

Guildhall Gainsborough

Lincolnshire DN21 2NA

Tel: 01427 676676 Fax: 01427 675170

**AGENDA**

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

**Planning Committee**

**Wednesday, 13th December, 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 x Vacancy

**1. Apologies for Absence**

**2. Public Participation Period**

Up to 15 minutes are allowed for public participation. Participants are restricted to 3 minutes each.

**3. To Approve the Minutes of the Previous Meeting**

(PAGES 3 - 10)

Meeting of the Planning Committee held on 15 November 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) 136686 Cliff View Church Lane Aisthorpe (PAGES 11 - 16)

b) 136785 Honeyholes Lane Dunholme (PAGES 17 - 48)

## 7. Determination of Appeals (PAGES 49 - 100)

- 133692 – Land Adjacent to Wesley Road, Cherry Willingham
- 135575 – The Old Angel Inn, Wragby Road, Bardney
- 135910 – Highgate Lane, Normanby by Spital
- 135546 – 34 Ryland Road, Dunholme
- 136090 – Land to the east of Kettleby East House, Kettleby
- 135998 – Land at Owmbly Road, Spridlington
- 135794 – The Vicarage, North Street, Middle Rasen
- 136096 – 6 Cross Street, Nettleham, Lincoln
- 134096 – Land to the rear of Hutchinsons, Hawthorne Road, Cherry Willingham

Mark Sturgess  
Interim Head of Paid Services  
The Guildhall  
Gainsborough

Tuesday, 5 December 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 15 November 2017 commencing at 6.30 pm.

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

Councillor Matthew Boles  
Councillor David Cotton  
Councillor Michael Devine  
Councillor Paul Howitt-Cowan  
Councillor Mrs Jessie Milne  
Councillor Roger Patterson  
Councillor Mrs Judy Rainsforth  
Councillor Thomas Smith

Councillor Jeff Summers was also in attendance.

**In Attendance:**

Oliver Fytche-Taylor	Planning Services Manager
Russell Clarkson	Principal Development Management Officer
Martha Rees	Lincolnshire Legal
Abbie Marwood	Area Development Officer
James Welbourn	Democratic and Civic Officer

**Also present** 33 Members of the public

**Apologies:** Councillor Hugo Marfleet  
Councillor Giles McNeill

**Membership:** Councillor Giles McNeill was substituted by Councillor Paul Howitt-Cowan.

### 40 PUBLIC PARTICIPATION PERIOD

Mr Colin Cotter addressed the Committee on the subject of the West Lindsey District Council website, and the way the application documents are presented.

Planning documents were difficult to read on different electronic devices, and documents are displayed in no discernible order.

The Planning and Development Manager responded to the comments, answering that the issue of the order of the documents has been raised previously, but the Planning department were not in control of the corporate software in place. The department was going through

an exercise to review the customer care programme, which would include documents being displayed in a more user friendly manner.

IDOX software for document management was now available and should assist with these problems in the future.

Councillor David Cotton raised that the agenda pack did include all observations without having to go through the website.

#### **41 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING**

Meeting of the Planning Committee held on 18 October 2017.

**RESOLVED** that the Minutes of the meeting of the Planning Committee held on 18 October be confirmed and signed as a correct record.

#### **42 DECLARATIONS OF INTEREST**

Councillor Ian Fleetwood declared that he had received two letters from a Mr J Summers (no relation to the Leader) on application 136274. All Members of the Planning Committee had received these letters.

In addition to these letters, Councillor David Cotton had also received two emails.

Councillor Jessie Milne declared that she had organised meetings with Sir Edward Leigh MP but had not participated in those meetings on application 136274.

Councillor Jessie Milne also declared an interest in application 136636 as the applicant was a fellow Councillor. The Chairman confirmed that this interest applied to all members of the Committee.

**Note:** Councillor Thomas Smith arrived at 18:38.

#### **43 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY**

The Planning and Development Manager updated the Committee on the following issues:

- The Community Infrastructure Levy had been formally adopted at Full Council earlier in the week. Thanks were given to Members for their support, as well as Rachael Hughes who has led on this issue. Guidance was being added to the website, training was being coordinated, and applicants are being made aware of the Levy;
- The Brattleby Neighbourhood Plan went to Full Council earlier this week and was approved. The Neighbourhood Plans for Lea and Scotter have referendums booked for 7 December;
- The Planning department have continued to send out regular update bulletins to Members on the prominent changes in Neighbourhood Planning;
- The revision of the five year supply for central Lincolnshire required a review of all

sites with existing planning permissions in place. West Lindsey District Council (WLDC) have completed their work on this and have submitted to the Central Lincolnshire team;

- The delivery of the allocated sites continued. Gainsborough northern neighbourhood was coming forward with a planning application now received;

**Note:** Councillor David Cotton and Councillor Ian Fleetwood declared a personal interest in the Community Infrastructure Levy as members of the Central Lincolnshire Joint Strategic Planning Committee.

#### **44 PLANNING APPLICATIONS FOR DETERMINATION**

#### **45 136274 - LAND OFF BISHOPBRIDGE ROAD, GLENTAM MARKET RASEN**

The Chairman introduced a planning application for proposed new poultry rearing units and associated works.

The Principal Development Management Officer gave an update to the Committee on the application as there were some matters that had happened after the publication of the agenda. WLDC had been contacted by the National Planning Casework Unit on behalf of the Secretary of State for Communities and Local Government. The Secretary of State did not intend to take any action if the Committee were minded to refuse planning permission, but if they had been minded to approve the application, the Secretary of State would wish to consider whether to call the application in using a call-in policy.

