

AGENDA

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

Planning Committee

Wednesday, 18th October, 2017 at 6.30 pm

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

Members:

- Councillor Ian Fleetwood (Chairman)
- Councillor Owen Bierley (Vice-Chairman)
- Councillor Matthew Boles
- Councillor David Cotton
- Councillor Michael Devine
- Councillor Hugo Marfleet
- Councillor Giles McNeill
- Councillor Mrs Jessie Milne
- Councillor Roger Patterson
- Councillor Mrs 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 (PAGES 3 - 8)

Meeting of the Planning Committee held on 23 August 2017, 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**

Note – the status of Neighbourhood Plans in the District may be found via this link

<https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/>

6. **Planning Applications for Determination**

a) 135610 - Kingsmead Park, Swinhope (PAGES 9 - 36)

7. **Determination of Appeals** (PAGES 37 - 86)

- 135142 North Kelsey Road, Caistor
- 134561 King Street, Market Rasen
- 135770 Bishop Norton Road, Atterby
- 135552 1 Kingsway, Nettleham
- 134930 Land at Stainton Lane, Stainton-by-Langworth, Lincoln
- 135522 3 The Green, Ingham
- 136171 23 Ashfield, Sturton-by-Stow
- 135495 The Hawthorns, High Street, Marton
- 135764 Land at Glendale, Broadholme Road, Saxilby
- 131548 Main Street, Torksey

Mark Sturgess
Interim Head of Paid Services
The Guildhall
Gainsborough

Tuesday, 10 October 2017

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held in the Council Chamber - The Guildhall, Marshall's Yard, Gainsborough, DN21 2NA on 23 August 2017 commencing at 6.30 pm.

Present: Councillor Ian Fleetwood (Chairman)
Councillor Owen Bierley (Vice-Chairman)

Councillor David Cotton
Councillor Michael Devine
Councillor Giles McNeill
Councillor Mrs Jessie Milne
Councillor Roger Patterson
Councillor Mrs Judy Rainsforth
Councillor Thomas Smith

In Attendance:
Alan Robinson SL – Democratic and Business Support
George Backovic Principal Development Management Officer
Vicky Maplethorpe Area Development Officer
Martha Rees Lincolnshire Legal Services
Katie Coughlan Senior Governance and Civic Officer
Ele Durrant Governance and Civic Officer
James Welbourn Governance and Civic Officer

Also present 4 Members of the public

Apologies: Councillor Matthew Boles
Councillor Stuart Curtis

Membership: Councillor Matthew Boles was substituted by Councillor Mrs Angela White.

26 CHAIRMAN'S WELCOME AND NOTICES

The Chairman welcomed all present to the meeting.

27 PUBLIC PARTICIPATION PERIOD

There was no public participation at this point of the meeting.

28 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

Meeting of the Planning Committee held on 26 July 2017.

RESOLVED that the Minutes of the meeting of the Planning Committee held on 26 July be confirmed and signed as a correct record.

29 DECLARATIONS OF INTEREST

Councillor Bierley declared that the applicant for 6 Market Place, Caistor (application number 136221) is a Member of West Lindsey District Councillor and is therefore known to all Councillors on the Planning Committee.

30 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

There was no update from Planning Officers this month.

31 PLANNING APPLICATIONS FOR DETERMINATION

31a 136225 LAND AT HONEYHOLES LANE, DUNHOLME

Planning application for erection of 49 dwellings, a sports facility and additional car parking, following outline planning permission 131087 allowed on appeal on 26 February 2016, at "Land North of Honeyholes Lane Dunholme, Lincoln LN2 3SQ".

In presenting the report, the Planning Development Management Officer advised that additional conditions had been requested from the Highways Department, and these were shared with Members.

Simon Ibbotson, an architect representing Cyden Homes addressed the Committee and spoke in support of the application:

- It was noted that the reserved matters would include soft landscaping to the northern boundary of the site where the curtilage abuts this boundary;
- The layout had been coordinated with Planning and Housing Officers from the Local Authority and it accorded with the adopted policies of the Central Lincolnshire Local Plan and the Dunholme Neighbourhood Plan;
- Within the proposed development, the twelve affordable houses now integrate more seamlessly into the layout, and the housing mix has been addressed. Four of the houses were fully wheelchair compliant;
- A five metre wide landscape buffer zone of native hedgerows and trees had been created on the northern boundary, and no buildings would be created in this area. A three metre wide adoptable footpath and cycle path would be created on the south of the site at Honeyholes Lane.

Councillor Simon Barrett from Dunholme Parish Council addressed the Committee and provided the following observations and concerns of the Parish Council:

- The development in Dunholme was welcomed, however there were some concerns over the development;

- The Parish Council did not feel that there had been adequate consultation with themselves or the community;
- The site failed to meet LP24 of the Central Lincolnshire Local Plan in respect of the sports and recreation facilities proposed;
- The plan did not meet LP22 of the Central Lincolnshire Local Plan, nor Policy 11 of the Dunholme Neighbourhood Plan with regard to the adjacent green wedge;
- The development did not meet the Affordable Housing Policy, and there was also concern that the proposed affordable housing was in blocks, rather than spread around the development;
- In the original plan put forward, an agreement was made with the landowner for an amount of money that would be made available to the Parish Council; certain stipulations have been put on this with regard to the amount of houses that have to be occupied before the money is released. It was felt that this was contrary to the initial agreement;
- The Section 106 agreement did not help Dunholme St.Chad's Primary School in any way; the school is already at capacity and is desperately in need of funds.

George Backovic, Principal Development Management Officer responded to comments from speakers as follows:

- A section 106 had been signed at the outline stage, and the report provided further detail in terms of the amount of monies that were agreed and this was a matter that could not be revisited by a reserved matters application.

Councillors McNeill, Patterson and Bierley spoke in favour of the application and were happy to support the recommendation in the report.

It was moved and seconded that permission be **GRANTED** in accordance with the conditions as set out in the report subject to the additional conditions below.

Updated Conditions

6. No dwellings (or other development as specified) shall be commenced before the first 60 metres of estate road from its junction with the public highway, including visibility splays, as shown on drawing number 178/202 B dated May 2017 has been completed.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site and to enable calling vehicles to wait clear of the carriageway of Honeyholes Lane.

7. No development shall be commenced until an Estate Street Phasing and Completion Plan has been submitted to and approved in writing by the Local Planning Authority. The Estate Street Phasing and Completion Plan shall set out the development phases and the standards that estate streets serving each phase of the development will be completed.

Reason: To ensure that the estate streets serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential/highway safety; and to ensure a satisfactory appearance to the highways

infrastructure serving the development; and to safeguard the visual amenities of the locality

8. No dwelling shall be occupied until the estate street(s) affording access to that dwelling has been completed in accordance with the Estate Street Development Plan.

Reason: To ensure that the estate streets serving the development are completed and maintained to the approved standard, and are available for use by the occupants, and other users of the development, in the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.

9. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the Local Planning Authority.

Reason: To ensure that the future maintenance of the streets serving the development thereafter, are secured and shall be maintained by the Local Highway Authority under Section 38 of the Highways Act 1980 or via an established private management and maintenance company.

10. No development shall be commenced until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway.

31b 136221, 6 MARKET PLACE, CAISTOR

Planning application to convert existing offices into two private dwellings at 6 Market Place, Caistor, Market Rasen, LN7 6TN. There was no update for this application and no speakers.

Officers confirmed that this application had been brought in front of the Committee as it related to a Councillor. Had this application not involved a Councillor, it would have been decided under the scheme of delegations.

The application was proposed, seconded and voted upon and approved unanimously.

It was therefore **AGREED** that the application be **GRANTED**.

32 DETERMINATION OF APPEALS

RESOLVED that the determination of appeals be noted.

Planning Committee- 23 August 2017

The meeting concluded at 6.50 pm.

Chairman

This page is intentionally left blank



This page is intentionally left blank

Officers Report

Planning Application No: 135610

PROPOSAL: Planning application for change of use of land to site 35no. holiday lodge caravans and 1no. site office/reception caravan.

LOCATION: Kingsmead Park Swinhope Market Rasen LN8 6HS

WARD: Wold View

WARD MEMBER(S): Cllr T Regis

APPLICANT NAME: Mr Matthew Monteith

TARGET DECISION DATE: 06/07/2017 (Extension of time agreed until 22nd September 2017)

DEVELOPMENT TYPE: Major - Other

CASE OFFICER: Ian Elliott

RECOMMENDED DECISION: Grant Permission subject to conditions

Description:

The proposal is for a change of use of land to site 35 holiday lodge caravans and a site office/reception caravan with associated site road, parking and services.

The application has been referred to the Planning Committee at the request of the Ward Member. Members of the Planning Committee visited the site on 2nd October 2017 prior to the Planning Committee on 18th October 2017. The recommendation remains unchanged.

The application site is a plot of grassland (3.50 hectares in area) sat between the north east settlement edge of Brookenby and the south west boundary of Kingsmead Park, a residential caravan park. The site is not in active arable use or being used for grazing. The site is slightly overgrown and slopes upwards from the south east to the north west. It is set just back from and above the level of the highway. The site is screened to the north east by a mix of low fencing, high hedging and occasional open gap. The south east boundary is screened by very high hedging with high trees and hedging screening the north west boundary. The south west boundary is screened by high trees/hedging and metal fencing. A residential caravan park (Kingsmead Park) comprising up to 72 units is immediately adjacent to the north east. Open Countryside sits to the south east and north west. The land to the south east slopes downwards and then rises again towards the B1203. The land to the north west continues to gently rise to the north west. Neighbouring dwellings off Salisbury Avenue sit to the south west. The site is located within an Area of Outstanding Natural Beauty (AONB) with natural and semi natural green space adjacent. The nearest Public Rights of Way (PRoW) are as follows:

- Swhp/143/1 is approximately 122 metres to the north east.
- Binb/135/2 is approximately 560 metres to the south.
- Swhp/146/1 is approximately 1050 metres to the north east.

- Swhp/147/1 is approximately 1,800 metre to the east.

There are a number of Listed Buildings and Scheduled Ancient Monuments (SAM) in the local area. These are:

- Swinhope House – Grade 2 Star Listed approximately 575 metres to the north east.
- The Old Rectory - Grade 2 Listed approximately 665 metres to the north east.
- Church of St Helen – Grade 2 Listed approximately 720 metres to the north east.
- Ash Hill long barrow in Swinhope Parish is approximately 220 metres to the north east
- Neolithic long barrow is approximately 500 metres to the south east
- Cromwells Grave a Neolithic long barrow is approximately 645 metres to the south east.

Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017:

The development is within a ‘sensitive area’ as defined in Regulation 2(1) of the Regulations (the Lincolnshire Wolds Area of Outstanding Natural Beauty) and has therefore been assessed in the context of Schedule 2 of the Regulations. After taking account of the criteria in Schedule 3 it has been concluded that the development is not likely to have significant effects on the environment by virtue of its nature, size or location. Therefore the development is not ‘EIA development’.

Relevant history:

125478 - Application for a Lawful Development Certificate of existing use of land as recreational/amenity use in conjunction with mobile home park - 23/03/10 - Refused

Representations

Ward member(s): Representation received (27th April 2017) from Cllr T Regis: I would like to request that Planning Application number 134610 is called in to committee if it is not refused under delegated powers for the following reasons:

- Detrimental visual impact on the AONB.
- Insufficient highway infrastructure to support the development.
- Significant lack of local amenity to make the development sustainable.
- Very considerable local opposition to the application as lodged on WLDC website.

Representation received (22nd August 2017) from Cllr L Strange:

I find this application unsupportable, on the same grounds as Cllr Tom Regis local member, and also in support of our Wolds manager (Mr Stephen Jack.). I cannot emphasize enough the importance of a green wedge being maintained on this site between caravan/stationary caravans developments at Swinhope near Brookenby, the AONB is very special (the only one in the East of England). We must protect it. As Mr Jack states other caravan developments in the area may not have been allowed

had the AONB designation been established before the inclusion of adjacent caravan/mobile home sites.

Sir Edward Leigh MP: Objection

I fully support my constituent's objections as the proposal would dramatically alter the quality of life for people who live in and around the area.

Brookenby Parish Council: Objections

- It is a greenfield site having had a previous application refused.
- Concerns around the road network and increased traffic.
- Intrusion into the countryside and nature conservation.

Binbrook Parish Council: Objections

- Concerns on the road network
- Increase in traffic in the area
- Infrastructure in regards to sewage

Local residents: Objections have been received from:

- 1, 2, 5, 6, 7, 9, 10, 10a, 14, 15, 19, 21, 24, 26, 32, 34, 35, 36, 37, 41, 43, 48, 52, 53, 54, 56 and 60 Kingsmead Park, Swinhope
- 2, 3, 6, 8, 10, 12 and 14 Salisbury Avenue, Brookenby
- 4 York Road, Brookenby
- 27 Newbury Avenue, Great Coates

Their comments, in summary:

Visual Impact/Area of Outstanding Natural Beauty

- Harm the character of this beautiful area, the appearance of the AONB and this rare unique green site.
- Adverse visual impact on the landscape and the site.
- Out of keeping and scale of the area and its surroundings.
- Inadequate screening of lodges and requires 15 metre high to front which will take years.
- Light pollution on the surrounding area.

Highway Safety

- Additional traffic on fragile infrastructure. Already used by buses and vehicles including agricultural vehicles.
- Swinhope road is unsuitable in terms of width and visibility.
- No passing places pushing vehicles onto grass verge.
- No footpath or street lights.
- Access near to bends.
- Need to widen Swinhope Road.
- Report on car speeds is totally and utterly wrong.

Residential Amenity

- Loss of quiet relaxed area from additional traffic noise, holiday makers and children.

- Invasion of privacy on adjacent Kingsmead Park and Salisbury Avenue residential properties including enjoyment of their respective garden.
- Loss of light on Kingsmead Park by 5 metre hedge barrier.
- Overbearing impact as shoehorned between residential dwellings.
- Loss of use of field for recreational purposes including walking dogs.
- Noise and dust distribution from construction phase.
- Loss of view from Salisbury Avenue.
- Light pollution.
- Concerns over Security.

Sustainability

- Unsustainable location.
- Non-existent bus service.
- Amenities not within walking distances.

Drainage/Flooding

- Level of water pressure will be tested.
- Impact on drainage system.
- Highway has flooded five times in 2017 since 29th June 2017.

Ecology

- Negative and irreversible impact on Fauna/Flora.

Public Rights of Way

- No nearby Prow or scenic walks

Employment

- 1 full time and 1 part time employee opportunities not enough benefit to justify location and application.

Other

- Intention is for future residential caravan park on the site.
- 125478 refused for recreational use as designated open countryside and agricultural land.
- Contrary to PPS3.
- Previously told by WLDC no development on land.
- No encouragement to holiday makers.
- Decrease in value of homes.
- Damage from trees roots of proposed screening on concrete bases.
- Overhanging branches and loss of TV signal from proposed screening.
- Already two other holiday parks within 6 miles. These are Laceby (20 concrete basis only occupied by 9 lodges) and Willow Lakes.

LCC Highways: No objections subject to conditions and advisory note:

- Before the access is brought into use the land between the highway boundary and the vision splays indicated on drawing number G08167/15/002 Rev B dated 29/9/16 shall be lowered so that it does not exceed 1.0 metres above the level of

the adjacent carriageway Swinhope Road and thereafter the visibility splay shall be kept free of obstacles exceeding 1.0 metres in height.

- The vehicular access shall incorporate 6 metres radii tangential to the nearside edge of the carriageway of Swinhope Road and the minimum width of the access shall be 5 metres.
- Prior to the submission of details for any access works within the public highway you must contact the Divisional Highways Manager on 01522 782070 for application, specification and construction information.

LCC Lead Local Flood Authority: No objections

Building Control Officer: No objections
No problems with their surface water proposals.

Environment Agency: No objections
Having reviewed the information the Environment Agency does not wish to make any comments on this application.

Archaeology: No objections.

After requesting further information, further response received 1st August 2017:
The trial trenching did reveal some archaeological features however these were limited and did not suggest that this site contained any significant archaeological remains. Given this I do not recommend that any further archaeological work on this site is necessary.

Lincolnshire Wolds Countryside Service: Objections
We have concerns that the proposal will have a significant and harmful impact upon the local character of the Lincolnshire Wolds AONB, which is a nationally protected landscape on account of its special scenic qualities and rural charm.

The change of use as detailed, would cause significant harm to an important area of open space. As evidenced within the statutory Lincolnshire Wolds AONB Management Plan (2013-18), grassland sites and public open space in general, is very limited across the Lincolnshire Wolds and has been a key target for future habitat restoration and connectivity.

