



**Guildhall Gainsborough  
Lincolnshire DN21 2NA  
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**This meeting will be webcast and published on the Council's website**

**AGENDA**

**Planning Committee  
Wednesday 9 March 2016 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 10 February, 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.14 15/16

**PAPER A**

7. To note the following determination of appeals:

- i) Appeal by Mr Dave Starling against the decision of West Lindsey District Council to refuse planning permission for the conversion of traditional Lincolnshire brick barns to form two dwellings and a steel portal frame building (former parlour) to a further dwelling. South facing crew yard to become amenity space and some parking at Fox Covert Farm, Caistor Road, Market Rasen.

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

**Officer Decision** – Refuse

- ii) Appeal by Mr Ralph Day against the decision of West Lindsey District Council to require “Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of one year from the date of this permission.” for 49 dwellings, sports facility and additional car parking area on land north of Honeyholes Lane, Dunholme.

**Appeal Allowed** – Planning permission is varied by deleting condition no.2 and substituting it for the following condition:  
“Application for approval of the reserved matters shall be made to the local planning authority not later than 14 May 2017.”

See copy letter attached as Appendix Bii.

**Officer recommendation** – Grant with Conditions

- iii) Appeal by Mr Don Whyles against the decision of West Lindsey District Council to refuse permission for new dwelling in the grounds of The Waterhouse, Main Street, Burton.

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

**Officer Decision** – Refuse

M Gill  
Chief Executive  
The Guildhall  
Gainsborough

1 March 2016

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

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

**1 - 133848 - Lea**

**PROPOSAL:** Planning application to erect two storey extension to rear of property at 43 Gainsborough Road, Lea, Gainsborough.

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

**2 – 133236 - Lea**

**PROPOSAL:** Outline planning application for residential development of up to 450no. dwellings, including up to 300sqm of A1 and A2 use-access to be considered and not reserved for subsequent applications on land at Willingham Road, Lea.

**RECOMMENDED DECISION:** Refuse Planning Permission

**3 - 133466 – Tealby**

**PROPOSAL:** Planning application to erect one exemplar single dwelling, including outbuilding and new access drive on land adjacent to Thorpe Farm, Thorpe Lane, Tealby.

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

**4 – 133759 and 133760 - Tealby**

**PROPOSAL:**

A: 133759 Planning application to erect rear extension and alterations to include conversion of existing outbuilding, and

B: 133760 Listed building consent to erect rear extension and alterations to include conversion of existing outbuilding at Crown House, 15 Front Street, Tealby.

**RECOMMENDED DECISION:**

A: Grant planning permission

B: Grant listed building consent

**5 - 133203 - Dunholme**

**PROPOSAL:** Planning application for demolition of existing Spar Shop and erection of 5no. dwellings at Spa Shop, Lincoln Road, Dunholme.

**RECOMMENDED DECISION:** Grant subject to conditions

**6 – 133835 - Saxilby**

**PROPOSAL:** Planning application to demolish existing dwelling no. 25 and erection of 5no. new dwellings served off a private drive including the alteration and extension to the retained property no. 27 on Land R/O 25 Mill Lane, Saxilby.

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

## Appeal Decision

Site visit made on 8 February 2016

**by S D Harley BSc (Hons) MPhil MRTPI ARICS**

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

**Decision date: 22 February 2016**

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**Appeal Ref: APP/N2535/W/15/3137814**

**Fox Covert Farm, Caistor Road, Market Rasen, Lincolnshire, LN8 3JB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
  - The appeal is made by Mr Dave Starling against the decision of West Lindsey District Council.
  - The notification Ref 132863, dated 27 March 2015, was refused by notice dated 21 May 2015.
  - The development proposed is conversion of traditional Lincolnshire brick barns to form two dwellings and a steel portal frame building (former parlour) to a further dwelling. South facing crew yard to become amenity space and some parking. Building is located as shown on plan 008 location plan.
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### Preliminary Matter

1. Copies of a dated hand written prior approval application form and an undated typed prior approval application form have been provided with slightly different wordings. The details given above are taken from the dated application form. The decision notice describes the application more succinctly as prior approval for proposed change of use of agricultural building to 3 no. dwelling houses and is preferred.

### Decision

2. The appeal is dismissed.

### Main Issue

3. The main issue is whether the proposal would be permitted development under Schedule 2 Part 3 Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO).

