



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

This meeting will be recorded and published on the website

AGENDA

**Planning Committee
Wednesday 3 June 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, Chris Darcel, Hugo Marfleet, Giles McNeill, Jessie Milne, Roger Patterson, Judy Rainsforth, Thomas Smith

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.
 - i) Meeting of the Planning Committee held on 29 April 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. Planning Applications for Determination
(Summary attached at Appendix A)
Print herewith PL.01 15/16

PAPER A

7. To note the following determination of appeals:

- i) Appeal by Mr and Mrs K Ruck against the decision of West Lindsey District Council to grant planning permission subject to four conditions for a proposed manege area and retrospective change of use from agriculture to equestrian centre at Moor Farm, Walesby Lane, Tealby, Market Rasen

Appeal Allowed and Permission Granted subject to the four substituted conditions set out in the schedule - See copy letter attached as Appendix Bi.

- ii) Appeal by Mr G Brocklesby against the decision of West Lindsey District Council to refuse planning permission for the construction of a bungalow on land off Green Lane, North Kelsey, Market Rasen.

Appeal Dismissed - See copy letter attached as Appendix Bii.

Officers original decision: Refuse

- iii) Appeal by Mr Colin Reed against the decision of West Lindsey District Council to refuse planning permission for a new dwelling and garaging at 6 Bunkers Hill, Hemswell.

Appeal Dismissed - See copy letter attached as Appendix Biii.

Officers original recommendation: Refuse

- iv) Appeal by Greens Park and Leisure Homes Limited against the decision of West Lindsey District Council against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted at the Wolds Retreat Holiday Park, Fonaby, Market Rasen.

Appeal Dismissed - See copy letter attached as Appendix Biv

Officers original Decision: Grant with conditions

M Gill
Chief Executive
The Guildhall
Gainsborough

26 May 2015

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

Large Clear Print: Braille: Audio Tape: Native Language

1 – 132242 – North Owersby

PROPOSAL: Planning application to erect 4no. broiler rearing units and associated feed bins, control room, feed weighing room, catching canopy, site office and a general purpose storage building- resubmission of 130639 on land off Gulham Road, North Owersby.

RECOMMENDED DECISION: Grant with conditions.

2 – 131940 - Welton

PROPOSAL: Outline planning application for erection of up to 151no. dwellings, landscaping and open space, including the demolition of the Jays. Access to be considered and not reserved for subsequent applications on land at Hackthorn Road, Welton.

RECOMMENDED DECISION: That the decision to grant planning permission, subject to conditions and a Unilateral Undertaking for a capital contribution towards highway junction improvements (£210,000), be delegated to the Chief Operating Officer upon the completion and signing of an agreement under section 106 of the Planning Act 1990 (as amended) pertaining to:-

- i. A minimum of 20% Affordable Housing;
- ii. Financial Contribution (£64,175) in lieu of on-site health care provision;
- iii. Financial Contribution (£567,899) in lieu of on-site education provision;
- iv. Financial contribution towards works within Highway (£6,000);
- v. Financial contribution towards Bus stop improvements (£7,000);
- vi. Medical Centre – land provided for this.

And, in the event of the s106 not being completed and signed by all parties within 6 months from the date of this Committee, then the application be reported back to the next available Committee meeting following the expiration of the 6 months.

3 – 131975 - Nettleham

PROPOSAL: Outline planning application to erect 68no. dwellings-10no. affordable- including open space provision, associated garages and infrastructure and scale to be considered and not reserved for subsequent applications on Land to the rear of 72 Scothern Road, Nettleham.

RECOMMENDED DECISION: That the decision to grant planning permission subject to conditions be delegated to the Chief Operating Officer upon the completion and signing of an agreement under section 106 of the Planning Act 1990 (as amended) pertaining to:-

- a. 10of the dwellings to be delivered on-site as affordable housing, with an 70/30 rented / shared ownership tenure split.
- b. Provision of Allotments, brick building and 6 car park spaces
- c. A contribution of £110,434 towards capital infrastructure for education necessary to serve the development.
- d. Provision of a Public Footpath together with details of maintenance.

- e. contribution of £18,466 towards capital infrastructure for health services necessary to serve the development.
- f. A contribution of £3000 towards bus stops

And, in the event of the s106 not being completed and signed by all parties within 6 months from the date of this Committee, then the application be reported back to the next available Committee meeting following the expiration of the 6 months.

