOMMENDED DECISION:** Refuse Permission

**2 – 132426 – Welton**

**PROPOSAL:** Planning application for change of use from agricultural land to public open space on land South of Dunholme Close, Welton

**RECOMMENDED DECISION:** Refuse Permission

**3 – 132886 – Sturton**

**PROPOSAL:** Application for approval of reserved matters for residential development following outline planning permission 131536 granted 23rd September 2014, Plot 1, Land between 15 & 25 Marton Road, Sturton By Stow

**RECOMMENDED DECISION:** Grant permission subject to conditions

**4 – 132885 – Sturton**

**PROPOSAL:** Reserved matters application for residential development following outline planning permission 131536 granted 23 September 2014, Plot 2 Land between 15 & 25 Marton Road Sturton By Stow

**RECOMMENDED DECISION:** Grant permission subject to conditions

**5 – 132906 – Gainsborough**

**PROPOSAL:** Planning application for replacement of existing slate roof covering, replacement of downpipes and miscellaneous rainwater goods, local repairs to stonework, infilling of several existing clerestory windows and provision of solar panels, at Trinity Arts Centre, Trinity Street, Gainsborough

**RECOMMENDED DECISION:** Grant Planning Permission

**6 – 132837 – Gainsborough**

**PROPOSAL:** Listed building consent for replacement of existing slate roof covering, replacement of downpipes and miscellaneous rainwater goods, local repairs to stonework, infilling of several existing clerestory windows and provision of solar panels, at Trinity Arts Centre, Trinity Street, Gainsborough

**RECOMMENDED DECISION:** Grant Listed Building Consent

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# Appeal Decision

Site visit made on 13 July 2015

**by Roger Catchpole Dip Hort BSc (Hons) PhD MCIEEM**

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

**Decision date: 24 July 2015**

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**Appeal Ref: APP/N2535/W/15/3002378**

**Land off High Street, Scampton, Lincolnshire LN1 2SU**

- 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 Lockwood Estates Ltd against the decision of West Lindsey District Council.
  - The application Ref 131682, dated 24 July 2014, was refused by notice dated 5 November 2014.
  - The development proposed is for the residential development of 2 no. detached dwellings on vacant land.
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## Decision

1. The appeal is allowed and planning permission is granted for the residential development of 2 no. detached dwellings on vacant land at Land off High Street, Scampton, Lincolnshire LN1 2SU in accordance with the terms of the application, Ref 131682, dated 24 July 2014, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 7096L/S/PP/01 REV A; 7096L/S/PP/03 REV A; 7096L/S/PP/04 REV B; 7096L/S/PP/05 REV C; 7096L/S/PP/06.
  - 3) None of the dwellings shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the local planning authority.
  - 4) No building hereby permitted shall be occupied until a sustainable drainage scheme for the disposal of surface water on the site has been completed in accordance with details to be submitted to and approved in writing by the local planning authority. The scheme shall be managed and maintained thereafter in perpetuity.

## Preliminary Matters

2. The Council has modified the description of development in their decision notice. As this more accurately reflects the nature of the development and has also been used by the appellant on the appeal form, a shortened version has also been used for the purposes of this appeal.

3. I note that the Council has an emerging joint plan that is at an early stage. As it is yet to be examined in public, its policies have not been tested and I am therefore only able to give it limited weight in the balance of this appeal.

### **Main Issue**

4. The main issue is whether the proposal would result in a sustainable form of development, having regard to accessibility to local services and alternative modes of transport.

