

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

AGENDA

This meeting will be recorded and the video archive published on our website

Planning Committee

Wednesday, 19th October, 2016 at 6.30 pm

Council Chamber - The Guildhall, Marshall's Yard, Gainsborough, DN21 2NA

Members:

- Councillor Stuart Curtis (Chairman)
- Councillor Ian Fleetwood (Vice-Chairman)
- Councillor Owen Bierley
- Councillor Matthew Boles
- Councillor David Cotton
- Councillor Michael Devine
- Councillor Hugo Marfleet
- Councillor Giles McNeill
- Councillor Mrs Jessie Milne
- Councillor Roger Patterson
- Councillor Judy Rainsforth
- Councillor 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. **To Approve the Minutes of the Previous Meeting**
Meeting of the Planning Committee held on 21 September 2016 previously circulated.
4. **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: Native Language

6. Planning Applications for Determination (PAGES 1 - 2)

a) 134578 Middle Rasen

Outline planning application for the erection of up to 47 dwellings together with open space - access to be considered and not reserved for subsequent applications on land North of Old Gallamore Lane, Middle Rasen. (PAGES 3 - 42)

b) 133568 Saxilby

Retrospective planning application for change of use of field to woodyard for log cutting and amendment to 3 sided cutting shed to incorporate amendments made on site, including bio mass unit at Orange Farm, Sykes Lane, Saxilby. (PAGES 43 - 56)

7. Determination of Appeals (PAGES 57 - 80)

M Gill
Chief Executive
The Guildhall
Gainsborough

Tuesday, 11 October 2016



Planning Committee

19 October 2016

Subject: Planning applications for determination

Report by:

Chief Operating Officer

Contact Officer:

Mark Sturgess
Chief Operating Officer
Mark.sturgess@west-lindsey.gov.uk
01427 676687

Purpose / Summary:

The report contains details of planning applications that require determination by the committee together with appropriate appendices.

RECOMMENDATION(S): Each item has its own recommendation

IMPLICATIONS

Legal: None arising from this report.

Financial : None arising from this report.

Staffing : None arising from this report.

Equality and Diversity including Human Rights : The planning applications have been considered against Human Rights implications especially with regard to Article 8 – right to respect for private and family life and Protocol 1, Article 1 – protection of property and balancing the public interest and well-being of the community within these rights.

Risk Assessment : None arising from this report.

Climate Related Risks and Opportunities : None arising from this report.

Title and Location of any Background Papers used in the preparation of this report:
Are detailed in each individual item

Call in and Urgency:

Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

Yes

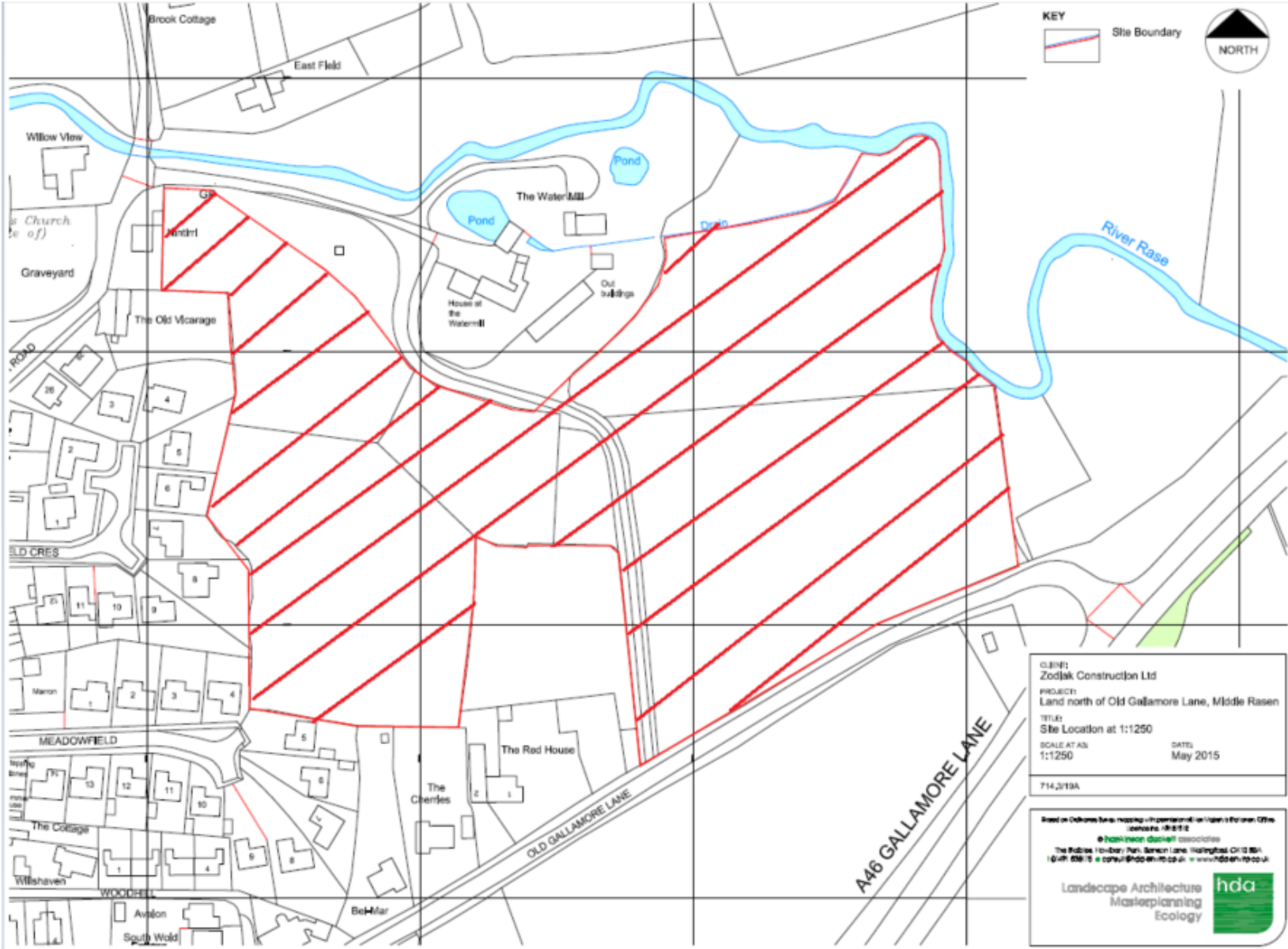
No

Key Decision:

A matter which affects two or more wards, or has significant financial implications

Yes

No



KEY

 Site Boundary

 NORTH

CLIENT:
Zodjak Construction Ltd

PROJECT:
Land north of Old Gallamore Lane, Middle Rasen

TITLE:
Site Location at 1:1250

SCALE AT A3:
1:1250

DATE:
May 2015

7142/18A

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 **hda**

Landscape Architecture
Masterplanning
Ecology

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Officers Report

Planning Application No: 134578

PROPOSAL: Outline planning application for the erection of up to 47no. dwellings together with open space-access to be considered and not reserved for subsequent applications.

LOCATION: Land North of Old Gallamore Lane Middle Rasen Market Rasen

WARD: Market Rasen

WARD MEMBERS: Cllr H Marfleet; Cllr J McNeill; and Cllr T Smith

APPLICANT NAME: Mr Charles Pickering – Zodiak Construction Ltd

TARGET DECISION DATE: 13/09/2016 (extension of time agreed until 21st October 2016)

DEVELOPMENT TYPE: Major - Dwellings

RECOMMENDED DECISION:

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

- Capital contribution towards primary school facilities (up to £101,487) in lieu of on-site provision;
- Capital contribution (£425 per dwelling) towards health care provision, in lieu of on-site provision;
- Provision of affordable housing (type and tenure to be agreed).
- Measures to deliver and secure the ongoing management and maintenance of Public Open Space

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.

Description:

This application has been referred to the Planning Committee at the request of the Ward Member and in view of its recent planning history.

Outline planning permission is sought to erect up to 47 no. dwellings with associated public open space and infrastructure. Matters of scale, layout, appearance and landscaping are all reserved for subsequent approval ('reserved matters').

Matters of access are detailed for consideration with this outline permission. Vehicular access is sought directly from Old Gallamore Lane to the south of the site.

Whilst layout is a reserved matter, an illustrative masterplan has been provided (drawing 714.3/151 HDA7). It provides a possible layout for 47 dwellings, which indicates the provision of public open space (POS) to the north and north-east of the housing. The north-west grazing paddock would now be retained in private ownership. The masterplan also indicates a (minimum 7m wide) grazing paddock that would run parallel to the west and south-western boundaries.

The site comprises previously undeveloped land – predominantly meadows and grazing paddocks currently used for horses. An access track runs broadly through the centre of the site in a north-south direction, from Old Gallamore Lane to the Watermill to the north. On the east side of the track is a nursery open to visiting members of the public.

A Public Right of Way (M1dd/173/2) crosses the site broadly from the north-western corner to the south-eastern corner.

To the north of the site is the undulating River Rase. A collection of buildings, including the Grade II Listed Watermill and C3 dwelling (House at the Watermill) are located between the site and the river.

The western and southern boundaries are adjoined by residential properties. On the western boundary are residential bungalows served off Mayfield Crescent, Meadowfield and Low Church Road. The Old Vicarage to the north-western corner, is a Grade II listed building.

A number of residential properties off Old Gallamore Lane adjoin the south-western corner of the site.

This application follows the Council's previous refusal of outline planning permission for up to 53 dwellings, by notice dated 23 October 2015. A subsequent appeal against that decision (Appeal reference APP/N2535/W/15/3139041) was dismissed. A copy of the Appeal Decision letter, dated 18 April 2016, is attached as appendix A.

Town and Country Planning (Environmental Impact Assessment) Regulations 2011:

The development is not development falling within either schedule 1 or 2 of the Regulations¹, and does not qualify as EIA Development under the Regulations.

¹ As amended by the The Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015

Relevant history:

133129 – Outline planning application for the erection of up to 53no. dwellings together with open space-access to be considered and not reserved for subsequent applications. **Refused 23 October 2015 for the following reasons:**

1. The proposal is considered to represent unjustified residential development of land located within the open countryside, to the harm of its intrinsic character and beauty. Furthermore the proposal will result in the partial development of land identified as an undeveloped break between settlements within the West Lindsey Local Plan First Review (June 2006), which is considered to significantly erode the significance of the gap in sustaining the separate and individual identities and setting of the settlements of Middle Rasen and Market Rasen and would lead to the perceived coalescence of the settlements. The proposal is therefore considered to be contrary to Local Plan Policies STRAT9 - Phasing of Housing Development and Release of Land, STRAT12 – Development in the Open Countryside, Policy STRAT13 - Undeveloped Breaks between Settlements and Green Wedges Around Lincoln and NBE20 – Development on the Edge of Settlements of the West Lindsey Local Plan First Review (June 2006) and the emphasis upon sustainable development contained in the NPPF.
2. The proposal partially relates to land within Flood Zones 2 and 3 and the development is expected to exacerbate the risk of flooding elsewhere. As such the proposal is considered to be contrary to Local Plan Policy NBE14 and the NPPF.

A subsequent appeal against this decision (APP/N2535/W/15/3139041) was dismissed following a Public Hearing heard on 22 March 2016. A copy of the decision letter, dated 18 April 2016, is included at appendix A.

Representations in summary:

Middle Rasen Parish Council: The council are of the opinion that this application has not significantly addressed the concerns in the inspectors report (following the refusal of the original application), and therefore expect that WLDC will refuse the development on the same grounds as previously. The Council are of the opinion that this is not a settlement break given that Middle Rasen continues onto Caistor Road, however the Council concur with parishioner concerns about the size of the development and the issues with drainage, flooding, services and highways access.

LCC Local Highways Authority and Lead Local Flood Authority:

Recommend conditions to: secure a 1.8m wide footway; no dwellings to commence before the first 60m of estate road have been completed; to secure a surface water drainage strategy.

LCC Rights of Way: The Definitive Map and Statement shows Definitive Footpath (Middle Rasen) No. 173 crossing the site although this would appear amply catered for within the proposed development. It is expected that the footpath will be given a metalled surface across the site. i/ It is expected that there will be no encroachment, either permanent or temporary, onto the right of way as a result of the proposal.
ii/ The construction should not pose any dangers or inconvenience to the public using the right of way.
iii/ If any existing gate or stile is to be modified or if a new gate or stile is proposed on the line of the public right of way, prior permission to modify or erect such a feature must be sought from this Division.

Archaeology: No archaeological input required.

Environment Agency: Have no objections, subject to planning conditions to: set finished floor levels (no lower than 300mm above the 1% annual probability flood level); secure adherence with the Flood Risk Assessment (FRA); Prohibit development within the Flood Plain Compensation Area

Anglian Water:

Wastewater Treatment - Market Rasen Water Recycling Centre does not have capacity: A Drainage Strategy will need to be prepared (condition recommended).

Foul Sewerage Network – Development may lead to an unacceptable risk of flooding downstream. Topography suggests a pumped solution will be required. A Drainage Strategy will need to be prepared (condition recommended).

Ancholme Internal Drainage Board (IDB): Would have no objection in principle to surface water being disposed of via soakaway or mains sewer system. If discharged to any watercourse – IDB consent will be required. No obstructions within 9m of a watercourse are permitted without IDB consent.

NHS England: Development may result in an increased patient population of 108. Market Rasen Surgery likely to be affected. The potential to gain a further 108 new patients means the level of patient care may be compromised and can become unsafe for the patient. To mitigate the impact of any increase to clinical hours and in order to make the development acceptable it would be necessary to increase the number of clinical rooms to provide for extra clinical hours. A capital contribution of £425 per dwelling (maximum for 47 dwellings £19,975) is sought to enable internal reconfigurations to achieve this.

Local Education Authority (Lincolnshire County Council): This development would result in a direct impact on local Schools. In this case the primary schools at Middle and Market Rasen are projected, notwithstanding the proposed development, to be full in the future to the permanent capacity of the school. A contribution (£101,487 for 9 additional primary school places) is therefore requested to mitigate against the impact of the development at local level.

Lincolnshire Police: Acknowledges outline application only, and offers design considerations for more detailed consideration.

Natural England: Has no comments to make on the application.

Lincolnshire Wildlife Trust: Are satisfied that there should not be any significant negative impacts on protected species as a result of the proposed development provided the consultants' recommendations are followed. It can be assumed that bats will be using the habitat corridor provided by the River Rase for foraging/commuting and so to avoid any disruption to this route, lighting in the vicinity of this area should be avoided entirely, or where necessary should be limited to low level or directional/hooded lights. We are strongly supportive of the indicated levels of green infrastructure provision within the site and the recommendations for enhancement of these areas within the Extended Phase 1 report. We would support the creation of species-rich grassland within the areas of amenity open space and along wide road verges and swales, providing green corridors throughout the site. Whilst we would support the provision of bat and bird boxes on suitable mature trees, we would also recommend that consideration is given to the inclusion of features within the built environment for biodiversity.

Local Residents:

Objections received from **63 Caistor Road; (Brook Cottage) Low Church Road; 5, 6, 8, 9 (Yarra) Mayfield Crescent; 5 Meadowfield; (Bel Mar) (Cartmel) (The Cherries) (High Hopes) (Marienfield) (Southwold Cottage) Old Gallamore Lane.** In summary:

- 47 Dwellings is too much – will lead to loss of village life;
- Site is allocated as Green Wedge in both the current and proposed Local Plans – it should be protected from development;
- Site is in flood zone 3 – not safe or sensible place to locate new dwellings;
- Insurance premiums recently doubled due to risk of flooding;
- Dyke along western edge is prone to flood without maintenance;
- Concerned that ground raising will increase run off to neighbours;
- Hedge within site is valued locally as it separates Middle and Market Rasens;
- Wildlife in site should be protected;
- Tree planting will lose openness and lead to loss of light;
- Need for such levels of housing in Middle Rasen is questioned;
- Local Health infrastructure does not have capacity;
- Will place strain on local schools;
- Access will lead to noise/nuisance to Old Gallamore Lane residents;
- Too much additional traffic on roads;
- Highway safety issues with A46 connection – traffic calming measures will be required;
- Sewage facilities will not be able to cope;
- Proposed 7m wide buffer is highly unsatisfactory;

- Question who will manage and maintain the 7m wide western 'buffer'. Will become overgrown and unkempt;
- Emerging Central Lincolnshire Local Plan will only permit edge of settlement sites of up to 25 dwellings exceptionally – the proposal are not exceptional;
- Development will pre-empt the emerging Local Plan;
- Alternative sites on the A46 are more sustainable options for new development;
- Previous reasons for refusal still outstanding.