Appeal Decision

Hearing and site visit on 31 March 2015

by William Fieldhouse BA (Hons) MA MRTPI

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

Decision date: 28 April 2015

Appeal Ref: APP/N2535/A/14/2224346

Moor Farm, Walesby Lane, Tealby, Market Rasen LN8 3UP

- 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 Mr and Mrs K Ruck against the decision of West Lindsey District Council.
 - The application Ref 130529, dated 23 September 2013, was approved on 28 March 2014 and planning permission was granted subject to four conditions.
 - The development permitted is described on the decision notice as "proposed manege area and retrospective change of use from agriculture to equestrian centre".
 - The conditions in dispute are:
 - No. 2 which states that: "With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with drawing number 2353 rev B date stamped 5 Nov 2013 as amended by the email dated 25 March 2014 from the agent deleting the retention of the static caravan from the application".
 - No. 3 which states that: "There shall be no loading or unloading of vehicles including horseboxes and no arrivals or departures from the site between the hours of 18.00 and 07.00. The only exception to this is in the case of essential equine welfare".
 - The reasons given for the conditions are:
 - No. 2: "To ensure the development proceeds in accordance with the proposals that were considered to be acceptable and shown on the approved plans and to accord with policy STRAT1 of the West Lindsey Local Plan First Review 2006 (saved policies)".
 - No. 3: "To protect the amenity of the occupants of nearby dwellings and in accordance with STRAT1 of the West Lindsey Local Plan First Review 2006 (saved policies)".
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Decision

1. The appeal is allowed and the planning permission Ref 130529 for proposed manege area and retrospective change of use from agriculture to equestrian centre at Moor Farm, Walesby Lane, Tealby, Market Rasen LN8 3UP granted on 28 March 2014 by West Lindsey District Council is varied by deleting conditions 2, 3 and 4 and substituting for them the four conditions set out in the attached schedule.

Background and Preliminary Matters

2. The planning application that ultimately led to this appeal was made in September 2013 and originally sought planning permission for "proposed change of use from agricultural to equestrian centre including retention of static
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caravan and proposed manege area". The application form states that the building, work or change of use had started on 1 January 2013, but had not been completed. It appears from the information before me that the use of the site for equestrian purposes had commenced and that a static caravan had been installed in 2013, whereas the manege area had not been created. This remained the case at the time of my site visit.

3. During the course of the planning application the Council advised that the retention of the static caravan was not considered acceptable and that, unless the application were amended to omit this element of the proposal, planning permission would be refused. Reluctantly, the appellants agreed and their agent confirmed the amendment in writing on 25 March 2014.
4. The Council granted planning permission for the amended proposal as described in the header above. Condition No. 2 makes it clear that the development must be carried out in accordance with the approved plan as amended by the agent's email of 25 March 2014. In other words, neither the description of the development permitted, nor the approved plan as amended, include the static caravan.
5. The appellants confirmed at the Hearing that they are seeking to modify this condition to allow the static caravan to be kept on the site and used for residential purposes for a period of three years. Whilst this would materially alter the scheme for which planning permission was granted, it would be in accordance with the proposal as originally set out in the planning application which was subject to public consultation. There was further opportunity to comment on the siting of the static caravan at the appeal stage. I am therefore satisfied that third party interests would not be prejudiced if indeed I were to conclude that condition No. 2 ought to be amended or deleted to allow the caravan to be kept on site.
6. The appellants are also seeking to amend or delete condition No. 3 which restricts all arrivals or departures from site and the loading and unloading of vehicles after 6 o'clock in the evening and before 7 o'clock in the morning.
7. The reason that the appellants are seeking these changes to the planning permission is that they consider that they impose an unnecessary and unreasonable restriction on the use of the site and prevent a rural enterprise from becoming properly established and growing.

Main Issues

8. The National Planning Policy Framework ("NPPF") and associated Planning Practice Guidance ("PPG")¹ make it clear that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other respects. Having regard to these tests, the main issues are whether:
 - condition No. 2 is reasonable and necessary having regard to the objectives of national and local planning policies which seek to prevent isolated homes in the countryside unless there are special circumstances such as the

¹ NPPF paragraph 204 and PPG ID-21a.

essential need for a rural worker to live permanently at or near their place of work; and

- condition No. 3 is reasonable and necessary to safeguard the living conditions of the occupants of "Twalesby Grange", the residential property adjoining the site.

Reasons

9. The appeal site is located in the countryside a short distance outside the small village of Tealby. It is used by the appellants' daughter for a specialist equestrian business and comprises an L-shaped building positioned on the south east boundary, a static caravan, yard, exercise ring, and paddocks. Inside the building are eleven stables, washing facilities, a tack room, food store and preparation area, and indoor riding area. Adjoining the site to the south east is Twalesby Grange which shares the use of an access track from Walesby Lane with the equestrian centre.
10. The appellants' daughter is a member of the Great Britain eventing team and is in the process of establishing a specialist equestrian business on the site. She works full time at the site, and also employs two part time staff. The enterprise involves breeding, training and preparing her own horses for competition and to sell, and providing livery and training services for customers' competition horses. She currently owns 8 horses, 3 of which are for sale. Two horses owned by a customer are presently kept at the site, and there have been a limited number of other customers' horses to date.
11. The intention is to expand the business by attracting more customers whose horses would typically be kept at the site for between two weeks and several months as they are trained and prepared for competitions. The appellants advise that this element of the business has been held back by the fact that it cannot be guaranteed that someone will be present on site at all times of the day and night. I return to this matter later in this decision.
12. There is no dispute that the development of the equestrian business would be in accordance with policy CRT11 of the West Lindsey Local Plan First Review (2006) and national policy which supports the sustainable growth and expansion of all types of business and enterprise in rural areas².