There had been a further comment from a third party, a representative from Cornwall concerning the ammonia emissions from poultry farms. The third party put forward that poultry farms were responsible for 14% of the UK's total ammonia emissions.

The Applicant had not registered to speak at the Committee, but had given a precis (through their Agent) to the Planning department. The following points were highlighted:

- The Agent claimed there had been ample time for WLDC to request further information;
- In their view Regulation 25 of the Environmental Impact Assessment Regulations required the Local Planning Authority to request further information if they don't think a reasoned conclusion can be made. In their view there was no time limit on how many times this could occur;
- In relation to Regulation 25, no decision can be made within 30 days of receiving further information.

The Principal Development Management Officer then responded to these queries:

- A formal request for further information was made to the Applicant in July, as contained in the committee papers. Further information was received in September and the statutory 30 day consultation period undertaken. It was not open for this 30 day period to be cyclical for an indeterminate period, the Council has a statutory time limit by which to determine the planning application;
- In October, WLDC requested further clarity on certain points, but this was not a formal

request under Regulation 25. The letter did not purport such, and the additional information submitted by the Applicant was not under the banner of Regulation 25.

Following this information, the Chairman invited registered speakers to talk on the application. First was Christopher Drinkall, a partner from Rollits who was the first of two speakers from the Glenthams Action Group who were opposing the application. He highlighted the following points:

- The applicant had failed to provide sufficient information in their environmental statement which would have permitted a proper analysis of the applications compliance, or otherwise with Local Planning Policies, namely LPs 9, 14, 16, 17, 21 and 26;
- Full compliance with the above policies would have been a bare minimum for the application, and these had not been addressed. Only then could other policies, such as LP55 be tackled;
- The application was also contrary to LP 25; it did not provide an appropriate description or assessment of any heritage assets;

For the remaining 2 minutes 15 seconds, Fiona Pringle of the Glenthams Action Group spoke against the application, and her points are listed below:

- The application should have been rejected on the grounds of the health and welfare of the people living in Glenthams;
- There were many errors in the application; the main error would be that the application was in the wrong place;
- This type of factory farming was not sustainable, and brings no benefits to Glenthams, or the surrounding area.

Councillor Jeff Summers, the Ward Councillor for Glenthams then spoke against the application:

- The site falls into the category of Best and Most Versatile (BMV) land;
- The field in the application had a high yield potential for growing crops;
- This was an area of arable land offering extensive views of the Wolds. Views west of the Wolds would have been blighted by this development;
- 150 fans in the shed would produce a lot of noise on a hot day;
- The fire toxins would be high due to the high level of birds in the unit;
- There were two main issues with traffic. Firstly, HGVs struggle with the pinch point outside the village shop in Glenthams. Secondly, moving birds during the night will cause considerable noise pollution;
- The spreading of disease would be concerning, particularly the potential for avian flu;

Following these speakers, Councillor Bierley commented that there was not enough information provided by the Applicant on the Environmental Impact Assessment, therefore it wasn't appropriate to discuss areas of planning policy in detail in absence of adequate information. He then proposed to refuse the application as stated in the report.

Councillor David Cotton asked several questions of Planning officers, which were answered below:

- The Applicant would have the opportunity to resubmit their application should it have been rejected. There would be a 'free go' within 12 months of the decision. There was a normal right of appeal, with there being 6 months to lodge an appeal to the Secretary of State;
- Animal welfare was not a material Planning consideration, as it was covered by other statutory legislation;
- Historically the 'normal' distance from any properties to a development would be 400 metres, but this is no longer part of Planning policy. The nearest property to the development is listed within the further information in the report at 332m to the nearest property;
- If permission should be granted, then the type, and colour of the property could be conditioned.

The recommendation in the report to refuse the application was proposed, seconded and voted upon and agreed unanimously.

It was therefore **AGREED** that the application be **REFUSED** for the following reasons.

1. The Environmental Statement does not include the information reasonably required for reaching a reasoned conclusion on the significant effects of the development on the environment, by taking into account current knowledge and methods of assessment. In particular, it does not provide a description of the likely significant effects of the development on the environment resulting from the emission of pollutants. It does not identify, describe and assess in an appropriate manner the direct and indirect significant effects on the proposed development on factors such as population and human health, biodiversity, land, soil, water, air and climate. The Environmental Statement has assessed the landscape impact of development against the incorrect Local Landscape Character Area. Development would therefore be contrary to the provisions of the Central Lincolnshire Local Plan, particularly policies LP9, LP14, LP16, LP17, LP21 and LP26.
2. The development would result in the potential loss of up to 3.80 hectares of best and most versatile agricultural land. It has not been demonstrated that the land would not fall within grade 3A of the agricultural land classification and, if so, that there is insufficient lower grade land available or that the impacts of the proposal upon ongoing agricultural operations have been minimised through the use of appropriate design solutions. Development is therefore contrary to policy LP55 (Part G) of the Central Lincolnshire Local Plan and the provisions of the National Planning Policy Framework, particularly at paragraph 112.
3. The application does not provide an appropriate description and

assessment of the significance of any heritage assets affected, including any contribution made by their setting. This is contrary to policy LP25 of the Central Lincolnshire Local Plan and the provisions of the National Planning Policy Framework, particularly at paragraph 128.