Relevant Planning Policies:

National guidance

(<http://planningguidance.communities.gov.uk/>)

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

West Lindsey Local Plan First Review 2006

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The saved policies of the **West Lindsey Local Plan First Review 2006 (WLLP)** remains the statutory development plan for the district. Paragraph 215 of the National Planning Policy Framework (NPPF) states that due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

- STRAT 1 Development Requiring Planning Permission
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm#strat1>
- STRAT 3 Settlement hierarchy
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm#strat3>
- STRAT5 Windfall and Infill Housing – Development in Market Rasen and Caistor
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat5>
- STRAT 9 Phasing of Housing Development and Release of Land
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat9>
- STRAT 12 Development in the open countryside
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat12>
- STRAT13 Undeveloped Breaks between Settlements and Green Wedges around Lincoln
<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt3b.htm#strat13>
- STRAT19 Infrastructure requirements
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat19>
- SUS4 Cycle and pedestrian routes in development proposals
<http://www2.west-lindsey.gov.uk/localplan/written/cpt4.htm#sus4>
- RES 1 Housing Layout and Design
<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res1>
- RES 2 Range of housing provision in all housing schemes
<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res2>

- RES 5 Provision of play space/recreational facilities in new residential development.
<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res5>
- RES6 Affordable housing provision
<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res6>
- CORE 10 Open Space and Landscaping
<http://www2.west-lindsey.gov.uk/localplan/written/cpt8.htm#core10>
- NBE10 Protection of Landscape Character in development proposals
<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe10>
- NBE 14 Waste Water Disposal
<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe14>
- NBE19 Landfill and Contaminated Land
<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe19>
- NBE20 Development on the Edge of Settlements
<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe20>

Emerging Planning Policy

The NPPF (paragraph 216) states that decision-takers may also give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given); the extent to which there are unresolved objections to relevant policies and the degree of consistency with the NPPF.

The **Central Lincolnshire Local Plan (CLLP)** has now been submitted to the Secretary of State for examination and is now at an advanced stage. Hearing sessions are scheduled to commence on 1st November.

Middle Rasen is proposed as a “Large Village” (policy LP2). The policy states that *“To maintain and enhance their role as large villages which provide employment, retail, and key services and facilities for the local area, [large villages] will be a focus for accommodating an appropriate level of growth. Most of this growth will be via sites allocated in this plan, or appropriate infill, intensification or renewal of the existing urban area. In exceptional circumstances, additional growth on non-allocated sites in appropriate locations on the edge of these large villages might be considered favourably, though these are unlikely to be of a scale over 25 dwellings / 1 ha per site (whichever is the smaller).”*

The site is not proposed for residential development in the emerging CLLP. It is within an area allocated as a “Green Wedge”. Policy LP22 applies.

Main issues

- Provisions of the Development Plan (STRAT3, STRAT9, STRAT12, STRAT13)
- National Policy (National Planning Policy Framework)
- Emerging Policy (Central Lincolnshire Local Plan)
- Landscape and Visual Impact / Effect on the Undeveloped Break (STRAT13, NBE10, NBE20)
- Residential Amenities (STRAT1, RES1)

- Highway Safety (STRAT1)
- Flood Risk and Drainage (STRAT1)
- Ecology (NPPF)
- Affordable Housing (RES6)
- Local Infrastructure (STRAT19, RES5)
- Archaeology and Heritage Impact (NPPF)

Assessment:

(i) Provisions of the Development Plan

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

It is therefore relevant to determine as to whether the development proposal accords with the provisions of the development plan, being the West Lindsey Local Plan (First Review) in the first instance.

Market Rasen including Middle Rasen is defined as a town under policy STRAT3 – the highest category within the hierarchy. Policy STRAT5 will ‘permit’ new residential development on previously developed land within the settlement boundary of Market Rasen (including Middle Rasen) subject to meeting certain criteria.

The site comprises undeveloped meadows and paddocks. It falls to the bottom rung of policy STRAT9’s sequential approach towards prioritising previously developed land.

The site lies outside the settlement boundary for Middle Rasen. It is not allocated for residential development in the Local Plan.

Lying outside the settlement boundary, it is within the Development Plan’s definition (paragraph A99) of open countryside. Policy STRAT12 applies which states that:

“Planning permission will not be granted for development proposals in the open countryside that is, outside of the settlements listed in Policy STRAT 3, unless the development is essential to the needs of agriculture, horticulture, forestry, mineral extraction or other land use which necessarily requires a countryside location, or otherwise meets an objective supported by other Plan policies.”

As the development is for up to 47 dwellings, it does not accord with policy STRAT12.

In addition, the site is allocated as an Undeveloped Break between settlements. Policy STRAT13 is applicable. STRAT13 states that:

Development involving buildings, means of enclosure, or other works, will not be permitted if it would detract from the open rural character of undeveloped land which

provides open breaks, maintains the physical identity or prevents the coalescence, of settlements.

and

Within the areas defined on the Proposals Map, unless such development is essential for agricultural or other essential countryside uses and cannot be located elsewhere, it will be refused. If such development is exceptionally permitted it shall be located and designed so as to minimise harm to the character and appearance of the area.

The development is not essential for agricultural or other essential countryside uses and does not accord with the final paragraph. The first paragraph may imply that development that would not detract from the open rural character of undeveloped land may be permissible. Nonetheless, the application seeks to develop up to 3.92 hectares of the undeveloped break for up to 47 dwellings. This by its scale and nature will detract from the open rural character of undeveloped land.

It is noted that in the April appeal decision, Inspector Schofield found that *“there would be conflict with the policy, insofar as there would be residential development in a settlement break...”*.

It is concluded that development of 3.92 hectares of the undeveloped break, in an area of open countryside would be in conflict with policies STRAT12 and STRAT13.

Development therefore falls to be refused unless there are material considerations which would indicate otherwise.

(ii) National policy

The National Planning Policy Framework (NPPF) is a material consideration. As an expression of national policy it is one that can typically be attached significant weight.

Paragraph 215 states that *“due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”*

A core principle of the NPPF (paragraph 7) is that planning should:

“take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;”

It is considered that both policies STRAT12 and STRAT13 are consistent with that aim. The purpose of the policies are considered to be consistent with the provisions of the NPPF.

The NPPF (paragraph 49) does state that:

“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

Recent case law² finds that “policies for the supply of housing” should not be narrowly defined only to policies that provide positively for the delivery of new housing. It considers that restrictive policies may have the effect of constraining the supply of housing land. Whether a particular policy of the plan, properly understood, “is a relevant policy “for the supply of housing” in the sense we have described is not a question for the court. It is... a question for the decision-maker.”

Policies STRAT12 and STRAT13 may properly be considered, on the law as it is at present, as policies for the supply of housing. Nevertheless, The latest five year housing land assessment (September 2016), produced by the Central Lincolnshire Joint Planning Team demonstrates a 5.26 year supply of housing, albeit this will be formally tested in the Local Plan examination due to commence in November. Accordingly policies STRAT12/13 should not be rendered as being not ‘up to date’ by virtue of paragraph 49.

It is accepted that the West Lindsey Local Plan First Review, as a consequence of its age, no longer has sufficient residential allocations to meet the objectively assessed housing needs of the area, in conflict with NPPF paragraph 47 which seeks to “boost significantly the supply of housing”. Because STRAT12 is applicable to all areas outside of the defined settlement boundaries, there is an inevitability that departures from the policy are required in order to meet the objectively assessed housing needs.

For this reason, the spatial application of STRAT12 may be seen as being not ‘up to date’, although it should be noted that paragraph 215 considers only the ‘weight’ to be attached to a policy, not whether or not it is ‘out of date’. However, because of its effect on constraining housing land supply, STRAT12 may be afforded less than full weight, in application of paragraph 215.

Due to its specific application, the extent to which STRAT13 may be rendered as a constraint on housing land supply, is far less obvious. Notably, the emerging Central Lincolnshire Local Plan still proposes that the site and surroundings are allocated as a “green wedge” which suggests its application is not “out of date”.

² *Richborough Estates v Cheshire East Council* [2016] EWCA Civ 168

(iii) Emerging policy

Paragraph 216 of the NPPF states that *“From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:*

- *the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- *the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

The Central Lincolnshire Local Plan (CLLP) was submitted to the Secretary of State for examination in June. Hearing sessions are scheduled in November and December. The CLLP is therefore at an advanced stage.

Middle Rasen is proposed under policy LP2 as a Large Village, which *“will be a focus for accommodating an appropriate level of growth.”* It goes on to state that *“Most of this growth will be via sites allocated in this plan, or appropriate infill, intensification or renewal of the existing urban area. In exceptional circumstances, additional growth on non-allocated sites in appropriate locations on the edge of these large villages might be considered favourably, though these are unlikely to be of a scale over 25 dwellings / 1 ha per site (whichever is the smaller).”*

The application site is not allocated for residential development in the CLLP. Moreover, it is allocated as a “green wedge” and policy LP22 would be applicable. LP22 states that:

“Within the Green Wedges planning permission will not be granted for any form of development, including changes of use, unless:
a. it can be demonstrated that the development is not contrary or detrimental to the [stated] functions and aims [of the green wedge]; or
b. it is essential for the proposed development to be located within the Green Wedge, and the benefits of which override the potential impact on the Green Wedge.”

Amongst the stated functions and aims is the *“Prevention of the physical merging of settlements, preserving their separate identity, local character and historic character.”*

Whilst LP22 is perhaps more permissive than policy STRAT13, the CLLP would indicate that STRAT13’s spatial application remains relevant and up to date.

The Policy LP22 Evidence Report³ (April 2016) submitted with the CLLP suggests that there were no objections to the re-allocation of the green wedge between Market Rasen and Middle Rasen. No objections to this green wedge allocation were received at the Pre-submission stage, other than from the applicant who objected due to his own site not being included as a residential allocation.

It is considered therefore that LP22 can be attached a moderate level of weight in application of NPPF 216.

The accompanying Central Lincolnshire Green Wedge and Settlement Breaks Review (April 2016) concludes that

It is recommended that a separation between Market Rasen and Middle Rasen should be retained through a [settlement break] allocation and policy in the Central Lincolnshire Local Plan. There is limited capacity to accommodate moderate or substantial new development without having a major overall adverse impact on the role and function of the SB in preventing the merging of Market Rasen and Middle Rasen and preserving their separate identity and character.

(iv) Landscape and Visual Impact / Effect on the Undeveloped Break

As previously detailed, WLLP policy STRAT13 seeks to prohibit development that would detract from the open rural character of undeveloped land which provides open breaks, maintains the physical identity or prevents the coalescence, of settlements.

Policy NBE10 states that *“high priority will be given to conserving the distinctive landscape features, landscape character and the landscape amenity value of the District. Development will not be permitted if it is likely to have an adverse impact on the features, setting or general appearance of the Landscape Character Areas..”*

Policy NBE20 states that *“Development will not be permitted which detracts from the rural character of the settlement edge and the countryside beyond.”*

A Landscape and Visual Assessment has been submitted with the application. In summary the LVIA concludes:

The proposed development would fall within the northern gap character area (as identified in the LVA), lying within a small scale landscape with a high degree of containment. Development of the Site would leave a substantial gap of open countryside between Middle Rasen and Market Rasen. There would be very limited visual impact arising from the development. There would be no change with regard to the intervisibility between the settlements of Middle Rasen and Market Rasen and no

³ <https://www.n-kesteven.gov.uk/central-lincolnshire/planning-policy-library/>

significant diminution in the sense of openness of the intervening countryside.

A significant consideration in this regard, is the findings of the Secretary of State's Planning Inspector in the recent April 2016 appeal decision.

In consideration of a slightly larger development (up to 53 dwellings) on the same site, Inspector R Schofield found:

"The appeal scheme would be situated in the settlement break between Middle Rasen and Market Rasen, beyond the defined settlement boundary of Middle Rasen. It could not fail, therefore, to reduce physically the gap between the two settlements. In reality, however, for the reasons articulated [-], the impact upon the character and appearance of the break would be limited. I am not persuaded that there will be any actual or perceived sense of coalescence between Middle Rasen and Market Rasen."

In reaching this position, Inspector Schofield considered *"Denser planting in the south east corner of the site would almost completely constrain any fleeting views of the site from Gallamore Lane, when heading west, and the field between Gallamore Land and Old Gallamore Lane would continue to act as a deep green buffer to the site, such that there would not be any real awareness, by passing road users, of the village extending out towards Market Rasen."*

He went on to remark *"At closer quarters, development would be visible from Old Gallamore Lane. Houses are, however, visible along the lane already, and there is a sizeable hedge between the site and the lane. The outline masterplan indicates that dwellings would not be positioned right up to the hedge. Thus, although the character of the lane would change, it would not be a stark difference."*

He acknowledges that the change experienced by users of the Public Right of Way (PRoW) which traverses the site will be significant. But, he considers *"Nonetheless, the footpath is short, being a link between two lanes, and does not traverse anything approaching the full width of the settlement break, such that users would experience any sense of a diminution of it. Nor would the development foreshorten the sense of open rurality and separation experienced when moving between the two settlements by road or the public rights of way between the settlements."*

Inspector Schofield did take into consideration the Central Lincolnshire Green Wedge and Settlement Breaks Review (April 2016), and remarks that whilst he has no reason to disagree with its conclusions, *"the Report does not rule out new development entirely and the appellant's LVIA provides a more focussed assessment of the impact of the proposed development on the settlement break, which was not an exercise carried out in the Report."*

It is considered that, due to the visually contained nature of the site, and indicative approach to landscaping (including a river “corridor” in the north east of the site) development would not run contrary to saved WLLP policies NBE10 and NBE20.

Whilst development would run contrary to STRAT13, it is a material consideration of significant weight that the Secretary of State’s Planning Inspector has previously found that development of the site would have *“little impact upon the character and function of that [settlement] break.”*

(v) Residential Amenities

Saved WLLP policy STRAT1 requires development to be satisfactory in regard to *“The impact on the character, appearance and amenities of neighbouring, and where relevant, other land, including visual encroachment into the countryside;”*

Saved policy RES1 requires new residential development to be satisfactory with regard to *“The impact on the amenities of nearby residential properties”*.

These policies are consistent with the NPPF’s core principle (paragraph 17) to *“always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”*.

In dismissing the previous appeal, Inspector Schofield concluded that the appeal proposal would *“have an adverse effect upon the living conditions of the occupiers of neighbouring dwellings, with regard to privacy, outlook and light”* and was contrary to WLLP policy RES1 and NPPF paragraph 17.

Inspector Schofield was particularly concerned with the impact upon existing properties on the western boundary noting that they have *“open or very sparse, low boundaries with the [-] site”* and very short gardens.

In order to address these concerns, the masterplan, albeit still indicative (layout is a reserved matter) has been amended. The maximum number of dwellings sought has reduced by six (from 53 to 47 dwellings). The northernmost paddock would now be retained in private ownership, thereby no longer bringing public accessibility immediately up to the rear boundaries of Nintirri and The Old Vicarage.

Proposed properties on the western boundary are now shown at a much greater distance than previously. The revised masterplan now shows that separation distances of no less than 34m can be achieved between the new properties and existing properties. This is a more than reasonable standard of separation between properties (indeed it can be noted that the separation distance between Meadowfield and Mayfield Crescent is a similar distance of around 35 metres). The properties neighbouring the western boundary are also indicated as ‘bungalows’.

In order to further address the impact on neighbouring amenities, the application proposes a 7m to 11m wide gated 'linear field' to be used as a grazing paddock and be retained in private ownership. This would effectively operate as a separation buffer between properties.