Condition No. 2: Residential Development in the Countryside

13. Local plan policy STRAT12 strictly controls most forms of housing development in the countryside, with one of the few exceptions being agricultural and forestry workers' dwellings in accordance with policy RES10. This approach is broadly consistent with the more recent NPPF which seeks to avoid isolated new homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work.
14. Whilst the proposed dwelling would be used by an equestrian, rather than agricultural or forestry, worker, the Council confirmed at the Hearing that it considers local plan policy RES10 to be relevant. I agree that this is so in the

² NPPF paragraph 28.

context of the NPPF which refers to rural workers, a definition that would include those employed in the equestrian business.

15. Local plan policy RES10 part (i) requires the dwelling to be essential to the efficient and operational running of the enterprise; part (ii) that the need is for accommodation for a full-time worker; and parts (iv) and (v) that alternative accommodation could not be provided on site or locally. Part (iii) relates to financial soundness, although the reasoned justification explains that for newly established businesses the provision of a mobile home may be appropriate for a period to allow viability to be demonstrated. The Council advised at the Hearing that if other parts of policy RES10 were complied with, the standard time period for a temporary home would be 3 years.
16. In the context of the above, this issue depends on whether it is essential for a full time worker to live on the site to facilitate the growth of the business, and whether there is a firm intention and ability to develop the enterprise and that it has been planned on a sound financial basis such that there is a reasonable prospect that its viability could be demonstrated within three years. At that time, the requirement of local plan policy RES10 part (iii) would need to be met: that the business had been profitable for at least one year, that it was currently financially sound, and that there was a clear prospect of it remaining so.

Essential Need?

17. Whilst the enterprise is still at an early stage of development, it already provides full time work for the appellants' daughter, who manages the business and is actively involved on a daily basis looking after and training horses, as well as two part time staff. The intention is to increase the number of horses that are kept on the site at any one time from 10 or 11 at present to around 20 within the next 3 years. Most of the additional horses would be owned by customers.
18. Given that the business focuses on top level competition horses, the financial consequences of serious ill health, injury or loss will be greater than for many equestrian enterprises. Furthermore, the business is likely to be particularly dependent on establishing and maintaining a sound reputation in terms of both delivering top quality horses and providing high standards of care and welfare.
19. Horses can require assistance at any time in the event of illness, accident, and particularly in the few days before and after foals are born. It is envisaged that the total number of births each year would increase from just 2 this year to around 20. Most foals would be born in the 30 weeks between March and September, meaning that it is probable that someone would need to be on hand to attend at short notice to horses at any time of the day and night during that period.
20. As is the case with any rural business, there is a risk of theft and damage to property although there is little substantive evidence of there being a particular problem in the local area. However, given the high value of the horses that would be kept on site, and the damage to the reputation of the business that would arise if any were lost, I do attach some weight to the importance of site security. Additional measures, including a locked entrance gate on Walesby Lane and an alarm and CCTV system, could be installed if deemed necessary,

but the effectiveness of these would clearly be enhanced if someone were nearby to respond quickly.

21. To develop as intended the business needs to attract customers who are willing to entrust their expensive and well-loved horses to the care of the appellants' daughter and her staff for significant periods of time. She is clearly a highly successful horsewoman, and is developing a good reputation for the provision of competition livery and stud services having successfully produced several of her own horses including at 4 star level, the highest standard of eventing³. She has carried out market research and is confident that there are limited livery, stud and training services available for competition level horses in Lincolnshire. There is therefore a real opportunity for her to attract customers in the coming year or so.
22. At present the biggest obstacle to that opportunity being realised is the unfulfilled expectation of customers, based on understandable concerns about the welfare and security of their horses, that someone should be on site at all times of day and night. Unless that obstacle is removed the business is unlikely to become established and grow as envisaged.
23. Thus, whilst some commercial equestrian businesses operate without on site residential accommodation, I do consider that the particular nature of this business, which focuses on top level competition horses, means that it is essential for someone responsible for its success to live on or close to the site.
24. The appellants live less than a mile away in Tealby. However, whilst they help out at present, including through checking the site and horses late in the evening and early in the morning, there is no intention for them to continue to be actively involved in their daughter's business. She currently lives around 20 miles away in Lincoln, and the Council agree that there are no dwellings available to rent or buy nearby and that there are no opportunities to provide reasonable residential accommodation within existing buildings on the site. I have no reason to conclude otherwise.

Sound Financial Basis?

25. Over £350,000 has been invested in purchasing the site and creating high quality stabling and training facilities along with a further £20,000 in stock⁴. Expenditure to cover running costs amounted to a little over £9,000 in 2013 and £19,000 in 2014⁵. This indicates a significant commitment to the enterprise, an impression that was reinforced by the attitude of the appellants and their daughter at the Hearing. Income has been limited to date, as the breeding programme is only just beginning to produce horses for sale, and for the reasons already discussed customers have been hard to attract. The business has, therefore, made a loss in its first two years⁶.
26. I was advised that a comprehensive business plan has not been prepared due to the uncertainty that exists in the absence of planning permission for the static caravan and the consequent inability to accurately forecast customer

³ Letter from Mr British Surl, British Eventing (undated).