**Note:** The meeting was adjourned at 1914 to let members of the public leave the meeting.

**46 136636 - LINDUM WAY, THE ELMS, TORKSEY**

Note: The meeting reconvened at 1916.

The Committee considered a Planning application to erect a detached single-storey flat roof building to be used as a bus shelter and sanitary accommodation.

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, 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:**

None.

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

2. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: ARQ/1149/01 dated 03 August 2017. 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 Policy LP26 of the Central Lincolnshire Local Plan.

3. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) prepared by



ARQ Design revised October 2017 and the following mitigation measures detailed within the FRA:

The flood resilience measures specified in section 6 of the FRA shall be implemented and the mitigation measures shall be fully implemented prior to first being brought into use and retained thereafter.

**Reason**

To ensure that the development is resilient to flooding as set out in Paragraph 59 of the National Planning Policy Framework and in accordance with LP14 of the Central Lincolnshire Local Plan.

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

None.

**47 DETERMINATION OF APPEALS**

**RESOLVED** that the determination of appeals be noted.

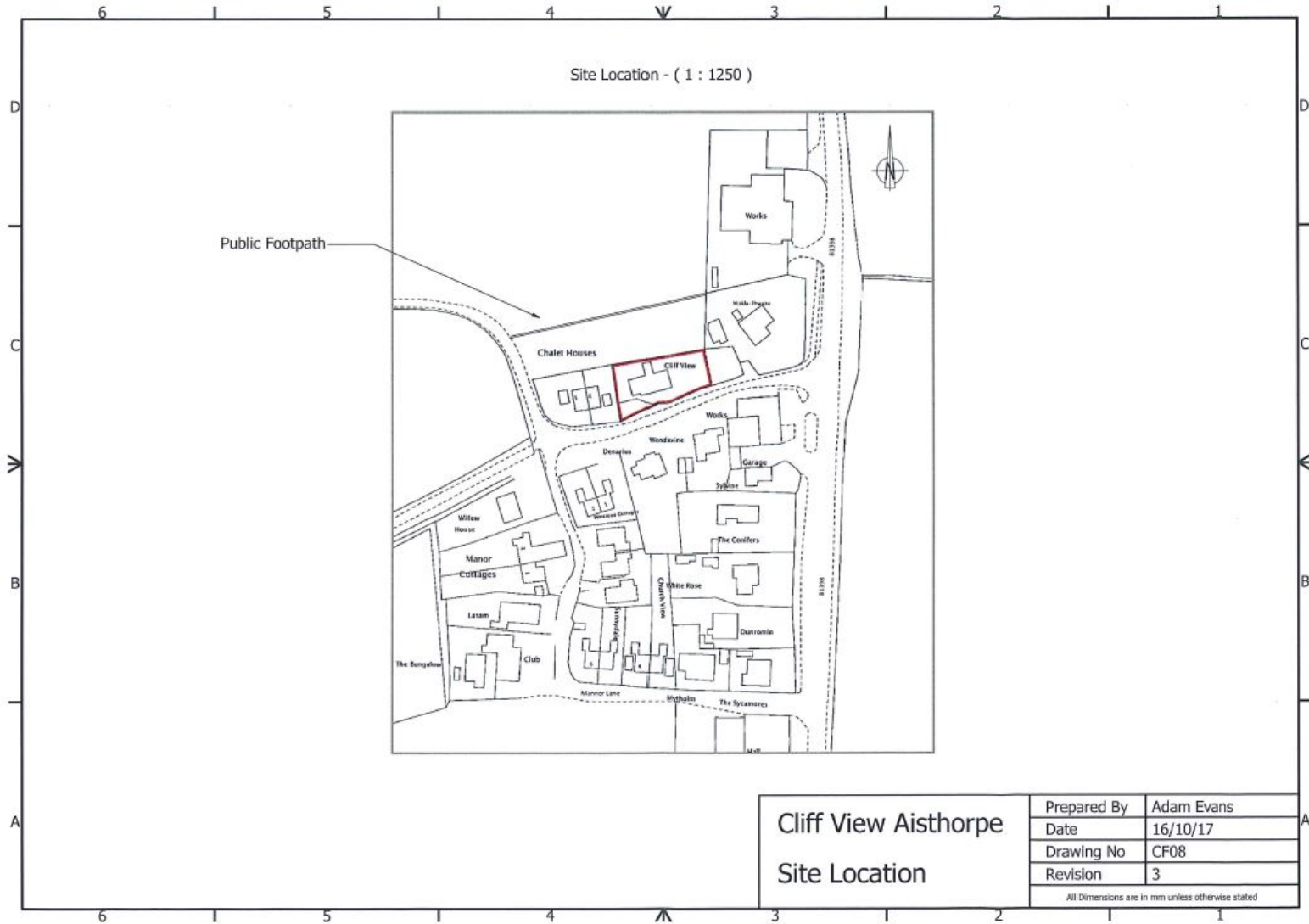
The meeting concluded at 7.18 pm.

Chairman

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## Planning Application No: 136886

**LOCATION: Cliff View Church Lane Aisthorpe Lincoln LN1 2SG**



## Officer's Report

### Planning Application No: 136886

**PROPOSAL:** Planning application for single storey side extension, including removal of single storey sun room and chimney, associated boundary treatments and external window alterations.