Some of the neighbours have questioned the security of this arrangement, and seek assurances for its ongoing maintenance in order it does not become overgrown.

Lincolnshire police consider the arrangement would be acceptable in an area which generally has a low level of crime.

The applicant advises that the strip will be retained and managed by the landowner.

Whilst the intent of the applicant is recognised, it is considered that the grazing strip may well be an over-engineered 'solution'. Its necessity is questionable in view that the layout already shows that a satisfactory distance of separation can be achieved, and back to back gardens are a common feature of residential areas including within the immediate locality.

It is considered that this is a feature that can be addressed with any subsequent application for reserved matters. Nonetheless, if it is deemed that the separation strip is necessary for the development to be acceptable at this stage, then consideration should be given to applying a condition to secure a scheme for the ongoing maintenance and management of this land.

In any event, it is considered that planning conditions are necessary and reasonable to apply to secure minimum separation distances to existing properties, and ensure that any new dwellings within this location are single storey properties only, as indicated.

Subject to such conditions, it is considered that this revised application has shown that development can be achieved without running contrary to policies STRAT1, RES1 and NPPF paragraph 17 in this regard.

(vi) Highway Safety

WLLP policy STRAT1 requires that development proposals are satisfactory in regard to *"The provision of adequate and safe access to the road network to prevent the creation or aggravation of highway problems."*

The NPPF (paragraph 32) requires that *"safe and suitable access to the site can be achieved for all people"* and that *"Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."*

Residents have raised concerns in regard to highway safety, both with access onto Old Gallamore Lane, and with Old Gallamore Lane's junction with the A46.

The accompanying Transport Statement anticipates the development will generate the following amount of trips at peak times:

	Arrivals	Departures	Combined
AM Peak (08:00-09:00)	6	16	22
PM Peak (17:00-18:00)	15	9	24

The TS concludes that there is operational capacity at the proposed junction onto Old Gallamore Lane, and the junction with the A46, to accommodate the proposed development.

The Local Highways Authority has raised no objections on highway safety grounds, although a planning condition is recommended to secure a 1.8m wide footway within Old Gallamore Lane.

Safe and adequate access to the road network can be achieved in accordance with STRAT1 and the residual cumulative impacts of the development are not expected to be severe.

(vii) Flood Risk and Drainage

A Flood Risk Assessment (FRA) has been submitted with the application, a requirement of the NPPF.

It advises that part of the site (in the north-western corner falls within flood zones 2 (medium probability - Land having between a 1 in 100 and 1 in 1,000 annual probability of river flooding) and 3 (high probability - Land having a 1 in 100 or greater annual probability of river flooding), with the risk of flooding from the River Rase.

The FRA incorporates a Sequential Test which is unable to identify any reasonably available alternative sites within the Market Rasen/Middle Rasen locality at a lower risk of flooding. Within the site itself the majority of the development is proposed outside flood zones 2 and 3 – this would accord with NPPF paragraph 103 which requires that *“within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location”*.

To pass the Exceptions Test it must be demonstrated that the development provides wider sustainability benefits that outweigh flood risk; and demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Following consultation with the Environment Agency, the FRA proposes a 'cut and fill' exercise. Ground levels in the north-west corner will be raised to 18.55m AOD taking the land out of flood zones 2 and 3. The Topographical survey indicates current levels in this area are down to 18.348m AOD. Compensatory storage would be provided to the north-eastern corner of the site, where Public Open Space is proposed. Finished Floor Levels would be set at 18.85m AOD.

It is considered that, the provision of a flood compensation scheme, as well as other sustainability benefits such as the provision of affordable housing, would meet the requirements of the Exceptions Test.

Notably, the Environment Agency has no objections to the proposals subject to planning conditions which would secure finished floor levels, and the mitigation measures proposed within the FRA, including the flood compensation scheme.

As development will reduce the site's permeability and increase surface water run-off, the FRA proposes an indicative surface water drainage strategy based on sustainable drainage system (SuDS) principles.

The FRA considers that *"SuDS for the site could include a combination of features which attenuate and convey water as well as infiltration based SuDS devices dependant on the relative groundwater depths, underlying soil type and locality of proposed buildings."*

The scheme has demonstrated that a SuDS solution should be feasible for the site. The Lead Local Flood Authority has requested a condition to secure details of the final drainage scheme.

Anglian Water have advised that *"The site is in the catchment of Market Rasen Water Recycling Centre which does not have the capacity available for wastewater treatment."*

They also advise of the possibility of an unacceptable risk of flooding downstream and that foul connection is likely to require a pumped solution.

Planning conditions are recommended to secure a wastewater and foul water strategy to address these matters.

(viii) Ecology

A Phase 1 Habitat Survey and Phase 2 Protected Species Survey has been submitted with the application.

The Survey concludes that "The site is dominated by short-sward improved grassland and bounded by occasional species-poor hedgerows with low scattered tree lines. Minor patches of species-poor unmanaged grassland were also identified on-site. As habitats in their own right, they are considered

to be of negligible to low ecological value. Loss of these habitats would have a slight to negligible effect on the biodiversity resource of the region.”

The report puts forward measures for biodiversity enhancement and habitat improvements – these would need to be secured in consideration of reserved matters for landscaping and layout.

It recommends that measures are put in place for protection of existing trees and hedges and the River Rase corridor during construction – these would need to be secured by planning condition.

The survey found no evidence of bats roosting within site but makes recommendations for bat boxes to make the most of the River Rase as a foraging corridor.

It recommends measures for the protection of nesting birds, and provision of bird boxes.

No evidence of badgers were found.

There was no immediate evidence of water voles. Evidence of otter activity was found. It concludes that there would be no effect on water vole or otter if the integrity of the river corridor is maintained.

No evidence of Great Crested Newts were found. The majority of the site is deemed unsuitable for reptiles – an unmanaged paddock was determined to be of negligible to low potential for reptiles. As a precautionary measure it recommends that the abandoned paddock is removed in a controlled manner.

Natural England have raised no objections to the proposed development.

The Lincolnshire Wildlife Trust confirm they are satisfied there would not be any significant negative impacts on protected species – and are supportive of the biodiversity enhancement and green infrastructure enhancements being proposed.

(ix) Affordable Housing

WLLP policy RES6 states that *“the Council will seek to negotiate in the region of a 25% contribution towards affordable housing on sites”*.

The applicant has confirmed they are willing to make a 25% contribution, although cite a preference of making a financial contribution towards meeting the need off site.

Paragraph 50 of the NPPF states that “where [Local planning authorities] have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified”

In the absence of any robust justification, this need would be expected to be met on site in the first instance.

(x) Local Infrastructure

WLLP policy STRAT19 states that:

Proposals for the development and other use of land must take account of the need to provide on- and off-site service and social/community infrastructure and other services in accordance with the requirements of statutory undertakers and other providers of essential services. Development that increases demand on infrastructure that cannot be satisfactorily provided for within the existing capacity of on- and off-site service and social/community infrastructure or other services will not be permitted unless extra capacity will be provided to serve the development.

NHS England advise that the development will result in an increase of 108 additional patients. Capacity at the nearest surgery in Market Rasen is limited – a capital contribution is sought to increase capacity. The applicant has confirmed they are willing to meet this contribution, which would need to be secured by a S106 planning obligation.

The Local Education Authority has confirmed that the development will generate need for an additional 9 primary school places, above forecasted capacity. A capital contribution is therefore sought to increase capacity. The applicant has confirmed they are willing to meet this contribution, which would need to be secured by a S106 planning obligation.

WLLP policy RES5 would require a minimum of 7.5% of the site (0.29ha) for the provision of play space / recreational facilities. The illustrative masterplan suggests that this would be achievable (approximately 1ha of Public Open Space is indicated).

(xi) Archaeology and Heritage Impact

The NPPF (Paragraph 128) states that “*Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.*”

An Archaeological Geophysical Survey has been undertaken and concludes that the site has limited archaeological potential. The County Council Archaeology Department have advised that no further archaeological input would be required.

There are three listed buildings in proximity of the site:

- Grade II Listed Watermill
- Grade II Listed Old Vicarage (formerly Laretto)
- Grade II* Church of St Peter and St Paul

The Local Planning Authority has a legal duty under S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to *“have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

A Historic Environment Impact Assessment has been submitted with the application.

It concludes that *“whilst the proposed development will result in changes to elements of the setting of the [G11*] church, it will have no impact on the significance of the listed building and there will be no harm to the setting of the listed building.”*

Regarding the Old Vicarage it concludes that *“whilst the development will result in changes to elements of the setting of the Old Vicarage, such change will not be harmful, and it will have no impact on the significance of the listed building. Further it is noted that care has been taken to ensure that the location of proposed housing and the disposition of open space and retention of grazing paddock is such that views from the Old Vicarage over paddock towards the water mill will be preserved.”*

It concludes that *“whilst the development will result in changes to elements of the setting of the water mill, such changes will not be harmful, and that the proposed development will have no impact on the significance of the listed building.”*

It is concluded that the development will preserve the setting and interest features of the nearby Heritage Assets.

Overall Planning Balance and Conclusions

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

The application site is within an area defined as open countryside and within an area defined as an *“Undeveloped Break between Settlements”* in the West Lindsey Local Plan (First Review) 2006.

It is found that a development of up to 47 dwellings would be in direct conflict with policies STRAT12 and STRAT13 accordingly.

The application falls to be refused unless there are material considerations which would indicate otherwise.

The NPPF requires (paragraph 49) that Housing applications should be considered in the context of the presumption in favour of sustainable development (paragraph 14).

The development would not meet the first bullet-point of the presumption test – it does not accord with the development plan.

The second bullet point is applicable *“where the development plan is absent, silent or relevant policies are out-of-date”*.

The development plan is neither silent nor absent. As to whether the relevant policies are “out of date” is a matter for the decision maker. However, STRAT13 is considered to be consistent with the provisions of the NPPF. Its spatial application has been reviewed as part of the evidence base for the emerging Central Lincolnshire Local Plan (CLLP). The CLLP is at an advanced stage of preparation and there are not outstanding unresolved objections to the application of the Market Rasen / Middle Rasen ‘green wedge’, with the exception of the applicant. It is considered that STRAT13 is not “out of date” and the second bullet point of the presumption test need not be engaged.

Nonetheless, it is a material consideration, to be attached substantial weight that a Government Planning Inspector has found only recently that development of the site (for a more intensive development from that now proposed) would have little impact upon the character and function of that break. Consequentially, the extent to which there is conflict with the purpose and aims of STRAT13 is much reduced.

Middle Rasen is seen as a sustainable location to accommodate some growth. Grouped with Market Rasen, policy STRAT3 classifies it as a Town, the highest point on the settlement hierarchy. The emerging CLLP classes it as a “Large Village” “a focus for accommodating an appropriate level of growth”.

The majority of the site would be in flood zone 1 (low probability). Positive measures are produced to provide a flood compensation scheme.

The traffic and highways impacts of the development would not be severe.

The development would deliver 47 dwellings towards an identified need. The applicant has agreed to a 25% contribution towards affordable housing (equating up to 12 dwellings if provided on site). These are matters of substantial weight, when taking into account the NPPFs aim to significantly boost the supply of housing.

The applicant has agreed to make capital contributions towards addressing the local shortfall in primary school and healthcare provision.

The site is assessed to be of low ecological value.

It has been shown that a satisfactory separation distance from existing properties can be achieved. Development would no longer be considered likely to have a significantly adverse impact upon the amenities presently enjoyed at neighbouring properties.

Overall, it is considered that the benefits of development, alongside the Planning Inspector's previous findings that development of the site would have little impact on the character and function of the Undeveloped Break" are material considerations that would justify a departure from the provisions of the Local Plan.

RECOMMENDED DECISION:

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

- Capital contribution towards Primary School facilities (up to £101,487) in lieu of on-site provision;
- Capital contribution (£425 per dwelling) towards Health care provision, in lieu of on-site provision;
- Provision of affordable housing (type and tenure to be agreed).
- Measures to deliver and secure the ongoing management and maintenance of Public Open Space

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.

Conditions requiring reserved matters and stating the time by which the development must be commenced:

1. No development shall take place until, plans and particulars of the **layout, scale and appearance** of the buildings to be erected, and the **landscaping** of the site (hereinafter called "the reserved matters") have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with those details.

REASON: The application is in outline only and the Local Planning Authority wishes to ensure that these details which have not yet been submitted are appropriate for the locality.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: To conform with Section 92 (2) of the Town and Country Planning Act 1990 (as amended).

3. The development to which the permission relates must be begun not later than the expiration of two years from the final approval of the

reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

REASON: To conform with Section 92 (2) of the Town and Country Planning Act 1990 (as amended).

Conditions which apply or require matters to be agreed before the development commenced:

4. No development shall take place until a surface water drainage scheme for the site, based on sustainable urban drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall:

a) Provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;

b) Provide attenuation details and discharge rates which shall be restricted to the green field run off rate;

c) Provide details of the timetable for and any phasing of implementation for the drainage scheme; and

d) Provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

The development shall be carried out in accordance with the approved drainage scheme and no dwelling shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full in accordance with the approved details.

Reason: In order to minimise the risk of flooding in accordance with the provisions of the National Planning policy Framework.

5. No development shall take place until a wastewater and foul water strategy for the site have been submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be implemented in full before the dwellings are first occupied.

Reason: To ensure satisfactory drainage of the site in accordance with West Lindsey Local Plan First Review Policy STRAT1 and NBE14.

6. No development shall take place until the proposed finished floor levels of the dwellings have been submitted to and approved in writing by the Local Planning Authority. These shall be no lower than 300mm above the 1% annual probability flood level, taking into account the appropriate climate change allowance figures from the latest published advice available at that time.

Reason: To reduce the risk of flooding to the development and future occupants, in accordance with West Lindsey Local Plan First Review Policy STRAT1 and the National Planning Policy Framework.

7. With the exception of the proposed finished floor levels, the development shall be carried out in accordance with the approved Flood Risk Assessment (FRA) ref: 880704-R2(05)-FRA dated June 2016. In particular, compensatory flood storage must be implemented as identified in section 8.3 of the FRA to provide compensatory storage volumes in accordance with Table 8.1, within the outline in Appendix H. No development shall take place within the flood plain compensation area that would prevent provision of the volume of storage required within the 200mm slices of Table 8.1. The mitigation measures shall be fully implemented prior to occupation and subsequently remain in place.

Reason: To prevent flooding on site or elsewhere by ensuring that compensatory storage of flood water is provided, in accordance with West Lindsey Local Plan First Review Policy STRAT1 and the National Planning Policy Framework.

8. No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - (i) the routing and management of construction traffic;
 - (ii) the parking of vehicles of site operatives and visitors;
 - (iii) loading and unloading of plant and materials;
 - (iv) storage of plant and materials used in constructing the development;
 - (v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - (vi) wheel cleaning facilities;
 - (vii) measures to control the emission of dust and dirt during construction;
 - (viii) details of noise reduction measures;
 - (ix) a scheme for recycling/disposing of waste resulting from demolition and construction works;

- (x) the hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on the site;
- (xi) Measures for tree and hedgerow protection;
- (xii) Measures to protect the River Rase corridor (as per section 6.3 of the Extended Phase 1 Habitat Survey and Phase 2 Protected Species Survey);
- (xiii) Measures to ensure no encroachment onto the public right of way, or pose any dangers or inconvenience to its users;
- (xiv) A Construction Environmental Management Plan (CEMP) to ensure the protection of habitats and protected species.

Reason: In the interests of amenity and in accordance with saved policy STRAT1 of the West Lindsey Local Plan First Review.

9. The details to be submitted in accordance with condition no. 1 above shall include a Landscape Management Plan setting out management responsibilities and maintenance schedules for all landscaped areas (excluding private gardens), inclusive of trees, hedges, ditches and balancing ponds; and a Biodiversity Enhancement Scheme setting out measures for habitat creation and management in accordance with the principles set out at Section 6.0 of the Extended Phase 1 Habitat Survey and Phase 2 Protected Species Survey by Landscape Science Consultancy Ltd. Development shall thereafter proceed in accordance with the approved details.