⁴ Email from Lesley Ruck to Graham Charles re Hearing Agenda (29 March 2015).

⁵ Unaudited Income and Expenditure Account for the Year Ended 5 April 2014 (Duncan & Toplis Chartered Accountants).

⁶ Loss of £7,534 in 2013 and loss of £12,581 in 2014.

numbers. However, there is little doubt about the determination to make the business succeed, the intention to increase the capacity of the site, or about the nature of the services provided⁷. As customers come on stream, and the breeding programme begins to deliver horses for sale, profits are anticipated to be around £10,000 in year 3, £12,000 in year 4, and £20,000 in year 5. Given the substantial financial and personal commitment to the project, and the expertise of the person responsible for its success, it seems to me that there is a reasonable possibility that these profits could be achieved over the next 3 years or so (the business now having been operating for around 2 years).

Conclusion on First Main Issue

27. I conclude on this issue that it is essential for a full time worker to live on the site to facilitate the growth of the business, and that there is a firm intention and ability to develop the enterprise which has been planned on a sound financial basis such that there is a reasonable prospect that its viability could be demonstrated within three years. As there is no other available and suitable residential accommodation on the site or nearby, I conclude that condition No. 2 is neither reasonable nor necessary having regard to the objectives of national and local planning policies relating to development in the countryside.

Condition No. 3: Living Conditions

28. The use of the track from Walesby Lane is shared by the equestrian centre and Twalesby Grange whose entrance is from the initial part of the yard in front of the stables. The front door and windows in the bungalow are only a short distance away from the area where horseboxes and other vehicles using the appeal site are likely to park and unload. It is probable, therefore, that occupants of Twalesby Grange would be conscious of noise and activity associated with the use of the parking and unloading area at the equestrian centre.
29. However, the scale and nature of the business mean that the number of vehicle movements is likely to remain limited such that it would be unlikely to cause undue levels of noise and disturbance during the day. That said, given the proximity of the residential property, I agree with the Council that it is necessary to exercise control over operations during the evening, night, and early morning.
30. The appellants explained at the Hearing that their concern about condition No. 3 is that it prevents them using their own vehicle to take horses from, or return to, the site early in the morning or late at night, something that is necessary on occasions when competitions are some distance away. The Council advised that it would have no concern about this limited level of activity even at unsociable times, and that in retrospect condition No. 3 could be considered to be unduly restrictive in this regard.
31. Condition No. 4 attached to the planning permission, which is not disputed by the appellants, states that the business shall not be open to customers outside the hours of 07.00 to 18.00. It was agreed at the Hearing that, provided this condition were amended to make it clear that customers' and other visitors'

⁷ I was referred by both the appellants and the Council at the Hearing to the business website which includes further information about the services offered.

vehicles should not use the site outside those times (other than in the case of essential equine welfare), condition No. 3 could be deleted. This would allow the operators of the business to come and go at any time of the day or night, but prevent the business being open, or other vehicles visiting the site, during unsociable hours.

32. I conclude on this issue that, provided condition No. 4 is amended, condition No. 3 is neither reasonable nor necessary to safeguard the living conditions of the occupants of Twalesby Grange.

Overall Assessment and Amended Conditions

33. I have found that that condition No. 2 is neither reasonable nor necessary in so far as it has the effect of preventing a static caravan to be kept on site and used as residential accommodation by a full time worker whose permanent presence is required on the site in order to allow the equestrian business to become established and grow. However, it is necessary to ensure the development is carried out in accordance with the two plans submitted with the planning application. This can be achieved by the imposition of a revised version of condition No. 2.
34. Furthermore, given the justification for the caravan, it is necessary for the financial viability of the business to be demonstrated within three years, after which time the caravan should be removed and the site restored to its former condition (unless another planning permission has been granted by the Council), and for its occupancy to be restricted to someone working full time at the equestrian centre. Two new conditions are required to ensure this.
35. Finally, I have found that condition No. 3 is not reasonable as it unduly restricts the operators of the business from bringing any vehicles onto the site outside the prescribed hours. Provided that condition No. 4 originally attached to the planning permission was amended accordingly, the movement of vehicles by customers to and from the site could be prevented outside the opening times. This is necessary to ensure reasonable living conditions in Twalesby Grange.

Conclusion

36. For the reasons given above, I conclude that the appeal should be allowed and the planning permission varied by deleting condition Nos. 2, 3 and 4 and replacing them with the four conditions set out in the attached schedule.

William Fieldhouse

INSPECTOR

Appearances at the Hearing*For the Appellant*

Mr Kendall Ruck	Appellant
Mrs Lesley Ruck	Appellant
Miss Gina Ruck	Appellants' daughter
Mr Graham Charles	Agent

For the Local Planning Authority

Mr George Backovic	Senior Planning Officer
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Documents Submitted at the Hearing

West Lindsey Local Plan First Review (June 2006) policies RES10 and CRT11.