### **Reasons**

5. The appeal site is situated on former agricultural land immediately to the south of the B1393 in the centre of the village of Scampton. It is a small settlement, loosely arranged around the B1393 which runs through the centre of the village. The site itself is a flat, rectangular field mostly surrounded by tall hedgerows and hedges. A larger field with an agricultural building adjoins the site to the east. The built frontage on either side of these fields extends to the limits of the settlement. A large detached property is situated immediately to the west and another property faces the site on the opposite side of the road to the north.
6. The Council acknowledges that it is unable to demonstrate a 5 year supply of deliverable housing sites. Paragraph 49 of the Framework indicates that, in circumstances such as this, relevant policies for the supply of housing should not be considered up-to-date. These include saved policies STRAT 3, STRAT 7 and STRAT 9 of the West Lindsey Local Plan First Review 2006 (LP). Where relevant policies are out of date, there is a presumption in favour of sustainable development unless the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
7. The Council are of the opinion that the development would not be sustainable because of limited local services and public transport provision. I observe from my site visit and the evidence before me that a bus stop is in close proximity to the site and that a regular daily bus service links Scampton with Scunthorpe and Lincoln, as well as other villages along the route. Consequently, whilst the facilities within the village are limited to a primary school, church and public house, future occupants would nonetheless be able to access a full range of services and facilities at other locations via public transport.
8. I also note that the bus service to Lincoln would allow individuals to commute to potential places of work as the first bus arrives in Lincoln at 0818 and the last bus leaves at 1740. A weekend service is also present that would allow access to recreational facilities and support longer onward journeys via public transport. Not only would the location be sustainable because of the presence of alternative modes of transport but the scheme would also bring other benefits including the enhancement of hedgerows; provision of new housing; and two additional households that would provide further support for the local facilities and services in Scampton and the surrounding villages.
9. Given the above and having had regard to the policies of the Framework as a whole, I conclude that the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits. Consequently, it would amount to a sustainable form of development that would be consistent with

paragraph 14 of the Framework. It would also be consistent with STRAT 1 of the LP that seeks, among other things, to ensure that all development has the scope for reducing the length and number of car journeys and for providing access to public transport.

### **Other Matters**

10. An interested party has expressed concern over the effect of the proposal on the character and appearance of the village with regard to a loss of green space. However, I observed that the dense hedgerows along the northern and eastern boundaries of the field are such that it does not make a significant contribution to this particular characteristic. Given that this screening would be retained and bearing in mind the position of the dwellings to the rear of the plot, as well as the larger and more prominent open areas that are in the immediate vicinity, I conclude that no significant harm would be caused to this characteristic.

### **Conclusion and Conditions**

11. For the above reasons and having regard to all other matters raised I conclude that, subject to appropriate conditions, the appeal should be allowed.
12. I have considered both the wording and grounds for the conditions suggested by the Council in accordance with the tests set out in paragraph 206 of the Framework. In addition to the standard time limit condition, a condition requiring development to be carried out in accordance with the plans is necessary for the avoidance of doubt and in the interests of proper planning. Two conditions requiring further details of schemes for the safe disposal of surface water and sewage are necessary in order to protect the nearby aquatic environment.
13. The Council has suggested a condition restricting permitted development rights. However, the Planning Practice Guidance 2014 advises that conditions restricting the future use of permitted development rights will rarely pass the test of necessity and should only be used in exceptional circumstances. Since the Council has not provided sufficient evidence to suggest that exceptional circumstances apply, I do not find the suggested condition either necessary or reasonable.

*Roger Catchpole*

INSPECTOR

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# Appeal Decision

Site visit made on 14 July 2015

**by Michael Moffoot DipTP MRTPI DipMgt MCMi**

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

**Decision date: 6 August 2015**

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**Appeal Ref: APP/N2535/W/15/3028938**

**Land at North End Lane, South Kelsey, Lincolnshire LN7 6PE**

- 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 Mrs P A Horne against the decision of West Lindsey District Council.
  - The application Ref: 132233, dated 4 December 2014, was refused by notice dated 5 March 2015.
  - The development proposed is a dwelling.
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## Decision

1. The appeal is dismissed.

## Procedural Matter

2. The application is made in outline with permission sought for access at this stage, and appearance, landscaping, layout and scale reserved for subsequent approval. An illustrative layout has been submitted which shows the siting of a dwelling on the plot. I shall treat this as being for indicative purposes only.

## Main Issue

3. The main issue in this case is whether the proposed development would be in a sustainable location with regard to national and local planning policy.