Whilst we are supportive of a wide range of tourism and recreational interests across the Lincolnshire Wolds AONB this is secondary to the primary objective of preserving the area's nationally important scenic beauty, including the area's undoubted tranquillity and rural charm. On balance we therefore object to the proposal for a change of use.

Conservation Officer: No objections and comments

Response received 22nd August 2017:
I am reasonably content at the quality of the report in terms of impact upon heritage assets.

From a good design perspective, I think absolutely imperative that if this is approved, that the lodges have green roofs as an absolute, and that unless there is strong screening between lodges, that these are green too.

Response received 22nd May 2017:

It is my view that this proposal should not affect the close settings of most of the heritage assets around it (Swinhope Hall, Old Rectory). However, the scheduled monuments do have a shared wider setting and group value. The proposal in its current form does not improve that wider setting, or the quality of the AONB.

Public Protection: No objection

No reasons to object to this proposal from a noise perspective.

Tree and Landscape Officer: No objections with comments

I have no objections in terms of impact to existing trees or hedges, but the site is clearly visible from various locations on nearby roads within the AONB and having a negative impact on countryside views. If permission is granted, it would require a scheme of landscaping to improve screening.

Economic Development: Supports

In principle, and subject to normal planning considerations, the Leisure & Cultural Services Team are supportive of the above application from a visitor economy perspective.

Tourism is a major sector in West Lindsey bringing into the area around £116m in revenue and supporting c1740 full time jobs (STEAM data 2015).

The provision of quality accommodation facilities for visitors is an important element for future sustainable development within the district and any initiative which promotes this will add value to the current product, bringing visitors who will aid the economy for local businesses and residents, as well as supporting the local authority aspiration of being a prosperous and enterprising district where an increased number of businesses and enterprises can grow and prosper.

Relevant Planning Policies:

Central Lincolnshire Local Plan 2012-2036 (CLLP)

Following adoption on 24th April 2017 the CLLP forms part of the statutory development plan. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policies considered relevant are as follows:

LP1 A Presumption in Favour of Sustainable Development

LP2 The Spatial Strategy and Settlement Hierarchy

LP5 Delivering Prosperity and Jobs
LP7 A Sustainable Visitor Economy
LP13 Accessibility and Transport
LP14 Managing Water Resources and Flood Risk
LP17 Landscape, Townscape and Views
LP21 Biodiversity and Geodiversity
LP25 The Historic Environment
LP26 Design and Amenity
LP55 Development in the Countryside

<https://www.west-lindsey.gov.uk/my-services/planning-and-building/planning-policy/central-lincolnshire-local-plan/>

Neighbourhood Plan

Swinhope has to date not declared any interest in starting the process of creating a neighbourhood plan.

National Guidance

National Planning Policy Framework

<https://www.gov.uk/government/collections/planning-practice-guidance>

National Planning Practice Guidance

<https://www.gov.uk/government/collections/planning-practice-guidance>

Other

Lincolnshire Wolds AONB Management Plan (2013-18) (LWMP)

<http://www.lincswolds.org.uk/looking-after/lincolnshire-wolds-aonb-management-plan>

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990

<http://www.legislation.gov.uk/ukpga/1990/9/section/66>

West Lindsey Landscape Character Assessment (WLLCA) (August 1999)

<https://www.west-lindsey.gov.uk/my-services/planning-and-building/planning-policy/evidence-base-and-monitoring/landscape-character-assessment/>

West Lindsey Countryside Design Summary (WLCDS) (December 2003)

<http://docs.west-lindsey.gov.uk/WAM/doc/Other-642077.pdf?extension=.pdf&id=642077&appid=1001&location=VOLUME2&contentType=application/pdf&pageCount=1>

Natural England's East Midlands Agricultural Land Classification Map 2010

<http://publications.naturalengland.org.uk/publication/143027>

Main issues:

- Principle of the Development
Central Lincolnshire Local Plan 2012-2036
National Planning Policy Framework

Assessment of Local Policy LP7

Agricultural Benefit

Concluding Assessment

- Landscape and Visual Impact
- Residential Amenity
- Heritage

Listed Buildings and Scheduled Ancient Monuments

Archaeology

- Highway Safety
- Ecology
- Drainage

Foul Water

Surface Water

- Trees

Assessment:

Principle of the Development

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

Central Lincolnshire Local Plan 2012-2036:

Local policy LP7 of the CLLP states ‘*The visitor economy is one of the most important sectors of Central Lincolnshire’s economy*’ and ‘*Policy LP7 aims to encourage sustainable growth in the visitor economy*’.

Furthermore Local policy LP7 sets out the criteria for assessing the acceptability of holiday caravan developments. LP7 states that ‘*development and activities that will deliver high quality sustainable visitor facilities such as culture and leisure facilities, sporting attractions and accommodation, including proposals for temporary permission in support of the promotion of events and festivals, will be supported. Such development and activities should be designed so that they:*

- contribute to the local economy*
- benefit both local communities and visitors*
- respect the intrinsic natural and built environmental qualities of the area*
- are appropriate for the character of the local environment in scale and nature.*

Development should be located within existing settlements, or as part of planned urban extensions, unless it can be demonstrated that:

- *such locations are unsuitable for the nature of the proposal and there is an overriding benefit to the local economy and/or community and/or environment for locating away from such built up areas;*
or
- *it relates to an existing visitor facility which is seeking redevelopment or expansion.*

National Planning Policy Framework:

Guidance contained within paragraph 28 of the NPPF states that *‘Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:*

- *support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres’*

Paragraph 115 states that:

“Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas...”

Paragraph 116 of the NPPF goes on to state that:

‘Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:

- *the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- *the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and*
- *any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.*

Assessment of Local Policy LP7:

The application is located between the north east settlement boundary of Brookenby and the south west boundary of Kingsmead Park. Binbrook is approximately 1.5 miles away using the highway network. There is no pedestrian footpath facilities from the site until you get to the junction of Swinhope Road and Orford Road. The settlement of Brookenby includes limited services and facilities in the form of a village hall, St Michaels and All Angels Church and Brookenby Business Park. Binbrook has more services and facilities such as a primary school, child care nursery, village hall, village shop, hairdressers, public house, playing field and St Mary’s and St Gabriel’s Church. Therefore Brookenby in its own right has a limited amount of services but more services are available within Binbrook either by bicycle or a very short car journey.

There is a bus stop outside Kingsmead Park but this provides a very limited service between Ludford and Grimsby. Brookenby is served by a bus service to Market Rasen and a school bus to Binbrook. The nearest railway is in Market Rasen approximately 9 miles away.

The proposal given its position in an AONB will attract visitors into the area which will provide a contribution to the local economy through using local services in the immediate area and other local areas such as the Historic Town of Caistor and the Town of Market Rasen. The visitors will additionally contribute by visiting tourist attractions around the local area. The proposal will additionally employ one full-time and two part-time employees.

The proposed site is sensitively located within an AONB, close to a mix of residential built forms and structures. The sites position, characteristics and boundary treatments means that the site has the potential to have biodiversity impact as well as a visual impact. Visual and ecology impacts will be assessed later in the report.

The site is situated adjacent to an existing settlement as defined by local policy LP2 of the CLLP. The site is in the open countryside and provides an open clear gap between the settlement of Brookenby and Kingsmead Residential Caravan Park. This part of LP7 states that development of this nature should be located within existing settlements unless such locations are unsuitable and there “is an overriding benefit to the local economy and/or community and/or environment for locating away from such built up areas”. The development does not expand an existing visitor facility.

A holiday caravan park does not immediately lend itself to being located within an existing settlement. Nonetheless, the site sits immediately upon the settlement boundary within a field located between the built up area and the already established Kingsmead Residential Caravan Park. It is in effect filling a gap between these two developed areas, and cannot be considered to be located “away” from a built up area. Furthermore it would provide benefits to the local economy and tourism sector through the provision of holiday accommodation within the AONB.

In this case it is considered that the proposal will be adjacent two settlements of differing types therefore will not be an isolated development in the open countryside but adjacent two adjoining residential areas. As previously stated the development will make a contribution to the local economy and community.

It is concluded that the proposed development would accord with policy LP7 of the Central Lincolnshire Local Plan.

Agricultural Benefit

Guidance contained within Paragraph 143 states that ‘*safeguarding the long term potential of best and most versatile agricultural land and conserving soil resources*’ The field is classed in Natural England’s East Midlands Agricultural Land Classification Map as grade 2 (very good) and 3 (good to moderate). This designates the site as being productive to fairly productive for agricultural use. The site is 3.50 hectares in size and is currently not used for an agricultural use. The submitted Landscape and Visual Appraisal dated July 2017 states in paragraph 3.4.1 that the site has ‘*a moderately sloping gradient limitation, which restricts the use of some agricultural machinery*’ and ‘*it is an individual field allied to the existing caravan park and does not form part of an agricultural holding, or a larger farm enterprise*’. The development will lead to a loss of agricultural land but its loss is not considered as significant.

Landscape and Visual Impact

Objections have been received from Ward Members, Brookenby Parish Council, Lincolnshire Wolds Countryside Officer, WLDC Conservation Officer and residents on the harmful impact of the development on the AONB and its landscape qualities.

Guidance contained within paragraph 115 of the NPPF states that *'Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty'*.

Local policy LP17 states that *'To protect and enhance the intrinsic value of our landscape and townscape, including the setting of settlements, proposals should have particular regard to maintaining and responding positively to any natural and man-made features within the landscape and townscape which positively contribute to the character of the area, such as (but not limited to) historic buildings and monuments, other landmark buildings, topography, trees and woodland, hedgerows, walls, water features, field patterns and intervisibility between rural historic settlements'*.

Developments should also *'be designed (through considerate development, layout and design) to preserve or enhance key local views and vistas'*

*'The considerations set out in this policy are particularly important when determining proposals which have the potential to impact upon the **Lincolnshire Wolds AONB** (emphasis added) and the Areas of Great Landscape Value'*

Local policy LP26(c) states *'All development proposals must take into consideration the character and local distinctiveness of the area (and enhance or reinforce it, as appropriate) and create a sense of place. As such, and where applicable, proposals will be required to demonstrate, to a degree proportionate to the proposal, that they:*

(c) Respect the existing topography, landscape character and identity, and relate well to the site and surroundings, particularly in relation to siting, height, scale, massing, form and plot widths;'

The application has included a Landscape and Visual Appraisal (LVA) dated July 2017 published by Hankinson Duckett Associates. In summary the LVA concludes that:

- *Existing landscape features would be retained and protected throughout the course of the development.*
- *15m landscape buffer would be retained, adjacent to existing features along the boundaries.*
- *The character of the site would change from a meadow to a rural, low-density holiday lodge development. This would have an initial adverse effect on the character of the site, although the lodges would be of a high quality design, constructed of sympathetic natural materials. The effects on landscape character would substantially reduce as the proposed landscape planting establishes, with in the longer term, negligible residual effects. The proposals would be in keeping with the adjacent development of Kingsmead Park, but would be significantly lower in density and include a more extensive landscape strategy.*

- *The change in character of the site would be noticeable but not significant when viewed from the surrounding AONB, the effects after 10 years being of negligible residual effect.*
- *The proposed development would have no overall adverse impact on the character of the AONB and in terms of landscape structure the proposals would, in the longer term, enhance the character and appearance of the AONB.*

The West Lindsey Landscape Character Assessment (WLLCA) defines the key characteristics of this landscape character area as *'open, rolling arable farmland on Wold's dip slope, with dramatic, inward facing valleys and dry valley features'* and *'most roads run east-west along low ridgelines, many with wide verges backed by hedgerows and hedgerow trees, characteristics of ancient enclosure roads'*. Plus the *'Former RAF Binbrook airfield and its associated housing has a wide influence on the landscape'*. The site is considered to be in a sensitive landscape due to its position in the Lincolnshire Wolds. The WLLCA finds that any new development require high standards of siting and design in this distinctive and sensitive landscape. Building materials are predominantly brick, with some chalk and pantile roofs.

The contents of the LWMP has to be considered and it's protection of the AONB, its qualities and scenic beauty. Objective PO (page 80) seeks to *'ensure that development plans and planning guidance consistently recognise and uphold the primary purpose of the Lincolnshire Wolds AONB designation – the protection and enhancement of its natural beauty and special character'*. This includes ten policies (PP1-PP10) to meet this objective.

As previously stated the application site is currently an area of overgrown grassland which provides an open gap between Brookenby and Kingsmead Park. The application has included some indicative caravan lodge designs through the submission of sales brochures (Kingfisher, Wessex Classic, Wessex Contemporary and Westfield) as eluded to on page 5 of the Planning Statement (PS) dated December 2016. Paragraph 5.3 of the PS declares that *'the holiday lodges will be in sympathy with the surrounding landscape, clad in timber, or wood effect 'canaxel' comprising muted colours compatible with this location such as grey/green/brown, with dark brown/grey tiled roof pitched roofs. There are a range of colours and external finish available on today's holiday lodge models and our client would be willing to discuss appropriate choices with the Council to ensure that the finished scheme assimilates well with the landscape'*. The Authority's Conservation Officer has recommended the caravan lodges have green roofs.

The proposal is low in density when compared to Kingsmead Park and includes extensive soft landscaping (see site plan 804.02/02B dated July 2017) to thicken and increase the screening ability of the site to the immediate and wider areas. Paragraph 5.4 of the PS states that *'External lighting within the proposed development will be designed to minimise its visual intrusion on the surrounding countryside with low level bollard lighting'*.

The final caravan lodge design(s) and landscaping and management plan will be conditioned on the permission to be agreed prior to commencement of the development.

The case officer's site visit included visiting a number of vantage points from the immediate and wider area including appropriate public rights of way. This included views from Orford Road, Swinhope Hill, the B1203, from within the settlement of Binbrook and the Swinhope hamlet and in particular views from public rights of way Binb/135/2.

Given the close proximity of Brookenby (rear of dwellings off Salisbury Avenue) and Kingsmead Park the site is immediately in view through or above existing boundary treatments from the north east, south east and south west. The slope of the site, its existing boundary treatments and the adjoining uses means that the site is only clearly in view from the wider area of the AONB from the south east. From the south east the site is in view from Binb/35/2, Swinhope Hill and the B1203.

Binb/35/2 is a u-shaped public rights of way which from either starting point heads towards Brookenby before turning back on itself back towards Binbrook. The site is in view from sections of the rights of way but land levels and vegetation screen the site from all other sections. The site is to the north west of Binb/35/2 and any views of the site are seen in context with Brookenby and the existing residential caravans at Kingsmead Park.

The site again is in view from sections of Swinhope Hill and the B1203 which in the main has a national speed limit of 60 mph. Good screening is provided in other sections by highway boundary vegetation and/or vegetation within the landscape. Swinhope Hill and the B1203 by and large go in a north or north east direction between Binbrook and the Swinhope area. Conversely these highways go to the south and south west in the other direction. The site is therefore not directly or clearly in view when travelling in either direction unless you stop or drive at a very slow speed on a 60mph highway. When travelling at a normal speed the site is most evident when travelling south west along the B1203 approaching the Swinhope and Brookenby junctions. Again from some points the site will be viewed in context with Brookenby and the existing residential caravans at Kingsmead Park.

The introduction of the site next to Kingsmead Park means that the cumulative impact of caravan structures in this location has to be considered. The proposed development has a much lower density than Kingsmead Park and will include more sympathetic caravan designs (timber effect cladding and colours to be agreed) and boundary screening.

Consideration has been given to the special qualities of the AONB, the characteristics of the site and its surrounding area plus the visibility of the site from all directions. Due regard has also been given to comments made from representations and supporting statements with the application. Given this it is considered that the development will initially have some adverse visual impact due to the need for planting to mature to a height to provide adequate screening but overall it will not have a significant long term adverse visual impact on the character and appearance of the site, the AONB and the surrounding open countryside. The proposal will accord with local policy LP17, LP26 of the CLLP and guidance contained within the NPPF subject to satisfying pre-commencement conditions.

Residential Amenity

Objections have been received from Sir Edward Leigh and residents on the harmful impact of the development on the living conditions of neighbouring residential dwellings and caravans.

The application site is adjacent two differing residential areas. To the north east is Kingsmead Residential Caravan Park where approximately 14 units sit adjacent the shared north east boundary. To the south west is the rear gardens and elevations of 2, 4, 6, 8, 10, 12 and 14 Salisbury Avenue.