Reason: In the interests of amenity and biodiversity, in accordance with the provisions of the National Planning Policy Framework.

10. No development shall take place until a scheme for the provision of a public footpath across the whole frontage of the site and along the extent of Old Gallamore Lane to connect to the existing footpath (opposite Woodhill Cottage, Old Gallamore Lane) has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include: uncontrolled crossing points; and arrangements to dispose of surface water runoff from the highway (at the frontage of the site). The scheme/ works shall be implemented and completed in accordance with the approved details before the first dwelling on site is first occupied or in accordance with a phasing arrangement agreed with the Local Planning Authority in writing before works commence on site.

Reason: To ensure safe access to and from the site, in accordance with saved policy STRAT1 of the West Lindsey Local Plan First Review and the National Planning Policy Framework.

11. No dwellings hereby permitted shall be commenced before the first 60 metres of the estate road from its junction with the public highway including visibility splays has been completed.

Reason: To ensure safe access to and from the site, in accordance with saved policy STRAT1 of the West Lindsey Local Plan First Review and the National Planning Policy Framework.

Conditions which apply or are to be observed during the course of the development:

12. Access to the site shall be provided in accordance with drawings 714.3/15G and 47067221-MR-SK-002 D within the appendices of the Transport Statement by Aecom.

Reason: To ensure safe access to and from the site, in accordance with saved policy STRAT1 of the West Lindsey Local Plan First Review and the National Planning Policy Framework.

13. No works shall take place involving the demolition of any existing buildings or the loss of any hedgerow, tree or shrub other than outside the bird nesting season (1st March to 31st August), unless it has been thoroughly checked for any nests and nesting birds by a suitably qualified person who has confirmed in writing to the Local Planning Authority that there are no active nests present.

Reason: To protect biodiversity in accordance with the recommendations of the Phase 1 Habitat Survey and in accordance with policy STRAT 1 of the West Lindsey Local Plan and the National Planning Policy Framework.

14. No trees or hedges shall be removed from the site without the prior written agreement of the Local Planning Authority.

Reason: In the interests of amenity and protection of habitats, in accordance with the provisions of the National Planning Policy Framework.

Conditions which apply or relate to matters which are to be observed following completion of the development:

15. No dwelling within 50 metres of the western-most boundary of the application site shall include habitable rooms at first floor or above.

Reason: In accordance with the illustrative masterplan, in order to protect the amenities of neighbouring residents, in accordance with policy STRAT 1, RES1 of the West Lindsey Local Plan and the National Planning Policy Framework.

16. Development shall proceed in accordance with the Travel Plan by Aecom. Prior to the occupation of any dwelling, details of the Travel Plan Coordinator shall be submitted to the Local Planning Authority. Copies of the annual monitoring reports shall be supplied to the Local Planning Authority.

Reason: In order to promote sustainable modes of transport, in accordance with the provisions of the National Planning Policy Framework.

Notes for the applicant

The submitted Flood Risk Assessment (FRA) ref: 880704-R2(05) has not taken into account the climate change allowance advice published by the Environment Agency on GOV.UK on 19 February 2016. This should be used to inform the finished floor levels unless it has been superseded by the time of submission of the reserved matters.

Human Rights Implications:

The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

Legal Implications:

Although all planning decisions have the ability to be legally challenged it is considered there are no specific legal implications arising from this report

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Appeal Decision

Hearing held on 22 March 2016

Site visit made on 14 & 22 March 2016

by Richard Schofield BA(Hons) MA MRTPI

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

Decision date: 18 April 2016

Appeal Ref: APP/N2535/W/15/3139041

Land north of old Gallamore Lane, Middle Rasen, Lincolnshire

- 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 Charles Pickering against the decision of West Lindsey District Council.
 - The application Ref 133129, dated 5 June 2016, was refused by notice dated 23 October 2015.
 - The development proposed is erection of up to 53 dwellings together with public open space and associated site access arrangements.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline with all matters other than access reserved for later determination. I have considered the appeal on this basis.
3. Prior to the Hearing, the Environment Agency having lifted its objection to the scheme, the Council determined not to defend its second reason for refusal in relation to flood risk.
4. A completed unilateral undertaking was submitted at the Hearing. The Council confirmed that this addressed its concerns, albeit not included as reasons for refusal, in relation to local infrastructure and affordable housing.
5. As well as walking around the site itself, my visits included walking the public right of way across the site and those in the wider area around the village. I visited all of the viewpoints set out in the appellant's Landscape and Visual Impact Assessment (LVIA). I also undertook an accompanied visit to 6 Mayfield Crescent and observed the arrival of the school bus in the village at around 1630.
6. The emerging Central Lincolnshire Local Plan (CLLP) has recently gone out for consultation, prior to its submission for examination. The Council confirmed that an examination will not take place until much later in the year, with the CLLP not being adopted by the Council until the end of the year or early 2017. This being so, having regard to paragraph 216 of the National Planning Policy Framework (the Framework), I consider that little weight can be attached to it. I have, therefore, determined the appeal in line with the adopted development plan.

Main Issues

7. The main issues are:

- the effect of the proposed development on the living conditions of the occupiers of neighbouring dwellings, with regard to privacy, outlook, noise and light; and
- the effect of the proposed development on the character and appearance of the area, with particular regard to the undeveloped break between Middle Rasen and Market Rasen.

Reasons

Living Conditions

8. A number of dwellings on the site's western boundary have open or very sparse, low boundaries with the appeal site. The rear gardens to these dwellings are, in some cases very, short. The rear extension of No 6 Mayfield Crescent, in particular, is around two to three metres from the boundary. Nos 4 and 5 Meadowfield lie even closer. With the possible exception of 9 Mayfield Crescent, there are clear views into the rear gardens of all of the dwellings on Mayfield Crescent and Meadowfield, which back onto the site. It is also possible to see directly through the windows of habitable rooms, at very close quarters in the case of 6 Mayfield Crescent and 4 and 5 Meadowfield.
9. The dwellings backing onto the site from Old Gallamore Lane have long rear gardens, such that the dwellings themselves are set well back from the appeal site. Nonetheless, the boundaries between these gardens and the site are largely open, with views into them easily achievable.
10. There is also a clear view, through the gappy hedge boundary, into the rear garden of The Old Vicarage. In addition, the rear garden of Nintirri, to the northwest of the site, is completely exposed to the site, through the post and rail fence boundary, with windows to the dwelling itself around two or three metres away from this boundary.
11. In all of these cases, I consider that the occupiers of these dwellings could not fail to experience, in some cases very significant, adverse impacts upon privacy from development on the appeal site. This could be addressed in some cases by new or enhanced boundary treatments. In my judgment, however, this would only be acceptable in relation to those properties where the houses are set well back into the plot behind lengthy rear gardens, namely The Old Vicarage, Bel Mar and The Cherries. This is because the outlook from the dwellings would be largely unaffected, given their distance from the boundary. In addition, the extent of the gardens is such that their existing sense of openness would not be significantly compromised.
12. With regard to the other dwellings referred to, any raised boundary treatments designed to prevent overlooking would result in significant adverse impacts upon the currently open outlook from both gardens and dwellings across the appeal site. While a *change* in outlook does not always equate to *harm* to outlook, I am not persuaded that this would be the case here. The, in some cases very, close proximity of the extant dwellings to the site boundary, combined with the limited depth of their rear gardens, would mean that screening to prevent loss of privacy would appear overbearing and oppressive

- upon the outlook from both gardens and dwellings. This would be particularly severe with regard to 6 Mayfield Crescent and 5 Meadowfield, which have windows to habitable rooms overlooking the site from very close quarters and gardens which are largely enclosed by built development, other than for the outlook over the appeal site.
13. Nintirri would look out onto an area indicated as open space. Indeed, it is difficult, if not impossible, to see how a dwelling could be juxtaposed with Nintirri given its proximity to the site and its open boundary. It was suggested that privacy to this dwelling is already compromised by the presence of the footpath across the appeal site. However, the footpath is some distance from Nintirri. There would also be a very substantial difference in impact between occasional walkers passing along a path removed from the dwelling and the presence of users of a substantial area of public open space, which runs right up to it.
 14. It was further suggested that shrub planting in the westernmost area of the open space could distance users and activity from Nintirri. There is, however, no reason to consider that users of the public open space would not make use of its full extent.
 15. With regards to light, I share the concerns of some existing residents on the western edge of the site that boundary treatments to prevent overlooking would be likely to cut out some daylight and sunlight to rear gardens and in the case of 6 Mayfield Crescent, to the rear extension. There would also be severe adverse impacts in relation to loss of light to 5 Meadowfield and Nintirri, which have windows looking onto the site at very close quarters.
 16. Turning to matters of noise, the sounds of people going about their normal daily activities might be marginally more prevalent than at present. I see no reason, however, why noise levels from the finished and occupied development would be any higher or more intrusive than one might reasonably expect from a rural residential scheme. I do not consider that they would give rise to significant adverse impacts upon the occupiers of existing dwellings.
 17. The appellant was happy to accept a condition that would limit dwellings on the western and southern boundaries to a single storey in height. Given that the dwellings on Mayfield Crescent and Meadowfield are bungalows, and close to the site boundaries, this is a sensible approach. Nonetheless, this would not address my fundamental concerns above. Nor am I persuaded that the relatively low density of the scheme or the indicative orientation of the dwellings would have any significant mitigating affect.
 18. I conclude, therefore, that the appeal proposal would have an adverse effect upon the living conditions of the occupiers of neighbouring dwellings, with regard to privacy, outlook and light. It would conflict, therefore, with policy RES 1 of the Local Plan, submitted to me, which seeks to ensure that new residential developments are satisfactory with regard to their impact upon the amenities of nearby residential properties. It would also conflict with paragraph 17 of the Framework, which seeks, among other things, to ensure that planning always seeks to secure a good standard of amenity for all existing and future occupants of land and buildings.

Character and Appearance

19. The appeal site lies outside the defined settlement boundary to the village and also forms part of the formal 'settlement break' between Middle Rasen and Market Rasen, as defined by the Proposals Map to the West Lindsey Local Plan First Review (the Local Plan). Thus, the site is protected from all but specified forms of development (which excludes residential schemes of the type proposed) under policies STRAT 12 and STRAT 13 of that plan.
20. The site is made up of open fields, largely grazed by horses, immediately to the east of the built-up edge of Middle Rasen. A small garden centre/nursery is situated on part of it. The site is not unattractive, being part of the open countryside setting to Middle Rasen. It is, however, unremarkable in, and indistinct from, both its local and wider rural landscape context.
21. The rear gardens of dwellings on Low Church Road, Mayfield Crescent, Meadowfield and Old Gallamore Lane back onto the site to the west and south. A large number of these gardens, notably to the western side, have open or sparse boundaries such that extant dwellings are clearly visible from the public right of way that crosses the appeal site, from southeast to northwest between Old Gallamore Lane and the private road to The Water Mill.
22. The rest of the southern boundary is the substantial hedge running along Old Gallamore Lane, while to the east the site is largely open, running out into the wider countryside. The River Rasen, with a tree belt beyond it, is a prominent feature to the north of the site and forms part of its northern and eastern boundary. The site's western and southern sides are influenced by the extant development that wraps around it here, while the water mill complex, and the tree belt beyond, contributes to a sense of enclosure to the north.
23. The landscape around this part of Middle Rasen, to the north of Gainsborough Road and Gallamore Lane, is typically characterised by arable and pastoral fields of varying sizes, contained by an extensive network of mature hedges, many of which contain sizeable trees. This means that the site, and, indeed, the extant village edge, is not apparent from the public rights of way that cross the wider landscape when viewed from a distance. The repetitive lines of intervening hedges and trees serve to contain it effectively, with visibility being limited to a small number of viewpoints on and immediately adjacent to it.
24. In addition, the appeal scheme would be at a relatively low density, with bungalows indicated against the extant bungalow development, such that it would not appear as an incongruous high density estate 'bolted on' to the village edge. Although indicative, the outline masterplan shows a substantial amount of the site being given over to areas of open space. These would include a deep buffer, with appropriate levels of planting for a river edge setting, between the river to the north and east and the proposed built development. This would further set the development back from Gallamore Lane, from where the site can be glimpsed, at present, through the already relatively robust, hedge/tree boundary beside it.
25. Denser planting in the south east corner of the site would almost completely constrain any fleeting views of the site from Gallamore Lane, when heading west, and the field between Gallamore Land and Old Gallamore Lane would continue to act as a deep green buffer to the site, such that there would not be

- any real awareness, by passing road users, of the village extending out towards Market Rasen.
26. At closer quarters, development would be visible from Old Gallamore Lane. Houses are, however, visible along the lane already, and there is a sizeable hedge between the site and the lane. The outline masterplan indicates that dwellings would not be positioned right up to the hedge. Thus, although the character of the lane would change, it would not be a stark difference.
27. This could not be said of the effect upon users of the footpath. Change here, particularly in what is quite an intimate landscape, would be significant. Nonetheless, the footpath is short, being a link between two lanes, and does not traverse anything approaching the full width of the settlement break, such that users would experience any sense of a diminution of it. Nor would the development foreshorten the sense of open rurality and separation experienced when moving between the two settlements by road or the public rights of way between the settlements. The proposed routing of a footpath through the green buffer along the river bank would still afford a pleasant route across the site, with views to the Lincolnshire Wolds Area of Outstanding Natural Beauty in the distance still being readily achievable.
28. The appeal scheme would be situated in the settlement break between Middle Rasen and Market Rasen, beyond the defined settlement boundary of Middle Rasen. It could not fail, therefore, to reduce physically the gap between the two settlements. In reality, however, for the reasons articulated above, the impact upon the character and appearance of the break would be limited. I am not persuaded that there will be any actual or perceived sense of coalescence between Middle Rasen and Market Rasen.
29. The Council's *Green Wedges Evidence Report* (the Report) was drawn to my attention. This informs emerging policy in relation to settlement breaks in the CLLP. With regard to the Middle Rasen/Market Rasen break, the report concludes that it should be retained in the CLLP and that there is '*limited capacity to accommodate moderate or substantial new development without having a major overall adverse impact on the role and function of the settlement break...*'. I have no reason to disagree with this conclusion. However, the Report does not rule out new development entirely and the appellant's LVIA provides a more focussed assessment of the impact of the proposed development on the settlement break, which was not an exercise carried out in the Report.
30. A number of appeal decisions relating to green gaps/settlement breaks were drawn to my attention, wherein Inspectors had reached different conclusions as to whether development in such areas was harmful. The parties agreed that these decisions were case specific, that any conclusions on the impact of development in a green gap/settlement break was a matter of judgment for the decision maker and that there was no need to scrutinise the decisions further.
31. Concern was also expressed that if the appeal scheme was found to be acceptable in the settlement break, that it would set a precedent for further encroachment. However, any future proposals for development in the settlement break would have to be considered on their individual merits. My conclusions are based solely on the specific circumstances of the appeal site and outline scheme before me. They should in no way be seen as any kind of

judgment that further incursion into this, or indeed any other, settlement break is *de facto* appropriate.

32. Local Plan policy STRAT 13 is somewhat convoluted. On the one hand it appears to allow for development that does not detract from the open rural character of settlement breaks. Where such development is permitted, it must be located and designed so as not to cause harm to the character of the area; not detract from the historic or landscape setting of settlements; and not encroach on open green spaces that preserve links between built-up areas with the countryside. On the other hand, the final paragraph seeks to restrict development in settlement breaks to development essential for agriculture or other essential countryside uses. It is unclear in this context whether its reference to development being 'exceptionally permitted' is to any development or to that essential for agriculture or other essential countryside uses.
33. The Council's approach to the application of the policy appears to be one of fact and degree, with consideration given to the impact of development proposals on the character and function of settlement breaks. Indeed, there was no dispute that it has granted permission for residential development in another settlement break, in the context of policy STRAT 13, having regard to the particular circumstances of that proposal. This being so, I conclude that although there would be conflict with the policy, insofar as there would be residential development in a settlement break, in my judgment this must be tempered by the fact that this would have little impact upon the character and function of that break.
34. The scheme would also conflict with policy STRAT 12, which restricts development beyond settlement boundaries other than where it meets certain criteria, which the appeal scheme does not. The justification for this policy is that uncontrolled development can have the effect of lessening the open and undeveloped character of the countryside. Again, however, this conflict must be tempered by my findings in relation to the minimal adverse impact upon character and appearance from the appeal proposal.
35. Policy NBE 20 seeks to ensure that development does not detract from the rural character of the settlement edge and the countryside beyond. Although the scheme would have an effect on the settlement edge, for the reasons set out above, with particular regard to the scheme's density and the thought that has gone into the indicative landscape features on the eastern edge of the site, I do not consider that this would be adverse. As such, I do not find any conflict with this policy.