## Reasons

4. The appeal site lies on the northern edge of the village and comprises a rectangular field with frontage and access to North End Lane. Open countryside extends to the north and east of the site, a farm and associated outbuildings lie to the west and a ribbon of housing and farm buildings front the south side of the lane. The centre of the village lies about 900m to the south.
5. Between them, saved Policies STRAT 1, STRAT 3 and RES 1 of the adopted *West Lindsey Local Plan First Review* seek to promote sustainable development by generally directing new residential development towards main settlements which have the facilities and services to sustain new residents. In other settlements lacking such amenities, new housing will only be permitted under specific circumstances. Policy STRAT 3 sets out a hierarchy of settlements and includes South Kelsey as a Subsidiary Rural Settlement which provides a smaller range of day to day facilities than the Towns and Primary Rural Settlements.

6. The *National Planning Policy Framework* ('the Framework') contains a presumption in favour of sustainable development. It encourages people to minimise journey lengths for employment, shopping, leisure, education and other activities by focussing new residential development in areas with good access to such services and facilities, although it acknowledges that opportunities to maximise sustainable transport solutions will vary from urban to rural areas. It also seeks to encourage sustainable development in rural areas by locating housing where it will enhance or maintain the vitality of rural communities, noting that development in one village may support services in a village nearby.
7. Services and facilities in South Kelsey include a public house, church, village hall, repair garage, pre-school day nursery and a play area. However, there is no shop or post office and public transport is confined to a limited 'Call Connect' bus service and a school bus. The nearest village, North Kelsey, is about 2.5km from the appeal site and its services and facilities are similarly limited, although there is a primary school and a small shop. However, the route between the two villages is largely unlit and without footways, and would deter all but the most determined cyclist or pedestrian, especially in poor weather and at night. It is therefore highly likely that occupiers of the proposed dwelling would be heavily dependent upon a private car or cars to reach the facilities in North Kelsey and larger settlements in the wider area with a greater range of attractions, such as Caistor and Market Rasen.
8. Although such trips may in some cases be relatively short, they would cumulatively increase reliance on a non-sustainable mode of transport contrary to sustainability objectives in the Local Plan and one of the core planning principles in the Framework which requires planning to "*actively manage patterns of growth to make the fullest use of public transport, walking and cycling...*".
9. However, the accessibility of the appeal site is only one of the aspects of sustainable development set out in the Framework, and consideration must be given to all three mutually dependent dimensions of sustainability in paragraph 7; namely the economic, social and environmental roles.
10. In terms of the economic dimension, the development would provide a new house and make a modest contribution to the local economy during the construction stage. This would continue once the dwelling is occupied with the householders spending locally, although they would generally drive to the nearest facilities and almost certainly to those in the larger settlements. Accordingly, these factors only attract limited weight in favour of the proposal.
11. As to the social dimension, the scheme would make only a very modest contribution to housing provision in the area and the District's acknowledged deficit of housing supply, and there is no evidence to show that it would meet a local need. The development might in a small way enhance or maintain the vitality of rural communities in terms of the objectives in the Framework, but any contribution would be relatively slight as there are not many services and facilities in nearby villages. Overall, the social benefits would be very limited.
12. Turning to the environmental dimension, the proposed dwelling would compound built development on the edge of this part of South Kelsey and encroach into the countryside. Whilst the scheme would not involve provision of new isolated homes in the countryside as described in the Framework, it also states that planning should recognise the intrinsic character and beauty of the countryside;



one of the 12 core land-use planning principles in the document. The proposal would conflict with this objective, and this weighs against the proposal.

13. The Government wishes to boost significantly the supply of housing, and the presumption in favour of sustainable development should be seen as a golden thread running through both plan-making and decision-taking according to the Framework. Whilst the proposed development would accord with some of the economic and social dimensions of sustainable development, its relatively remote location would result in reliance on private transport to reach most services and facilities.
14. For these reasons, I conclude that the proposal would not be in a sustainable location, and as such would conflict with the above Local Plan policies and the guidance in the Framework I have referred to.

### **Other Matters**

15. Reference has been made to outline permission granted in 2013 for a dwelling on a plot on the south side of North End Lane. However, the full circumstances surrounding this permission are not before me, and whilst consistency in planning decisions is clearly desirable, each application has to be considered on its own merits and I am not persuaded this is a sustainable location for a new dwelling. There is no evidence to show that the appeal site comprises previously developed land.
16. Concerns regarding overlooking of nearby property and provision of adequate screening could be addressed at the approval of reserved matters stage if the appeal were to be allowed, and any contamination of the land could be dealt with by way of planning condition. Traffic generated by the development would not increase vehicle movements on North End Lane to the extent that highway safety would be materially harmed. As to the implications of the proposal for wildlife, the site is not subject to any special protection and this does not constitute a valid reason for dismissing the appeal. Other matters raised in representations have no bearing on the planning merits of the case.