The proposed caravan lodges will be single storey structures and positioned at least 15 metres from each boundary. The proposal will introduce low and high level soft landscaping onto the site and its boundaries to increase the density and height of screening to the neighbouring residential uses. Therefore the proposal will not have a significant adverse overbearing impact, cause a significant loss of light or have a significant impact on the privacy of the neighbouring residents.

Objections have been made in relation to noise from the proposed operation and noise and dust from the site during construction.

The West Lindsey Public Protection Officer has not objected to the proposal stating that there are '*No reasons to object to this proposal from a noise perspective*'. The site will introduce noise from holiday makers and vehicle use. The vehicular access and caravan park road are situated at least 15 metres from the neighbouring residents and the on-site road configuration promotes low speed. Given the separation distance and proposed increase in landscaping it is not considered that the site will have a significant noise impact on the nearby residents.

The development will require limited construction work in the form of works including the installation of the caravan parks on-site road and the individual pitches which involves getting them connected to the necessary services. The caravan lodges will be transported to the site and delivered onto the individual pitches. The construction phase is only a minor temporary disruption and any works on the site will be limited to a specific timeframe through a condition on the permission. These times will be:

- Monday to Friday: 9.00-18.00
- Saturday: 9.00-13.00
- Not on a Sunday or Bank Holiday

In addition to this a condition will be attached to the permission for a construction method statement including the installation of the caravan lodges.

The use of vehicles around the site has the potential to create a headlight glare impact on the neighbouring residents. Given the landscaping proposed and predominant direction of the on-site road the neighbouring residents will not be expected to be harmed by headlight glare.

The loss of view caused by the development has been objected to from Salisbury Avenue. However a loss of view is not a material planning consideration that can be assessed.

It is therefore considered that the proposal will not have a significant adverse impact on the living conditions of neighbouring residents. The proposal accords to local policy LP26 of the CLLP and guidance contained within the NPPF.

Heritage

Listed Buildings and Scheduled Ancient Monuments:

As stated in the description section at the start of this report there are a number of Listed Buildings and Scheduled Ancient Monuments (SAM) in the area. These are:

- Swinhope House – Grade 2 Star Listed approximately 575 metres to the north east.
- The Old Rectory - Grade 2 Listed approximately 665 metres to the north east.
- Church of St Helen – Grade 2 Listed approximately 720 metres to the north east.
- Ash Hill long barrow in Swinhope Parish is approximately 220 metres to the north east
- Neolithic long barrow is approximately 500 metres to the south east
- Cromwells Grave a Neolithic long barrow is approximately 645 metres to the south east.

Guidance contained within Paragraph 128 of the NPPF states that *‘in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance’.*

Paragraph 132 states that *‘great weight should be given to the asset’s conservation’* and that *‘Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting’.*

Paragraph 133 provides guidance that *‘Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent’.*

Local policy LP25 of the CLLP states that *‘Development proposals should protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire’* and provides a breakdown of the required information to be submitted as part of an application in a heritage statement.

In the Listed Building section of LP25 it states that *‘Development proposals that affect the setting of a Listed Building will be supported where they preserve or better reveal the significance of the Listed Building’.*

The impact of a development of the setting of a listed building is more than just its visual presence and annex 2 of the NPPF defines the setting of a heritage asset as:

'The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral'.

Paragraph 13 (Conserving and Enhancing the Historic Environment) of the NPPG (Reference ID: 18a-013-20140306) further supports this definition declaring that *'Setting is the surroundings in which an asset is experienced, and may therefore be more extensive than its curtilage'* and *'although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors'*. This interpretation can additionally be attached to the nearby Scheduled Ancient Monuments.

The LVA submitted includes an assessment of the developments impact on the nearby heritage assets. Paragraph 9.2 of the LVA states that *'a number of Scheduled Monuments and listed buildings are located within the local area. Only three of the historic features have a visual connection with the proposed development; none of the monuments would be significantly affected by the proposed development. The proposed layout and planting would minimise the effects through screening the proposals and integrating them into the local landscape (Local plan Policy LP25). The proposed development would have negligible effects on the landscape setting of these historic features.* The Conservation Officer is *'reasonably content at the quality of the report in terms of impact upon heritage assets'* and has not objected to the development on the setting and experience of the nearby Listed Building and Scheduled Ancient Monuments.

Therefore the development is concluded not likely to have a significant adverse impact on the nearby Listed Buildings and Scheduled Ancient Monuments and accords to local policy LP25 of the CLLP and guidance contained within the NPPF. The setting of surrounding heritage assets will be preserved.

Archaeology:

In light of comments made by the Historic Environment Officer at Lincolnshire County Council the agent has submitted a Programme of Archaeological Evaluation Trenching Report dated June 2017 published by Midland Archaeological Services in partnership with Contour Geophysics.

As acknowledged by the Historic Environment Officer the report demonstrates that *'the trial trenching did reveal some archaeological features however these were limited and did not suggest that this site contained any significant archaeological remains. Given this I do not recommend that any further archaeological work on this site is necessary'*.

Therefore the development is unlikely to have a significant adverse archaeological impact and accords to local policy LP25 of the CLLP and guidance contained within the NPPF.

Highway Safety

Objections have been received from the Ward Member, Brookenby Parish Council, Binbrook Parish Council and residents on the harmful impact of the development on highway safety.

Guidance contained within paragraph 32 of the NPPF states that '*Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe*'.

The proposal will introduce a new vehicular access relatively close to the east corner of the site. The existing agricultural gated access will be removed and replaced by new soft landscaping. The access will come off Swinhope Road which has a national speed limit of 60mph. There is a modest bend approximately 150 metres to the south west and a sharp bend approximately 135 metres to the north east which could reduce the speed of vehicles passing the site.

Each of the individual pitches will have their own parking space for at least two vehicles and six parking spaces will be available adjacent the reception office for customers checking in and out of the site.

The Highways Authority at Lincolnshire County Council have not objected to the development subject to the attachment of conditions. One of these conditions is to lower part of the front hedging to no more than 1 metre in height to allow acceptable visibility when turning south west onto Swinhope Road.

Objections have been received in relation to the increase in traffic and the impact on the condition of the highway and the grass verges. The highway is a public highway which can be used by any people travelling in the area although it is acknowledged that the development will increase the amount of traffic using Swinhope Road. The Highway Authority have not objected to the impact on the condition of the highway or grass verges or the need for passing places or to widen the highway.

Therefore the development will not have a severe or significant adverse impact on highway safety and accords to local policy LP13 of the CLLP and guidance contained within the NPPF subject to meeting recommended conditions.

Ecology

Guidance contained within paragraph 118 of the NPPF states that '*when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying*' certain principles including:

- *if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- *'planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats'*
- *'opportunities to incorporate biodiversity in and around developments should be encouraged'*

Local Policy LP21 of the CLLP states that '*All development should:*

- *protect, manage and enhance the network of habitats, species and sites of international, national and local importance (statutory and non-statutory), including sites that meet the criteria for selection as a Local Site;*
- *minimise impacts on biodiversity and geodiversity; and*
- *seek to deliver a net gain in biodiversity and geodiversity.*

The importance of conserving and enhancing biodiversity is one of the key objectives set out in the Lincolnshire Wolds Management Plan (LWMP).

The application has included the submission of an Ecological Appraisal dated June 2017 completed by Hankinson Duckett Associates. Section 5 assesses the likely presence and habitat potential of the site for protected fauna and the presence of the protected flora on the site.

In line with the findings the Ecological Appraisal has made a number of recommendations in section 8. These include:

- Further surveys required to tree 1-5 and group 1 if further works required to trees such as felling.
- Precautionary approach to clearance taken to any suitable reptile habitat (see procedure at paragraph 8.3.4)
- Shrub, hedgerow, tree clearance carried out outside bird breeding season.
- Install bat roost boxes, bird boxes, log and brush piles.
- Creation of wildlife friendly pond with gently sloping margins and native aquatic/marginal planting
- Nectar rich fruit producing planting.
- Native species rich hedgerow planting.

The proposed development shall adhere to the recommendations of the Ecological Appraisal dated June 2017 completed by Hankinson Duckett Associates. All of the recommendations suggested are necessary and can be incorporated into the pre-commencement construction method statement and the landscaping plan conditions.

The proposal will not be likely to have an adverse impact on any protected species and will be expected to enhance biodiversity by introducing a significant amount of new planting and a sustainable urban drainage pond and swales. The proposal will accord with local policy LP21 of the CLLP and guidance contained within the NPPF subject to submitting further details.

Drainage

The application has included a drainage strategy report dated December 2016 published by GA Grimley Limited setting out the method of dealing with foul and surface water from the site.

Foul Water:

The Anglian water pre-planning assessment report dated 24th October 2016 states and recommends that:

- *The foul drainage from the proposed development is in the catchment of Binbrook Water Recycling Centre, which currently has capacity to treat the flows from your development site. Anglian Water cannot reserve capacity’.*
- *‘Anglian Water has assessed the impact of gravity flows from the planned development to the public foul sewerage network. We can confirm that this is acceptable as the foul sewerage system, at present, has available capacity for your site. The connection point will be to manhole 8600 located at land adjacent to Swinhope Road at National Grid Reference (NGR) TF2088195660’.*

The drainage strategy plan demonstrates that foul water will be disposed of to the existing foul sewer system at manhole 8600 as recommended and from the reception office to manhole 20. This is considered acceptable providing the necessary capacity is still available and the necessary consent can be obtained.

Surface Water:

The Anglian water pre-planning assessment report dated 24th October 2016 states that:

‘You indicated on the Pre-Planning Application form that a connection to the public surface water sewer network is not required as infiltration and a connection to a watercourse is to be utilised. A new surface water sewer can be used as a mechanism to discharge surface water to a watercourse or as part of a Suds scheme where appropriate’.

Surface water will be disposed of through a sustainable urban drainage system (SuDS). This will be via a network of surface water sewer and channels connected to infiltration swales with any excess water attenuating at the SuDS basin.

The surface water drainage method is considered acceptable by the Lead Local Flood Authority. The drainage strategy report includes percolation tests which have been accepted by the Authorities Building Officer.

The proposed surface water drainage proposal is therefore considered acceptable.

The proposal will therefore be conditioned to be completed in accordance with the drainage strategy report dated December 2016 published by GA Grimley Limited.

Trees

The Authority’s Landscape and Tree Officer has not objected to the impact of the development on the existing trees but has commented that some of the proposed trees may be too close to the caravan position along the southerly edge leading to future pruning requirements. Therefore the proposal will not have an adverse impact on trees and an advisory note will be attached to the permission in relation to the position of some of the proposed trees.

Other Considerations:

Landscaping

The application has included some landscaping details on submitted plan 804.02/02B dated July 2017. However this plan does not provide comprehensive details and a

pre-commencement condition will be attached to the permission for a further more detailed landscaping plan. The further details required are (including some ecology details):

- Identify all retained trees and hedgerows
- Identify all proposed plants, trees and hedgerows
- A planting scheme including species, position, height and planting formation of all new plants, trees and hedgerows. In addition ground/planting pit preparation, details of tree support and protection, and aftercare for 5 years.
- Materials used to construct the onsite road, parking spaces and pitches.
- The type and position of at least 1 bat roost and 3 bat boxes
- The type and position of four bird boxes
- Identify location of SuDS pond with section plan showing gently sloping margins and details of native aquatic/marginal planting

Flood Risk

The site sits within flood zone 1 therefore has the lowest risk of flooding therefore meets the NPPF sequential test.

Tourism

Recreation and tourism is a key subject of the LWMP providing no harm is caused to the AONB. Table 2 (page 35) of the LWMP sets out the pressures, threats and opportunities of the tourism industry within AONB's.

Pressures/Threats:

- Developing tourism is currently restricted by a weak infrastructure (e.g. limited accommodation, attractions)
- Threat to peace & solitude of the Wolds caused by visitor pressure especially to honey-pot villages.

Opportunities:

- Need for improved and well managed range of accommodation & visitor attractions appropriate to the Wolds AONB.
- Scope to further develop the green tourism product.
- Ongoing innovation of the Lincolnshire Wolds Walking Festival.

The Authority's Economic Development are supportive of the above application from a visitor economy perspective.

Conclusion and reasons for decision:

Planning law requires that planning applications are determined against the provisions of the development plan, unless there are any material considerations which would indicate otherwise.

The application proposes holiday accommodation within the Lincolnshire Wolds AONB. Situated between the existing built up area and the Kingsmead Residential Park, it is considered that the development would accord with policy LP7 which is generally supportive of "high quality sustainable visitor facilities".

The development would not be expected to adversely impact upon the setting of surrounding heritage assets (above or below ground) and would accord with policy LP25 in this respect.

The site is located within the Lincolnshire Wolds AONB. The NPPF requires that *“Great weight should be given to conserving landscape and scenic beauty in... Areas of Outstanding Natural Beauty”*.

Having considered the Landscape Visual Assessment, in view of the site’s location between the built-up area and existing residential park, the low density nature of the development, it is considered that the development would only have a limited impact on the scenic beauty of the AONB and that this would be further ameliorated by the strong landscaping scheme maturing over time. The development is considered to be compliant with policy LP17 of the CLLP.

The NPPF further states that “Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest.”

It is considered that, in view of the limited impact on the character and scenic beauty of the AONB, and the significant tourism and local economy benefits that would arise, that the development is within the public interest and exceptional circumstances can be justified.

It is not expected to have a significant adverse impact on the living conditions of neighbouring residential uses, highway safety, drainage or cause any further flooding

The decision has been considered against LP1 A Presumption in Favour of Sustainable Development, LP2 The Spatial Strategy and Settlement Hierarchy, LP5 Delivering Prosperity and Jobs, LP7 A Sustainable Visitor Economy, LP13 Accessibility and Transport, LP14 Managing Water Resources and Flood Risk, LP17 Landscape, Townscape and Views, LP21 Biodiversity and Geodiversity, LP25 The Historic Environment, LP26 Design and Amenity and LP55 Development in the Countryside of the Central Lincolnshire Local plan 2012-2036 and guidance contained within the National Planning Policy Framework and National Planning Practice Guidance. Furthermore consideration has been given to the Lincolnshire Wolds AONB Management Plan (2013-18) and the duty set out in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. In light of the above assessment, it is considered that the proposal is acceptable subject to certain conditions. The proposal will provide visitor accommodation in an appropriate location in an Area of Outstanding Natural Beauty. The proposal will not have a significant adverse visual impact on the site, the open countryside or the Area of Outstanding Natural Beauty. It will not have a significant adverse impact on the living conditions of neighbouring residential uses, highway safety, archaeology or harm the setting of nearby Listed Buildings or Scheduled Ancient Monuments. Therefore the proposal conforms to local policy LP5, LP7, LP13, LP17, LP21, LP25, LP26 and LP55 of the Central Lincolnshire Local Plan and the provisions of the National Planning Policy Framework.

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

RECOMMENDATION: Grant Permission subject to conditions

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

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

2. No development shall take place until all caravan designs including the colour and position on the site has been submitted and agreed in writing by the Local Planning Authority. The approved designs and position shall be retained thereafter.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and the character and appearance of the site, the open countryside and the AONB to accord with the National Planning Policy Framework and local policies LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

3. No development shall take place until a comprehensive landscaping scheme has been submitted and agreed in writing by the Local Planning Authority. The landscaping shall identify or include:

- all retained trees and hedgerows.
- all proposed plants, trees and hedgerows.
- a planting scheme including species, position, height and planting formation of all new plants, trees and hedgerows. In addition ground/planting pit preparation, details of tree support and protection, and aftercare for 5 years.
- Materials used to construct the onsite road, parking spaces and pitches.
- The type and position of at least 1 bat roost and 3 bat boxes.
- The type and position of four bird boxes.
- Identify location of SuDS pond with section plan showing gently sloping margins and details of native aquatic/marginal planting.
- Lighting scheme including design, position, height, lighting intensity and direction.

Reason: To ensure that appropriate landscaping is introduced so that it will not adversely impact on the character and appearance of the site and enhance the ecological value of the site to accord with the National Planning Policy Framework and local policies LP17, LP21 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

4. No development shall take place until a construction and implementation method statement has been submitted and agreed 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 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;
 - (viii) protection of existing trees and hedging;
 - (ix) protection of potential fauna activity;
 - (x) details of noise reduction measures;
 - (xi) a scheme for recycling/disposing of waste;
 - (xii) the hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on the site.