### Reasons

4. The barns are located within a working farm complex accessed via Low Lane which is narrow with no pedestrian footpath or lighting. The surrounding area is agricultural fields.
  5. Development is not permitted under Class Q of the GPDO unless certain conditions are met. Condition Q1(i) says that development is not permitted if the building operations consist of other than the installation or replacement of windows, doors, roofs or exterior walls or water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwelling house. Condition Q1(ii) provides for partial demolition to the
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- extent reasonably necessary to carry out the above building works. The Planning Practice Guidance (PPG) assumes that the agricultural building is capable of functioning as a dwelling and goes on to say it is not the intention of the permitted development right to include the construction of new structural elements for the building.
6. No Structural Appraisal was submitted with the proposals. Whilst there is no requirement in the GPDO for a Structural Survey, Class W(3)(b) does require sufficient information to determine whether the proposed development complies with the appropriate conditions and limitations that have to be satisfied before prior approval can be given.
  7. The brick buildings are attractive with pantiled roofs and are generally being used for agricultural storage. They are in a medium state of repair with some areas, especially on the northern side, that have partially collapsed and appear less stable. Following my site visit it appears to me that the brick buildings appear to be in sufficient structural condition suitable to support conversion to habitable dwellings. Existing openings would generally be used for the doors and windows of the proposed dwellings in these buildings.
  8. The parlour is a more modern steel portal building with a concrete floor and the walls and roofs are predominantly metal clad. During my visit I observed disused milking equipment on the ground floor and other items on a smaller area of upper floor. I am told the equipment is heavy and that the upper floor is suspended by cleats from the structure. Whilst I have no reason to suppose the parlour as it exists at the moment is unsafe I have no evidence of the likely effect of the removal of all the equipment on the structure of the building or indeed the integrity of the upper floor. On this basis, and together with the degree of re-cladding and re-roofing proposed, I cannot reasonably conclude that all of the proposed works would amount to what was reasonably necessary as envisaged in Class Q1(i) or Q1(ii) of the GPDO or the PPG.
  9. Condition Q2(1)(e) requires consideration of whether the locations of the buildings makes it otherwise impractical or undesirable for the buildings to change from an agricultural use to a use within Class C3 (dwelling houses) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended). The buildings are sited within a working farm yard which is fairly central to the farm holding shown on the submitted plans. There are substantial modern agricultural buildings very close to the appeal buildings and large greenhouses nearby.
  10. The appellant says that the farm grows arable crops and acts as a satellite farm to the main holding. Estimates are that producing a good yield would require two days combining; no more than a week of cultivation and drilling; and that minimal time would be spent in the yard other than picking up stored equipment. I am told that the farm does not store silage, machines that could be considered dangerous, chemicals, carry out any intensive animal operations or have any crop drying equipment. The green houses are currently vacant.
  11. However, there is no certainty that the farming activities around and in close proximity to the appeal buildings will stay the same, or remain at the same level of intensity, and no mechanism has been proposed that would ensure this would be the case. Due to the potential for noise and disturbance for occupiers of the proposed dwellings I conclude that the location of the buildings is

undesirable for the change of use proposed and that the conditions of Q2(1)(e) are not met.

12. The red line has been tightly drawn around the buildings. However, the notification form states that the floor area of the buildings for which a change of use is sought is 342 m<sup>2</sup> and the cumulative area of curtilage is 1200 m<sup>2</sup>. The submitted plan indicates that the crew yard would be used for parking, bin store, patio and planting and other areas around the buildings are shown as patios and landscaping. Although not mentioned on the decision notice Part X of the GPDO restricts the curtilage for the purposes of Class Q(a) to the land closely associated with and serving the agricultural building(s) **or** an area of land no larger than the land area occupied by the agricultural building(s) **whichever is the lesser** (my emphasis). The curtilage would be significantly greater than the floor area of the buildings and therefore the requirement under Part X is not met.
13. I have taken into account the extent of work that could be carried out under other parts of the GPDO. However, this has not lead me to any different conclusion.

### **Conclusion**

14. For the reasons set out above I conclude that the proposal would not be permitted development under Class Q of the GPDO. As the proposal is not permitted development the prior approval notification process does not apply. Accordingly, and taking into account all other matters raised, the appeal should be dismissed.