Unaudited Income and Expenditure Account for the Year Ended 5 April 2014 (Duncan & Toplis Chartered Accountants).

Email from Lesley Ruck to Graham Charles re Hearing Agenda (29 March 2015).

Schedule of Conditions

- 2) The development hereby permitted shall be carried out in accordance with approved plans ref 2353 rev B (June 2013) and 2353/1.
- 3) The equestrian centre and associated facilities shall not be open to customers outside the hours of 07.00 to 18.00, and no customers' or other visitors' vehicles, including horseboxes, shall enter or leave the site outside those hours. The only exception to this is in the case of essential equine welfare.
- 4) The static caravan hereby permitted shall be removed and the land restored to its former condition within three years of the date of this decision in accordance with a scheme of work which will have been submitted to, and approved in writing by, the local planning authority.
- 5) The occupation of the static caravan hereby permitted shall be limited to a person solely or mainly working at the equestrian centre.

Appeal Decision

Site visit made on 29 April 2015

by J A Murray LLB (Hons), Dip.Plan.Env, DMS, Solicitor

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

Decision date: 1 May 2015

Appeal Ref: APP/N2535/W/15/3002142

Land off Green Lane, North Kelsey, Market Rasen, LN7 6HA

- 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 G Brocklesby against the decision of West Lindsey District Council.
 - The application Ref 131400, dated 21 May 2014, was refused by notice dated 4 August 2014.
 - The development proposed is the construction of one bungalow.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would at least preserve the setting of the nearby Grade II listed building known as Church Farm.

Reasons

3. The Council raises no objection to the proposal, other than its impact on the setting of Church Farm. Before I address that issue directly, I note that North Kelsey is designated as a Primary Rural Settlement under saved Policy STRAT 3 of the West Lindsey Local Plan First Review (LP), adopted June 2006. Saved Policy STRAT 6 allows for limited small scale and infill housing development in Primary Rural Settlements, subject to 8 specified criteria. There is no indication that any of those criteria would not be met by this development, but the policy ends with a general proviso that all proposals must be on previously developed land.
4. There is nothing before me to suggest that the appeal site constitutes previously developed land but, in so far as the proposal could therefore be in conflict with LP Policy STRAT 6, the Council's acceptance that it only has a 3.5 year supply of housing land is key. As a result, the Council acknowledges that the strategic policies in its LP, including STRAT 6, carry little weight. In accordance with paragraph 49 of the National Planning Policy Framework (the Framework), the presumption in favour of sustainable development applies. Given that the site lies within a Primary Rural Settlement, so designated because it is a key service centre, meeting most of the residents' day to day needs, and of those villages in its rural hinterland, the Council does not dispute the sustainability of the location.

5. It is against that general background that I must consider the impact on the setting of Church Farm as a listed building, which is designated heritage asset for the purposes of the Framework. However, I also note that the appellant submitted an earlier proposal for a 2-storey house and a garage on the site, which was also the subject of an appeal Ref APP/N2535/A/07/2043972 (the previous appeal). When dismissing that appeal, the Inspector said this plot of land "clearly forms the remnant of the original more open general setting of Church Farm" and the previously proposed "house would significantly erode that residual setting". He concluded that the view to Church Farm "would be materially changed to one of a more domestic and suburban character, thus relinquishing the semi-rural context in which Church Farm has stood for much of its life." Although the proposal before me is for a bungalow and is in outline only, and notwithstanding the subsequent publication of the Framework, the previous Inspector's comments regarding the impact of a dwelling on this site on the setting of Church Farm remain apt.
6. Immediately to the south of Church Farm, the brick barns have been converted to residential use and, to the south of those, other dwellings have been recently constructed fronting South Street. There is also a modern dwelling fronting Green Lane, on a plot to the south west of Church Farm. This is immediately adjacent to the appeal site and is described in the previous appeal decision as "split-level", but its roadside elevation is single-storey. In any event, it is separated from the appeal site by a high conifer hedge.
7. Developments to the south and south west of Church Farm have diminished the open space around the house, but do not materially impinge upon its setting, when viewed from Church Street to the north east, or from Halls Lane and High Street to the north. Local residents say that, in recent memory, the appeal site was part of the farm orchard. The historic functional relationship between the listed farmhouse and the space around it is important. The appeal site is currently overgrown and untidy and this inhibits views of the rear elevation of Church Farm from Green Lane. Nevertheless, in its undeveloped state, the appeal site makes a valuable contribution to the significance of the listed building; it maintains, to some degree, the building's semi-rural setting and is an important element of the surroundings in which the significance of the heritage asset is experienced.
8. I note the appellant's point that listed buildings in places such as York and Lincoln do not all sit in "splendid isolation" and often have modern neighbours. However, it is necessary to have regard to the specific setting and historic function of any individual listed building. Notwithstanding the scope for the submission of a high quality design at reserved matters stage and a likely separation of 15m or so from the listed building, a dwelling on the appeal site would have a negative effect on the ability to appreciate its significance. It would also sever the building's last link with its historic setting and obscure the perception of its historic function as a farmhouse. Even if it could be argued that a high quality building on the appeal site might conceivably enhance the setting of Church Farm (the appellant's agent himself describes this as "not an easy undertaking"), in the absence of detailed designs, that theoretical proposition would carry very little weight. I conclude on the main issue that the proposal would not preserve the setting of Church Farm.
9. The appeal scheme would not harm the fabric of the listed building and as its setting has already been eroded to some extent. In these circumstances, in