Reason: To minimise disruption to the living conditions of the neighbouring dwelling and surrounding area from noise, dust and vibration and to protect biodiversity to accord with the National Planning Policy Framework and local policy LP21 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

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

5. 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 drawing: Site Plan 804.02/02B dated July 2017 and Access Strategy Plan dated 29th September 2016. 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 local policies LP17, LP21 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

6. Prior to operation of the site the foul and surface drainage methods shall be completed in accordance with the scheme set out in drainage strategy report dated December 2016 published by GA Grimley Limited and drainage strategy layout

plan in appendix v. The proposed scheme shall be maintained and retained thereafter.

Reason: To avoid flooding and prevent pollution of the water environment as recommended by the Environment Agency to accord with the National Planning Policy Framework and local policy LP14 of the Central Lincolnshire Local Plan 2012-2036.

7. Before the access is brought into use the land between the highway boundary and the vision splays indicated on drawing number G08167/15/002 Rev B dated 29/9/16 shall be lowered so that it does not exceed 1.0 metres above the level of the adjacent carriageway Swinhope Road and thereafter the visibility splay shall be kept free of obstacles exceeding 1.0 metres in height.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site to accord with the National Planning Policy Framework and local policy LP13 of the Central Lincolnshire Local Plan 2012-2036.

8. The vehicular access shall incorporate 6 metres radii tangential to the nearside edge of the carriageway of Swinhope Road and the minimum width of the access shall be 5 metres.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site to accord with the National Planning Policy Framework and local policy LP13 of the Central Lincolnshire Local Plan 2012-2036.

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

9. The 35 holiday caravans hereby permitted shall be used as holiday accommodation only and shall not be occupied as a person's sole or main place of residence. The owners/operators shall maintain an up-to-date register of the names of all occupiers in individual caravans on the site, and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.

Reason: The site is located within the open countryside where permanent residential accommodation would not normally be permitted to accord with the National Planning Policy Framework local policy LP55 of the Central Lincolnshire Local Plan 2012-2036.

10. The single caravan permitted in the east corner of the site shall only be used for office/reception purposes in connection with the holiday caravan park business.

Reason: To ensure the office/reception caravan is only used in connection with the operation of the holiday caravan park to accord with the National Planning Policy Framework local policy LP55 of the Central Lincolnshire Local Plan 2012-2036.

Informatives

Highways

Prior to the submission of details for any access works within the public highway you must contact the Divisional Highways Manager on 01522 782070 for application, specification and construction information.

Trees Planting

Some of the proposed trees are quite close to some of the proposed caravans along the southern edge of the site. It is advised that the comprehensive landscaping plan considers the position of these trees and the impact they may have on the amenity of the holiday makers through shading.

Caravan design and appearance

It is advised and recommended that the caravan roofs are a sensitive and appropriate green colour when considering condition 2 set out above.

This page is intentionally left blank



Planning Committee

18 October 2017

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

Key Decision:

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

Yes

No

Appendix A - Summary

- i) Appeal by Mr and Mrs Sodha against the decision of West Lindsey District Council to refuse planning permission for two residential units at Land on North Kelsey Road, Caistor

Appeal Dismissed - See copy letter attached as Appendix Bi.

Officer Decision – Refuse permission

- ii) Appeal by Mr C Wilson against the decision of West Lindsey District Council to refuse planning permission for the demolition of part of the remaining outbuildings and the replacement with 2 starter home units at 17-21 King Street, Market Rasen LN8 3BB

Appeal Dismissed – See copy letter attached as Appendix Bii.

Officer Decision – Refuse permission

- iii) Appeal by Mr Graham Everett against the decision of West Lindsey District Council to refuse planning permission for new dwelling with change of use of part of commercial haulage yard at The Garage, Bishop Norton Road, Atterby, Market Rasen LN8 2BJ

Appeal Dismissed – See copy letter attached as Appendix Biii.

Officer Decision – Refuse permission

- iv) Appeal by Mrs Pauline Mardle against the decision of West Lindsey District Council to refuse planning permission to build a small two bedroom retirement bungalow or dormer bungalow on the proposed site at 1 Kingsway, Nettleham, Lincoln LN2 2QA

Appeal Dismissed – See copy letter attached as Appendix Biv.

Officer Decision – Refuse permission

- v) Appeal by Mrs H Williams against the decision of West Lindsey District Council to refuse planning permission for 5 new detached dwellings with detached double garages to land at the rear of 3 The Green, Ingham.

Appeal Dismissed – See copy letter attached as Appendix Bv.

Costs Refused – See copy letter attached as Appendix Bva.

Officer Decision – Refuse permission

- vi) Appeal by Mrs Julia Wallhead against the decision of West Lindsey District Council to refuse planning permission for the erection of a sunroom to front of property at 23 Ashfield, Sturton-by-Stow, Lincoln LN1 2BN.

Appeal Dismissed – See copy letter attached as Appendix Bvi.

Costs Refused – See copy letter attached as Appendix Bvia.

Officer Decision – Refuse permission

- vii) Appeal by Mr & Mrs Cliff Lock against the decision of West Lindsey District Council to refuse planning permission for a bungalow and garage using existing store at The Hawthorns, High Street, Marton, Gainsborough DN21 5AL.

Appeal Dismissed – See copy letter attached as Appendix Bvii.

Officer Decision – Refuse permission

- viii) Appeal by Mr D Prangnell against the decision of West Lindsey District Council to refuse planning permission for a “proposed dwelling” on Land at Glendale, Broadholme Road, Saxilby, Lincoln LN1 2NE.

Appeal Dismissed – See copy letter attached as Appendix Bviii.

Officer Decision – Refuse permission

- ix) Appeal by Mr Adrian Munt against the decision of West Lindsey District Council to refuse planning permission for outline planning application to erect 1no. dwelling, all matters reserved, on land at Stainton Lane, Stainton by Langworth, Lincoln LN3 5BN.

Appeal Dismissed – See copy letter attached as Appendix Bix.

Officer Decision – Refuse permission

- x) Appeal by Mr Stuart Kinch (John Kinch Builds) against the decision of West Lindsey District Council to refuse planning permission for a housing development for two pairs of semi-detached dwellings at Main Street, Torksey, Lincolnshire LN1 2EE.

Appeal Dismissed – See copy letter attached as Appendix Bx.

Officer Decision – Refuse permission



Appeal Decision

Site visit made on 8 August 2017

by Darren Hendley BA(Hons) MA MRTPI

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

Decision date: 22nd August 2017

Appeal Ref: APP/N2535/W/17/3174266

Land on North Kelsey Road, Caistor

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs Sodha against the decision of West Lindsey District Council.
 - The application Ref 135142, dated 26 October 2016, was refused by notice dated 23 December 2016.
 - The development proposed is two residential units.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is in outline form with all matters reserved for future consideration. I have determined the appeal on that basis. I have had regard to the drawings as far as they indicate the site location and the site boundary, which were amended during the planning application.
3. Since the Council determined the planning application the Central Lincolnshire Local Plan (2017) (Local Plan) has been adopted. It has replaced the West Lindsey Local Plan First Review (2006). I am bound by the statutory duty under Section 38 (6) of the Planning and Compulsory Purchase Act 2004 to consider the policies in the development plan relevant to the main issues. As such, I have considered the appeal on the basis of the policies contained within the Local Plan.

Main Issues

4. The main issues are (i) whether the proposal would provide a suitable location for housing with regard to the accessibility of services; (ii) the effect on the character and appearance of the area; and (iii) the potential effect on trees.

Reasons

Accessibility of Services

5. The appeal site is located amongst a dispersed pattern of development along North Kelsey Road, which comprises of agricultural uses, rural related businesses and dwellings which are isolated, or well separated by intervening land. There is not an appreciable clustering, or row, of development. The nearest local service is a public house which is approximately 1.5km away from

the site, towards North Kelsey. The nearest settlement is Caistor, which lies approximately 1.5km from the site, with its town centre services around another 1km away. There are no footways from the site to access services and nor are there bus stops nearby, although a demand responsive bus service is available.

6. Policy LP2 of the Local Plan sets out a settlement hierarchy. As the site lies outside of any settlement or clear clustering of development, I consider it is 'countryside', the lowest level on the hierarchy. The type of development proposed does not fall into those which are permitted under Policies LP2 or LP55.
7. The lack of services near the site would result in the occupants of the proposal having to travel to Caistor in order to access a reasonable level of local services. Given the distances involved, and the lack of a footway from the site, there would be a reliance on the use of a car. The demand responsive bus service requires booking and does not provide the convenience of a regular bus service. Although there are more regular bus services in Caistor itself, they do not pass close to the site. The limited accessibility to services is also reflected in the site's position on the settlement hierarchy as countryside under Policy LP2, which in part is derived from accessibility.
8. In respect of the distance guidelines from the Institution of Highways and Transportation (2000)¹ cited by the appellant, these considerably predate the Local Plan and the distance to the majority of services in Caistor would be in excess of the 2km distance. Walking would also not be practical given the absence of a footway. The use of the internet would also not adequately provide for services to the extent that it would prevent a reliance on the use of the car.
9. I conclude that the proposal, due to its lack of accessibility to services, would not provide a suitable location for housing and, accordingly, it would not comply with Policies LP2 and LP55 of the Local Plan.
10. Similarly, I also conclude the proposal would not comply with paragraph 55 of the National Planning Policy Framework (Framework), because the lack of proximity to shops and services would not enhance or maintain the vitality of rural communities. With the distances involved, it would not appreciably support services in a village nearby, and would be functionally isolated. This would also result in the proposal constituting an isolated home in the countryside and none of the special circumstances to justify it cited in paragraph 55 would apply.

Character and Appearance

11. The site comprises grassed areas and a substantial tree belt frontage onto North Kelsey Road. To the rear of the site, land is in equine use. To the east of the site is Woodlands, a residential property with a stables building to its rear, and to the west is Auckland House, a further residential property. More broadly, as the area comprises of open countryside interspersed with occasional development, it is pleasingly rural in character.
12. The site contributes to this character because it presents an area of land free from built development, as a gap, between Woodlands and Avondale House,

¹ Institution of Highways and Transportation (2000) Guidelines for Providing for Journeys on Foot.

which is part of the dispersed pattern of development. The proposal would serve to infill this gap, and would thus erode its role in maintaining the character of the countryside.

13. More broadly, the proposal would result in the encroachment of built development into the countryside, along this stretch of North Kelsey Road. It would increase linear development, detracting from the interspersed pattern of development, regardless of the eventual size and scale of the two dwellings. The contribution of the undeveloped character of the site to the countryside would be lost.
14. As the site is given over to grassed areas and trees, does not visually form a dedicated garden associated with Woodlands and with the stables building lying outside of the site boundary, I am not persuaded the site constitutes previously developed land. However, this is not central to my decision with the site's contribution, regardless of whether or not it is previously developed land, to the character of the countryside. Similarly, the agricultural grade of the land would not outweigh the harm that would arise.
15. I conclude the proposal would cause significant harm to the character and appearance of the area. It would not comply with Policy LP17 of the Local Plan which provides for the protection and enhancement of features which positively contribute to the character of the area.

Trees

16. The tree belt across the frontage of the site contains a large and extensive group of trees, including most notably oaks and conifers. The tree group is protected by TPO Nettleton 1950. Beyond the area of protection, and up to the grassed area, there are a significant number of other trees on site.
17. Having regard to the site boundaries, and the appellant and the Council's submissions, I consider it is reasonable to assume that access would need to be taken for the two dwellings through the tree belt. From my site visit, there were no obvious gaps that could provide a direct access, with the number and proximity of trees, without some degree of intervention being required. The extent of the coverage in the tree belt is as such that I do not consider there can be any confidence, in the absence of a tree survey, that the two dwellings could be accessed without the potential to cause damage to the protected trees.
18. Whilst the lack of a tree survey may on its own may not be decisive in respect of the trees which lie outside of the protected group, as they are not protected or have an identifiable particular biodiversity interest, they do add to the potential for damage to what, overall, are a significant number of trees. These trees do appreciably add to the character of the area, along with the trees in the protected area, and so if the loss of tree cover would result, this would further contribute to the significant harm to the character and appearance of the area.
19. In the absence of any degree of confidence that the results of a tree survey would not substantially alter the proposal, it would not be reasonable to apply a planning condition requiring the subsequent submission of a tree survey, nor methods of construction to avoid tree damage or replacement tree planting. Whilst I note comments about whether or not a tree survey was to be provided

during the application, this is not a matter for me to comment on in this appeal. Nor is it appropriate for me to request that such a survey is now provided as that what is considered at an appeal is essentially what was considered by the Council, and on which interested parties views were sought.

20. Without a tree survey, I cannot conclude that the proposal would not have an unacceptable effect on the protected trees on the site and which, in combination with the trees that are not protected, add to the overall character of the site. Accordingly, I cannot conclude the proposal would comply with Policy LP17 of the Local Plan, which provides for the protection and enhancement of trees and woodland as features which positively contribute to the character of the area, or with paragraph 17 of the Framework which states that planning should contribute to conserving and enhancing the natural environment.

Other Matters

21. In respect of the roles of sustainable development under paragraph 7 of the Framework, the economic benefits arising from the construction or occupation of two dwellings would be slight. The proposal would conflict with the social role because, whilst it would make a limited contribution to the housing stock, it would not be providing housing in a suitable location. It would also conflict with the environmental role because it would not contribute to protecting and enhancing the natural environment with the harm that would arise to character and appearance, and with its reliance on the private car for accessibility, it would not mitigate and adapt to climate change.
22. The Caistor Neighbourhood Plan (2016) does not have any additional bearing on the main issues, over and above what I have set out. Whilst reference has been made to other planning approvals along North Kelsey Road, no details have been provided, so I cannot consider this further. In respect of the planning approvals on Riby Road (Council planning refs: 132759, 135934), the dwelling is sited within a cluster of existing development and as such I am satisfied the circumstances are materially different to the proposal.

Conclusion

23. For the reasons set out above, I conclude the appeal should be dismissed.

Darren Hendley

INSPECTOR



Appeal Decision

Site visit made on 8 August 2017

by Darren Hendley BA(Hons) MA MRTPI

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

Decision date: 23rd August 2017

Appeal Ref: APP/N2535/W/17/3174599
17-21 King Street, Market Rasen LN8 3BB

- 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 C Wilson against the decision of West Lindsey District Council.
 - The application Ref 134561, dated 11 June 2016, was refused by notice dated 28 October 2016.
 - The development proposed is the demolition of part of the remaining outbuildings and the replacement with 2 starter home units.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is in outline form with all matters to be considered at this stage, apart from landscaping. Drawings showing a Location Plan; a Block Plan; Plans, sections and elevations in context; and a Site Plan were submitted with the application, and I have had regard to these in determining the appeal.
3. Since the Council determined the planning application, the Central Lincolnshire Local Plan (2017) (Local Plan) has been adopted. The policies contained within the Local Plan have replaced those in the West Lindsey Local Plan First Review (2006). Hence, I have considered the appeal on the basis of the policies contained within the Local Plan.

Main Issues

4. The main issues are whether the proposal would (i) preserve or enhance the character or appearance of the Market Rasen Conservation Area and (ii) provide acceptable living conditions for future occupiers by way of internal living space and outlook.

Reasons

Character and Appearance

5. The appeal site comprises an area of land which is sited to the rear of 17 to 21 King Street. The site contains single storey outbuildings which present a brick wall elevation and a frontage to Rhodes Passage, a narrow footpath which links King Street to Dear Street. The pattern of development along Rhodes Passage comprises a variety of building types with a number of plots which also front onto the footpath. There are a number of other residential properties near to the site which also have frontages onto Rhodes Passage.

6. The site, overall, is small in size. With the comparative size of the building footprint of the proposal, it would cover a significant amount of the site, leaving only a modest sized area to the rear free from built form, together with incidental areas to the side and front. Its proportions are as such that its depth is considerably less than other plots along Rhodes Passage that contain houses or, as is adjacent the site, a bungalow.
7. The amount of development that is proposed on the site would therefore appear cramped. It would also be considerably greater in site coverage than other dwellings on Rhodes Passage, and consequently it would be discordant with the existing pattern of development in this part of the Conservation Area. Although there is a greater degree of built development on King Street itself, this has an appreciably different character from Rhodes Passage, where development is more modest and piecemeal.
8. The statutory duty in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is of considerable weight and importance. I conclude the proposal would fail to preserve or enhance the character or appearance of the Conservation Area.
9. I also conclude the proposal would not comply with Policies LP25 and LP26 of the Local Plan which state that development within a Conservation Area should preserve features that contribute positively to the area's character and appearance, and that all development must take into consideration the character and appearance of the local area. Similarly, it would also not comply with paragraph 17 of the National Planning Policy Framework (Framework) which states that planning should always seek to secure high quality design.