Other Matters

36. Local residents raised a number of other concerns in relation to flood risk, highway safety and human rights. However, as I am dismissing the appeal for other reasons, it is not necessary for me to address these matters further.
37. There was limited discussion at the Hearing about the robustness of the Council's methodology for establishing its five-year supply of deliverable housing sites. My attention was drawn to two recent appeal decisions¹ wherein Inspectors have concluded that the Council is unable to demonstrate such a supply. I am mindful of this, but the detail and amount of evidence available

¹ 3133902 and 3103245

to one Inspector appears to be limited, to say the least, while the issue was not scrutinised in any detail by the other. On the basis of the limited evidence presented to me by both parties, I do not consider that it is possible for me to reach a conclusion on this matter. That said, this matter is not determinative and, indeed, the parties agreed in the Statement of Common Ground on Housing Land Supply that, *'whether or not the Council can demonstrate a five year supply specifically is, in this particular case, a moot point'* and that it should not be an area for significant focus at the Hearing.

38. A S106 agreement has been provided that would secure obligations for the provision of affordable housing, primary school places, improvements to local medical facilities and open space. However, although acknowledging the benefit of the affordable housing, these obligations would not overcome my concerns in relation to the harm arising from the proposal and, thus, they have not had a significant bearing upon my decision.

Conclusion

39. It was common ground between the Council and appellant that the age of the Local Plan is such that certain policies in relation to the location of residential development must be out-of-date. Notwithstanding my concerns, noted at the Hearing, as to whether the latter position can be an automatic corollary of the former, for the purposes of this decision I have adopted the approach set out in paragraph 14 of the Framework. This explains that where relevant policies are out-of-date then (unless material considerations indicate otherwise) permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
40. The scheme would conflict with the development plan, in relation to character and appearance and living conditions. The conflict in relation to the former is tempered, however, by my findings that the scheme would not have significant adverse impacts with regard to the settlement break or open countryside. Nonetheless, I give very significant weight to the conflicts in relation to policy on living conditions and to the harms arising from that.
41. In terms of social benefits, the scheme would deliver additional housing, both market and affordable (secured by planning obligation), in line with the Framework's² aim, and Government policy, of significantly boosting the supply of such. I give this benefit substantial weight.
42. Turning to the economic dimension of sustainability, the Government has made clear its view that house building plays an important role in promoting economic growth. In economic terms, the appeal scheme would provide construction jobs and some local investment during its build out, as well as longer term expenditure in the local economy and some Council tax receipts. Moderate weight should be afforded to this benefit.
43. The development would also generate New Homes Bonus (NHB) receipts for the Council. As this is an incentive for local planning authorities to provide housing on suitable sites, and no direct beneficial link between the spend of the NHB and Middle Rasen has been established, I do not consider that it attracts weight as a benefit in the planning balance.

² Paragraph 47

44. It is suggested that the scheme would support and sustain shops, services and facilities in Middle Rasen and Market Rasen. There is not, however, any evidence that such shops, services and facilities are in particular need of support and I give this little weight.
45. In environmental terms, the scheme would provide some publicly accessible open space. There is, however, no evidence before me that Middle Rasen lacks for recreational open space and the provision of such is, in any case, largely a policy requirement (albeit a lesser amount than proposed) and a necessity of the proposed flood mitigation, drainage scheme and mitigating landscaping. As such, I give this little weight.
46. Placing these factors and all of the relevant material considerations in the balance, I find that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits. In the circumstances I conclude that the proposal would not represent a sustainable form of development. Thus, for the reasons given above, and taking all other matters into consideration, I conclude that the appeal should be dismissed.

Richard Schofield

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Thomas Smith MRTPI
Mr Brian Duckett

Hankinson Duckett Associates

FOR THE LOCAL PLANNING AUTHORITY:

Mr Mark Simmonds
Mr Jonathan Cadd
Cllr Thomas Smith

Mark Simmonds Planning Services
West Lindsey District Council
West Lindsey District Council

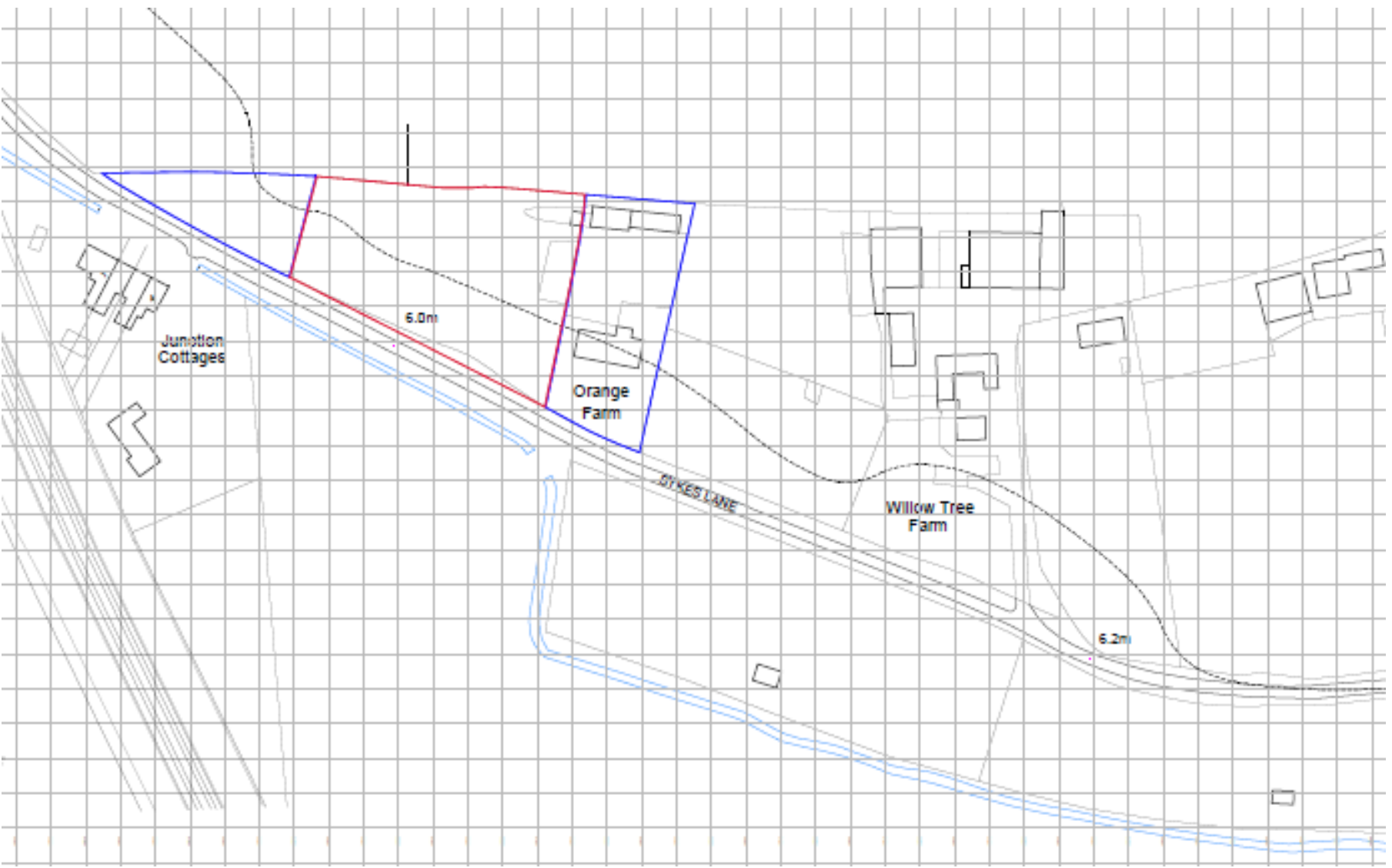
INTERESTED PERSONS

Mrs Lesley Bailey
Mr John Williamson
Mrs Christine Williamson
Mrs Sharon Law
Mrs C Dickinson
Mr K Helliwell
Mrs Wendy Codd

DOCUMENTS SUBMITTED AT THE HEARING

1. Completed S106 agreement
2. Statement by Mrs C Dickinson
3. Photographs of the appeal site submitted by Mr John Williamson
4. Petition submitted by Mrs Lesley Bailey
5. Photographs of the appeal site submitted by Mrs Wendy Codd
6. Appeal decisions 3133902 and 3103245
7. Honeyholes Lane Committee Report

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Officers Report

Planning Application No: 133568

PROPOSAL: Retrospective planning application for change of use of field to woodyard for log cutting and amendment to 3 sided cutting shed to incorporate amendments made on site, including bio mass unit.

LOCATION: Orange Farm Sykes Lane Saxilby Lincoln LN1 2NX
WARD: Saxilby
WARD MEMBER(S): Cllr Mrs J Brockway and Rev Cllr D J Cotton
APPLICANT NAME: Mr Colley

TARGET DECISION DATE: 06/07/2016 (Extension of time agreed until 31st October 2016)
DEVELOPMENT TYPE: Change of Use

RECOMMENDED DECISION: Grant permission subject to conditions

Description:

The application site is currently spilt into two sections. One section has planning permission for the use of a woodyard (see 130561 in planning history) and the second section currently has an agricultural use as a field. However the second part of the site is being used as a woodyard resulting in this retrospective planning application. The site sits within the open countryside approximately 1,315 metres to the north west of Saxilby. The site has a wide vehicular access and onsite parking and turning space. The site slopes gently from the south to north. The site is screened to the north and south by hedging. The site is open to the west boundary with hedging and trees close by. The east boundary is a mix of low fencing and open boundary treatment. To the north and south of the site is open countryside with residential dwellings to the west. Approximately 90 metres to the east is Willow Tree Farm which is used for the transfer and treatment of recyclable domestic and light industrial inert waste. The entire site sits within flood zone 2 due to the proximity of the watercourse to the south. The woodyard business which includes the use of machinery, chainsaws and bulk storage of tree trunks.

The application seeks retrospective permission for the change of use of a field to a woodyard for log cutting and amendment to 3 sided cutting shed to incorporate amendments made on site, including bio mass unit.

It has been requested by a ward member that the application goes to the planning committee because 'it is a highly contentious' application.

Relevant history:

130561 - Planning application for change of use of field to woodyard for log cutting, including the erection of an outbuilding and installation of permeable hardstanding – 25/03/14 - Granted time limit and other conditions

Representations

Chairman: No representations received to date

Ward member: Representations from Councillor Brockway:
This is a highly contentious application so could I please ask for it to go to the Planning Committee for determination.

Other Ward Members: No representations received to date

Saxilby Parish Council: Comments

- Further information is required on the Environmental Impact of the application, particularly in relation to small and fumes.
- There is a lack of appropriate vehicular access through the village to the site.
- The council requests that the application is referred to the WLDC Planning Committee for consideration.

Local residents: Representation received from 1 Sykes Junction Cottages, 4 Sykes Junction Cottages, The Haven and Haven Equestrian, Sykes Lane, Saxilby:

Residential Amenity

- Noise from operation of the site and poor sound barriers.
- Air pollution from smoke and odour from biomass boiler affects use of external spaces, health and provides sleep disturbance.

Visual Impact

- Boiler, chimney stack and large piles of trees is a blight site and industrial in appearance. Inappropriate and adverse visual impact on the open countryside location.
- Page 29 of the Saxilby with Ingleby Neighbourhood Plan protects existing features and the natural landscape.

Highway Safety

- Impact of heavy lorry loads on verges and require passing places.
- Large lorries are a hazard to pedestrians, cyclists and horse riders.

Drainage/Flood Risk

- Risk of flooding due to highly compacted site and extensive hardcore coverage.

Tourism

- Impact on tourism as supported by the Saxilby with Ingleby Neighbourhood Plan

Other

- Decreases value of house
- Fire Risk
- Impact on Local Businesses and employment through loss of customer
- Breach of human right
- Loss of paddock area.
- The site will only be improved by the removal of the biomass boiler and cease the use of the site.

Public Protection Officer: No objections with comments

- The proposed extension will address concerns regarding noise from the activity on site, particularly chainsaw noise.
- I have no concerns regarding smell and odour from the site other than a requirement that the boiler be operated according to manufacturer's instructions and that records of maintenance are servicing are kept by the operator and made available to officers upon request.

LCC Highways: No objections subject to condition and advisory note

Response received 21st June 2016:

The Highway Authority would request the applicant submits a Transport Statement outlining the number of vehicle trips to and from the site with a breakdown by type and size.

Response received 16th September 2016:

Condition

The Highways Authority consider a scheme of passing places is required to facilitate this development due to the narrow nature of the carriageway and the verge damage evident. Please condition that no development should take place until a scheme of passing places has been submitted to and approved by the Local Planning Authority.

Environment Agency: No objections

Owing to the small scale and low flood risk vulnerability of the proposal, we do not wish to make any comments on this application.

Archaeology: No objections

IDOX checked: 4th October 2016

Relevant Planning Policies:

West Lindsey Local Plan First Review 2006 Saved Policies (WLLP)

This remains the statutory development plan for the district. Paragraph 215 of the National Planning Policy Framework (NPPF), a material consideration, states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

STRAT 1 Development Requiring Planning Permission

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt3a.htm>

STRAT 12 Development in the Open Countryside

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt3b.htm>

NBE 10 Protection of Landscape Character and Areas of Great Landscape Value

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt11.htm>

NBE 17 Control of Potentially Polluting Uses

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt11.htm>

Central Lincolnshire Local plan 2012-2036 (March 2016) (CLLP)

The submission draft local plan has now been submitted to the Secretary of State for examination. This version of the Local Plan will therefore carry more weight in determining planning applications than the earlier draft versions. However, the development plan is still considered to be the starting point when considering development. The policies relevant to this application are noted to be:

LP1 A presumption in Favour of Sustainable Development

LP14 Managing Water Resources and Flood Risk

LP17 Landscape, Townscape and Views

LP19 Renewable Energy Proposals

LP26 Design and Amenity

LP55 Development in Hamlets and the Open Countryside

<http://central->

[lincs.objective.co.uk/portal/central_lincolnshire/further_draft/fdlp?tab=files](http://central-lincs.objective.co.uk/portal/central_lincolnshire/further_draft/fdlp?tab=files)

Saxilby with Ingleby Neighbourhood Plan

The Saxilby with Ingleby Neighbourhood Plan group has formally consulted the public (Stage 3) on their draft Neighbourhood Plan for a 6-week period from Wednesday 4th May until the 15th June 2016. The draft plan was due for submission to the Local Authority (Stage 4) at the end of September 2016 but this has now been put back due to further discussions and amendments. The Saxilby with Ingleby Neighbourhood Plan therefore carries some weight.

Policy 2 Design of New Developments

Policy 8 Small Scale Business Development

Policy 11 Minimising the impacts of Development on the Natural Environment
Policy 16 Traffic and Movement around the Village
<https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/neighbourhood-plans-being-prepared-in-west-lindsey/saxilby-with-ingleby-neighbourhood-plan/>

National Guidance

National Planning Policy Framework 2012 (NPPF)
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

National Planning Practice Guidance (NPPG)
<http://planningguidance.communities.gov.uk/>

Main issues:

- Principle of Development
- Rural Economy
- Renewable Energy
- Impact on Residential Amenity
- Impact on Visual Amenity
- Flood Risk
- Highway Safety
- Archaeology

Assessment:

Principle of Development

This is a retrospective planning application which comprises three different elements. These are listed below along with any current or previous important relevant details.