terms of the Framework, the appeal scheme would cause less than substantial harm to the designated heritage asset. Paragraph 134 of the Framework indicates that, where a proposal would lead to less than substantial harm, this should be weighed against its public benefits. However, section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1991 imposes a duty to have special regard to the desirability of preserving a listed building or its setting. It is clear that, even in cases such as this, where the harm to the significance of the heritage asset is less than substantial, that harm nevertheless carries considerable importance and weight.

10. The principal public benefit that this scheme would offer is the provision of one unit of housing in a sustainable location, when the Council has a persistent undersupply of housing land. However, the appellant's agent fairly describes this as "a small factor arguing for approval." In addition, though this would not be the only means of achieving this, the development would tidy up the site and could lead to the discovery of more village history, through an archaeological watching brief. It must also be acknowledged that construction work delivers some economic benefits and occupation of the dwelling would provide additional support for local services and businesses. I also note the positive support for the scheme from 2 District Councillors, including the Ward Councillor. Nevertheless, taken together, all these factors do not come close to outweighing the considerable importance and weight that attaches to the harm to the setting of the listed building.
11. Having regard to my conclusion on the main issue, as well as being contrary to Government policy, as expressed in the Framework, the proposal would conflict with saved LP Policy STRAT 1. Among other things, this requires proposals to be satisfactory with regard to their impact on the setting of listed buildings. In these circumstances, and having regard to all other matters raised, I am satisfied that the appeal should be dismissed.

J A Murray

INSPECTOR

Appeal Decision

Site visit made on 28 April 2015

by Sarah Colebourne MA, MRTPI

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

Decision date: 30 April 2015

Appeal Ref: APP/N2535/W/14/3001994

6 Bunkers Hill, Hemswell, Lincolnshire, DN21 5UE

- 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 Colin Reed against the decision of West Lindsay District Council.
 - The application Ref 131764, dated 24 July 2014, was refused by notice dated 20 October 2014.
 - The development proposed is a new dwelling and garaging.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:-
 - whether the proposed dwelling is in a sustainable location, having regard to national and local policy;
 - whether the proposal would preserve or enhance the character and appearance of the Hemswell Conservation Area, including the effect on protected trees.

Reasons

Sustainable location?

3. The National Planning Policy Framework (the Framework) seeks to ensure that development is sustainable. One of the objectives of policy STRAT1 of the West Lindsay Local Plan Review (LP) 2006, accords broadly with this in seeking to reduce car journeys. The Framework also says that in rural areas, housing should be located where it will enhance or maintain the viability of rural communities.
4. Hemswell is a small village some 7 miles to the east of Gainsborough and around 15 miles to the north of Lincoln. Hemswell has few facilities; there are no schools, shops (other than a visiting butcher twice a week) or employment provision. The facilities in Willoughton and Hemsley Cliff, some 2km away are not reasonably accessible on foot due to the lack of lit footpaths and notwithstanding the availability of online shopping, it is likely that future residents would have to travel for many of their everyday needs.

5. There are school buses from the village, a pick up service for elderly and disabled residents, a nearby taxi service and regular bus services to local towns, the bus stop for which, some 120 m away, is linked to the site by a dedicated footway. However, I have no evidence that these services are available at all times and it is unlikely that they would meet all of the needs of the intended or future occupiers. It is highly likely, therefore, that whilst some residents manage without cars in a rural area such as this, a high proportion of journeys would be made by car.
6. I understand that the appellant has recently suffered some health problems and that he and his wife would occupy the new dwelling with her elderly mother, thereby reducing the current travel and cost incurred in providing care, whilst their son and his family would occupy the existing dwelling at no 6. Whilst I am sympathetic to these needs, these are circumstances experienced by many families and the benefits are not sufficient to outweigh the harm that would be caused.
7. I have insufficient information regarding the decisions in North Greetwell and The Edge or the relationship of those sites to public transport or walking routes to enable me to draw any conclusions regarding similarities or differences with this appeal but have, in any case, determined this appeal on its merits.
8. Furthermore, I have no compelling evidence that services here or in nearby villages are under threat of closure or that one additional house in the village would provide a level of support that would significantly enhance or maintain the vitality of those communities.
9. I conclude, therefore, that the proposed dwelling would not be in a sustainable location and would be contrary to LP policy STRAT1 and to the Framework.