**LOCATION:** Cliff View Church Lane Aisthorpe Lincoln LN1 2SG

**WARD:** Scampton

**WARD MEMBER(S):** Cllr R. Patterson

**APPLICANT NAME:** Mr Adam Evans

**TARGET DECISION DATE:** 11/12/2017

**DEVELOPMENT TYPE:** Householder Development

**CASE OFFICER:** Charles Winnett

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

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#### Description:

**The application is presented to the planning committee as the applicant is related to a member of staff within the council with direct links to the Development Management Team.**

The application site is a detached bungalow which is set back from the highway and is located within the settlement of Aisthorpe. The dwelling has a large front garden and driveway to the south and a similar sized rear garden to the north. The application sites western, northern and eastern boundaries are 1m high timber fencing whilst the southern boundary is currently left open, looking onto the highway (Church Lane). The application sites neighbouring land uses to the west, south and east are residential dwellings, whilst an open field lies to the north. A Public Right of Way (Aist/39/1) is located approximately 31m to the southwest of the application site.

The application seeks permission for a single storey side extension, including removal of single storey sun room and chimney, associated boundary treatments and external window alterations.

#### Relevant history:

None.

#### Representations:

Chairman/Ward member(s):	No representations received to date
Parish/Town Council/Meeting:	No representations received to date
Local residents:	No representations received to date
LCC Highways:	No objections
Archaeology:	No objections

The Ramblers Association:	No representations received to date
LCC Rights of Way Team:	No representations received to date
IDOX:	Checked on 21/11/2017

<b>Relevant Planning Policies:</b>	
National guidance	National Planning Policy Framework <a href="https://www.gov.uk/government/publications/national-planning-policy-framework--2">https://www.gov.uk/government/publications/national-planning-policy-framework--2</a>  National Planning Practice Guidance <a href="https://www.gov.uk/government/collections/planning-practice-guidance">https://www.gov.uk/government/collections/planning-practice-guidance</a>
Local Guidance	Central Lincolnshire Local Plan ( 2012 -2036): <a href="https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/">https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/</a>  LP1: A Presumption in Favour of Sustainable Development LP17: Landscape, Townscape and Views LP26: Design and Amenity
Neighbourhood Plan:	None.

<b>POLICY LP26 – Design and Amenity</b>	
Is the proposal well designed in relation to its siting, height, scale, massing and form?	
<p>The proposal will result in a modest extension to the existing bungalow, which will follow the existing dwellings current ridge height. An existing attached garage would be removed and built over as part of the proposal, however the dwelling will still have access to a large driveway. The extension would be 5.7m in length and would be seen as a natural extension of the property which would not appear unusual or dominating given the surrounding housing types. A small existing rear extension would also be removed as part of the proposal which will help to limit the sites built footprint. In conclusion the proposal is considered to be acceptable in terms of siting, height, scale, massing and form.</p>	
Does the proposal respect the existing topography, landscape character, street scene and local distinctiveness of the surrounding area?	
<p>Church Lane is characterised by a mixture of bungalows and two storey dwellings, all of which are set back from the highway, including Cliff View. Due to this mixture of housing types and their positioning, it's considered that the extended property will not appear as an unusual or dominating feature in the street scene.</p> <p>It should also be noted that the wooden fencing which runs along the sites boundaries which will help to soften the limited visual impact of the proposal.</p>	
Does the proposal harm any important local views into, out of or through the site?	
No important local views are affected by the proposal.	
Does the proposal use appropriate materials which reinforce or enhance local distinctiveness?	
The applicant as confirmed in writing that the extension and the bungalow will be rendered, which given the local design vernacular is considered appropriate.	
Does the proposal adversely affect the residential amenity of neighbouring properties by	

virtue of overlooking, overshadowing, loss of light or over dominance?
The nearest property to the proposed extension would be no.2 Chalet House, which would be approximately 10m away. Due to this separation distance and the fact that the extension will be single storey in height only, it's considered that the proposal will not harmfully impact the residential amenity of neighbouring dwellings by virtue of over-dominance, nor will it result in the loss of sunlight to surrounding properties or their garden areas.
There are no proposed windows on the western side elevation which would overlook the neighbouring property, and there have been no objections to the proposal from local residents.
Does the proposal adversely impact any existing natural or historic features?
There are no natural or historic features that the proposal will affect.

<b>Other considerations:</b>
Does the proposal enable an adequate amount of private garden space to remain?
A suitable amount of garden space will still remain on the application site.
Does the proposal enable an adequate level of off street parking to remain?
The Parking arrangements will not be altered.
Impact on Public Right of Way
A Public Right of Way (Aist/39/1) is located approximately 31m to the southwest of the application site. Due to this separation distance and the nature of the proposal, it's considered that there will be no harmful impact to the PROW. Both the Ramblers Association and the Public Rights of Way team at Lincolnshire County Council have been consulted on the application and have not objected to the proposal.

<b>Conclusion and reasons for decision:</b>
The decision has been considered against the policies LP17: Landscape, Townscape and Views and LP26: Design and Amenity of the Central Lincolnshire Local Plan in the first instance and guidance contained within the National Planning Policy framework 2012 and the National Planning Practice Guidance 2014. In light of this assessment it is considered that the proposal will not harm the character and appearance of the street-scene or the dwelling, nor the living conditions of neighbouring occupiers. The proposal will not harm the nearby Public Right of Way.

**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.

**RECCOMENDATION: 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:**

None.

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

2. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: CF06 Revision 3 dated 16/10/2017 and drawings CF03 Revision 8, CF09 Revision 3, CF10 Revision 3, CF11 Revision 2 dated 11/11/2017. 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.