1. The retrospective change of use of agricultural land to a woodyard business. This area is currently used for the storage of piled tree trunks.
2. The retrospective siting of a biomass boiler with chimney and dryer unit. This is not just installed but in operation as well.
3. The retrospective siting of a building for chainsaw activity. A noise reduction building was given permission in planning application 130561 but was partially constructed in the wrong position. Instead of being orientated east to west it was orientated north to south. The southern half of the building constructed was located in the correct position but still not in accordance with the plans due to the orientation. Therefore the entire building requires retrospective planning permission.

Saved Policy STRAT 12 states that development within the open countryside will not be granted unless the development is essential to the needs of agriculture, horticulture, forestry, mineral extraction or other land use which necessarily requires a countryside location. The site in planning permission

130561 which is adjacent the change of use site has already established the principle of having a forestry business in this location. The established site along with the application site is used for processing firewood from delivery of the tree trunks to distributing the firewood to customers.

The principle of the development is therefore acceptable as the use meets the definition of forestry. This is dependent on all other material consideration being satisfied.

Rural Economy

Paragraph 28 of the National Planning Policy Framework (NPPF) clearly states that planning policies should support economic growth in rural areas in order to create jobs and prosperity. The business currently employs four full time and two part time staff including Mr Colley.

Additionally it supports the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings. As previously discussed the site includes a timber building which has been partially incorrectly positioned and it requires the completion of the building approved in planning permission 130561. The timber building provides an area to operate the chainsaws to reduce the impact of its use.

Renewable Energy

One of the core principles contained within paragraph 17 of the NPPF states that planning should '*support the transition to a low carbon future in a changing climate*' and '*encourage the use of renewable resources*'.

Guidance contained with paragraph 93 of the NPPF states that '*planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development*'.

Furthermore paragraph 95 goes on to say that '*to support the move to a low carbon future, local planning authorities should actively support energy efficiency improvements to existing buildings*'.

Paragraph 98 states that '*When determining planning applications, local planning authorities should:*

- *not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and*
- *approve the application if its impacts are (or can be made) acceptable*'.

Submitted CLLP local policy LP19 supports the use of non-wind renewable energy developments providing they are '*assessed on their own merits, with the impacts, both individual and cumulative, considered against the benefits of the scheme*'.

The biomass boilers will provide energy to the business and will be fed by timber which is dried in the dryer unit. The biomass boiler is a benefit of the scheme and will reduce the carbon footprint of the business.

Impact on Residential Amenity

The expansion of a forestry use into an open countryside location can have a detrimental impact on the living conditions of nearby residents in the form of noise, smell or dust. The business is already established in this area of Sykes Lane with planning permission (130561).

Noise and Dust:

Objections have been received in relation to noise and dust levels generated by the site. The situation with the building is explained in point 3 of the principle section above. The building approved in 130561 was not constructed in the correct position therefore although it reduces noise and dusts level impacts it does not fully provide the intended mitigation of a correctly positioned building. The proposed inclusion of the green hatched area on plan PL/A1/106A dated October 2015 will provide the necessary mitigation from the use of the chainsaws which is loudest noise source created on the site. This area identifies the position of the proposed extension to the existing timber building used for chainsaw work. The building will only be open to the north side therefore reducing noise levels in all other directions.

The application has included the submission of a noise impact assessment completed by Environmental Noise Solutions Ltd dated 12th February 2014. In paragraph 4.10 it states that the building must be constructed from a material with a density of 10kg/m² or greater to allow for a reduction of at least 15 decibels.

The existing and proposed open sides to the north and east does will direct the noise away from the nearby residents. It is considered that the proposed building when completed in full will reduce noise levels to an acceptable level providing it is positioned as submitted on PL/A1/106A dated October 2015 and constructed using a timber material of appropriate thickness.

Noise on the site additionally occurs from the operation of the on-site vehicles plus heavy goods vehicles and light goods vehicles entering and existing the site. These operations and movements are not as noisy or as frequent as the chainsaw and are considered as acceptable.

The use of the site does cause levels of smell and dust associated with the various processes which occur on site. These levels are reduced by the tree cutting being completed within the confines of the timber building which will be subject of a planning condition. It is therefore considered that the levels of smell and dust are acceptable from the tree cutting process of the business. This is supported by the Public Protection Officer proving the building is completed in accordance with the plans. The permission will include a condition ensuring the building is completed within 3 months of the date of the permission.

Air Pollution:

Objections have additionally been received in relation to air pollution (smoke and odour) from the biomass boiler. The site has been visited on a number of occasions by the Public Protection Team following complaints and has no concerns regarding smell and odour providing the boiler is operated in accordance with the manufacturer's instructions and that records of maintenance or servicing are kept by the operator and made available to officers upon request. The site has also been visited on three unarranged occasions by the case officer and there was no experience of any odour or smoke from the operation of the boiler.

It is therefore considered that the operation of the boiler does not have a significant impact on the living conditions of neighbouring residents.

The existing business has permission to operate between the hours of 8:00-16:30 from Monday to Friday and Saturday mornings from 9.00-12:30. These hours of operation will be replicated on this permission.

Impact on Visual Amenity

Saved Policy STRAT 12 of the West Lindsey Local Plan Review 2006 places great importance on the open countryside and the conservation of its beauty, and maintaining its enjoyment its character gives. However this does have to be balanced against the need to encourage the rural economy and employment opportunities in the open countryside.

The visual impact of the proposal has been made simpler to assess by the business already operating on site. This application has applied to include areas used for tree trunk storage.

It has to be acknowledged that the proposal as a whole does have an impact on the character of the site but this impact has to be significant to warrant a refusal decision. The existence of large vehicles is not considered as uncommon in the open countryside due to the presence of agricultural vehicles which use Sykes Lane. The building will be completed in timber to match the existing building which is an appropriate material in this location. The expansion of the site has meant a greater spread of tree trunk piles but not to an extent that will cause a significant adverse visual impact. It might be considered as reasonable to limit the height of the tree trunk mounds but in reality this would be hard to monitor and/or enforce.

The biomass boiler includes a silver stainless steel chimney of approximately 7.75 metres in height (measurement taken from plan PL/A1/107 dated 10/15). This has introduced a reasonably high and shiny feature onto the site but the chimney has a low diameter.

However it is considered that the visual impact is limited to the close local area and does or will not affect the wider open countryside due to the hedging, high trees and the position and raised level of the railway line. Therefore the proposal does and will not have a significant visual impact on the open countryside and is considered acceptable.

Flood Risk

The site sits within flood zone 2 due to the proximity of the watercourse to the south. Surface water from the timber building will be disposed of to a soakaway to the north west of the building. The use of a suitable soakaway for the ground conditions will be dealt with under Building Regulations. The proposed area of hardstanding will be constructed using a porous material which will allow rainwater to drain naturally into the ground. The Environment Agency have decided not to comment on the development due to the small scale and low flood risk vulnerability of the proposal. The proposal will therefore not increase the risk of flooding.

Highway Safety

The application has included the submission of a Transport Statement received 8th September 2016. The transport statement includes the below table of vehicle movements.

	Frequency	Time	Days
HGV's	15 per Annum	08:00 - 16:30	Mon - Fri Only
PLG* Vehicles assoc. with Business	Up to 5 per day	07:30 – 17:00	Mon - Fri
Cars assoc. with Business	Up to 5 per day	07:30 – 17:00	Mon - Fri

**For the purposes of this report, cars have been identified separately*

The Highways Authority has recommended that the proposal requires a scheme of passing places to be introduced due to the narrow nature of the carriageway and the verge damage evident. The agent has stated that the request for a scheme of passing places is not necessary along Sykes Lane.

The amount of vehicle movements and employees is not different to when planning application 130561 was determined. In this application it was considered as unreasonable to apply this into the proposal due to the amount of heavy goods vehicle deliveries.

The site has a wide access and a good sized parking area which ensures that all delivery vehicles can be parked off the highway whilst being unloaded or loaded, have an area to fully turn around and can enter and exit the site in a forward gear.

It is therefore considered that the proposal due to the small amount of deliveries by heavy goods vehicles will not have a significant impact on highway safety.

Archaeology

The Historic Environment Officer at Lincolnshire County Council has no objections to the proposal.

Other Considerations:

None

Conclusion:

The decision has been considered against saved local policies STRAT 1 Development Requiring Planning Permission, STRAT 12 Development in the open countryside, NBE 10 Protection of Landscape Character and Areas of Great Landscape Value, NBE14 Waste Water Disposal and NBE 17 Control of Potentially Polluting Uses of the adopted West Lindsey Local Plan First Review 2006 in the first instance and local policies LP1 A presumption in Favour of Sustainable Development, LP14 Managing Water Resources and Flood Risk, LP17 Landscape, Townscape and Views, LP19 Renewable Energy Proposals, LP26 Design and Amenity and LP55 Development in Hamlets and the Open Countryside of the Submitted Central Lincolnshire Local Plan 2012-2036. Furthermore consideration has been given to the Saxilby with Ingleby Neighbourhood Plan and guidance contained within the National Planning Policy Framework and National Planning Practice Guidance. In light of this assessment it is considered that the benefits of the proposal will outweigh any harm. The proposal enable the continuation of a rural business in this location and maintain the job opportunities it creates whilst utilising a source of renewable energy. It will not significantly harm the character and appearance of the open countryside or the living conditions of the neighbouring occupiers. The proposal will not have a significant adverse impact on highway safety, will not increase the risk of flooding or have an adverse archaeological impact. The proposal is therefore acceptable subject to a adhering to a number of conditions.

Human Rights Implications:

The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

Legal Implications:

Although all planning decisions have the ability to be legally challenged it is considered there are no specific legal implications arising from this report

Conditions stating the time by which the development must be commenced:

NONE

Conditions which apply or require matters to be agreed before the development commenced:

NONE

Conditions which apply or are to be observed during the course of the development:

1. 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 the following drawings: PL/A1/105 Rev A, PL/A1/106 Rev A and PL/A1/107 dated October 2015. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and saved policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

2. The wood yard shall only be in operation between the hours of 8:00 and 16:30 Monday to Friday and Saturday between 9:00 and 12:30.

Reason: To protect the amenities of nearby properties and the locality to accord with the National Planning Policy Framework and saved policies STRAT 1 and STRAT 12 of the West Lindsey Local Plan First Review 2006 and local policies LP26 and LP55 of the Submitted Central Lincolnshire Local Plan 2013-2036.

3. All deliveries and collections shall only be carried out during the hours of operation described in condition 2 of this permission.

Reason: To protect the amenities of nearby properties and the locality to accord with the National Planning Policy Framework and saved policies STRAT 1 and STRAT 12 of the West Lindsey Local Plan First Review 2006 local policies LP26 and LP55 of the Submitted Central Lincolnshire Local Plan 2013-2036.

4. The proposed timber building extension shown on drawing number PL/A1/105 Rev A dated October 2015 shall be constructed within 2 months of the date of this permission in the position hatched green on drawing number PL/A1/106 Rev A dated October 2015 and retained thereafter.

Reason: To protect the amenities of nearby properties and the locality to accord with the National Planning Policy Framework and saved policies STRAT 1 and STRAT 12 of the West Lindsey Local Plan First Review 2006 and local policies LP26 and LP55 of the Submitted Central Lincolnshire Local Plan 2013-2036.

5. The operation of all chainsaws shall be carried out at all times within the timber building shown on drawing number PL/A1/105 Rev A and PL/A1/106 Rev A dated October 2015.

Reason: To protect the amenities of nearby properties and the locality to accord with the National Planning Policy Framework and saved policies STRAT 1 and STRAT 12 of the West Lindsey Local Plan First Review 2006.

Conditions which apply or relate to matters which are to be observed following completion of the development:

6. No lighting shall be erected or introduced onto the site.

Reason: To protect the amenities of nearby properties and the locality to accord with the National Planning Policy Framework and saved policies STRAT 1 and STRAT 12 of the West Lindsey Local Plan First Review 2006 local policies LP26 and LP55 of the Submitted Central Lincolnshire Local Plan 2013-2036.

7. The biomass boiler and dryer shown on plan PL/A1/106 Rev A and PL/A1/107 dated October 2015 shall be operated in accordance with manufacturer's instructions and records of maintenance and servicing are kept by the operator and made available to Local Authority Officers upon request.

Reason: To protect the amenities of nearby properties and the locality to accord with the National Planning Policy Framework and saved policies STRAT 1 and STRAT 12 of the West Lindsey Local Plan First Review 2006 local policies LP26 and LP55 of the Submitted Central Lincolnshire Local Plan 2013-2036.

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Planning Committee
19 October 2016

Subject: Determination of Planning Appeals

Report by:

Chief Operating Officer

Contact Officer:

Mark Sturgess
Chief Operating Officer
Mark.sturgess@west-lindsey.gov.uk
01427 676687

Purpose / Summary:

The report contains details of planning applications that had been submitted to appeal and for determination by the Planning Inspectorate.

RECOMMENDATION(S): That the Appeal decisions be noted.

IMPLICATIONS

Legal: None arising from this report.

Financial : None arising from this report.

Staffing : None arising from this report.

Equality and Diversity including Human Rights : The planning applications have been considered against Human Rights implications especially with regard to Article 8 – right to respect for private and family life and Protocol 1, Article 1 – protection of property and balancing the public interest and well-being of the community within these rights.

Risk Assessment : None arising from this report.

Climate Related Risks and Opportunities : None arising from this report.

Title and Location of any Background Papers used in the preparation of this report:
Are detailed in each individual item

Call in and Urgency:

Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

Yes

No

x

Key Decision:

A matter which affects two or more wards, or has significant financial implications

Yes

No

x

Appendix A - Summary

- i) Appeal by Mrs Marian McDaniel against the decision of West Lindsey District Council to refuse planning permission for one three bed house/cottage/bungalow at Brampton Dale, Cade Lane, Upton.

Appeal Dismissed - See copy letter attached as Appendix Bi.

Officer Decision – Refuse permission

- ii) Appeal by Mr D Krouse against the decision of West Lindsey District Council to refuse planning permission for conversion of existing garage to provide annex accommodation at 45 Melrose Road, Gainsborough.

Appeal Dismissed - See copy letter attached as Appendix Bii.

Officer Decision – Refuse permission

- iii) Appeal by Mr Stephen Spouge against the decision of West Lindsey District Council to refuse planning permission for the erection of 125 dwellings, day nursery (Class D1), a shop (Class A1) and associated access roads and open space on land north and west of Barlings Lane, Langworth.

Appeal Dismissed - See copy letter attached as Appendix Biii.

Officer Decision – Refuse permission

- iv) Appeal by Mr & Mrs Youngman against the decision of West Lindsey District Council to refuse planning permission for residential development of up to 37 No dwellings, including 10 No affordable homes on land off Granary Close, Morton.

Appeal Dismissed - See copy letter attached as Appendix Biii.

Officer Recommendation – Grant with Conditions
Refused at Committee.

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Appeal Decision

Site visit made on 13 September 2016

by David Troy BSc (Hons) MA MRTPI

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

Decision date: 21 September 2016

Appeal Ref: APP/N2535/W/16/3152757

Brampton Dale, Cade Lane, Upton, Gainsborough DN21 5NN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Marian McDaniel against the decision of West Lindsey District Council.
 - The application Ref 134178, dated 15 March 2016, was refused by notice dated 3 June 2016.
 - The development proposed is one three bed house/cottage/bungalow.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's statement and decision notice refers to Policies LP1, LP4 and LP55 of the emerging Submission Draft Central Lincolnshire Local Plan (CLLP) (April 2016). The CLLP is at an advanced stage, having been submitted for examination. However, as I do not have evidence before me as to whether there have been any significant objections to the above policies and the Inspector's report has not yet been published, I give these policies in the emerging Development Plan moderate weight as a material consideration.
3. The application was made in outline with all matters reserved for future consideration. I have determined the appeal on this basis.