### **Conclusion**

17. The Council cannot demonstrate a supply of deliverable sites sufficient to provide five years' worth of housing against its housing requirements as required by paragraph 47 of the Framework. In these circumstances paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development and relevant policies for the supply of housing should not be considered up-to-date. Paragraph 14 advises that sustainable development should be granted permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
18. I have concluded that the proposal would not be in a sustainable location and the new dwelling would make only a very modest contribution to housing provision in the District. I therefore find that the harm arising from the proposal significantly and demonstrably outweighs the benefits when assessed against the policies of the Framework as a whole. For the reasons set out above I conclude that the proposal is unacceptable and the appeal should fail.

*Michael Moffoot*

Inspector

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# Appeal Decision

Site visit made on 7 July 2015

**by R Schofield BA(Hons) MA MRTPI**

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

**Decision date: 14 August 2015**

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**Appeal Ref: APP/N2535/W/15/3014904**  
**Deepdale Enterprise Park, Nettleham LN2 2LL**

- 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 John Dixon against the decision of West Lindsey District Council.
  - The application Ref 131513, dated 20 June 2014, was refused by notice dated 27 February 2015.
  - The development proposed is erection of 4 dwellings.
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## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue is whether the benefits of the proposed residential development outweigh the loss of allocated employment land.

## Reasons

3. The appeal site is the final vacant plot on the Deepdale Enterprise Park, which is itself a site allocated for B1, B2 and B8 employment development in the West Lindsey Local Plan First Review 2006 (the Local Plan) under policy STRAT 15.
4. I have no reason to doubt the evidence of a local commercial agent, submitted by the appellant, that the site has been widely marketed for commercial development for a number of years without, as yet, any firm interest. However, it is apparent from this evidence<sup>1</sup> that the lack of interest was caused by 'market failure associated with the recession...'. This being so, it is unsurprising that there has not been take up of the site. Indeed, it appears from evidence submitted by the Council's Economic Growth Team that the lack of take up of land allocated for employment uses has been common across the wider Central Lincolnshire area in the recent economic climate.
5. It is also suggested that the availability of other, 'more strategically placed', employment sites in and around Lincoln has acted against the appeal site, along with 'the requirement for high quality vernacular materials...' to be used in new buildings on the site. However, it was apparent from my site visit that all but one of the other plots on the site contained well-designed commercial buildings of relatively recent construction, all of which were occupied. It was

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<sup>1</sup> Letter of 28 October 2014 from Banks Long & Co Ltd

also apparent that there was a commercial building currently under construction on plot 3 (as shown on the submitted location plan). I have no reason to doubt that its design will not be of the same standard as others on the site.