*SDHarley*

INSPECTOR

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## Appeal Decision

Site visit made on 4 January 2016

**by Matthew Birkinshaw BA(Hons) Msc MRTPI**

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

**Decision date: 26<sup>th</sup> February 2016**

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**Appeal Ref: APP/N2535/W/15/3138491**

**Land north of Honeyholes Lane, Dunholme, Lincoln, LN2 3SQ**

- 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 Ralph Day against the decision of West Lindsey District Council.
  - The application Ref 131087, dated 3 March 2014, was approved on 14 May 2015 and planning permission was granted subject to conditions.
  - The development permitted is the erection of 49no. dwellings, sports facility and additional car parking area – all matters reserved.
  - The condition in dispute is No.2 which states that: "*Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of one year from the date of this permission.*"
  - 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. The appeal is allowed and planning permission Ref 131087 for the erection of 49no. dwellings, sports facility and additional car parking area on land north of Honeyholes Lane, Dunholme, Lincoln, LN2 3SQ, granted on 14 May 2015 by West Lindsey District Council, is varied by deleting condition no.2 and substituting it for the following condition:
  - 1) Application for approval of the reserved matters shall be made to the local planning authority not later than 14 May 2017.

### Background and Main Issue

2. The appeal relates to a parcel of land north of Honeyholes Lane. Although the site is outside the settlement boundary of Dunholme, at the time the planning application was approved the Council could not demonstrate a five-year supply of deliverable housing land. In accordance with paragraph 14 of the National Planning Policy Framework ('the Framework') outline planning permission was granted subject to conditions.
  3. In order to ensure the expedient delivery of the site, and thus contribute towards the Council's lack of supply, condition no.2 requires the submission of reserved matters within one year. The appellant maintains that this is not possible due to the time needed to sell the land to a developer and take forward the final design. Rather than ensuring its early delivery the appellant states that the condition is counter-productive, and seeks its variation to allow three years for the submission of reserved matters. In response, the Council suggests that a period of two years would be reasonable.
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4. Taking this into account, the main issue is:

- Whether or not the time limit imposed by condition no.2 is reasonable and necessary in the interests of bringing the site forward for housing.

### **Reasons**

5. Outline planning permission was granted in May 2015, with only 12 months for submission of reserved matters. As the planning application was progressed by the landowner, and not a housebuilder, it has been necessary to sell the land in order to progress the final design and submit details pertaining to the access, layout, scale, appearance and landscaping.
6. The land was initially offered for sale with a tender date of 15 October 2015, a timescale that was intended to be sufficient to meet the reserved matters deadline. Despite several interested parties seeking residential land in the area none came forward with an unconditional offer. It is therefore clear that the appellant has taken reasonable steps to bring the site forward for housing.
7. Since October the appellant confirms that discussions have progressed with an interested party and a sale has been agreed. Nevertheless, this leaves only a very small window in order to carry out any necessary due diligence, conclude the sale, progress a design for up to 49 houses and submit a reserved matters application. I therefore agree with the appellant that such a tight timescale is unduly onerous and unreasonable. As currently worded condition no.2 fails to meet all the relevant tests for conditions set out in the Framework.
8. That being the case, in the interests of bringing forward development, and bearing in mind the Council's need for new housing and the appeal site's inclusion in their supply, I find no reasons why the timescale for submission of the reserved matters should be extended until 2018. As the appellant points out, a sale has now been agreed and matters are progressing. I therefore conclude that a two year time limit, allowing the submission of reserved matters until May 2017, would be appropriate in this case. Subject to this change it is unnecessary to vary condition no.3 as suggested by the Council.

### *Other Matters*

9. In reaching my conclusion against the main issue I have also considered the concerns raised by local residents in terms of flood risk and drainage, the capacity of local services, highway and pedestrian safety and woodland habitat. However, based on the evidence provided all of these technical considerations were addressed by the Council in granting outline planning permission.
10. With regard to surface water run-off the illustrative masterplan demonstrates that the final design could accommodate sustainable urban drainage principles with water stored in open swales and ponds to account for ground conditions in the area. Subject to dialogue between Anglian Water and Lincolnshire County Council (LCC) the Environment Agency withdrew its objection, and confirmed that the final details could be secured by planning conditions. This is subsequently dealt with by condition no.4, which prevents development until a surface water drainage system has been agreed to ensure that run-off does not exceed current levels. Relevant precautions are therefore already in place to ensure that development would not lead to any increase in surface-water flooding, or affect properties south of Honeyholes Lane.