Main Issue

4. The main issue is whether the proposal would be appropriate to its location in the context of planning policies relevant to the provision of housing in the countryside.

Reasons

5. The Council's Settlement Hierarchy is set out in saved policy STRAT 3 of the West Lindsey Local Plan Review 2006 (LP). This policy defines a settlement hierarchy, with the aim of directing most development to the district's larger settlements and lesser amounts to lower tiers in the hierarchy. Upton is identified as a Subsidiary Rural Settlement in saved policy STRAT 3 of the LP and a Small Village in Policy LP2 of the CLLP where small scale development of a limited nature will be considered.

6. However, the appeal site is not within Upton's development boundary nor is it at the edge of the settlement. Indeed, the appeal site falls within the lowest tier of the hierarchy, being defined as countryside under saved policy STRAT 3, where development is restricted under saved policy STRAT 12 to particular types of development essential to support the rural economy. Policy LP2 of the CLLP supports the objectives of saved policy STRAT 3 whereby development in the countryside is restricted under policy 55 to particular types of development demonstrably essential to the effective operation of rural uses.
7. There is no indication in the evidence before me that the proposed dwelling would fall within any of the specified categories of development that would be appropriate in this location. It follows that the principle of housing development on the appeal site would be contrary to saved policy STRAT 3 and STRAT 12 of the LP and Policies LP2 and LP55 of the CLLP. However, the Council acknowledges it cannot identify a five year supply of deliverable sites to meet the requirements of the LP. Consequently, the housing supply saved policy STRAT 3 cannot be considered up to date in accordance with Paragraph 49 of the National Planning Policy Framework (the Framework).
8. The provisions of Paragraph 55 of the Framework are relevant to my assessment. Paragraph 55 seeks to promote sustainable development in rural areas by locating housing where it will enhance or maintain the vitality of rural communities. Paragraph 55 goes on to state that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances. These include where there is an essential need for a rural worker, or where the development would be of exceptional quality, or would be of a truly outstanding or innovative design, to help raise design standards more generally in rural areas, which does not apply in this case.
9. The proposal is an open parcel of land located adjacent to a detached property known as Brampton Dales Farm and its associated outbuildings and is approximately 440m to the north of the village of Upton. The appeal site forms part of a larger field that previously had military use as part of a RAF/USAF air base until the mid-1960's. The appeal site is set in attractive countryside, defined by gently undulating fields punctuated by hedgerows and trees. The proposed dwelling would be accessed via a long unmade track from Cade Lane to the south-east of the site. This also provides access to Upton, which would be within walking distance of the appeal site.
10. Upton, however, has a limited range of local services and facilities, lacking any medical or shopping facilities, and significant employment opportunities. This would, therefore, necessitate the need to travel for day to day services and facilities to other towns and villages. These settlements are a reasonable distance away and, from the evidence provided and from my observations on my site visit, are not readily accessible by safe public footpaths. The Council indicate that Upton has a regular bus service to Gainsborough and Lincoln but does not provide any information about the frequency of the service. Therefore, the appeal site would be sufficiently isolated in this rural location such that the future occupiers of the proposed development would be reliant on the use of the car to reach day to day services, facilities and employment elsewhere.
11. The appellant considers that the appeal site is not in an isolated position given the existing property and buildings at Brampton Dales Farm and nearby

buildings. However, rather than the site having any close connection with adjacent property and buildings, it reads strongly as an integral part of the extensive surrounding countryside and as such would constitute an isolated form of development in this rural location.

12. The proposed dwelling would not, therefore, result in a pattern of development which would fall within any of the specified categories of development that would be appropriate in this location as set out in paragraph 55 of the Framework. In addition, a single dwelling would make a limited contribution to the vitality of this rural community.
13. Consequently, I conclude that the proposal would not be appropriate to its location in the context of those planning policies relevant to provision of housing in the countryside. It would conflict with saved policy STRAT 12 of the LP and policies LP4 and LP55 of the CLLP which aim to focus limited levels of housing growth in the villages and restrict housing in the open countryside to particular types of development essential to support the rural economy. It would conflict with saved policy STRAT 1 of the LP that seeks to promote sustainable development that takes full account of the need to protect the environment including providing access to public transport and reducing car use.
14. In addition, it would conflict with paragraphs 17 and 55 of the Framework which seeks to avoid isolated homes in the countryside and to actively manage patterns of growth through the plan-led system.

Other matters

15. The Council accepts that it cannot demonstrate a five year supply of deliverable housing sites. Consequently, the relevant housing supply policy as set out above cannot be considered up to date and as such the application needs to be considered against the presumption in favour of sustainable development in paragraph 14 of the Framework. For decision making this means that where the development plan is absent, silent or relevant policies are out of date, planning permission will be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
16. The appellant states that the appeal site is available for housing. This would have some social benefits through adding to the mix of housing in the area that would support local services and some short term economic benefits, particularly during the construction period. However, the adverse impacts arising from the proposed development in this isolated rural location would significantly and demonstrably outweigh the benefits. As such, the proposal would not represent a suitable sustainable form of development for which the Framework carries a presumption in favour and would also conflict with Policy LP1 of the CLLP which has similar objectives in line with the Framework.
17. I have considered the appellant's comments that the appeal site is brownfield given the previous use and that the rural land registry information shows the land as hardstanding/building. I saw from my site visit that whilst there were remnants of the previous use on other parts of the land, the appeal site consists of a small and level grassed area and as such would be excluded from the definition of Brownfield or Previously Developed Land (PDL) as defined in Annex 2 of the Framework. This definition, amongst other things, specifically excludes land that was PDL but where the remains of the permanent structure

or fixed surface structure have blended into the landscape in the process of time, which is the case in this instance. I also note the appellant's comments that they wished to suggest a slight change to the Council in the location of the site to one of the pre-existing foundations on land prior to the decision being made. I do not, however, consider that this would overcome the adverse effects outlined above and the site's significant locational shortcomings. I therefore accord these matters limited weight in this case.

18. I have noted the planning permission in the area drawn to my attention by the appellant. However, based on the limited evidence provided I am not convinced that the development characteristics of the application are compellingly similar to that of the present appeal proposal. I therefore accord this limited weight as a precedent in this case.

Conclusion

19. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Troy

INSPECTOR

Appeal Decision

Site visit made on 7 September 2016

by Grahame Kean B.A. (Hons), PgCert CIPFA, Solicitor HCA

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

Decision date: 21 September 2016

Appeal Ref: APP/N2535/D/16/3154036

45 Melrose Road, Gainsborough, Lincolnshire DN21 2SA

- 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 D Krouse against the decision of West Lindsey District Council.
 - The application Ref 133621, dated 5 September 2014, was refused by notice dated 3 February 2016.
 - The development proposed is conversion of existing garage to provide annex accommodation.
-

Decision

1. The appeal is dismissed

Main Issues

2. The main issues are:
 - a. whether the proposal complies with development plan policies as being accommodation that is incidental or ancillary to 45 Melrose Road;
 - b. the effect of the proposal on the character and appearance of the host property and surrounding area; and
 - c. the effect of the proposal on living conditions of local residents, with reference to matters of outlook, loss of light and overlooking.

Reasons

Description of site and the proposal

3. 45 Melrose Road is a terraced property in a residential area of Gainsborough where is a fairly high density of dwellings with a high level of on-street parking. The host building and surrounding houses are traditional brick-built properties. It is said that they hold little if any 'architectural' merit. In my view the established rows of pitched roof dwellings of generally uniform height and traditional design, with modest but distinctive detailing, make a positive contribution to the character of the area.
4. The proposal is to convert the block brick garage at the end of the rear yard and garden of No 45 to a two-storey building for self-contained accommodation including lounge, two bedrooms, bathroom, kitchen and balcony. It is intended as a "family annex" for the appellant's son and visiting friends who are unable to stay when visiting due to the lack of space in the existing house.

5. The existing vehicular access from Melrose Road would remain unaltered but the new accommodation would have a secondary pedestrian access gained from Mowbray Street. Additional planting is intended to establish a more secluded setting for the new annex.

Whether incidental or ancillary to main dwelling

6. Policy RES 13 of the West Lindsey Local Plan First Review 2006 (LP) sets out among other matters that outbuildings which are incidental to the main property might be converted to additional, self-contained living accommodation, provided it remains incidental to, and within the curtilage of the original dwelling, and satisfies other local plan policies regarding siting, design and amenity.
7. The appellant does not intend to add a further household to the site but simply wishes to create ancillary accommodation for the purposes referred to above. The essential feature of an ancillary use is that there should be some functional relationship with the primary use of the planning unit as it is normally found. A fact and degree judgment has to be made in the circumstances of the case.
8. Account is taken of the extant planning permission Ref 131740 for a ground floor extension and conversion of the garage to form a one bedroom self-contained annex for similar purposes. The appeal proposal however would be significantly different from the approved scheme due to the increased size, scale and level of accommodation now proposed. On this basis alone I consider that the annex would have characteristics of a separate dwelling.
9. There are also features of the proposal that put in doubt the integral relationship with the host property, such as its proposed seclusion and the new access to the rear. Furthermore it is unclear how the whole family, in functional terms would interact as a single extended household.
10. Overall, taking into account these factors, I am not persuaded that the proposal amounts to other than the erection of a separate, self-contained dwelling which would amount to the creation of a separate planning unit. Such a building would not therefore be incidental or ancillary to No 45 and would be contrary to the requirements of LP Policy RES 13 as set out above.

Character and appearance

11. The location of the new building would not ensure that it would be fully screened from views within the street scene, either at Mowbray Street or between properties on Melrose Road. The increase in height, compared to the existing garage, and use of modern materials and finish would make it a prominent and unsympathetic addition to the street scene. This adverse visual impact would be exacerbated by its position tight up against the traditional form of terraced housing on Mowbray Street.
12. I conclude on this issue that the proposal by reason of its excessive size, including its height and mass, together with its modern architectural form and materials, would be out of keeping with the prevailing character of the locality in having a harmful influence within the street scene. The harm would be significant and contrary to LP Policies STRAT 1, RES 11 and RES 13 whose aims include, among other matters, to ensure that new development is appropriately related in character and appearance to neighbouring properties and positively contributes to the enhancement of local distinctiveness and sense of place.

These aims are in line with those of the National Planning Policy Framework, especially Paragraph 17 that always seeks to secure high quality design, a key aspect of sustainability, and Paragraph 58 which encourages design that responds to local character and history, and reflects the identity of local surroundings and materials.

Living conditions

13. The Council has not drawn attention to any minimum privacy standards that are applicable to the appeal. As this is a high density area, with houses in close proximity, a degree of mutual overlooking is inevitable. However from my observations on site and the evidence submitted, the siting, scale and height of the proposed development would have particular impacts, including an overbearing effect on neighbouring properties in relation to the use of their rear gardens.
14. The glazing on the upper level of the new building would have a setback, but this would not effectively restrict the outlook, with the result that there would be a significant loss of privacy to residents of No 47 and the immediately adjoining house on Mowbray Street when using their rear gardens. In addition the proximity of the first floor terrace to the garden areas would result in further loss of privacy including a sense of loss of privacy. The effect of the proposal on the garden of No 47 in terms of loss of direct sunlight is difficult to assess in the absence of further information. While there would be likely to be some overshadowing, bearing in mind the fairly large area of the garden affected, I cannot be certain that such effects would in themselves be unacceptably harmful, but they do add to my concerns.
15. To conclude on this issue the increase in size of the proposed building, together with its first floor terrace would have a harmful overbearing effect on the neighbouring properties and would lead to loss of light and privacy that would substantially reduce the enjoyment of those properties. The harm would be in conflict with relevant LP Policies, in particular Policy RES 11 whose aims specifically include that residential development should not adversely affect the living conditions of neighbouring occupiers.

Overall Conclusion

16. For the above reasons and having regard to all other matters raised the appeal is dismissed.

Grahame Kean

INSPECTOR

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Appeal Decision

Hearing held on 13 September 2016

Site visit made on 13 September 2016

by Michael Boniface MSc MRTPI

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

Decision date: 27 September 2016

Appeal Ref: APP/N2535/W/16/3149736

Land north and west of Barlings Lane, Langworth, Lincolnshire, LN3 5DF

- 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 Stephen Spouge against the decision of West Lindsey District Council.
 - The application Ref 133433, dated 21 August 2015, was refused by notice dated 22 January 2016.
 - The development proposed is the erection of 125 dwellings, day nursery (Class D1), a shop (Class A1) and associated access roads and open space.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposed development was amended during the course of the planning application to reduce the number of dwellings proposed and incorporate a day nursery and shop. I have considered the appeal on the basis of this amended scheme and have used the amended description of development contained in the Council's decision in the heading above.
3. Prior to the Hearing, the appellant submitted additional information to the Council in the form of an Archaeological Evaluation Report. In light of this, the Council was satisfied that the development would not be likely to harm archaeological remains and confirmed that its second reason for refusal had been overcome.
4. The Council confirm that the West Lindsey Local Plan First Review (June 2006) (LP) does not make adequate provision for the level of housing necessary in the area and that departures from its policies will be necessary to ensure that sufficient housing is delivered. It is common ground between the parties that, in this context, relevant policies for the supply of housing are out of date and the presumption in favour of sustainable development contained within the National Planning Policy Framework (the Framework) applies. For decision taking this means granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole; or specific policies indicate that development should be restricted. I have considered the appeal on this basis.

Main Issues

5. The main issues are the effect on the character and appearance of the existing settlement and the surrounding countryside; and whether the development would be suitably located with regards to access to services and facilities.

Reasons

Character and appearance

6. Langworth is a small village that has developed along the main road, now the A158. Barlings Lane and Scothern Lane intersect this road forming a crossroad, again with development either side. Buildings tend to front the highway and I saw very little development at depth. The village presents a distinctly linear settlement pattern surrounded by open countryside. The gaps between buildings offer views of gardens and undeveloped countryside beyond reinforcing the rural character and appearance of the village.
7. This linear and rural form of development is particularly evident on Barlings Lane which is a narrow country road without footpaths for much of its length. Although I noted that buildings were more densely developed towards the A158 the uniformity in building form, style and spacing clearly reduces towards the opposite end of the road, where the site is located, with greater amounts of space between buildings, wide grass verges, hedgerows and arable fields amongst the established built form. All of these features add to the character of the lane and its pleasant rural appearance.
8. The proposed development does not seek to replicate the linear form of development otherwise seen in the village. Instead, a new road running perpendicular to Barlings Lane would extend into the countryside with a number of residential streets protruding from it. The development would wrap around existing buildings fronting Barlings Lane and extend back as far as an established field boundary. The proposed access would extend further still across the countryside through arable fields to provide a direct access onto the A158.
9. The Integrated Planning Statement (August 2015) accompanying the application suggests that this is a deliberate attempt to improve the character of the area which is said to lack any focal point or village centre. It is further suggested that the existing linear development pattern in the village is not a positive attribute but I have been presented with little evidence to justify this view, which is clearly not shared by a number of the local residents objecting to the scheme.
10. It seems to me that the development would represent a stark contrast to the linear development pattern in the village that has evolved over time, involving encroachment into the countryside at significant depth. The appellant accepts that the proposal would not reflect the existing character of the village. I do not agree that the proposal would improve the character of the area, notwithstanding the proposed design rationale to create a 'rural feel' with large amounts of open space and informal layout. Rather, the development would appear as a modern residential estate crudely bolted onto the edge of the village with little regard for its context. Nor do I agree that the development would provide a focal point or village centre given the location of the site on

the periphery of the settlement, somewhat removed from the established facilities in the village which are focused along the A158.