Character and appearance

10. The appeal site forms part of the garden to 6 Bunkers Hill, a large L-shaped cottage. It is located on the edge of the Hemswell Conservation Area. Although there is a dwelling at Quarry Hill whose access lies to the east of the appeal site, it is not seen from the road and no 6 is the last dwelling seen in leaving the village along Bunkers Hill. The site contains a number of trees which, although within a private garden, are clearly seen from the street and provide an important transition between the built development within the village and a more densely wooded area to the east, making a positive contribution to the character and appearance of the Conservation Area.
11. The siting of the proposed bungalow would occupy most of the width of the site and would have a substantial footprint. It would introduce a substantial area of built development into an attractive open space which would erode its attractive open, treed character.
12. The proposal includes the removal of two ash trees protected under Tree Preservation Orders to which the Council has raised no objection. Three silver birch trees protected under a group Tree Preservation Order are also proposed for removal. Although the appellant's tree report refers to these as of limited landscape value to the wider locality, they are described as in good health with no significant damage or dead wood and despite their mature age have a reasonable lifespan remaining. I would agree with the Council that these trees are healthy and whilst not outstanding specimens, they provide contrasting

sizes, colours and branch structure with the remaining protected trees within the site. Thus, whilst not of significant value in the wider landscape, the trees have an important role within the Conservation Area. The proposed replacement by trees along the frontage would take some years to become established and would not have the same impact. The removal of the three silver birch trees is, therefore, not justified.

13. At my visit I saw that there is a variety of architectural styles within the village. However, whilst the form and appearance of the proposed dwelling (a bungalow with garaging below), responds well to its sloping site and landscaped setting, it fails to take account of other traditional, vernacular dwellings in the Conservation Area that are important buildings in the Conservation Area. Many of those, including no 6, are sited adjacent to the highway and have a simpler form and appearance. The design of the proposed bungalow would, therefore, detract from the character and appearance of the Conservation Area.
14. For these reasons, I conclude that the proposal would not enhance the character or appearance of the Conservation Area, contrary to LP policy STRAT1 which accords broadly with the objective of the Framework which seeks to sustain and enhance the significance of heritage assets. The appeal site is also located within an Area of Great Landscape Value to which LP policy NBE10 refers but the Council has not provided me with sufficient information about that to enable me to reach a conclusion on this matter. However, my conclusions regarding the effect on the Conservation Area are significant and overriding.

Other matters

15. Although the appellant and his wife may meet the definition of local need identified in LP policies STRAT 7 and STRAT8 referred to by the appellant, for the reasons given above, the proposal would fail to meet some of the other criteria in those policies relating to character and appearance and I have given this matter little weight.
16. I have noted the appellant's representations regarding the local demand for housing stock but in any case the proposal would not make a significant contribution in terms of housing provision or mix. These matters do not outweigh the significant harm which would be caused in terms of the main issues.

Conclusion

17. For the reasons stated above and taking into account all other matters raised, I conclude that the proposed development would not be in a sustainable location and would fail to enhance the character and appearance of the Conservation Area. It would be contrary to the development plan as a whole and to national policy. The appeal should be dismissed.

Sarah Colebourne

Inspector

Appeal Decision

Site visit made on 28 April 2015

by Sarah Colebourne MA, MRTPI

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

Decision date: 20 May 2015

Appeal Ref: APP/N2535/W/14/3001260

The Wolds Retreat Holiday Park, Fonaby, Market Rasen, Lincs, LN7 6RU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Greens Park and Leisure Homes Limited against the decision of West Lindsey District Council.
 - The application Ref 131272, dated 16 April 2014, was refused by notice dated 12 June 2014.
 - The application sought planning permission to vary condition 1 of planning permission M05/P/0219 and condition 4 of planning permission M06/P/1004 by deleting the current restriction on the occupation of the log cabins between 5th January and 1st March each year (but retaining the current limitation to holiday accommodation only) without complying with conditions attached to planning permission Ref 120746, dated 26 January 2009.
 - The conditions in dispute are No 1 which states that: *'None of the buildings shall be used: (a) otherwise than as holiday accommodation; or (b) at any time as a person's sole or main place of residence'* and No 2 which states that *'The owners/operators of the land on which the buildings stand shall maintain an up-to-date register of the names of all owners/occupiers of the individual buildings on the site and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.'*
 - The reason given for both of the conditions is: *'To ensure that the holiday accommodation is not used for permanent residential occupation which would be inappropriate in this unsustainable location where residential occupation can only be supported in this instance in conjunction with a tourism use for the benefit of the rural economy in accordance with policies STRAT1 and STRAT12 of the West Lindsey Local Plan First Review June 2006 (Saved Policies) and the National Planning Policy Framework 2012.'*
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the conditions are reasonable and necessary having regard to local and national policies for sustainable development.