6. In my judgement this is clearly indicative of past and renewed interest in the site for well-designed commercial development, even with other sites available, the occupiers of which may have no need of a 'strategic' location. There is no substantive reason to consider that as confidence returns to the commercial property market, as the Council's evidence indicates is currently happening, the appeal site would not prove attractive to suitable occupiers. Indeed, the Central Lincolnshire Economic Needs Assessment 2015 (the Assessment), cited by the Council, suggests that, based on feedback from a range of local agents, demand for office and industrial premises in the wider Lincoln area has increased in the last 12 months. It concludes that over the period 2012 to 2036 a considerable net increase in employment land will be required across the wider Central Lincolnshire area.
7. There is a further allocated employment site at Lodge Lane in Nettleham, which, it is suggested, has better potential to satisfy the employment and service requirements of the village than the appeal site. Notwithstanding the different views between the appellant and the Parish Council over whether the Lodge Lane site benefits from any planning permissions, there is not, however, any compelling reason to consider that it offers any substantive benefits over the appeal site. Indeed, bearing in mind the evidence of the Assessment, it is reasonable to consider that both sites are likely to be required to meet future demands. Given that, as the appellant notes, the appeal site is already fully serviced, it is also reasonable to consider that it would prove more attractive to interested parties than would Lodge Lane.
8. Policy ECON 9 seeks to protect employment land for employment uses, subject to a number of criteria. Of these, the most pertinent is criterion iii/, which allows for release of sites if their retention for employment use has been explored fully without success and it is demonstrated that there is no longer a need for the land due to the amount allocated in the locality. Taking the above matters into consideration, I am not persuaded that this is the case and, as such, the appeal proposal would conflict with Local Plan policies STRAT15 and ECON9. This conflict, along with evidence of the site's past and current attractiveness as an employment site, in a local market showing signs of increased interest in commercial land and property, is a matter to which I afford significant weight. The Council's decision notice cites a number of other policies, but it is not clear how the appeal proposal might offend them.
9. Paragraph 22 of the National Planning Policy Framework advises that the long term protection of sites allocated for employment use should be avoided where there is no reasonable prospect of a site being used for that purpose. For the reasons given above, I am not persuaded that such a situation reasonably applies to the appeal site.
10. It is common ground between the parties that the Council is unable to demonstrate a five-year supply of deliverable housing sites and that the delivery of more housing would be of benefit. Based on all that I have read I have no reason to doubt this position, but the contribution that four dwellings would make towards addressing the lack of supply would be limited and, given

the context above, is a matter to which I afford only moderate weight. In addition, the appellant suggests a number of further benefits, which I address below.

11. In economic terms, the appeal proposal would provide employment jobs during construction. It is also suggested that the detailed design of the proposed dwellings incorporates opportunities for residents to work from home and that there would be increased spending in local shops and greater use of local services by residents. However, the development of commercial premises on the site would also give rise to construction employment, as well as providing permanent employment space, and there is no reason to consider that local shops and services would not also be used by future employees. Even if this were not the case, there is no evidence before me to suggest that local shops and services are in need of increased support. As such, I give these factors little weight.
12. In social terms, it is suggested that the sustainable [sic] credentials of the village would be enhanced through the provision of well-designed new housing in easy reach of work opportunities, as well as providing greater support for local facilities, which can be reached by use of sustainable transport modes. However, housing that is well designed is a basic planning expectation, not a benefit and, as noted above, there is no evidence that local services are in need of greater support. Although the site may be in a sustainable location, this is equally applicable to the allocated employment use. Thus, I give these factors little weight.
13. In environmental terms, it is again suggested that the site is in a sustainable location; a matter that I have addressed above. Its design may be appropriate to its context and it may benefit the streetscene, but there is no reason to consider, on the basis of those built on the wider site to date, that a commercial building would not do likewise. Similarly, a commercial building could fully complete and enhance the larger development site and achieve sustainable outcomes. There is no compelling need for complementary uses. I therefore give these factors little weight.

### **Other Matters**

14. It is suggested by an interested party that the appeal proposal re-uses a brownfield site and uses sustainable environmentally friendly, low energy construction. There is no evidence before me to suggest that the site is brownfield land but, even were this the case, these same matters could be equally applicable to the provision of a commercial building on the site.

### **Conclusion**

15. Weighing these matters in the planning balance, I conclude that the benefits of the proposed residential development would not outweigh the loss of allocated employment land. The appeal scheme would not, therefore, represent a sustainable form of development and, for the reasons given above, and taking all other matters into consideration, I conclude that the appeal should be dismissed.

*R Schofield*

INSPECTOR

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# Appeal Decision

Site visit made on 24 July 2015

**by Mrs J A Vyse DipTP DipPBM MRTPI**

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

**Decision date: 14 August 2015**

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**Appeal Ref: APP/N2535/W/15/3023013**

**Land east of Hackthorn Road, Welton, Lincoln, Lincolnshire**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
  - The appeal is made by Turley Farms Limited against the decision of West Lindsey District Council.
  - The application No 130150, dated 18 June 2013, was approved on 22 October 2014 and outline planning permission (with all matters reserved for future consideration) was granted subject to conditions.
  - The development permitted is the erection of 63 dwellings.
  - The condition in dispute is No 1, which states that: Application for approval of reserved matters for the first phase of the development shall be made to the local planning authority before the expiration of one year from the date of this permission. Application for the approval of each subsequent phase of the development shall be submitted within two years of the date of approval of the previous phase.
  - The reason given for the condition is: To conform with Section 92(2) of the Town and Country Planning Act 1990 (as amended).
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## Decision