11. The site does not fall within any recognised protected landscape designation and the Council does not suggest that it presents any particular attribute to warrant protection over and above its intrinsic landscape value. I noted that the topography in the area is relatively flat and that the established hedgerow boundaries and blocks of woodland in the area provide a good level of visual containment. No particular long range views from where the development would be visible were brought to my attention and I consider that the visual impacts would be relatively localised. Nevertheless, it would be prominent in views from Barlings Lane and from the public footpath crossing the site. The proposed access to Station Road would also introduce an urban feature with little visual relationship to the existing village or the proposed development, meandering intrusively across arable undeveloped land.
12. The Framework recognises the intrinsic character and beauty of the countryside and is clear that development should respond to local character and distinctiveness. The development would be in conflict with these objectives, involving a significant and urbanising encroachment into the countryside that would detract from the character and appearance of the settlement and the surrounding landscape. Although I attach only limited weight to the extant LP policies in so far as they restrict the delivery of housing, the development would be in conflict with Policies STRAT1 and NBE20 of the LP which seeks to protect character and appearance, avoid visual encroachment into the countryside and protect the rural character of settlement edges and the countryside beyond.

Access to services and facilities

13. Langworth is currently served by its Memorial Hall with a visiting Post Office, a public house and a limited number of employment uses along the A158. Clearly, this level of services and facilities would not be capable of meeting the day to day needs of future occupants of the development and these would need to be met by surrounding settlements.
14. The submitted Transport Assessment (TA) refers to guidance¹ published by the Institution of Highways and Transportation which sets out a preferred maximum walking distance of up to 2km for some services and facilities (though considerably less for others). Very few facilities within this catchment are identified as being available to future residents and the appellant accepts that walking is not likely to be a suitable means of travel for most people. This is particularly so, as even if people were so minded to walk greater distances, there are no established footpaths leading to neighbouring settlements such as Scothern and so this is not likely to represent a desirable option.
15. There would be potential for cycling over larger distances and the TA identifies that a number of neighbouring settlements would be accessible by cycling within 5km of the site, including Sudbrooke, Scothern, Reepham, Fiskerton, Cherry Willingham and Dunholme. Some people may choose to take up this option though this is reliant on ability and willingness and many will choose not to, meaning that this is likely to represent a small proportion of journeys from the proposed development, particularly when considering the need to reach

¹ Guidelines for Providing for Journeys on Foot, IHT, 2000

- medical services, schools and shopping destinations all of which are unlikely to be practically accessible by cycling given the likelihood of illness, young children in buggies and the need to carry goods respectively.
16. I heard that Lincolnshire is a rural county and that travel was often necessary to reach day to day services. In this context, I was told that the bus service available is relatively good and I note that the village is served by a number of bus services providing access to settlements along the A158 including Lincoln, Skegness, Louth, Market Rasen and Horncastle. The TA also sets out details of school bus services operating within the village. Whilst this is so, many facilities are located in the rural villages away from the A158 to which there is no bus service and this significantly restricts their accessibility.
 17. It is clear that there are some opportunities for accessing services and facilities by sustainable means but the level of provision within the village itself and in the immediate vicinity mean that uptake of such modes of travel are likely to be low. The appellant accepts that many people will be reliant on use of the private car and whilst some reliance is inevitable in rural areas, the Framework is clear that the planning system should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.
 18. I have had regard to other appeal decisions² locally where the Inspector has concluded that the development is sustainable despite some reliance on private cars but that is a matter of fact and degree in each individual case. In considering whether this is an appropriate location for new housing, the scale of the proposed development is pertinent. Development with limited access to services and facilities could be considered sustainable in some cases where the development would contribute to other objectives of the Framework and this is a matter that I shall weigh in the planning balance. However, the development is of significant scale and even though journeys may be relatively short to nearby services and facilities, the number and frequency of such journeys from the development would be high and the cumulative impacts environmentally would also be high.
 19. Future occupants of the development would have poor access to day to day services and facilities by sustainable means and there is likely to be a significant and harmful reliance on the use of private vehicles. Again, whilst I attach only limited weight to the out of date policies of the extant LP which restrict the delivery of housing, the development is in conflict with Policy STRAT1 which requires consideration of the scope for access to public transport, reducing the length and number of car journeys and the availability of social/community facilities to serve the development.

Planning balance

20. The appellant explains that the development seeks to halt the decline in services and facilities in the village through the introduction of a greater population and direct provision of additional facilities including public open space, a shop and a day nursery. A range of economic benefits that would derive from the development are also set out, including expenditure and employment during construction, local expenditure from an increased population and an increase in Council Tax payments. From a social perspective

² APP/R2520/A/14/2219593, APP/N2535/W/15/3017289 and APP/N2535/A/13/2207053

the development would deliver a large number of both market and affordable houses that would add to the vibrancy of the existing community, a significant benefit in the context of the Framework's objective to boost significantly the supply of housing.

21. However, there are comparatively few environmental benefits that would arise from the development and my conclusions on the main issues above identify significant harm in this respect. The Framework advises that its economic, social and environmental objectives should not be undertaken in isolation because they are mutually dependent. To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously.
22. Whilst a number of benefits would arise from the proposed development the harm that I have identified with regards to the character and appearance of the area and the relative reliance on private vehicles significantly and demonstrably outweighs these benefits having regard to the policies of the Framework as a whole. As such, the development does not represent sustainable development, to which the presumption in favour applies.
23. The appellant argued that the Council could not currently demonstrate a deliverable five year housing land supply but even if I were to accept this position, it would not alter the balance that I have undertaken above, albeit that it might increase the desirability of delivering houses.
24. I have had regard to the submitted letters of support that indicate a desire for the village to grow and noting the benefits that the scheme might bring but again this does not alter my conclusions. I also note the disparity between the appellant's local consultation exercise and the formal consultation carried out in respect of the planning application and the appeal, the former indicating a much greater level of support. While I acknowledge this support, I have viewed it in the context of all other submissions made. Clearly there is a great deal of opposition to the proposal and I see nothing unreliable about the formal consultation process carried out in accordance with statutory provisions. I understand that the scheme has been evolved to accommodate the various views raised by local people and in line with lengthy pre-application discussions with the Council but I have considered the scheme before me on its own merits.
25. The appellant submitted a Unilateral Undertaking providing for a range of planning obligations in the event that planning permission was granted. However, given my conclusion, it is not necessary for me to consider this further.
26. In light of the above, and having considered all other matters, the appeal is dismissed.

Michael Boniface

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Phil Scrafton	Managing Director, Globe Consultants
Sam Elkington	Director, Lambert Smith Hampton
John Mather	Lincoln Community Land Trust
Stephen Spouge	Appellant
Jonty Pearson	Solicitor
Richard Havenhand	Designer
Chris Holloway	Transport Planner

FOR THE LOCAL PLANNING AUTHORITY:

Rachel Woollass	Town Planner
Richard Green	Town Planner
Martha Rees	Legal representative

INTERESTED PERSONS:

Mike Herbert	Langworth Parish Council
Chris Darcel	Local Councillor

DOCUMENTS SUBMITTED AT THE HEARING

- 1 Draft Unilateral Undertaking
- 2 Viability Appraisal, September 2016
- 3 Drawing Nos. J1446 (08) 10, (08) 48 Rev C, (08) 49 Rev C and (08) 50 Rev A
- 4 Council's 5 year supply calculations
- 5 Letter dated 4 November 2015 from Globe to Council (Ref. PS/2036)
- 6 Central Lincolnshire Local Plan Initial Questions from the Inspector
- 7 Initial questions from Inspector (26 July 2016) and the Committee's Response to those Questions (15 August 2016)
- 8 Proposed Submission Consultation: Report on Key Issues Raised

DOCUMENTS SUBMITTED AFTER THE HEARING

- 1 Completed Unilateral Undertaking

Appeal Decision

Site visit made on 20 September 2016

by Nick Palmer BA (Hons) BPI MRTPI

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

Decision date: 05 October 2016

Appeal Ref: APP/N2535/W/16/3152072

Land off Granary Close, Morton, Gainsborough

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs Youngman against the decision of West Lindsey District Council.
 - The application Ref 133918, dated 11 January 2016, was refused by notice dated 26 April 2016.
 - The development proposed is residential development of up to 37 N^o dwellings, including 10 N^o affordable homes.
-

Decision

1. The appeal is dismissed.

Procedural matters

2. The application is for outline permission with all matters except access reserved. An indicative master plan has been submitted and I shall consider that plan on the basis that it indicates a possible layout. I shall also consider the submitted dwelling plans as being indicative.
3. The Council advises that a slightly revised description from that given on the application form was agreed between the parties. I have used that description in the heading.

Main Issues

4. The main issues in the appeal are:
 - i) the effect of the proposed development on the character and appearance of the area;
 - ii) whether or not the proposed development would be acceptable in terms of flood risk; and
 - iii) consideration of housing land supply and relevant planning policies for the location of new housing development.

Reasons

Character and Appearance

5. The appeal site is an open field which adjoins the built up area of Morton on two sides. The field is used as paddocks and adjoins the back gardens of houses on Granary Close and Mill Road. It has two access points from Mill

Road which are intended to be used as pedestrian routes and for emergency access purposes. Vehicular access would be from Granary Close through a gap between houses. To the south-west of the site and adjacent to one of the field accesses is a converted former mill which is listed at grade II. The site is outside the settlement boundary as identified in the West Lindsey Local Plan First Review (LP) (2006).

6. The site adjoins open countryside and provides an open aspect from the rear of the adjacent dwellings. As open land in close proximity to the mill the site at least in part forms part of its setting. The Council has not raised any concern about the proposed development harming the setting of the listed building. I concur with this view because the mill is already practically surrounded by housing development and the appeal site has a degree of separation from it. The indicative layout plan indicates that areas of open space would be maintained in the corner of the site nearest to the listed building and in the northern part of the site. For these reasons the setting of the listed building would not be harmed.
7. It is intended to develop the southern part of the site and to leave the northern part open to provide public open space, allotments and a nature reserve. The extent of the proposed development in relation to the existing built framework would be modest. The landscape is not identified as being of particular sensitivity or value and the trees which I saw along parts of the site boundaries would partially screen the proposed development from view across the countryside. Nonetheless the development would be intrusive in the context of the existing open landscape when seen from the adjacent built up area, including from the rear of the adjacent houses. The proposals include the raising of ground levels in order to reduce flood risk and the resultant high levels of the development would increase its visual prominence.
8. For these reasons I find that the proposal would have a harmful effect on the character and appearance of the area but that that effect would be limited. The proposal would not accord with saved policy STRAT 1(vi) of the LP which requires that impact on character and appearance is considered.

Flood Risk

9. The site and indeed the whole of the village of Morton is within Flood Zone 3 as identified on the Environment Agency's mapping and as such has a 1 in 100 or greater annual probability of flooding from the River Trent which is to the west of the village and potentially from a nearby reservoir. The river benefits from maintained flood defences which would in practice protect the site from a 1 in 200 year flood event. However the effectiveness of the defences cannot be guaranteed and in the event of a breach the site would be inundated to a depth of at least 0.5 metre.
10. The Environment Agency has advised for the purposes of flood risk mitigation that finished floor levels should be set 0.3 metre above that flood level. In accordance with that advice the land levels would be raised and the floor levels of the dwellings would be between 0.8 and 1.7 metres above existing ground levels. The northern part of the site would be excavated to provide for storage of flood waters.
11. The National Planning Policy Framework (the Framework) requires the application of a sequential test to steer new development to areas with the

- lowest probability of flooding. The Planning Practice Guidance¹ advises that the area to apply the sequential test across will be defined by local circumstances relating to the catchment area for the type of development proposed.
12. The Council accepts that the housing policies in the LP are out-of-date. The emerging Central Lincolnshire Local Plan has been submitted for examination. In that draft Plan Morton is identified as a 'Medium Village' where no new housing allocations are proposed. Draft policy LP2 would permit developments of up to 9 dwellings although that figure could be increased to 25 as an exception where this is justified by local circumstances. Draft policy LP4 envisages that housing growth in Morton over the 20 year Plan period would be 15%, which would equate to about 72 dwellings. Thus the village is not identified for any significant level of growth in the emerging Local Plan and any additional housing development that does take place there would be modest in scale. The proposal would exceed the scale of development provided for in the emerging Plan. Although the Plan carries limited weight because of its status, I give some weight to those policies having regard to the level of flood risk in the village.
 13. I have taken into account the identified local need for the proposed affordable housing. However the scale of the proposed development is such that the sequential test should be applied over a wider area than just the parish of Morton. Although the village lies within an area of high flood risk the nearby urban area of Gainsborough is at lower risk of flooding. The Council has pointed out that there are other potential sites adjacent to the urban area which would be at lower risk of flooding. Whether or not those other sites would be suitable or available for the proposed development I find for the reasons given that the requirements of the sequential test as set out in the Framework and the Planning Practice Guidance have not been met.
 14. The proposed flood mitigation measures would safeguard against the dwellings being inundated but the external areas including the means of access would be under water in the event of a breach of the flood defences. Although the mitigation measures demonstrate a reasonable degree of safety for the future occupants this does not overcome the requirement imposed by the sequential test to direct development away from areas at high levels of flood risk.
 15. For the reasons given I conclude on this issue that the proposed development would be at an unacceptable level of flood risk. The proposal would not accord with saved policy STRAT 1(xii) of the LP which requires that land subject to flood risk is avoided.

Housing Land Supply and Planning Policies

16. The Central Lincolnshire Five Year Land Supply Report (May 2016) identifies a 5.33 year supply across West Lindsey, Lincoln City and North Kesteven. However this assessment is based on an Objectively Assessed Need which has not been subject to examination. The calculation of supply also relies heavily on sites proposed to be allocated in the emerging Plan which similarly have not been subject to examination. A Local Development Order which grants permission for 245 homes at Riverside Gateway in Gainsborough has been approved and there are other initiatives to accelerate housing delivery.

¹ ID: 7-033-20140306

However for the above reasons a five-year housing land supply has not been adequately demonstrated.

17. The proposal would not accord with saved policy STRAT 12 of the LP which restricts development outside settlement boundaries. However in the absence of the requisite five-year supply I can give only limited weight to that policy. The green field status of the land puts it at the lowest priority in bringing land forward for development as set out in saved policy STRAT 9 of the LP. The priority given by that saved policy to development of previously-developed land is consistent with the Framework. However in as far as that policy restricts new housing development it is a policy for the supply of housing and on this basis it carries limited weight.
18. Paragraph 49 of the Framework states that policies for the supply of housing should not be considered up-to-date where there is not a five-year supply. In such circumstances paragraph 14 makes provision for planning permission to be granted for sustainable development. This is however subject to consideration against other Framework policies². The requirements of paragraphs 100 to 102 of the Framework in terms of the sequential test are key requirements of the Framework and policies relating to flooding are referred to in footnote 9. Given that I have found conflict with the Framework with regard to its policy on land at risk of flooding paragraph 14 indicates that the proposed development should be restricted.

Unilateral Undertaking

19. A Unilateral Undertaking (UU) has been submitted which would secure the provision of affordable housing and contributions towards education provision. I have taken the UU into account in my decision but this does not alter my findings on the main issues.

Other Matters

20. The appellants have provided letters of support from local residents but the Parish Council objected as did a number of other local residents. This does not alter my conclusions.

Summary and Conclusion

21. In some respects the proposal would accord with the three dimensions of sustainable development. The village is in close proximity to the urban area of Gainsborough and it has good public transport connections. There are also local facilities in the form of a primary school, shop, doctor's surgery, church, village hall and two public houses. The site thus has a good level of accessibility by means other than the car. The occupiers of the proposed development would be likely to support local businesses and community facilities. Economic support for the local area would also arise from the construction of the development.
22. The proposal would provide needed housing in the context of an absence of the requisite five-year supply. The affordable housing would address local affordable housing need. The public open space and nature reserve would be of benefit socially and also environmentally by encouraging wildlife. These

² NPPF paragraph 14, second bullet point under 'decision-taking' and footnote 9

aspects of the proposal would accord with the social, economic and environmental dimensions of sustainable development.

23. On the other hand I have found that there would be harm to the character and appearance of the area although that harm would be limited. This weighs against the environmental dimension. I have also found that the proposed development would be at unacceptable risk of flooding. This is of overriding weight in terms of all three dimensions of sustainable development. For these reasons when considered in total the proposal would not be a sustainable form of development.

24. For the reasons given I conclude that the appeal should be dismissed.

Nick Palmer

INSPECTOR

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