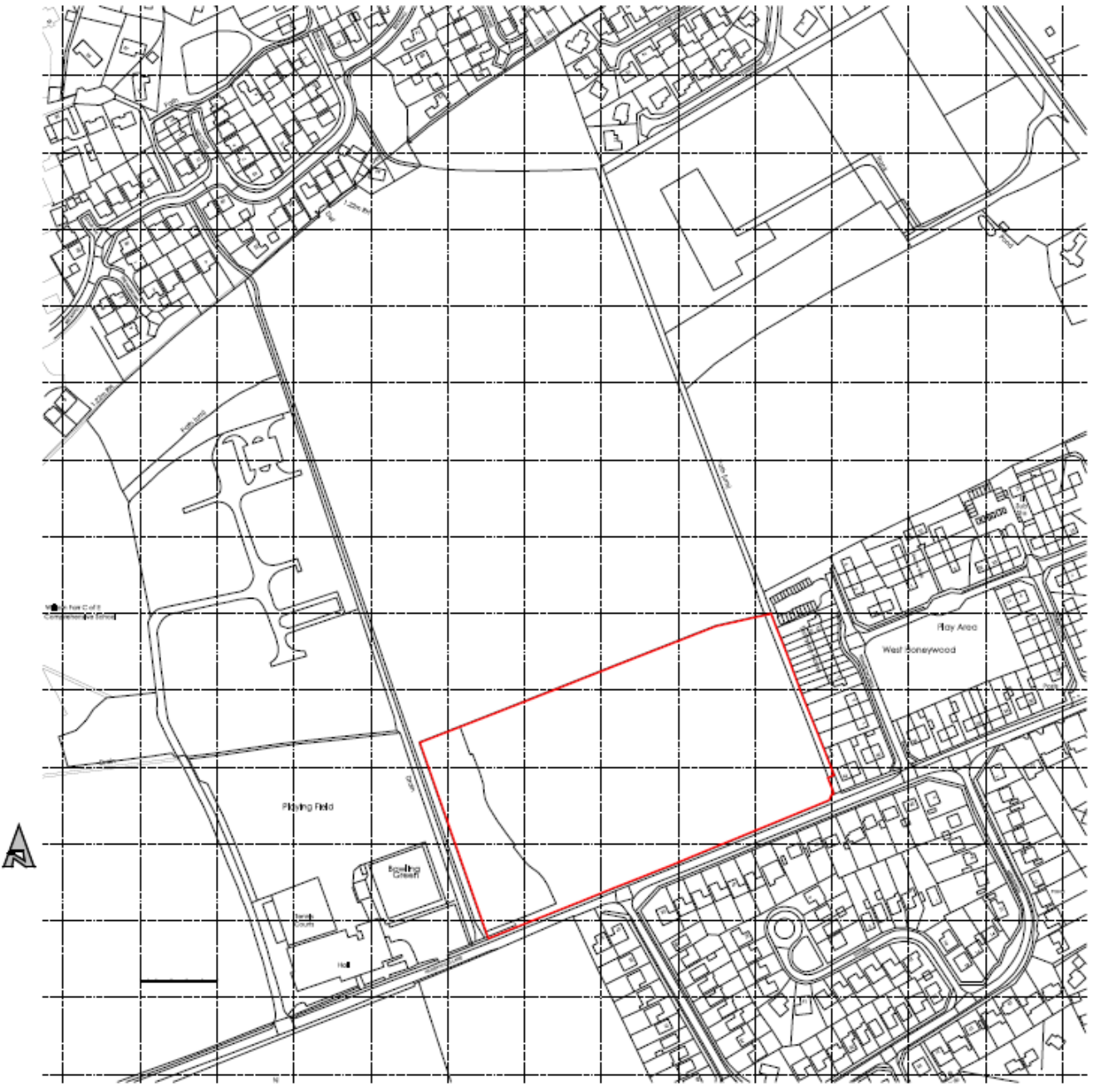
**Reason:** To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework.

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

None.

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## **Officers Report**

### **Planning Application No: 136785**

**PROPOSAL:** Planning application to erect 64no. dwellings with roads, garages and residential parking, including community parking, and public open spaces - resubmission of 135790.

**LOCATION:** Land North of Honeyholes Lane Dunholme Lincoln LN2 3SQ

**WARD:** Dunholme and Welton

**WARD MEMBERS:** Cllr S England; Cllr M Parish; and Cllr Mrs D Rodgers

**APPLICANT NAME:** Cyden Homes Ltd

**TARGET DECISION DATE:** 01/01/2018

**DEVELOPMENT TYPE:** Major - Dwellings

**CASE OFFICER:** Russell Clarkson

#### **RECOMMENDED DECISION:**

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

- The delivery of no less than 25% (16 units) as affordable housing;
- A capital contribution (£425.50 per dwelling), to go towards increasing capacity at the Welton Health Clinic in order to accommodate the development. ("health contribution");
- Measures to secure the delivery, and ongoing maintenance and management of public open space (including the car park);
- A capital contribution (£20,000) towards local highway infrastructure;
- A capital contribution (£240,752) towards a specific scheme at Welton William Farr Secondary school for an additional 12 secondary school places and 2 sixth-form places in order to accommodate the development. ("education contribution");

*\*Should the application be decided after the implementation of the Community Infrastructure Levy (CIL), no Secondary or Sixth-form contribution will be required, as this is provided for on WLDC's regulation 123 list.*

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

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## Description:

The application is referred to the committee as it is considered appropriate to do so, in view of the recent planning history of the site and earlier refusal of planning application 135790.