Reasons

3. The planning history of the appeal site includes a permission granted in 2005 for 60 log cabins and in 2009 a permission for the deletion of the seasonal restriction on occupancy of the units to enable use of the site for holiday

accommodation all year. The deleted condition was replaced by alternative conditions which ensured the continuing use as holiday accommodation and the prevention of use as permanent residences. A Breach of Condition Notice was served on the occupiers of 10 of the 11 log cabins on the site in 2011. Also in 2011 permission was granted for a warden's residential mobile home. In 2012 permission was refused to exclude 11 named plots from the restrictive condition. The appellant now seeks to delete the conditions restricting use as a person's sole or main place of residence to allow permanent residential use of all the existing and approved units for those aged 50 or over. The appellant says that not even a quarter of the pitches have been taken, that the empty cabins on the site are unsellable and that the business has severe financial difficulties.

4. The National Planning Policy Framework (the Framework) seeks to ensure that development is sustainable. One of the objectives of policy STRAT 1 of the West Lindsey Local Plan First Review (LP) 2006 accords broadly with this in seeking to reduce car journeys. The Framework also says that in rural areas, housing should be located where it will enhance or maintain the viability of rural communities.
5. The appeal site is located in the countryside on Brigg Road (the A1084) between the village of Grasby 2.9km to the north and the town of Caistor whose centre is some 2km to the south. Whilst there is sporadic development along part of Brigg Road, there is a substantial gap between the built development within the site and the neighbouring dwellings on the adjacent track to the south. There are no footways or paths from the site to either Grasby or Caistor. The appellant has suggested that a condition could be attached to a new permission requiring the provision of a new footway from the site to connect with the Highways Authority's proposed footway from Caistor to Sheilings Farm. However, the Highways Authority has indicated that there are technical problems to be resolved before its proposed work can be carried out. Despite the appellant's contention that the verge is generous, I saw at my visit that at some points it is narrow and it is difficult to see how a safe footway could be achieved. I have insufficient information to conclude that the appellant's suggestion would be possible or acceptable to the Highways Authority. At present, the walking route to Caistor involves crossing this busy main road several times as the existing footway lies on alternative sides of the road. In the absence of further information, I am not persuaded that there is, or is likely to be, a safe walking route between the site and Caistor.
6. Bus services to and from the site are limited. The weekly no 161 service, the thrice weekly service to a local supermarket and the advance booking Call Connect service are not available every day or in later evening. Whilst there may be some mobile provision of services in the area or future provision of a small on-site shop, it is unlikely that these bus services would sufficiently meet all of the needs of the occupiers, which would also include the need to travel to health and medical facilities. This would be the case regardless of the age of the occupiers so the appellant's suggestion that the age restriction could be changed would not overcome these concerns. The appellant has not provided sufficient evidence to show that any expansion of bus services to or from the site is likely. Furthermore, I am not convinced that those over 50 are unlikely to require transport to school or work as many people in that age group still have children or work commitments. I accept that in a rural area such as this, public transport is unlikely to compare with that in an urban area but in this

- case, the limited bus service provision and the lack of a safe walking route do not provide sufficient transport alternatives and the scale of the development would create an unacceptable number of car-based trips.
7. I accept that holiday visitors would be likely to be car dependent to access, for example, attractions, shops, pubs and restaurants. However, they would be unlikely to make trips for work, education or routine medical appointments or require home deliveries by retailers or have regular visits by friends and family, for example. I agree with the Council, therefore, that whilst the permitted holiday use would also result in car-based journeys, they would not be comparable in terms of consistent use throughout the year and the frequency of trips to access basic day to day services. Even if some of the units continued in holiday use, it is highly likely that a high proportion of journeys would be made by car. The appellant has not explained convincingly how the suggested condition for a sustainable travel plan could overcome these concerns. The appeal site is not, therefore, in a sustainable location.
 8. The Council has provided strong evidence to show that the other examples referred to by the appellant differ significantly from the appeal site in terms of their accessibility and I agree with those assessments.
 9. Whilst the use of the site for permanent occupation would provide some contribution to the local economy, it would be unlikely to exceed that which the permitted use could make and I have not been told that the viability of specific local shops or services is at risk. Indeed it is likely that the number of jobs directly related to the site would be reduced as the need for cleaning and domestic services for permanent dwellings is likely to be less than that for holiday accommodation. I have had regard to the need to support this rural business and the investment made already in the site but this does not outweigh the significant harm that would result from the number of car-based trips.
 10. The Council accepts that the Central Lincolnshire area in which the district is located can demonstrate only a 3.5 year supply of housing land. In committee reports for other cases, the Council has accepted that policy STRAT 12 which restricts development in the countryside is considered to be out of date and in this context I would agree in so far as it relates to housing development. The proposal would make a moderate contribution to the shortfall by providing an improved choice of 60 homes for older people that could be speedily delivered on a brownfield site but this benefit is significantly and demonstrably outweighed by the harm that would be caused by its unsustainable location and by the conflict with policy STRAT 1 and the Framework.

Conclusion

11. For these reasons then, I conclude that the disputed conditions are necessary and reasonable in the context of local and national policies for sustainable development. They are also relevant to planning and to the development previously permitted, enforceable, precise and reasonable in all other respects. A permission allowing permanent unrestricted occupation by persons over 50 is not justified and would not constitute sustainable development. The appeal should be dismissed.

Sarah Colebourne

Inspector