11. In terms of local services neither LCC nor the NHS objected to the proposal. Whilst LCC confirm that secondary education is likely to be at capacity, they confirm that the increase in demand could be met by a financial contribution towards Welton School. The NHS also confirmed that the scheme would be acceptable subject to a contribution towards capital infrastructure for health services. Based on the information provided I therefore have no evidence to suggest that local services would be harmfully over-stretched, either as a result of the appeal proposal or cumulatively with other developments nearby. There is also nothing to indicate that the contributions do not meet the relevant tests in the Framework.
12. With regard to congestion it is recognised that the erection of up to 49 houses would give rise to more vehicles using Honeyholes Lane. However, the Highways Officer raised no objection to its use by additional traffic, and did not indicate a need for any new signals in the wider surrounding area. When considering that the road is also straight with excellent visibility, and restricted to a 30mph speed limit, the additional traffic generated would not prejudice road safety. The scheme would also retain the pedestrian route along the site boundary leading to the north, and, condition no.6 requires a new 1.8m wide footpath to be provided.
13. To the north-west of the site is an area of woodland. Representations from a local resident state that part of this area was planted by RAF personnel and that it provides an attractive asset in an area otherwise devoid of aesthetic relief or shelter. Nevertheless, the appeal site only borders the woodland at its north-western most corner. The indicative plans also illustrate how an area of public open space/sports facility, combined with the existing right of way would provide a degree of separation between new houses and the wooded area. As a result, subject to an appropriate design and layout at the reserved matters stage the proposal would not harmfully erode public views of the woodland, or its habitat.
14. Finally, other concerns relate to the loss of farmland, the need for more sports facilities and the possibility of additional development in the future. However, there is no evidence that the appeal site constitutes the best and most versatile agricultural land, and seeking to offer additional facilities to the benefit of the local community does not justify refusing planning permission. In the event that the appellant sought to expand residential development then its effects would be considered as part of a future planning application process.

## **Conclusions**

15. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be allowed. I have therefore varied planning permission Ref 131087 by deleting condition no.2 and replacing it with one requiring the submission of reserved matters not later than 14 May 2017. Because the planning permission is varied it is not necessary to 're-apply' the other conditions as suggested by the Council, which remain relevant where subsisting and capable of taking effect.

*Matthew Birkinshaw*

INSPECTOR

## Appeal Decision

Site visit made on 12 January 2016

**by Geoff Underwood BA(Hons) PGDip(Urb Cons) MRTPI IHBC**

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

**Decision date: 29<sup>th</sup> February 2016**

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**Appeal Ref: APP/N2535/W/15/3136940**

**The Waterhouse, Main Street, Burton, Lincoln LN1 2RD**

- 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 Don Whyles against the decision of West Lindsey District Council.
  - The application Ref 132440, dated 11 February 2015, was refused by notice dated 22 April 2015.
  - The development proposed is new dwelling in the grounds of The Waterhouse, Burton by Lincoln.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues raised by this appeal are:
  - The effect the proposal would have on the character and appearance of the area, including its effect on the significance of designated heritage assets, with particular reference to the character and appearance of Burton Conservation Area and the setting of nearby listed buildings;
  - The effect the proposal would have on protected trees;
  - Whether the proposed development can be regarded as sustainable, and;
  - The effect the proposal would have on the living conditions of occupiers of surrounding residential properties with particular regard to privacy.

### Procedural Matters

3. In support of his appeal the appellant has supplied a Tree Constraints Report, a Tree Constraints Plan, a site plan showing Root Protection Areas and proposed site sections in an attempt to address the absence of such information which formed part of the Council's reasons for refusal.
  4. The appellant has also provided a report of an archaeological investigation which has been carried out on the site. The Council have indicated in their Statement that they no longer wish to defend the reason for refusal (No 2) relating to the inadequacy of such an assessment. I therefore do not address this matter in the reasoning below.
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## Reasons