Living Conditions for Future Occupiers

10. The living accommodation at ground floor level for each dwelling would consist of a single open plan room that would provide, in total, the entrance, the kitchen, the living/dining area, as well as the staircase to the first floor level. The open plan room would be positioned around the bathroom. With the limited space that would be available, this would be a confined arrangement. There would be little room for circulation or for a reasonable separation of normal domestic activities.
11. The living space that would be provided therefore would be extremely limited, regardless of whether the proposal would be subject of single occupancy, or not. The proposed opaque window to Rhodes Passage would only serve to reinforce the restrained nature of the internal space. Even if the space may serve to be cost effective for heating and energy efficiency, this does not address or outweigh this detrimental effect arising from the proposal.
12. At first floor level, the bedroom for each dwelling would be provided under the slopes of the roof planes, further limiting living space and resulting in rooflights and a low window as the only means of providing an aspect to each bedroom. With the positioning and angle of the rooflights and the low window, and the absence of other windows, this would result in a poor outlook.
13. The Council have confirmed that the Local Plan does not contain internal space standards and therefore, in accordance with the Written Ministerial Statement of 25 March 2015¹, the Government's Nationally Described Space Standards²

¹ Written Ministerial Statement to Parliament, Planning update March 2015.

cannot carry any significant weight. Nevertheless, this does not mean the effect on the living conditions of future occupiers is not a relevant matter for this appeal. As I have set out, the living space that would be provided for each dwelling would be extremely limited, as well as a poor outlook. Similarly, adherence with Building Regulations does not reduce the need to consider the effect on living conditions under the planning system.

14. I conclude the proposal would not comply with Policy LP26 of the Local Plan which seeks to protect the amenities which future occupants may reasonably expect to enjoy. It would also not comply with paragraph 17 of the Framework which states that planning should also seek to secure a good standard of amenity for future occupiers of land and buildings.

Other Matters

15. In respect of the roles of sustainable development under paragraph 7 of the Framework, the economic benefits arising from the construction and maintenance of two modest sized dwellings would be slight, and the limited contribution to housing need, affordability and town centre vitality would only constitute a small social benefit. The proposal would conflict with the environmental role because of the harm to character and appearance of the Conservation Area and to the living conditions of future occupiers, and thus, whilst the proposal would make use of previously developed land, it would also not constitute high quality homes for the purposes of the Framework. The benefits would not outweigh the harm, and there is not the justification for making a decision that is not in accordance with the Local Plan.
16. My attention has been drawn to a permission for residential development in the town centre (Council ref: 131151), although I note this is for flats and is located to the rear of buildings on the opposite of King Street, and is well away from Rhodes Passage. I am satisfied it is sufficiently different in respect of character and appearance, and living conditions, so as not to alter my conclusions. In respect of how the level of accommodation that would be provided compares to other accommodation in the town centre, I am not aware of the details in each case and have dealt with the appeal on the basis of the proposal before.
17. As the proposal is set with the confines of the land to the rear of Nos 17-21, it would be separated from 11, 23 and 25 King Street; grade II listed buildings, whose interest principally derives from their King Street orientation and elevations, along with their materials and detailing. It would therefore preserve the setting of the listed buildings and accord with the statutory duty under Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This is a neutral factor and so also does not outweigh the harm.

Conclusion

18. For the reasons set out above, the appeal is dismissed.

Darren Hendley

INSPECTOR

² Department for Communities and Local Government (2015) Technical housing standards – nationally described space standard.

This page is intentionally left blank



Appeal Decision

Site visit made on 15 August 2017

by Jason Whitfield BA (Hons) DipTP MRTPI

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

Decision date: 29th August 2017

Appeal Ref: APP/N2535/W/17/3176775

The Garage, Bishop Norton Road, Atterby, Market Rasen LN8 2BJ

- 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 Graham Everett against the decision of West Lindsey District Council.
 - The application Ref 135770, dated 22 February 2017, was refused by notice dated 12 April 2017.
 - The development proposed is new dwelling with change of use of part of commercial haulage yard.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the heading above is taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
3. Following refusal of the original application, the Council formally adopted the Central Lincolnshire Local Plan (CLLP) on 24 April 2017. In its decision notice the Council made reference to the West Lindsey Local Plan (First Review) 2006, as well as Policies LP2, LP4 and LP55 of the then emerging CLLP. The Council have since confirmed that relevant policies in that plan have now been superseded by the newly adopted CLLP. The parties have been given the opportunity to comment on the relevant policies of the adopted CLLP and therefore would not be prejudiced by my determining of the appeal against the policies of the CLLP as the adopted development plan.

Main Issues

4. The main issues are:
 - whether the appeal site would be suitable location for new housing having regard to reliance on private car; and,
 - the effect of the proposal on the provision of employment land in the area.

Reasons

Location

5. CLLP Policy LP2 sets out the spatial strategy to deliver sustainable growth in the area and provides a settlement hierarchy to direct that growth. Atterby is not identified as a settlement under any of the categories of the hierarchy. The policy sets out that a settlement not listed in the hierarchy is to be considered as a hamlet. A hamlet must comprise dwellings clearly clustered together to form a single 'developed footprint'. The 'developed footprint' is defined as the continuous built form of the settlement, excluding, inter alia, individual buildings or groups of dispersed buildings which are clearly detached from the continuous built up area. Furthermore, a hamlet must have a dwelling base of at least 15 units as at April 2012.
6. From what I observed on my site visit, and from the evidence of the parties, I am satisfied that Atterby predominately comprises dwellings clustered together to form a single developed footprint around the junction of Atterby Lane. The appellant indicates that there are currently 16 dwellings within Atterby. This is supported by the evidence of Bishop Norton Parish Council which indicates that, due to a recent change of use of holiday homes to permanent dwellings, that the total number of dwellings in Atterby is 16, albeit that includes two dwellings which are between 40m and 90m from the developed footprint.
7. Whilst I note the Parish Council's views that the settlement is now of the scale initially envisaged when Policy LP2 had been devised, it is nevertheless clear from the evidence of all parties that, as at April 2012, there were less than 15 dwellings within the main built footprint of the settlement. The wording of the policy is unambiguous in that, to be considered a hamlet under the hierarchy, a settlement must have had a dwelling base of at least 15 units as at April 2012. That is not the case here. As a result, it seems to me that Atterby cannot be considered to be a hamlet for the purposes of Policy LP2.
8. In hamlets, single dwelling infill developments will be supported under CLLP Policy LP2 where they are within the 'developed footprint' and within 'appropriate locations'. Whilst I note the representations of the appellant in respect of this matter, as I have found Atterby would not be a hamlet for the purposes of LP2, there is no need to consider the proposal against the criteria under sub paragraph 7 of Policy LP2. Instead, the proposal falls to be considered under sub paragraph 8 of the Policy LP2 which relates to development in the countryside.
9. CLLP Policy LP2 allows for proposals in countryside locations which fall under Policy LP55. Policy LP55 states that new dwellings will only be acceptable where they are essential to the effective operation of rural operations as listed in Policy LP2. Those operations are restricted to development which is essential for agriculture and other rural activities, minerals and waste, and renewable energy. Such operations are not relevant here.
10. LP55 does allow for the re-use and conversion of non-residential buildings for residential use in the countryside. Whilst the proposal would relate to the redevelopment of part of a previously developed site and would not extend the built form of the settlement into the open countryside, it would nevertheless result in the demolition of the existing building rather than its re-use or conversion. Consequently, the proposal would conflict with CLLP Policy LP55.

11. Paragraph 34 of the National Planning Policy Framework (the Framework) states that decisions should ensure the use of sustainable transport modes can be maximised. Whilst this needs to take account of policies in respect of rural areas, paragraph 29 also states that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel.
12. There are no services or facilities within Atterby that would fulfil the everyday needs of future residents. The appeal site is located a short distance from the Small Rural Settlement of Bishop Norton. However, Bishop Norton too contains very limited services and facilities, and I have been provided with no evidence that there are any shops or facilities that would meet the everyday needs of residents within walking distance of the site.
13. There are bus stops in Atterby a short distance from the site, however, I have been provided with no evidence of the frequency or extent of any services provided at those stops. As such, I am unable to conclude that public transport would be a reasonable and accessible choice of transport mode for future residents. I recognise the appellant currently lives in Bishop Norton and travels to work at the appeal site and thus, the proposal would reduce the need for him to use private vehicles to commute. However, that would not account for the need to access everyday services and facilities, nor the needs of any future occupiers of the dwelling. As such, I find that future residents would not have a reasonable choice about how they travel and would be almost solely reliant on private car to meet their day-to-day needs.
14. Paragraph 55 of the Framework seeks to avoid isolated new homes in the countryside. Whilst I note the Council's concerns that the appeal site would not relate well to the settlement, it lies adjacent to an existing dwelling which forms part of the developed footprint of Atterby and the proposal would comprise the replacement of an existing building. The Framework contains no definition of the term 'isolated'. In my view, the appeal site cannot reasonably be considered to be lonely or remote owing to its proximity to existing dwellings. As such, I consider the appeal site would not be isolated for the purposes of paragraph 55.
15. Nevertheless, paragraph 55 of the Framework also encourages new housing where it will enhance or maintain the vitality of rural communities. There are very few services and facilities to maintain within Atterby and 1 additional dwelling would be unlikely to enhance the vitality of the settlement. Moreover, the location of the appeal site is such that future residents would not have adequate opportunities to make the fullest possible use of public transport, walking and cycling and would be largely reliant on private car in order to support services within nearby villages and maintain or enhance the vitality of those communities. The proposal would thus fail to contribute towards managing sustainable patterns of growth and the proposal would not be consistent with the role, status and character of the settlement.
16. I conclude, therefore, that the proposal would not be a suitable location for new housing with particular regard to reliance on private car. As a consequence, the proposal would conflict with CLLP Policies LP2 and LP55, as well as paragraphs 29, 34 and 55 of the Framework.

Employment Land

17. The appeal site comprises a vacant shed and hardstanding. It forms part of a wider site which operates as haulage business. The appellant operates a single vehicle for the delivery of various materials and aggregates. It is indicated that the vehicle is housed within the shed to the north of the appeal site. The proposal would result in the demolition of the vacant shed and the use of a significant proportion of the hardstanding.
18. I recognise there is a need to encourage development that makes the best use of appropriate brownfield sites and this includes the re-use of vacant buildings. Clearly, existing employment sites that have become vacant provide an ideal opportunity to introduce new business to an area without the need for additional use of land.
19. The Council's concerns principally stem from the assertion that the appellant has failed to demonstrate that the site is no longer suitable for a haulage business or another employment use. However, the appellant has provided some details about the scaling down of the operations at the business over the past decade or so, in part due to cessation of the transportation business which was running at a loss and the difficulties in attracting employees to the haulage side of the firm, largely due to the location of the appeal site and the necessity for travel. Moreover, the business has long been passed on through the family and, as the appellant points out, he is the last in his lineage to possess the skills or desire to continue the operation. Indeed, I observed on my site visit that there were no signs that the shed or the adjacent yard had been used at any time in the recent past for haulage related operations.
20. Part of the haulage business would be retained close the proposed dwelling. I recognise that there would be the potential for noise and disturbance from the business to affect the living conditions of future occupiers of the dwelling and that this would possibly have implications for the operation of the business. However, as the business only now operates a single vehicle, the appellant indicates that all services and maintenance is carried out off-site at a dealership. This reduces, in my view, the potential for harmful levels of noise and disturbance, or indeed business activities that would be impinged upon by the presence of an additional residential dwelling adjacent. Furthermore, I note the appellant's view in paragraph 3.10 of the appellant's statement that the existing haulage business does not cause nuisance to existing residents and that the level of activity associated with a single vehicle would not be to the detriment of local residents. In the absence of any compelling evidence from the Council to the contrary, it follows that a reduced operation at the site would also be unlikely to be harmful to the living conditions of future residents of the appeal proposal. Thus, the dwelling would be unlikely to constrain any future operations of the business.
21. In addition, the appellant considers that the need to share a single access to the site, and the proximity of the two parts of the site to one another, would present difficulties in attracting an alternative use to that part of the site. In the absence of any evidence to suggest otherwise, I agree.
22. Thus, in the absence of any substantive evidence to the contrary from the Council, I am satisfied the appellant has suitably demonstrated that the building and yard which comprise the appeal site are no longer suitable for the current haulage business or any alternative employment uses.

23. I conclude, therefore, that the proposal would not have a harmful effect on the provision of employment land in the area. To that end, it would accord with paragraphs 17 and 123 of the Framework which seek to encourage the effective reuse of land and that business should not have unreasonable restrictions put upon them by changes in land use.

Other Matters

24. I have had regard to the evidence of the appellant relating to the vulnerability of the business to theft and vandalism and indeed that such events have taken place with subsequent effects on the business. I also note that the proposed dwelling would be designed to maintain overlooking of the business. However, I understand the appellant currently resides around 360m from the appeal site with a dwelling already located adjacent to the appeal site around 43m to the north of the location of the proposal. Thus, it seems to me that, in the absence of any detailed evidence of recent thefts or vandalism at the site and, given there is existing surveillance in the form of the adjacent dwelling, the need for the additional security provided by the dwelling would not be a factor that would outweigh the harm resulting from the failure of the proposal to provide a suitable location for new housing having regard to reliance on private car.

25. I have also had regard to the views of the Parish Council and local residents. However, I find that such matters would not outweigh the harm I have identified.

Conclusions

26. Whilst I am satisfied the proposal would not have a harmful effect on the provision of employment land within the area, the appeal site would be an unsuitable location for new housing having regard to reliance on private car. That is the prevailing consideration in this instance. As a result, for the reasons above and having considered all other matters, the appeal should be dismissed.

Jason Whitfield

INSPECTOR

This page is intentionally left blank



Appeal Decision

Site visit made on 15 August 2017

by Jason Whitfield BA (Hons) DipTP MRTPI

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

Decision date: 29th August 2017

Appeal Ref: APP/N2535/W/17/3175775

1 Kingsway, Nettleham, Lincoln LN2 2QA

- 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 Pauline Mardle against the decision of West Lindsey District Council.
 - The application Ref 135552, dated 6 December 2016, was refused by notice dated 13 February 2017.
 - The development proposed is to build a small two bedroom retirement bungalow or dormer bungalow on the proposed site.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description in the banner heading above is taken from Section E of the appeal form and the Council's decision notice as I find it a more accurate and succinct description than that given on the original application form.
3. The application was submitted in outline with matters of access and landscaping to be determined. Matters of appearance, layout and scale were reserved for future determination. Plans have been provided which show potential options for the layout and appearance of the development. I have dealt with the appeal on the basis that the plans are indicative.
4. Additional plans were submitted with the appeal. Again, these plans show a potential layout and section for indicative purposes and do not, therefore, change the substance of the proposal. No party would be prejudiced by my consideration of those additional indicative plans and I have, therefore, taken them into account.
5. Following refusal of the original application, the Council formally adopted the Central Lincolnshire Local Plan (CLLP) on 24 April 2017. In its decision notice the Council made reference to the West Lindsey Local Plan (First Review) 2006. The Council have since confirmed that relevant policies in that plan have now been superseded by the newly adopted CLLP. I have therefore determined the proposal against the policies of the CLLP as the adopted development plan.