The application seeks planning permission, in full, to erect 64 dwellings at land to the north of Honeyholes Lane, Dunholme. Access would be taken directly from Honeyholes Lane.

A housing mix is proposed as follows:

No. of bedrooms	Number of Dwellings	Percentage	Floor Area (m <sup>2</sup> )
One	6	9%	38.55 to 61.50
Two	6	9%	67.82 to 77.85
Three	21	33%	89.02 to 104.97
Four	31	49%	109.02 to 175.40
<b>Total</b>	<b>64</b>	<b>100%</b>	<b>38.55 to 175.40</b>

16 of the dwellings (25%) would comprise affordable housing. The affordable housing would be distributed across two locations within the site.

The layout would include 0.33ha of public open space along its western edge. This would include a 50 space public car park. The south-eastern corner would contain a 0.16ha area of public open space, to be used as a surface water attenuation basin.

A 5 metre wide landscaping strip would be introduced along the site's northern boundary with the designated 'green wedge'.

The site is an undeveloped area of land (3.29ha) on the northern side of Honeyholes Lane, Dunholme. It is allocated for residential development in the Central Lincolnshire Local Plan (policy LP52) and Dunholme Neighbourhood Plan (policy 1).

To the north and north-east are undeveloped fields allocated as a green wedge in the Central Lincolnshire Local Plan (policy LP22) and settlement break in the Dunholme Neighbourhood Plan (policy 11).

To the east is residential development – referred to as the 'Allwood Character Area' in the Dunholme Character Assessment. Tennyson House, a three storey residential building, runs parallel to the site's eastern edge, and is notably of a differing scale to surrounding buildings. To the south is the 'Merleswen character area', comprising predominantly bungalows from the later 20<sup>th</sup> Century.

To the west is the Village Hall and assorted recreational facilities. A Public Footpath (Dunh/785/1) runs along the western site boundary, in a north-south direction.

## **Town and Country Planning (Environmental Impact Assessment) Regulations 2017:**

The development does not exceed the thresholds at schedule 2 (paragraph 10(b)) and is not within a sensitive area. It does not qualify as “EIA Development”.

### **Relevant history:**

The site already benefits from planning permission for 49 dwellings:

- **131087** - Outline planning application for erection of 49no. dwellings, sports facility and additional car parking area-all matters reserved. **Granted 14/05/2015.**
- **136225** - Reserved matters application for erection of 49no. dwellings, sports facility and additional car parking - following outline planning permission 131087 allowed on appeal 26 February 2016. **All reserved matters (scale, appearance, layout, access and landscaping) approved 24<sup>th</sup> August 2017.**

Appeal (APP/N2535/W/15/3138491) against conditions on the outline permission was allowed, with the effect of extending the deadline to submit the subsequent reserved matters.

Development is required to commence within one year of the approval of the last of the reserved matters.

However, an earlier application for 64 dwellings on the site was refused planning permission earlier in the year:

- **135790** - Planning application to erect 64no. dwellings with roads, garages and residential parking, including community parking and public open spaces. **Planning permission refused 1<sup>st</sup> June 2017.**

#### **Reasons for refusal:**

- 1. A development of 64 dwellings would comprise overdevelopment of the site, far in excess of that envisaged by policy LP52 of the Central Lincolnshire Local Plan and policy 1 of the Dunholme Neighbourhood Plan.*
- 2. The site layout fails to take the opportunity for providing an appropriate amount of new open space, sports and recreation facilities, contrary to policy LP24 of the Central Lincolnshire Local Plan.*
- 3. Taking into account the scale, siting, design, materials and landscape treatment, the proposed development would be expected to adversely impact on the function of the adjacent green*

wedge, contrary to policy LP22 of the Central Lincolnshire Local Plan and policy 11 of the Dunholme Neighbourhood Plan.

4. *The development would not integrate the affordable housing seamlessly into the site layout amongst the private housing, contrary to policy LP11 of the Central Lincolnshire Local Plan and contrary to the objective of creating mixed, inclusive and balanced communities as per paragraph 50 of the National Planning Policy Framework.*
5. *The development fails to provide a reasonable mix of housing types, tenures and sizes to help support the creation of mixed, balanced and inclusive communities, contrary to policy LP10 of the Central Lincolnshire Local Plan, policy 2 of the Dunholme Neighbourhood Plan, and paragraph 50 of the National Planning Policy Framework.*

#### **Representations, in summary:**

**Dunholme Parish Council:** Make detailed comments on planning policy, design and general development principles. Some comments, in summary:

- Acknowledge residential allocation in development plan, and planning policies requiring good design;
- The application site is adjacent to both character area B [Allwood] and character area C [Merleswen] in the Dunholme Character Assessment. Positive and negative features of each character area identified;
- Existing trees and vegetation should, where practical, be retained in such a way as to add visual amenity and ecological value to the development;
- It is welcomed that the development is proposing a mix of property types and sizes, including flats, semi-detached, terraced and detached properties of between 1 and 4 bedrooms;
- It is disappointing to see that the affordable housing is clustered together and not 'pepper-potted' around the development to maximise social cohesion and integration with the rest of the housing types;
- There also appears to be a lack of housing for older people with only 2 bungalows being identified;
- To strengthen to sustainability of the development, it is recommended that the any affordable housing provided is mixed across the development site and there is the provision of some bungalows offering more than 1 bedroom;
- Towards the NE of the site, there are both flats and terraced housing proposed. These are directly adjacent to the 3-storey property of Tennyson House and raises the concern that private amenity could be impacted. It is important that both new and existing residents have some private amenity and that this is not adversely impacted by new development;
- The application is proposing a rather confused layout and it is not clear, from the information, how residents are able to move about within the development as there are several 'private roads', cul-de-sacs and a

lack of accessible routes to and from the development site which makes it difficult to see the relationship with the wider character and existing residential areas. The proposed layout could lead to a misunderstanding of what areas are publicly accessible and what areas are private creating unnecessary barriers to movement. This can lead to a new development having a lack of any 'sense of place' and would not support creating social cohesion or integrating the new development into the wider community;