### *Character and appearance and significance of heritage assets*

5. The appeal site lies within the village of Burton on a steeply sloping area of land between Main Street and The Waterhouse, a detached dwelling situated some distance from the road.
6. The village and Conservation Area (CA) of Burton has a dispersed character, particularly in the vicinity of the appeal site, with buildings interspersed with mature trees, hedges and areas of paddock and parkland, all of which contribute to a mature, distinctive and high quality environment and accordingly to the CA's significance. Distinctive low limestone walls and hedges surrounding properties, including the frontage of the appeal site, further contribute to the CA's character. The appeal site is situated on the steep scarp slope of the Lincolnshire Cliff which runs parallel to Middle Street, the topography of which is a dominating and defining feature of the village, also contributing to its significance.
7. The undeveloped nature of the appeal site with its mature trees and hedge along Main Street makes a positive contribution to this character and appearance. The proposed dwelling would introduce an incongruous feature at a prominent position on the slope and within the streetscape in harmful contrast to the undeveloped nature of the site and its current contribution to the character and appearance of the CA. While the proposed cutting into the slope, combined with the filtering effect of the intervening trees, would go some way to reducing its prominence, the development would nonetheless be readily apparent due in large part to the proposed building's siting and size.
8. In contrast to the appeal site, I note that the adjacent Waterhouse, whilst occupying a similar position in relation to the steep slope, is located a significant distance from Main Street. This distance and the additional screening provided by trees to the north of the site, along with those within the site, make Waterhouse significantly less prominent than the appeal development would be.
9. The predominately glazed single storey lounge proposed is not typical of the vernacular, formal or more recent buildings within the CA and would be the closest and, consequently, one of the most prominent elements of the proposed house to Main Street. The predominance of glazing in such a location would be a further intrusive and incongruous feature of the proposal with consequent adverse effects on the CA's character and appearance.
10. The elongated form of the appeal proposal being perpendicular to Main Street would be at odds with the established character of the CA where both individual buildings and longer terraces of properties tend to be orientated parallel with the roads they face.
11. The combined effects of these aspects of the proposal would materially harm the character and appearance of the CA and the area, and consequently its significance. Bearing in mind paragraph 132 of the National Planning Policy Framework (the Framework), having paid special attention to the desirability of preserving or enhancing the character and appearance of the CA, I have given this harm considerable importance and weight in reaching my decision.

12. Although this harm to the significance of the heritage asset would be less than substantial due to its relatively localised effect on the wider conservation area, in the context of paragraph 134 of the Framework there is little evidence that the proposal would have any public benefits which would outweigh that harm.
13. Bounding the site to the east are two groups of traditional limestone grade II listed buildings; Monson Almshouses and a short terrace comprising Debonair Cottage, Post Office and Stone Cottage, all of which front Middle Street with rear elevations facing the appeal site. Much of their significance is derived from their group value, attractive architecture and historic associations with Burton and the Monson family. However, their setting to the rear is extensive due to their prominent position on the Cliff top and includes the appeal site.
14. The introduction of an intervening, albeit significantly lower, building in close proximity to these two groups of listed buildings within the landscape below would undermine their prominence and relative seclusion at the rear, and consequently their significance. This is due to the importance of the relationship the two prominently situated groups of listed buildings have with the steep, wooded slope below.
15. Whilst in the context of their significance and overall setting this effect would be limited, it would nevertheless adversely affect this relationship due to the loss of the existing undeveloped site. Having paid special regard to the desirability of preserving the buildings and their setting I consider that this would have a harmful effect on the listed buildings' significance, albeit a less than substantial one.
16. Whilst there are brick buildings in Burton, the typical use of natural limestone in traditional buildings, some which have pantiled roofs, makes an important contribution to the character and significance of the CA. In this context the proposed reconstituted stone and brick facing materials would fail to preserve or enhance the character and appearance of the CA.
17. However, bearing in mind the Framework's approach at paragraph 203 regarding whether conditions could make development acceptable, I agree with the appellant that appropriate materials could have been secured by way of a condition. However, the potential acceptability of this element would not alter the harm to designated heritage assets identified above.

### *Trees*

18. Mature trees are one of the distinctive characteristics of Burton and the site has a wooded character by virtue of the trees within the site and which are visible from a number of vantage points, particularly on Main Street. These make a significant contribution to the area's character and appearance both as individual specimens and collectively as part of the wooded character of the village. In particular those identified on the appellant's drawings as T10 (Sycamore) and T11 (Ash), by virtue of their size, attractive appearance and location adjacent to Main Street make a very positive contribution to the visual amenity of the area as recognised by their inclusion in the Tree Preservation Order.
19. The plans show the proposed development would be positioned in very close proximity to a number of these trees. In particular the proposed patio, and associated excavations and land raising, would be within the Root Protection