Main Issue

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

Reasons

7. The appeal site is within a predominately residential area characterised by detached single and two storey houses. This part of Kingsway has wide, grassed verges which are tree lined. Properties set back behind open front gardens with driveways and generally have large footprints set on generous plots. They also retain noticeable gaps between one another and, as such, appear spacious rather than unduly cramped. As a result, the area has an open, semi-rural character.
8. The appeal site is a narrow strip land to the side of the detached property of 1 Kingsway. It is currently laid to grass with a considerable slope dropping sharply from the highway. There is little development beyond the site with fields to the north and highway verge to the west. Though in the ownership of the appellant, it does not have the physical characteristics of residential curtilage and is fenced off from the garden of No 1 with planting on the boundary. The land contains no hard boundaries with sporadic planting on its edges. As such, its appearance is akin to an area of open space rather than residential garden and thus it makes a positive contribution to the open and spacious semi-rural character of the street scene.
9. It is proposed to construct a single dwelling on the site. The indicative plans show potential options for the siting and layout of the site and I have taken all options into account. I recognise the proposal would provide a level of amenity space which is similar in square meterage to other properties in the area.
10. However, the property would have a very narrow rear garden and would extend much closer to the footpath than other properties on this part of Kingsway. Moreover, in order to provide a side garden and driveway, the indicative plans and figures within Appendix 4 of the appellant's statement indicate that the property would have a considerably smaller footprint than other bungalows in the area. Indeed, based on those figures, the overall size of the plot would be considerably lower than those of 1, 3, 5 and 7 Kingsway.
11. The provision of a driveway and garden to the side of the property due to the shallow depth of the plot also means the dwelling would be located close to the side wall of No 1. The appellant indicates that a minimum gap of 2m would be retained which is equal or greater to the gaps between some properties on the road. Nevertheless this would considerably reduce the sense of openness the appeal site provides. Instead, the proposal would introduce a dwelling which appears unduly cramped upon its plot. As a result, the proposal would result in an incongruous and obtrusive addition to the street scene.
12. I conclude, therefore, that the proposal would have a harmful effect on the character and appearance of the area. As a consequence, it would conflict with Policy LP17 of the CLLP which states that proposals should respond positively to any features within the landscape and townscape which positively contribute to the character of the area. It would also conflict with Policy LP26 of the CLLP which states that development must achieve high quality sustainable design that contributes positively to local character.
13. It would also conflict with Policy D-6 of the Nettleham Neighbourhood Plan 2015 which states that new development should recognise and reinforce distinctive local character, and the high quality design aims of the National Planning Policy Framework (the Framework).

Other Matters

14. I note the relatively sustainable location of the appeal site and the contribution it would make towards boosting the supply of housing in the area. However, the extent of that contribution would be relatively modest and would not therefore outweigh the harm in respect of the character and appearance of the area.
15. Whilst there would be some economic and social benefits from the proposal, the resultant harm to the character and appearance of the area would fail the environmental role of sustainability set out in the Framework. Thus, the proposal would not constitute sustainable development.
16. I note the appellant's view that there would be no harm in respect of highway safety or the living conditions of neighbouring residents. I also note that whilst part of the site is within Flood Zone 3, the development would be entirely within Flood Zone 1. However, any lack of harm in respect of those matters would not outweigh the harm to the character and appearance of the area.
17. I have been referred to several recent developments and schemes which have been granted planning permission in the area. The appellant indicates that the level of amenity space proposed would be comparable or greater than those schemes. However, I have been provided with limited detail of those schemes and cannot, therefore, be sure that they represent comparable circumstances to those before me here. In any event, I have considered this appeal on its own merits.
18. The appellant indicates that there are options to extend the property into the appeal site under permitted development rights which would equally reduce the sense of openness of the land. However, I have been provided with no details of such schemes nor would an extension to the existing property achieve a similar development to a single dwelling. As such, it seems to me there would be little reasonable prospect of such works being carried out and I therefore offer it little weight as a fallback position.

Conclusion

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

Jason Whitfield

INSPECTOR

This page is intentionally left blank



Appeal Decision

Site visit made on 18 July 2017

by **S Jones MA DipLP**

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

Decision date: 30 August 2017

Appeal Ref: APP/N2535/W/17/3172399

Land at 3 The Green, Ingham, Lincoln LN1 2XT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs H Williams against the decision of West Lindsey District Council.
 - The application Ref 135522, dated 28 November 2016, was refused by notice dated 10 February 2017.
 - The development proposed is 5 new detached dwellings with detached double garages to land at the rear of 3 The Green, Ingham.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mrs H Williams against West Lindsey District Council. This application is the subject of a separate Decision.

Preliminary Matter

3. The Central Lincolnshire Local Plan (LP) was adopted on 24 April 2017, thereby superceding policies in the West Lindsey Local Plan First Review 2006 so that they no longer carry any weight as policy. An opportunity to comment on this was available to the appellant at the final comments stage. The Council had also included LP policies in its reasoning. This appeal has been determined based on the policies of the LP as it must be determined upon the policies which are in force at the time of the Decision.
4. I have adopted the site description used by the Council and on the appeal form, rather than that taken from the application form, which clarifies that the development is not at 3 The Green, Ingham but on land behind it.

Main Issues

5. The main issues are:
 - whether the site is suitable for housing having regard to policies for the supply of housing
 - the effect of the proposed development on the character and appearance of the surroundings including the Ingham Conservation Area and

- the effect on the living conditions of 3 The Green, Ingham with particular regard to noise and disturbance.

Reasons

Housing Delivery Policies

6. The importance of the site's contribution to housing delivery is affected by how much housing is required in the District and locally. The appellant asserts that the Council cannot demonstrate a five year deliverable supply of housing and that it cannot guarantee housing delivery. As alluded to, the Local Plan is recently adopted and has been found sound at examination and so the 5 year Housing Land Supply must be deliverable, particularly in the absence of evidence to the contrary. The Council stated in its Officer Report on the application that it can demonstrate an adequate supply. I shall proceed on that basis without further discussion.
7. LP Policy LP2 identifies Ingham as a 'medium' village that can accommodate some growth, typically sites of up to 9 dwellings. This proposal accords with that as it proposes only 5 dwellings, so that I identify there is no conflict with LP Policy LP2.
8. LP Policy LP1 outlines the spatial strategy for the level and distribution of growth over the plan period, mainly focussing on the town of Lincoln, and also incorporates the presumption in favour of sustainable development. Development elsewhere falls under LP Policy LP4 which states that the number of dwellings in settlements such as medium villages can be permitted to increase at a specified level unless an alternative growth level has been identified. For Ingham the level of growth is 15% and this level of growth is considered to be a one that would maintain the vitality of the settlement without being imbalanced. No alternative level of growth has been identified for Ingham. It is not disputed that this site is in a suitable location for development as it would be infill development within the village, but the Parish Council information also indicates that Ingham has already identified sufficient growth to mean that the addition of this site is not necessary in order to accommodate the 15% growth.
9. The Officers Report says the Parish Council stated that if all existing permissions are implemented there will be 87 new dwellings already against a 15% provision of 63 new dwellings. The Council state that the existing permissions amount to 80 dwellings, but either way the growth level would be exceeded.
10. LP Policy LP4 provides that developments which go beyond the 15% growth level may be permitted if an application is accompanied by demonstrable evidence of clear community support generated by a consultation exercise. It sets out how this consultation should be completed. However, I have no evidence that such consultation has been conducted in connection with this development, and instead the representations that were received largely objected to the development, including an objection from the Parish Council.
11. Consequently I conclude that this development would provide housing at a level beyond that identified in the relevant LP policies and in conflict with the Framework and LP Policy LP4 and LP Policy LP1. Therefore this particular development would not be required either to fulfil local housing requirements

or to maintain the vitality of the settlement. To approve it would undermine the Council's carefully considered spatial strategy set out in the LP without adequate justification.

Character and Appearance

12. The site is located off the village green at Ingham, down an access road closely constrained between adjacent properties. It opens out into a field dotted with trees which it is stated formerly had a caravan site licence. About a quarter of the site lies within the Ingham Conservation Area (CA) which was designated due to its village character, with two traditional village greens and surrounding buildings, some of which are in local stone, and a church with 13th century features.
13. In determining this appeal, special regard must be paid to the desirability of preserving or enhancing the character or appearance of the CA as a designated heritage asset in accordance with s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paragraph 134 of the Framework. The site forms part of the setting of the main green area central to the village.
14. However, the proposed development would be on backland away from the green and behind existing development. Screened by those buildings and the intervening gardens and trees I find that the development would not be readily visible from the CA or the surrounding area, and no part of the proposal would involve construction on the front part of the site that lies within the CA. The remainder of the site has hedges and trees on its boundaries which would be largely retained or replaced, and I find it would not be viewed by nearby properties in general.
15. Consequently I conclude that it would have little or no effect on the character and appearance of its surroundings or on the CA. No harm to the designated asset would arise from the development, so that it would preserve it. Therefore there would be no conflict with the Framework or LP Policy LP25 Historic Environment in its aims of protecting and enhancing the historic environment.

Living Conditions

16. The appellant states that any impact on neighbouring properties including 3 The Green would be negligible. I agree that in general neighbouring properties would not suffer any significant detriment. The access was used for occasional caravan site purposes in the past and could continue to be so, although little information is provided about the levels of past use. However, I find that the level and type of traffic activity generally associated with the proposed 5 detached 4 bedroom houses would occur daily throughout the year and be much greater and more regular compared to that occasional use. This means that the development would result in a significant increase in activity.
17. The access road passes directly in front of a large side window to the living areas at No 3 facing straight onto the access road itself. The distance from it to passing vehicles would be very short, for wider vehicles a matter of inches. There are further windows facing the access road, and large windows and patio windows facing onto the site at the rear which would be affected. Traffic to the development would pass in very close proximity to all these windows, as illustrated at 6.7 of the application statement, which shows the proximity to No 3 in relation to the access road. I find that the additional impact arising from

these new dwellings in terms of comings and goings and associated activities, noise, and vehicles regularly passing by close to windows would have a serious and unacceptable detrimental impact on the living conditions of the existing dwelling.

18. Although the impact identified relates to only one dwelling, the impact on living conditions there would be severe. I conclude that this would be contrary to LP Policy LP26 Design and Amenity which seeks to secure the protection of occupiers of neighbouring properties from harm because the development would have a significant and adverse effect on the living conditions of No3.

Other Matters

19. There has been a similar development of 5 detached dwellings on land adjacent to the site at Sycamore Court. However, notably this location benefitted from a relatively unconstrained access point which did not pass in such close proximity to adjacent buildings and was not closely overlooked by them. There was a much larger degree of separation from any existing development. Consequently it can be distinguished from this site.
20. Any planning permissions implemented at No 3 predate the application for this development and cannot be reconsidered in the light of the application on this site. Erection of boundary fencing or walling alongside No 3 would not overcome the level of nuisance that would harm the living conditions because noise and traffic activity would not be excluded by a wall or a fence. In addition, any fence or barrier in front of the side window would severely restrict its outlook. No details of any acoustic barrier have been provided. Furthermore, such structures would likely be located within the narrow access and further reduce its width, possibly to an unacceptable degree depending their details.
21. I appreciate the appellant states housing is needed and the site could be guaranteed to be delivered quickly if allowed, and has referred to a recent appeal decision APP/W0530/W/16/3157596 and a law case (Suffolk Coastal District Council v Hopkins Homes Ltd 2017) regarding the effect of a housing shortfall. Based on the evidence before me, I have already stated that I have no reason to doubt the Councils ability to demonstrate a 5 year supply of housing. However, even if I were to conclude that there was a shortfall, the adverse impacts of allowing the development in this particular case would significantly and demonstrably outweigh the benefits from the proposal so that the outcome would be the same.

Conclusion

22. Overall I conclude that although the development would be acceptable in terms of its effect on the character and appearance of the area, it would conflict with LP policies about housing provision and about living conditions. Material considerations do not indicate otherwise in this particular case, rendering it unacceptable on balance.
23. For the reasons given above I conclude the appeal should be dismissed.

S Jones

INSPECTOR



Costs Decision

Site visit made on 18 July 2017

by **S Jones MA DipLP**

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

Decision date: 30 August 2017

Costs application in relation to Appeal Ref: APP/N2535/W/17/3172399 Land rear of 3 The Green, Ingham, Lincoln LN1 2XT

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mrs Heather Williams for an award of costs against West Lindsey District Council.
 - The appeal was against the refusal of planning permission for proposed 5 new detached dwellings with detached double garages to land at the rear of 3 The Green, Ingham.
-

Decision

1. The application for an award of costs is refused.

Reasons

2. Planning Practice Guidance advises that, irrespective of outcome, costs may be awarded against a party who has behaved unreasonably, and where as a consequence another party has incurred unnecessary or wasted expense in the appeal process.
3. The Appellant states that costs should be awarded because the local planning authority have acted unreasonably by failing to pragmatically assess the proposals against current policy and local housing needs despite its compliance with policies, and that the necessity of an appeal could have been spared.
4. It was agreed by the Council that the site lies within the village boundary of Ingham, and this was not disputed, so there is no unreasonable behaviour in that respect.
5. The Council state they can currently demonstrate a 5 Year deliverable supply of housing in accordance with the recently adopted Central Lincolnshire Local Plan 2017. The supply and its deliverability will have been proved in the course of the Local Plan Examination and the plan making process, as required. There was no evidence produced in the course of the application or appeal to substantively challenge that or to demonstrate why it would not now be delivered, and so I consider the Council have acted reasonably in that respect also.
6. Overall the Councils Decision was substantiated in their Officer Report. I find that the Council have not acted unreasonably in assessing this proposal against the policies and local housing needs, and that the site would be precluded because the required level had already been supplied and the further requirements for housing in Ingham above the 15% level set by policy were

not fulfilled in respect of this development. It was clear that the development did not comply with the relevant development plan policies. Consequently the appeal could not have been avoided.

Conclusion

7. Therefore I conclude that unreasonable behaviour has not arisen in this instance, and no consequential unnecessary or wasted expense has been incurred. For this reason, and having regard to all other matters raised, an award of costs is not justified

S Jones

INSPECTOR



Appeal Decision

Site visit made on 15 August 2017

by Andrew McCormack BSc (Hons) MRTPI

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

Decision date: 11 September 2017

Appeal Ref: APP/N2535/D/17/3179121

23 Ashfield, Sturton-by-Stow, Lincoln LN1 2BN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Julia Wallhead against the decision of West Lindsey District Council.
 - The application Ref 136171, dated 26 April 2017, was refused by notice dated 25 May 2017.
 - The development proposed is erection of a sunroom to front of property.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mrs Julia Wallhead against West Lindsey District Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are the effect of the proposed development on the:
 - character and appearance of the surrounding area; and
 - living conditions of neighbouring occupiers, with regard to outlook.

Reasons

Character and appearance

4. The appeal property (No.23) is a one and a half storey dwelling which is set back from the public highway. It is of a similar design and appearance to many properties within the streetscene which is of a modern character. The property has a small front garden with a similarly sized garden to the rear. There is a driveway which leads along the southern elevation of the property to a single storey detached garage. The boundaries of the appeal property are demarcated by a mix of timber fencing and hedging with mature pampas grass running along the front portion of the boundary with its neighbouring property to the north, 25 Ashfields (No.25). No.25 is to the north west of the appeal property and has a poor relationship to No.23 which is set back into a corner plot within the streetscene.
5. The proposed extension would be single storey and would have a similar pitched roof and slope to its host property. However, whilst I acknowledge the

modern character and appearance of the surrounding area, I find that the proposal would result in a significant projection from the existing front elevation of No.23. This would be of a scale and extent which would be out of keeping with the prevailing design and appearance of similar surrounding properties. Furthermore, the proposed extension would project to such a degree that it would diminish the visible presence of No.25 in the streetscene which would only be glimpsed between the extension and the nearby detached garage of No.25.

6. Having had regard to the evidence before me, I find that the proposed extension would be an uncharacteristic and alien extension to No.23. It would therefore be detrimental to the design and appearance of the property and the character of the streetscene and wider locality. Furthermore, its diminishing of the visibility and appearance of No.25 would have a material harmful effect on the overall character and appearance of the locality.
7. Consequently, I conclude that the proposed development would have a significant adverse impact on the character and appearance of the surrounding area. It would therefore be contrary to Policies L17 and L26 of the Central Lincolnshire Local Plan (LP) and the relevant guidance within the National Planning Policy Framework (the Framework). Amongst other matters, these policies and guidance seeks to ensure that development achieves high quality sustainable design, contributes positively to local character, landscape and townscape and has no significant detrimental effect on the character, appearance and visual amenity of its surroundings.

Living conditions

8. From what I have seen and read, I find that the proposed development would be positioned on or close to the boundary with No.25. The elevation of the proposed extension facing No.25 would be a blank single storey brick wall extending forward of the existing front elevation of No.23 by around 4.75 metres. Furthermore, I note from the submitted plans that the roof of the proposed extension would reach a ridge height of about 4 metres.

I acknowledge that the proposed roof would be pitched and would slope away from No.25 in a similar way to the existing roof of the No.23. Notwithstanding this, I find that the overall scale, extent and height of the proposed extension would create an unacceptable sense of enclosure for the occupiers of No.25. This was confirmed by my observations from within No.25 during the site visit which indicated to me that the outlook from the rooms at the front of the property would be significantly diminished by the proposed extension. Moreover, in my view, such an impact would only be exacerbated by the presence of the blank side elevation of the existing garage which faces the front elevation and windows of No.25.