- The development should consider the most up-to-date residential parking standards (provided by Lincolnshire County Council) and it is important to reduce any unnecessary on-street parking once the development is complete;
- It is important that any garage provided is a functional space and can accommodate a range of car types and sizes;
- The development should avoid a 'hard edge' when fronting the open space to the west of the application site. The proposed layout has identified the landscaping with a privet hedgerow between the new houses and the open space. Although a soft boundary treatment is welcomed, it is believed some native tree species would help further soften and compliment the boundary treatment and avoid a 'hard edge' at this part of the site;
- Towards the north of the site, the proposed layout has identified new tree planting which will help to soften the site with the surrounding countryside and 'green wedge' between Dunholme and Welton. However, it is suggested that new trees are not planted at the ends of the proposed roads to the new houses in this area. By keeping these areas free from trees will maintain the open views out to the countryside, green wedge and towards Welton;
- It is encouraging to see the development frontage, along Honeyholes Lane, set back from the road with landscaping and some existing trees being retained. This will help reflect the existing development's orientation on the other side of the road;
- It is important that any new public open spaces within new developments are both accessible and usable for all residents. It is recommended, as the area form part of the drainage alleviation, that it is an area of amenity green space for informal recreation. The site should have suitable walkways, landscaping and street furniture;
- In terms of materials, it is concerning to see that several the properties will be either semi or fully rendered. Although there are some rendered properties along Ryland Road, there are very few, if any, along Honeyholes Lane or the neighbouring residential areas. As it currently proposed, it is felt that the rendering elements of the materials would not conform to local character and cause a detrimental impact to the existing character of the local area.

**LCC Highways:** Requests planning conditions to secure first 60m of estate road before dwellings commence; To agree an Estate Street Phasing and Completion Plan; that no dwelling shall be occupied until the estate street(s) affording access to that dwelling has been completed; that no development shall be commenced until details of the proposed arrangements for future

management and maintenance of the proposed streets within the development; that No development shall take place until a surface water drainage scheme has been agreed.

**Environment Agency:** This proposal falls outside the scope of matters on which the Environment Agency is a statutory consultee. We therefore have no comment to make on this application.

**Witham Third District Internal Drainage Board:** The site is on the edge the Witham Third District Internal Drainage Board area.

No development should be commenced until the Local Planning Authority, in consultation with the Lead Local Flood Authority has approved a scheme for the future maintenance of the surface water drainage system.

Where Surface Water is to be directed into a Mains Sewer System the relevant bodies must be contacted to ensure the system has sufficient capacity to accept the additional Surface Water.

All drainage routes through the Site should be maintained both during the works on Site and after completion of the works. Provisions should be made to ensure that upstream and downstream riparian owners and those areas that are presently served by any drainage routes passing through or adjacent to the Site are not adversely affected by the development.

Drainage routes shall include all methods by which water may be transferred through the Site and shall include such systems as “ridge and furrow” and “overland flows”. The effect of raising Site levels on adjacent property must be carefully considered and measures taken to negate influences must be approved by the Local Planning Authority.

**Anglian Water:**

*Wastewater Treatment* - The foul drainage from this development is in the catchment of Dunholme Water Recycling Centre that will have available capacity for these flows.

*Foul Sewerage Network* - Development will lead to an unacceptable risk of flooding downstream. A drainage strategy will need to be prepared in consultation with Anglian Water to determine mitigation measures. We request a condition requiring the drainage strategy covering the issue(s) to be agreed.

*Surface Water Disposal* - The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option.

The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. No evidence has been provided to show that the surface water hierarchy has been followed. This encompasses the trial pit logs from the infiltration tests and the investigations in to discharging to a watercourse. If these methods are deemed to be unfeasible for the site, we require confirmation of the intended manhole connection point and discharge rate proposed before a connection to the



public surface water sewer is permitted. We would therefore recommend that the applicant needs to consult with Anglian Water and the Environment Agency.

We will request that the agreed strategy is reflected in the planning approval. Planning conditions are sought to secure a foul water strategy and surface water management strategy.

**NHS England:** This development would put additional demands on the existing GP services for the area and additional infrastructure would be required to meet the increased demands. To mitigate the effects of this development, the s106 funding would go towards the Welton Family Health Centre, which is the closest practice to the development and as such likely to be the most affected.

Welton Family Health Centre are currently expanding and reconfiguring their practice premises in order to cope with a high level of demand for their services, which this development will only increase. It is proposed that the s106 money from this development can be used to create an additional 20 car parking spaces to allow the practice to cater for the increased demand on parking. The practice has already identified some available land and has obtained estimates that the cost of this would be in the region of £30,000, plus the necessary professional fees.

This of course would be subject to a full business case and approval by NHS England, with any proposed expenditure taking place when the s106 funds are released by the developer as per the agreement and within the agreed timescale for expenditure of the funds.