1. For the reasons that follow, the appeal is allowed and the planning permission No 130150, for the erection of 63 dwellings on land at east of Hackthorn Road, Welton, Lincoln, Lincolnshire, granted on 22 October 2014 by West Lindsey District Council, is varied by deleting condition 1 and substituting for it the following condition:

*Application for approval of the reserved matters required by condition 2 shall be made to the local planning authority no later than 22 October 2016.*

## Procedural and Background Matters

2. The Council's Statement of Case advises that the authority is unable to demonstrate a five year supply of housing land. In light of that position, approval was granted for the development the subject of this appeal as a departure from the development plan in order to boost the supply of housing land in the District. The Statement confirms that the reason for the foreshortened timescales for the submission of the reserved matters set out in the appealed condition reflected those circumstances. Among other things, it is also confirmed that, with hindsight, a period of two years for the submission of all reserved matters would have been more appropriate, serving the same purpose, whilst allowing the appellant sufficient time to secure a developer for the site.
3. Although the appellant originally sought an amendment to allow for the submission of all reserved matters within three years of the date of the

permission, subsequent correspondence dated 30 June 2015 confirms agreement with the Council's suggestion of a period of two years. I shall deal with the appeal on that basis.

### **Main Issues**

4. The nature of this appeal means that the original permission is at risk. I am mindful, in this regard, that local residents raise objections to the principle of the development proposed. With that in mind, I consider the main issues in this case to be:
  - whether the original permission is so fundamentally flawed that it would result in unacceptable harm;
  - and if it would not, whether, in the light of the absence of a five year supply of housing land in the District, the time limits imposed in the appealed condition are necessary and reasonable having regard to the need to boost significantly the supply of housing.

### **Reasons for the Decision**

#### *Original Permission*

5. The appeal site comprises some 2.38 hectares of agricultural land lying outside, but immediately adjacent to the development boundary for Welton as set out in the West Lindsey Local Plan First Review 2006, an area where general market housing would be in conflict with the development plan. However, at the time the application was determined, the Council could not (and still cannot) demonstrate a five year supply of deliverable housing sites and it was accepted that relevant policies for the supply of housing were to be considered as out of date.
6. Welton is one of the larger settlements in the Districts, identified as a Primary Rural Settlement with a range of services and facilities that are readily accessible from the site, with the village having good public transport connections. In light of the shortfall in housing land, and given the sustainable location of the appeal site, planning permission was granted. However, those objecting to the application continue to be concerned about a number of issues.
7. There is continued concern about the ability to extend the local doctors' surgery and the local school to meet the needs of future occupiers of the development proposed, on the basis that there are currently no plans for expansion. However, as set out in the officer's report, both the NHS Property Division and the County Education Authority raised no objections in this regard. Rather, they were satisfied that the increased demand could be met by capital infrastructure contributions. Those contributions are secured by the planning obligation. Whilst no copy of the obligation is before me, there is no substantiated evidence to demonstrate that the contributions do not meet the relevant tests, or that they would not adequately mitigate the impact of the development proposed in these regards.
8. The obligation also secures a contribution towards upgrading the road junction with the A46, which junction is already at capacity. Although those objecting are concerned that no improvements are secured along Hackthorn Road itself, I note that the highway authority raised no objection in this

regard, subject to conditions which I understand to have been imposed. In the absence of any substantiated evidence to the contrary, I am not persuaded that the appeal scheme would, necessarily, result in harm to highway safety.