9. Having considered all relevant matters regarding this, I find that the impact of the proposed blank wall elevation which would face No.25 would result in creating a significant sense of enclosure for the occupiers of No.25. This would be detrimental to their outlook from the relevant windows of that dwelling within its front elevation.
10. Consequently, I conclude that the proposal would have a significant adverse impact on the living conditions of neighbouring occupiers with regard to outlook. It would therefore be contrary to Policies L17 and L26 of the LP and

the relevant guidance in the Framework. Amongst other matters, these policies and guidance seeks to ensure that development does not unduly harm the residential amenities which all existing and future occupiers of neighbouring land and buildings may expect to enjoy.

Other considerations

11. The appellant argues that the Council has previously given planning approval for a similar scheme at the appeal property in 2009. However, this permission was not implemented and has now lapsed. Since then, there have been significant changes in planning policy, both nationally and locally, which have resulted in providing a different context within which this appeal scheme must be assessed. Amongst other things, there is now a strong focus on design standards within new developments. Furthermore, each proposal must be assessed on its own merits and circumstances.
12. In light of the above, a different outcome has emerged with regard to the Council's assessment of the scheme. The appellant claims that the Council has not appropriately considered the appeal scheme as, it is argued, there is no material difference between previous and extant policies which would justify a different outcome. Notwithstanding this, having had regard to the current policy context and based on the evidence before me, I am satisfied that the Council's approach to determining the proposal is reasonable and has been clearly justified in its reasons for refusal.
13. I have had due regard to the personal circumstances of the appellant with regard to the purpose of the proposed development which became apparent to me during the site visit. However, having carefully considered these matters, I find that the harms resulting from the proposal, which I have identified, would significantly outweigh its benefits in this case.

Conclusion

14. Therefore, for the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Andrew McCormack

INSPECTOR

This page is intentionally left blank



Costs Decision

Site visit made on 15 August 2017

by Andrew McCormack BSc (Hons) MRTPI

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

Decision date: 11 September 2017

Costs application in relation to Appeal Ref: APP/N2535/D/17/3179121 23 Ashfield, Sturton-by-Stow, Lincoln LN1 2BN

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mrs Julia Wallhead for a full award of costs against West Lindsey District Council.
 - The appeal was against the refusal of planning permission for erection of a sunroom to front of property.
-

Decision

1. The application for a full award of costs is refused.

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. Paragraph 49 of the PPG sets out examples of unreasonable behaviour by local planning authorities. These include preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material consideration and failure by the planning authority to substantiate a stated reason for refusal of planning permission.
4. The appellant states that the Council's conduct in determining the planning application leading to the appeal was unreasonable for two reasons. Firstly, the Council has refused an application which, the appellant argues, is identical to one that was given consent in 2009. In addition, the appellant states that the Council has failed to give clear justification why the change in development plan policy warranted a different decision. Furthermore, the appellant argues that neither current local nor national policies contain any provision which would warrant such an approach.
5. The Council has responded by stating that although permission was granted for the appeal scheme in the past, in 2009, changes to the planning system in the intervening period, such as the introduction of the National Planning Policy Framework (the Framework) and more recently the Central Lincolnshire Local Plan now place a strong focus on design standards within new developments.
6. Firstly, development proposals must be assessed against the relevant current and up-to-date policies of the development plan. The current policy context

differs from that which existed in 2009 by placing a greater emphasis on design matters. As a result, in my view, the Council has correctly assessed the proposal within the up-to-date planning policy context and, in doing so, has acted reasonably, clearly and justifiably.

7. Secondly, the appellant states that the conduct of a Council Member, in supporting a neighbour's objection to the proposal, amounted to unnecessary and inappropriate interference in the appeal application. Furthermore, the appellant argues that the involvement of the Council Member significantly influenced the Council's decision to refuse the application which was, in all ways, identical to an application previously approved. As a result, the appellant claims that the Council failed to apply Paragraph 14 of the Framework in this case and therefore carried out an incorrect planning balance.
8. The Council argues that all comments relating to the original application, including those from the Council Member, were duly considered and given the correct weight in the determination of the proposal. Furthermore, it is stated that no single objection was given more weight than any other.
9. From what I have seen and read, I have no substantive cause to consider that the Council gave any more weight to the views of the Council Member than was appropriate. As a result, I find that the Council's approach to determining the proposed development was correct and fair and, in my view, the proposal was reasonably assessed by the Council against the requirements of the relevant up-to-date local and national policies. Therefore, I find that the Council was reasonable and justified in its assessment of all relevant representations and has referred to appropriate policy to substantiate its reasons for refusal.
10. Therefore, having due regard to the above and all other relevant matters, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Consequently, the application for costs is refused.

Andrew McCormack

INSPECTOR



Appeal Decision

Site visit made on 21 August 2017

by **David Cross BA (Hons), PGDip, MRTPI**

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

Decision date: 13 September 2017

Appeal Ref: APP/N2535/W/17/3173175

The Hawthorns, High Street, Marton, Gainsborough DN21 5AL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Cliff Lock against the decision of West Lindsey District Council.
 - The application Ref 135495, dated 21 November 2016, was refused by notice dated 30 January 2017.
 - The development proposed is bungalow and garage using existing store.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
3. This appeal must be determined on the basis of the development plan as it exists at the time of my decision. Subsequent to the date of the refusal of the application, the Council has adopted the Central Lincolnshire Local Plan 2017 (LP). An opportunity to comment on the adoption of the LP was available to the appellants on receipt of the Council's statement. I have therefore considered the appeal against the relevant adopted development plan policies and make no further reference to the previous development plan.

Main Issues

4. The main issues in this appeal are:
 - Whether the proposal would comply with local and national planning policy which seeks to steer new development away from areas at the highest risk of flooding;
 - The effect on the character and appearance of the area; and
 - Whether the site would be a suitable location for housing development with regard to development plan policy.

Reasons

Flood Risk

5. The appellants state that the site is partially within Flood Zone 1 and Flood Zone 2. However, on the basis of the evidence provided to me, it is clear that the great majority of the site and a substantial area of the proposed bungalow are within Flood Zone 2 and should be assessed as such. Flood Zone 2 is defined in the Planning Practice Guidance 2014 (as amended) (PPG) as a medium flood risk area.
6. Paragraph 100 of the National Planning Policy Framework (the Framework) advises that inappropriate development in areas at risk from flooding should be avoided by directing development away from areas at highest risk. Paragraph 101 goes on to advise that a sequential, risk-based approach must be taken that steers development towards areas of lower risk and that this should be applied in all areas known to be at risk from any form of flooding. The application of a sequential test is also a requirement of Policy LP14 of the LP.
7. The appellants have provided a 'Sequential Test' which was based on criteria within the PPG at the time of the submission of the application. However, prior to the submission of the appeal, the PPG was revised and now includes amended criteria including whether other locations with a lower risk of flooding have been considered for the proposed development. The sequential test submitted by the appellant does not consider other sequentially preferable sites either within Marton or the wider district. There may therefore be other sequentially preferable sites suitable for housing development and the appellants have provided no substantive evidence to show that this has been considered.
8. I acknowledge that the proposed mitigation measures including raising floor levels would provide some protection against flooding inundating the proposed dwelling. However, whilst these measures would provide a reasonable degree of safety for future residents they would not overcome the requirement to undertake a sequential test and would not address issues of access to the property or the provision of basic facilities during a flooding event.
9. I have had regard to an appeal decision¹ provided by the appellants which relates to an infill plot and the assessment against flood risk policies. However I note that this appeal predates the LP, the Framework and the PPG and I can therefore afford this decision very little weight as it would have been assessed against different policies and guidance to the current appeal. The Council has also provided me with a more recent appeal decision² which considered both the Framework and the policies of the (then) emerging LP and which supported the Council's approach on matters of Flood Risk.
10. The requirement for a sequential test is clearly set out within the Framework and the PPG. Given the above, I conclude that a robust sequential test has not been undertaken and that the proposal would have an unacceptable level of flood risk. On this basis the proposal would conflict with Policy LP14 of the LP which requires the application of a sequential test and would also be contrary to paragraph 101 of the Framework.

¹ Appeal ref: APP/N2535/A/10/2130119

² Appeal ref: APP/N2535/W/16/3152072

Character and Appearance

11. The appeal site is to the rear of the bungalows of The Hawthorns and Fieldway, which in turn are part of an area of linear development extending along the High Street leading from the village.
12. The site contains a group of buildings which were in a commercial use. Notwithstanding the previous use of the buildings, they are of a limited scale and have the character and appearance of domestic outbuildings rather than a commercial unit. It is proposed to retain one of the buildings as a garage and construct a detached bungalow with rooms in the roofspace.
13. In comparison to the extant buildings on the site, the dormer bungalow would be significantly larger in terms of height and massing. The dormer bungalow is also likely to have a more dominant relationship with the existing bungalows adjacent to the highway due to the height of the dormer roof and because of a gentle slope up to the appeal site. The site is located on the southern edge of the village, and although it would be well screened by field boundaries when entering the village from the south, the site would be visible on leaving the village and would be prominent in views from a public footpath leading past the site. Within this context, the proposal would appear as an overdominant and unsympathetic form of backland development projecting into the open area to the rear of the existing linear form of development.
14. I acknowledge that there is development to the north of the site which projects further from the frontage of the High Street. However, this development is more closely associated with the main body of the village and does not provide a contextual justification for this proposal located at the end of linear development at an entrance to the village.
15. The Council state that the proposal would set a damaging unwelcome precedent on this area of the village. Whilst each application and appeal must be treated on its individual merits, I appreciate the Council's concern that approval of this proposal could be used in support of similar schemes. I consider that this is not a generalised fear of precedent, but a realistic and specific concern as I saw that there were other backland sites to the rear of this area of linear development immediately to the north of the appeal site. Allowing this appeal would make it more difficult to resist further planning applications for similar developments, and I consider that their cumulative effect would exacerbate the harm that I have identified above.
16. I conclude that the location of the dwelling to the rear of the existing frontage development would be out of keeping with the characteristic linear form of this part of the village. The proposal would therefore harm the character and appearance of the area and would be contrary to Policy LP17 of the LP which, amongst other things, seeks to protect and enhance the setting of settlements. The proposal would also conflict with the Framework which seeks to ensure that new development responds to local character and reflects the identity of local surroundings.

Development Plan Policy

17. Under Policy LP2 of the LP, Marton is defined as a Category 5 Medium Village. Policy LP4 states that this category of settlement will be permitted to grow by 10% over the plan period. The Council has confirmed that permitted and

committee supported proposals for the village exceed the 10% limit identified for Marton. The proposal would therefore be contrary to Policy LP4 with regard to growth in villages as the proposal would represent a further increase in housing growth beyond that permitted in the development plan.

18. Policy LP4 also introduces a sequential test where development of brownfield land is given priority. The appellants contend that the site should be considered as brownfield land. However, for the reasons stated above, the proposed development of the site would conflict with other policies of the LP and in particular the test of 'appropriate location' in Policy LP2 due to the effect on the character, appearance and form of the settlement. Therefore, regardless of whether the site is brownfield land or not, the proposal would conflict with the tests of Policy LP4(1-3) as it would not be an 'appropriate location' as defined in Policy LP2.
19. The appellants contend that policies are there for guidance rather than slavish adherence, but I note that Policy LP4 has some flexibility with regard to developments which have community support, which would not apply in this case. I am also mindful that the policies of the LP have recently undergone examination prior to the adoption of the plan. I note that the Examining Inspectors concluded that, subject to recommended modifications, Policies LP2 and LP4 will be capable of providing an effective basis for determining planning applications and should help achieve an appropriate distribution of housing growth.
20. For the reasons stated above, the proposal would conflict with Policies LP2 and LP4 of the LP. I therefore conclude that the development would not be consistent with the objectives of development plan policy relating to spatial strategy and settlement hierarchy, and in particular in relation to growth in villages.

Other Matters

21. The appellants contend that the Council has failed to identify sufficient housing land to meet needs. However, the Council confirms that it is able to demonstrate a housing land supply in excess of 5 years and has provided evidence to confirm this. I also note that this was based on the Inspector's report on the examination of the LP and that the LP was adopted as recently as April of this year. It is therefore reasonable to assume that the matter of housing land supply is appropriately addressed in the LP.

Conclusion

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

David Cross

INSPECTOR



Appeal Decision

Site visit made on 21 August 2017

by **David Cross BA (Hons), PGDip, MRTPI**

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

Decision date: 13 September 2017

Appeal Ref: APP/N2535/W/17/3176400

Land at Glendale, Broadholme Road, Saxilby, Lincoln LN1 2NE

- 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 D Prangnell against the decision of West Lindsey District Council.
 - The application Ref 135764, dated 20 January 2017, was refused by notice dated 18 April 2017.
 - The development proposed is a "proposed dwelling".
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
3. The application has been submitted in outline with approval sought in relation to access, with all other matters reserved for future consideration. I have dealt with the appeal on that basis.
4. This appeal must be determined on the basis of the development plan as it exists at the time of my decision. Subsequent to the date of the refusal of the application, the Council has adopted the Central Lincolnshire Local Plan 2017 (LP). I have also had regard to the Saxilby with Ingleby Neighbourhood Development Plan 2017 (NP) submitted with the Council's Questionnaire. The appellant has had the opportunity to comment on the NP and the adoption of the LP in response to the Questionnaire and the Council's statement. I have therefore considered the appeal against the relevant adopted development plan policies and make no further reference to the previous development plan.

Main Issues

5. The main issues in this appeal are:
 - Whether, having regard to the location of the appeal site in relation to designated settlements and in conjunction with local and national planning

policy, the proposed development would amount to an appropriate form of development; and

- Whether the proposal would comply with local and national planning policy which seeks to steer new development away from areas at the highest risk of flooding.

Reasons

Location and Planning Policy

6. The Council state that the appeal site is located outside of the undefined settlement boundary of the large village of Saxilby and is therefore considered to be within the open countryside. I saw that although the site is adjacent to a collection of houses and other buildings this appears typical of the small groups of dwellings that can be found within the surrounding open countryside and has a distinctly separate location and character from Saxilby. I therefore agree with the Council's assessment on this matter and consider that the site should be assessed as being within the open countryside.
7. The appellant states that the dwelling is required for his daughter. The appellant's daughter is pursuing a career in equestrian eventing and her horse is one of those stabled at the site. The appellant sets out that his daughter's presence as required at the site due to the specialised and extensive nature of care for horses of the type stabled at the premises.
8. Policy LP55 specifies the types of development acceptable in the countryside. Whilst this includes new dwellings, they will only be acceptable where they are essential to the effective operation of 'rural operations' listed in Policy LP2. The equestrian use of the site would not fall within the criteria listed in Policy LP2. More specifically, the proposal relates to a private equestrian use rather than a recreational use of the site for the wider public benefit and would not represent an 'outdoor recreation' use as referred to in LP2. The proposal is therefore contrary to the policies of the LP in relation to spatial strategy and development in the countryside.
9. In support of the proposal, the appellant contends that the site is in a sustainable location as it has good access to the train station and facilities in Saxilby. I saw that these facilities would be within a reasonable walking distance of the proposed dwelling and would be accessed via a lit designated footway/footpath. However, the route crosses the busy A57 and a significant length of the route is not overlooked and is via a secluded footpath. Notwithstanding this, the accessibility or otherwise of services from the site does not outweigh the conflict with planning policy identified above.
10. Material considerations do not indicate that the proposal should be determined otherwise than in accordance with the development plan and the National Planning Policy Framework (the Framework). The proposal would not represent an appropriate form of development in the open countryside under the terms of the LP and would be contrary to policies LP2 and LP55 in respect of spatial strategy and development in the open countryside.

Flood Risk

11. The appeal site is located within Flood Zone 3 which is defined as an area with a high probability of flooding. Paragraph 100 of the Framework advises that

inappropriate development in areas at risk from flooding should be avoided by directing development away from areas at highest risk. Paragraph 101 goes on to advise that a sequential, risk-based approach must be taken that steers development towards areas of lower risk and that this should be applied in all areas known to be at risk from any form of flooding. The application of a sequential test is also a requirement of Policy LP14 of the LP.