- Area of T11. Both operations have the potential to harm tree roots and therefore the health and survival of tree.
20. The south east corner of the development would also be within the indicative crown spread of this tree. There is a real risk that T11 would be harmfully affected by the proposals. Notwithstanding the mitigation measures put forward by the appellant, having considered the further comments of the Council's Environment (Tree) Officer on the proposal I consider that it has not been satisfactorily demonstrated that protected trees would not be harmed as a result of the proposal.
  21. The annotation on the appellant's Tree Protection Plan indicates a proposed relocation of part of the patio area which currently falls within the Root Protection Area. However, there are no details which illustrate how this would be achieved, nor is there a considered evaluation of the effects any redesigned patio area would have on protected trees or in any other regard. In light of the concerns above and the importance of the trees, particularly relating to T11, it would be unreasonable to leave the evaluation and consideration of the effects of such a change to a condition. I would also be concerned that a potentially significant aspect of the scheme would not be the subject of consultation and publicity such that interested parties would be deprived of the opportunity to comment on that part of the appeal development.
  22. Furthermore, the very close proximity of the south east element of the proposed dwelling itself to T11 raises concerns in light of the unresolved queries of the Council's Environment (Tree) Officer regarding changes in levels such that it cannot be certain that other aspects of the proposal would not have a similar harmful effect on the protected tree.
  23. The proposal has failed to demonstrate that protected trees would not be harmed and on the evidence there is a reasonable likelihood that they would be.

*Whether the development is sustainable*

24. The Framework identifies three dimensions to sustainable development, giving rise to the need for the planning system to perform economic, social and environmental roles. This is reflected in the decision in respect to another appeal in Dunholme (Ref: APP/N2535/A/13/2207053). The proposal would play a modest economic and social role through providing short term construction investment and employment, adding to the local housing stock and the potential to support the community life of the village.
25. However, this would be at the expense of an environmental role, in spite of any energy efficiency measures that might be incorporated into the development, insofar as it would fail to protect the built and natural environment as outlined above. Burton is a small settlement surrounded by parkland and open countryside, located to the north of Lincoln, the nearest settlement. It has very few facilities, and residents would be expected to travel to Lincoln or other larger settlements to serve their day to day needs.
26. Burton is considered as a Small Rural Settlement in the hierarchy set out in saved Policy STRAT 3 of the West Lindsey Local Plan First Review (the Local Plan). Saved Local Plan Policy STRAT 8 resists windfall and infill housing in such settlements unless it meets an affordable housing need, a defined local

need or is essential for agricultural, horticultural or forestry needs. There is no evidence to suggest that the appeal proposal would meet these criteria. Nonetheless, I note that the Council do not consider the list of settlements in saved Local Plan Policy STRAT 3 up to date as they pre-date the Framework although in directing development to sustainable locations it retains some consistency with the Framework's approach.

27. The appellant considers that the distances from the appeal site to the nearest facilities, shops and schools in Lincoln area easily walkable and that there is also a bus service which could reduce reliance on private motor vehicles. The walking route would be straightforward and along separate (albeit unlit) walkways, although the distance would be farther than that shown on the plan in the appellant's statement (which illustrates a starting point within Burton Park some way to the south of the appeal site). However, I consider that it would be a distance that only the most determined walkers would be likely to use for everyday journeys, particularly in the dark and in poor weather.
28. Whilst the bus service provides a number of services on most days and would no doubt be convenient for some journeys, it would not appear to be so regular that future occupiers, would not be reliant on car travel for most of their day to day needs in accessing services and facilities. Taking account of the Framework's core planning principle of actively managing patterns of growth to make the fullest use of public transport, walking and cycling, this contributes to my conclusion that the proposal would not achieve the environmental role the Framework requires sustainable development to demonstrate. As such it would not accord with the approach to directing development to more sustainable locations in saved Local Plan Policy STRAT 3 or satisfy criterion iv) of saved Local Plan Policy STRAT 1, which aims to reduce the length and number of car journeys.
29. The evidence diverges over whether or not the Council can demonstrate a Framework complainant supply of housing land. In any event the limited contribution a single house would make towards addressing any undersupply of housing, combined with any other matters that weigh in favour of the proposal, would not outweigh the harm the scheme would cause as outlined above. Therefore, it is not the sustainable development for which there is a presumption in favour.

#### *Living conditions*

30. The difference in levels, proximity and intervening boundary treatment and planting (including that which might be reasonably enhanced by way of a condition) between the proposed dwelling and habitable rooms and rear gardens of properties on Middle Street would be sufficient to avoid any materially harmful effects on the occupiers' living conditions. Even though the lounge would be extensively glazed, these windows would be situated far enough away from the nearest residential properties to avoid any harmful overlooking.
31. Neighbours' living conditions would not be harmed in terms of privacy and the proposal would comply with the relevant criteria of saved Local Plan Policies RES 1 and STRAT 1 which seek to safeguard residents' quality of life. However, the acceptability of this aspect does not weigh in favour of the proposal.

**Conclusion**

32. For the reasons set out above and having had regard to all matters raised, the proposal would be contrary to the development plan and the Framework. The appeal is therefore dismissed.

*Geoff Underwood*

INSPECTOR