9. The officer's report sets out that, following discussions with the Environment Agency, the Internal Drainage Board and other stakeholders, the surface water drainage arrangements proposed were considered as being suitable to prevent increased surface water run-off and flooding. Indeed, it would seem that there would be an added benefit in that the scheme also has the potential to help alleviate flooding problems currently encountered by residents of properties to the south of the site. Those arrangements are secured by condition and I find no harm in this regard.
10. Local residents are concerned that the sewerage system is already working beyond its designed capability. However, there is no suggestion in the officer's report that objections were raised by the relevant statutory undertaker at application stage. In the absence of any substantiated evidence to support the views of local residents in this regard, I am not persuaded that there is, necessarily, insufficient foul drainage capacity to accommodate the development proposed.
11. Objectors maintain that the village already has sufficient affordable housing to accommodate its own specific needs. Be that as it may, given the need of the District as a whole for affordable housing, I see no reason why a site such as this, which has been assessed as being in a sustainable location, should not include an element of affordable housing as required by the West Lindsey Local Plan First Review 2008. Moreover, as I understand matters, the affordable housing in the village that there is (and which has been approved) would be available to occupiers from outside the village via the cascade mechanism used to assess the eligibility of future residents. All in all, I consider that the concerns raised in this regard do not tell against the development scheme.
12. Moving on to the emerging Welton Neighbourhood Plan (WNP), I see that the pre-Examination/Consultation Draft was published in November 2014, after the application had been determined by the Council. Policy H4 of the WNP indicates that all development east of Hackthorn Road, including that for which outline consent is in place (eg the appeal site) *'should be refused or at least deferred until the joint Central Lincolnshire Local Plan is in place and can properly, in conjunction with the WNP, determine its long term sustainability, taking into account Policy H7 in particular, and other relevant policies of the WNP.'*<sup>1</sup>
13. In coming to a view on this, it would appear that the WNP has not yet progressed beyond Step 3: Pre-submission publicity & consultation.<sup>2</sup> So, whilst the WNP may well provide an indication of how local people wish to see the Parish evolve in the future, its adoption process still has quite a way to go. In my view, the WNP remains at a relatively early stage which limits

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<sup>1</sup> Among other things, Policy H7 indicates that, where outline planning permission has been granted and timescale restrictions applied, these should be rigorously enforced and no extenuating circumstances should be considered or granted that would allow developers to, in effect, land bank these sites until they felt they would be viable commercially.

<sup>2</sup> Planning Practice Guidance ID: 41-080-20150209

the weight it can be afforded. Moreover, since the Council cannot currently demonstrate a five year supply of housing land, policies in the emerging WNP relevant to the supply of housing which could, it seems to me, include H4, are to be considered as out of date, as directed by the National Planning Policy Framework.

14. To conclude on the first main issue overall, I am satisfied that the original permission is not so fundamentally flawed that it would result in unacceptable harm.

#### *Appealed Condition*

15. I am advised that the site has been actively marketed since approval was given and that a single developer has now won the bid process with an offer having been accepted for the site. Whilst necessary legal and financial checks are now being carried out before the sale can be completed, such checks take time and the process is a slow one. There is concern, therefore, on the part of the appellant, that the sale may not be completed in sufficient time to allow for the submission of a full reserved matters application before 22 October 2015, ie one year after the date that permission was first granted (the time limit imposed by the appealed condition).
16. I have no good reason to suppose that the site has been 'land banked' as referenced in policy H7 of the emerging WNP. Neither is there any evidence that the appellant has been unduly tardy in securing a sale. Indeed, correspondence from the Council prior to the appeal being lodged indicates that the two year period now sought was more appropriate in the circumstances. As set out at the start, that position is re-confirmed in later correspondence.
17. All in all, I consider the time limit imposed in the appealed condition for the submission of reserved matters for the first phase of development to be unduly onerous, with the potential that it might actually stifle development of the site, rather than encourage it. As such, it is not reasonable. It is necessary, however, still to include a shorter time limit than is usually the case, in the light of the need to bring the development forward as early as possible, given the pressing need for new housing in the District. I consider the two year time limit agreed by the main parties to be appropriate in this regard.

#### **Conclusion**

18. For the reasons set out above, I conclude that the appeal should succeed. I endorse the two year time limit for the submission of all reserved matters agreed between the appellant and the Council although, in the interest of clarity, I have deleted the reference to '*the expiration of two years of beginning with the date of the grant of the outline permission*' and replaced it with reference to the actual date by which they should be submitted, namely 22 October 2016.

*Jennifer A Vyse*

INSPECTOR