12. The appellant has provided a Flood Risk Assessment (FRA) which has undertaken a sequential test on the basis of available sites within 400m of the stables. I understand that 400m was used as this is typically seen as the maximum living distance away from facilities requiring supervision. However, I am aware that the appellant occupies a dwelling in close proximity to the site and no substantive evidence has been provided to me why this property cannot be used to accommodate his daughter, other than that she wishes to live independently of the family home. Furthermore, the appellant would be an on-site presence and any welfare or security issues could be quickly brought to either his daughter's attention or to the attention of other appropriate parties as necessary. Therefore, whilst I acknowledge that it may be more convenient for the appellant's daughter to be within 400m of the stables for the day to day care of her horses, there is no essential need for her to be resident at the site.
13. Furthermore, as highlighted by the Council, the FRA does not consider sites for the dwelling or existing residential accommodation within the village of Saxilby which is within Flood Zone 1. Although a district-wide search for a site to relocate the manège, stable and dwelling was undertaken with limited results, the criteria in relation to what was considered to be viable has not been provided to me.
14. The requirement for a Sequential Test is clearly set out within the Framework and the PPG. Given the above, I conclude that a robust Sequential Test has not been undertaken and that the proposal would have an unacceptable level of flood risk. I note that the appellant contends that the proposal would meet the Exception Test, but the Framework is clear that this should only be considered following the application of the Sequential Test. Due to the failure to apply the Sequential Test, the proposal would be contrary to Policy LP14 of the LP and paragraph 101 of the Framework.

Other Matters

15. I am mindful of the requirements of the appellant's daughter in relation to her horses stabled at the site. However, these personal circumstances are not sufficient to outweigh the harm and conflict with planning policy that I have identified, particularly as the circumstances of the occupant may change over time whereas the dwelling would be permanent.
16. I have also had regard to the potential benefits arising from the proposal, including energy efficiency, employment during construction and the support for local services. However, due to the scale of the proposal such benefits would be very limited and would not be sufficient to address the harm and conflict with planning policy identified above.
17. The appellant has referred to an appeal¹ where an Inspector concluded that a housing proposal should be allowed where residents may need to rely on the

¹ Appeal ref: APP/N2535/W/16/3144855

private car to access services. However, I note that there were significant public benefits arising from the scheme, including the provision of up to 130 dwellings, in contrast to the very limited public benefits arising from the current appeal proposal. Therefore, the appeal referred to by the appellant does not lead me to a different conclusion on this matter.

18. I have a statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to consider the effect of the proposal on the nearby Grade II listed building of Saxilby Moor Mill and I am mindful of the content of the Framework in relation to heritage assets. The significance of this property is summarised by the list description. The Council's conservation officer has requested that a heritage statement be submitted to demonstrate how the proposal would relate to the setting of the listed building. However, the application has been submitted in outline and I consider that this issue could be suitably addressed by a condition had I been minded to allow this appeal. Subject to such a condition, I consider that the setting of the listed building and its significance would not be adversely affected. I note that this reflects the Council's conclusion on this matter in the Officer's report.

Conclusion

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

David Cross

INSPECTOR



Appeal Decision

Site visit made on 29 August 2017

by Amanda Blicq BSc (Hons) MA CMLI

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

Decision date: 19 September 2017

Appeal Ref: APP/N2535/W/17/3175023

Land at Stainton Lane, Stainton by Langworth, Lincoln LN3 5BN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Mr Adrian Munt against West Lindsey District Council.
 - The application Ref 134930, is dated 6 October 2016.
 - The development proposed is outline planning application to erect 1no. dwelling, all matters reserved.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. I have used the site address and description of development given on the decision notice in the heading above.
3. The evidence before me indicates that this is an outline application with all matters reserved.
4. The appeal results from the Council's failure to determine the planning application within the statutory period. A decision was issued by the Council after the expiry of the determination period. This recommended refusal on the grounds that the development would be located in an area with limited accessibility to local services and in addition, would not meet the special circumstances required for residential development in open countryside. On the basis of the evidence before me I see no reason to disagree with those concerns which have formed my main issue.
5. The Central Lincolnshire Local Plan (CLLP) was adopted in April 2017. Accordingly, I give CLLP Policy LP55 cited in the decision notice, full weight.

Main Issue

6. The main issue is whether the development would be in a sustainable location in the context of relevant local and national policies.

Reasons

7. The appeal site is greenfield land located just outside the hamlet of Stainton and about 1.5 miles from the small village of Langworth. Langworth is some six miles from Lincoln and although I noted a public house, I did not notice any other facilities at my visit. The development would be one dwelling.

8. Saved LP Policies STRAT3 and STRAT12 of the Local Plan¹ (LP) taken together impose restrictions on development in the open countryside, and seek to encourage development of previously developed land. These policies are consistent with the core planning principles of Paragraph 17 of the National Planning Policy Framework (the Framework) and as such I give them full weight. CLLP Policy LP55 states that new dwellings in the countryside will only be acceptable where they are essential to the effective operation of rural operations.
9. It is not disputed that the proposed dwelling would be remote from local services, but the appellant argues that the Council has approved developments nearby in the last five years, and has drawn particular examples to my attention. I appreciate that developments on Stainton Lane and within Stainton itself are not significantly closer to Langworth than the appeal site. However, I have no further details of the planning context within which the examples were approved. As such, I am unable to conclude whether other arguments were advanced to weigh against their location, and whether they are directly comparable to the appeal before me. Furthermore, no argument has been advanced to suggest that this development is essential to the rural economy.
10. Although I appreciate that there is a limited bus service on weekdays, I am not satisfied that this would be sufficient to reduce or remove dependence on the private vehicle.
11. The appellant argues that the adjacent burial ground requires journeys to the site. However, the burial ground is a specialist destination rather than a dwelling, requires a rural location and does not require local residential amenities. Although I appreciate that this generates journeys to the site, I give this argument limited weight.
12. In the light of the above, I conclude that the development would be remote from local services, and future occupiers would be dependent on the private car in the absence of alternative means of transport.
13. Accordingly the development would not be in a sustainable location, contrary to LP Policies STRAT3 and STRAT12, and CLLP Policy LP 55, all as outlined above. It would also be contrary to Paragraph 55 of the Framework which states that local planning authorities should avoid isolated homes in the countryside unless there are special circumstances. No special circumstances have been identified.

Conclusion

14. For the reasons given above and taking all matters into account, I conclude that the development would be contrary to the relevant policies of the Council's Local Plan and that therefore the appeal should be dismissed.

Amanda Blicq

INSPECTOR

¹ West Lindsey Local Plan, First Review 2006



Appeal Decision

Site visit made on 13 September 2017

by Roger Catchpole DipHort BSc(hons) PhD MCIEEM

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

Decision date: 05 October 2017

Appeal Ref: APP/N2535/W/17/3172031
Main Street, Torksey, Lincolnshire LN1 2EE

- 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 Stuart Kinch (John Kinch Builds) against the decision of West Lindsey District Council.
 - The application Ref: 131548, dated 30 June 2014, was refused by notice dated 9 February 2017.
 - The development proposed is a housing development for two pairs of semi-detached dwellings.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Central Lincolnshire Local Plan 2012-2036 (LP) was adopted on the 24 April 2017 after the application was determined and the appeal was submitted. Whilst the substantive reasons for refusal in this case have not changed, this is not the case for the wording of the relevant draft policies in the Council's decision notice. However, as the appellant has been given an opportunity to comment on these changes, I am satisfied that no interests have been prejudiced. This is the basis upon which this appeal has been determined.
3. The appellant has drawn my attention to an appeal decision¹ that supports the utilisation of infill plots in West Lindsey. Whilst I have paid careful attention to this decision the circumstances are not similar in all respects because the decision predates current policy and the National Planning Policy Framework 2012 (the Framework). Consequently, this appeal has been determined on its individual merits and the evidence before me.

Main Issues

4. The main issues are the effect of the proposal on the character and appearance of the local area, the archaeological remains and whether development in a high risk flood area is justified.

Reasons

5. The appeal site is a rectangular plot of land that fronts onto the eastern side of the A156 which runs through the centre of the small settlement of Torksey.

¹ APP/N2535/A/10/2130119

The plot is located within the settlement boundary, towards its northernmost extent. The eastern boundary of the site abuts a recent residential development, Abbey Park. A converted school house is situated immediately to the south, on the opposite side of Abbey Park road, whilst the curtilage of a large, detached house abuts the site immediately to the north. The River Trent lies in relatively close proximity to the west of the site. The proposed development would lead to the construction of two pairs of semi-detached dwellings that would be set back and front onto the A156. The main access, which would serve all four dwellings, would be via Abbey Park road. The dwellings would have a traditional, vernacular appearance with one pair comprising three bedrooms and the other pair comprising two bedrooms.

Character and Appearance

6. Although the scheme would have a similar grain to the more recent development to the rear of the site, this would not be the case for the established and more prominent pattern of development along the A156. This is because the majority of the properties on the northern approach have frontages that are set back from the road to a greater extent as well as a generally lower plot density. The looser grain of the immediate area is also reflected in the openness of the facing church yard and the significant space about the Hume Arms which lies a short distance to the south. Bearing in mind the extent of hard landscaping, as well as the massing of the proposed dwellings, I find that the proposal would lead to a cramped, overdevelopment of the site that would not be in keeping with the established pattern of development along the flanking A156 frontage, despite the use of sympathetic materials and an attractive design.
7. Given the above, I conclude that the proposal would cause significant harm to the character and appearance of the local area contrary to policies LP17 and LP26 of the LP that seek, among other things, to ensure that development positively contributes to the character and local distinctiveness of an area. As a result the proposal would not be in accordance with the development plan.

Archaeology

8. The second reason for refusal relates to the archaeological significance of the site. The village formed a major trading centre during the Saxon period which was strategically important due to the control it had over nearby river traffic. Evidence of Roman occupation is also present with pottery kilns found on the south side of Foss Dyke. The site itself has been subject to previous investigations which have variously identified it as possibly being of domestic origin, a market place or part of a wider monastic site associated with the former St Leonard's Priory.
9. Initial evaluation trenches indicated archaeological remains present at a depth of just 0.3-0.4 m below the existing ground level. These revealed pottery fragments dating from the 12th-13th century and some features dating from the 10th-11th century. Later occupation of the site is indicated by the presence of painted wall plaster and associated pottery from the 17th-18th century. Two medieval cist burials in stone coffins have been found immediately to the south of the site. More recently, the turf and topsoil have been stripped to the upper archaeological horizon which has revealed a greater extent of structural features with iron nails and green-glazed medieval pottery frequently encountered during the excavation. On the basis of the accumulated evidence,

the Council is of the opinion that the site is of regional or greater significance owing to the presence of features indicating medieval stone buildings.

10. The Planning Practice Guidance 2014 (as amended) (PPG) advises that non-designated heritage assets that are demonstrably of equivalent significance to scheduled monuments should be considered subject to the same policies as those for designated heritage assets. It goes on to advise that this includes those that are yet to be formally assessed for designation. However, in this particular instance I am satisfied that the site is not of national significance on the basis of the evidence before me and the proposal consequently falls to be considered under paragraph 135 of the Framework. This requires a balanced judgement that has regard to the scale of any harm and the significance of the heritage asset.
11. The appellant has suggested that the significance of the site could be protected through a combination of in-situ measures and preservation by record. The in-situ measures would raise the ground level with imported material to around 1 m and rely on the use of raft foundations. This would allow the services to be laid and foundations to be formed without direct intrusion into the archaeological horizon. The appellant has also indicated a willingness to undertake a full 'set-piece' excavation of the site to create a permanent record prior to any works taking place. I accept that this would lead to an enhanced understanding of the site which is unlikely to be otherwise gained. However, paragraph 141 of the Framework indicates that the ability to record evidence of our past should not be a factor in deciding whether such a loss should be permitted. As such, this has not been decisive in my decision making but nevertheless a material consideration.
12. The Council accept that it would be possible, in principle, to protect the archaeology in-situ by building up the ground level but is concerned that losses could occur during the construction and occupation phases through heavy machinery compaction and accidental intrusion into the archaeological horizon. I acknowledge these concerns but I am satisfied that suitably worded conditions could mitigate the adverse effects of the development. More specifically, the agreement of an appropriately supervised construction method statement and the removal of permitted development rights that might lead to any future uncontrolled intrusions. Whilst not decisive, any residual, minor damage would be mitigated by a suitable excavation condition that ensures preservation by record. This would also support better informed future decision making with regard to the site and its environs.
13. Given the above, I am satisfied that the proposal would not cause significant harm to the archaeological remains. It would satisfy the requirements of paragraph 135 of the Framework and would not conflict with policy LP25 of the LP that seeks, among other things, to ensure that archaeological remains are protected and, where possible, enhanced.

Flood Risk

14. The site is situated within Flood Zone 3a which is defined in the PPG as a high flood risk area with a greater than 1% annual probability of exceedance. The risk of flooding in this instance is associated with River Trent which is located approximately 170 m to the west of the site with associated flood defences at approximately 80 m.

15. Paragraph 100 of the Framework advises that inappropriate development in areas at risk from flooding should be avoided by directing development away from areas at highest risk. Paragraph 101 goes on to advise that a sequential, risk-based approach must be taken that steers development towards areas of lower risk that are inherently more sustainable. The Sequential Test (ST) should be applied in all areas known to be at risk from any form of flooding.
16. The Council have indicated that there are a significant number of alternative sites in Flood Zone 1 across the district which could accommodate the type of development that is being proposed. However, the appellant maintains that the area over which the ST should be applied is more restricted because the development would meet local housing needs, as indicated by confidential letters of support that were submitted at the time of the original application. The Council accept that there are no alternatives if the ST area is restricted to Torksey because the whole of the settlement is within Flood Zone 3a. Consequently, this matter turns on whether there is a substantiated local housing need for the development and how this would be secured.
17. I note that the Council has established that it has a deliverable 5-year housing land supply which has been found sound by the examining inspector of the recently adopted development plan. I place considerable weight on the fact that the allocations have now been tested and consequently find the circumstances of this appeal materially different to the appeals that were originally highlighted by the appellant². Furthermore, it is not for me to seek to carry out some sort of local plan process as part of determining an appeal under section 78 of the Town and Country Planning Act 1990 (as amended). Any such approach would, in any event, undermine a newly adopted plan which would clearly be unacceptable in planning terms.
18. The case officer's report contends that the housing need for the village comprises a single, two bedroom dwelling and six, socially rented bungalows for persons aged over 55. This has not been disputed by the appellant on appeal who maintains that the local need has been established by the support letters. However, I have no substantiated evidence before me beyond these letters that establishes any robust local need contrary to that which has been identified by the Council. As such, the development would fail to meet any identified need with the exception of a single, two bedroom dwelling.
19. The need to provide accommodation for specific key workers who are not capable of commuting from a lower risk area has not been established to my satisfaction on the basis of the evidence before me. Furthermore, there is no legal mechanism in place to ensure that the specific needs of individuals who live and work in the village would be met by the development or that any affordable homes would result from the scheme. In the absence of a planning obligation, I am satisfied that the development cannot be considered anything other than open market housing. Under these circumstances I do not find it reasonable to restrict the consideration of alternative sites to just Torksey.
20. The appellant has drawn my attention to more recent developments in the village and the alleged inconsistency of decision-making on the part of the Council given the widespread flood risk. However, I do not have the full facts of those permissions before me or exactly the same evidence that was before

² APP/N2535/W/15/3133902, APP/N2535/W/15/3103245, APP/N2535/W/16/3142624, APP/N2535/W/16/3145366, APP/N2535/W/16/3143053, APP/N2535/W/16/3147051,

the Council. Consequently this matter, as well as permissions that may have been granted in other villages, only carries limited weight in the balance of this appeal as each case must be determined on its individual merits.

21. The appellant has also drawn my attention to the fact that the Environment Agency (EA) withdrew its objection, subject to condition. However, as clearly indicated in its letter, it is for the Council to decide whether the terms of an ST have been successfully met. Consequently, the withdrawal of an objection from the EA does not infer that this matter has been satisfactorily resolved. Furthermore, the PPG clearly states that the ST must be passed before an Exception Test (ET) can be applied.
22. Given the above, I conclude that the ST has not been passed and that the proposed development would therefore be contrary to policies LP2, LP4 and LP14 of the LP that seek, among other things to ensure development in small villages is in appropriate locations that does not conflict with other policies, overcomes any flood risk constraint and is subject to an ST. As a result the proposal would not be in accordance with the development plan.
23. Paragraph 102 of the Framework indicates that an ET can be applied if it is not possible to locate a development in zones with a lower probability of flooding, as indicate by the ST. As the evidence before me has failed to meet the first test, the ET does not fall to be considered and the outcome of any test that has been applied cannot be determinative under such circumstances. In any event, I am not satisfied that a finished ground floor level of 7.40 m ODN would ensure the future viability of the development given the impact that a flood event would have on ancillary infrastructure. The disruption of foul drainage systems, resultant contamination of surrounding land and the physical barrier to movement caused by the flood water would, to all intents and purposes, make the houses uninhabitable until such issues are rectified.

Conclusion

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

Roger Catchpole

INSPECTOR

This page is intentionally left blank