Seek a capital contribution of £27,232 (£425.50 per dwelling).

**Local Education Authority (LCC):** Identifies a need for an additional 12 secondary school places and 2 sixth-form places in order to accommodate the development. Seeks a contribution of £240,752 towards a specific scheme at Welton William Farr Secondary school. We would suggest the s.106 monies are paid at the halfway point in the development to allow timely investment by the County Council whilst not adversely affecting the developer's viability. Should the application be decided after the implementation of CIL, no Secondary or Sixth-form contribution will be required as this is on WLDC's regulation 123 list.

**Lincolnshire Police:** Do not have any objections to this development. In general a good site layout which makes effective use of a cul-de-sac design which has been proven to help reduce the opportunity for crime and generate a good sense of community. Guidance offered on parking provision, affordable homes, perimeters, landscaping, lighting, sheds / cycle storage, and security provisions.

**LCC Archaeology:** Has no objections or comments.

**Lincolnshire Wildlife Trust:** We see that no additional provision of green space has been made in this application, although more tree and hedgerow planting is suggested by the plan within the 5m wide landscape buffer along the northern boundary of the site.

We feel there is a strong case for the incorporation of additional, high quality green space and the submission of a management plan to secure its ongoing management for biodiversity benefit.

The Trust would strongly support the creation of species rich, native grassland habitats on site (characteristic of neutral or loam soils), which would contribute towards UK and Lincolnshire Biodiversity Action Plan (BAP) targets for the creation of lowland meadows and would provide accessible natural greenspace for local residents.

Any SUDS (including the attenuation basin currently proposed in the south-eastern corner of the site) should be utilised as a multi-functional green space which can provide diverse grassland in drier areas and native wetland vegetation in seasonally or permanently inundated areas. Gradients of basin slopes should be as gradual as possible to provide maximum opportunity for the establishment of a variety of waterside vegetation and associated wildlife. Any earth mounds if present should not compromise the ability to mow and collect cuttings as part of a management plan and should maximise southern aspects to enhance the biodiversity of the dry grassland. Areas for species-rich grassland creation will benefit from mineral soil being used for the landscape surface by burying or moving and utilizing more fertile topsoil elsewhere.

Every effort should be made to ensure sustainable sources of native seed by sourcing from suppliers with Flora Locale accreditation.

Planting of hedgerows, shrubs and trees should maximise native species, to include fruit, seed and nut bearing species.

Green space should be maximised in the north-western area of the site in order to provide a buffer for William Farr Wood SNCI to disturbance and light pollution from neighbouring residences.

In addition to creation of habitats through landscaping, we would recommend that a range of features are incorporated within the development to enhance the site for biodiversity.

### **Local residents:**

Objections from **47 & 51 Honeyholes Lane**. In summary:

- No capacity within local facilities (schools and health facilities);
- Development is on a flood plain;
- Considerable flood risk to existing properties during heavy rainfall;
- This land with mature woodland on its border is a place of local natural beauty and development should be kept to a minimum;
- This application is to increase the density of housing proposed and so would increase the problems outlined and should therefore be rejected.

### **Relevant Planning Policies:**

Planning law requires<sup>1</sup>, to the extent that development plan policies are material to an application for planning permission the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise. The Development Plan in this location

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<sup>1</sup> S70(2) of the Town & Country Planning Act 1990 and s38(6) of the Planning & Compulsory Purchase Act 2004

comprises the provisions of the Central Lincolnshire Local Plan (April 2017) and Dunholme Neighbourhood Plan (January 2017).

The first strand of the National Planning Policy Framework's (NPPF) presumption in favour of sustainable development<sup>2</sup> is to “*approv[e] development proposals that accord with the development plan without delay*”.

### **Central Lincolnshire Local Plan (CLLP)**

The CLLP was formally adopted on 24<sup>th</sup> April 2017, and forms part of the Development Plan.

The following policies are considered to be most relevant to the application:

- LP1: A Presumption in Favour of Sustainable Development
- LP9: Health and wellbeing
- LP10: Meeting accommodation needs
- LP11: Affordable Housing
- LP13: Accessibility and Transport
- LP14: Managing Water Resources and Flood Risk;
- LP17: Landscape, Townscape and Views
- LP18: Climate Change and Low Carbon Living
- LP20: Green Infrastructure Network
- LP21: Biodiversity and Geodiversity
- LP22: Green Wedges
- LP24: Creation of New Open Space, Sports & Recreation Facilities
- LP26: Design and amenity
- LP52: Residential Allocations – Large Villages

The CLLP is available to view here: <https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/>

### **Dunholme Neighbourhood Plan (DNP)**

The DNP was formally made on 23<sup>rd</sup> January 2017, and forms part of the Development Plan.

The following policies are considered most relevant:

- Policy 1: General Housing Growth;
- Policy 2: Housing Type and Mix;
- Policy 4: Design Principles;
- Policy 6: Public Recreational Open Space;
- Policy 7: Green Infrastructure;
- Policy 10: Landscape Character;
- Policy 11: Settlement Breaks;
- Policy 13: Reducing Flood Risk;
- Policy 14: Water and Waste.

The DNP, and Dunholme Character Assessment, are available to view here:

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<sup>2</sup> Paragraph 14.

<https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/all-neighbourhood-plans-in-west-lindsey/dunholme-neighbourhood-plan-made/>

**National Policy:**

**National Planning Policy Framework (NPPF)**

<https://www.gov.uk/guidance/national-planning-policy-framework>

**Planning Practice Guidance**

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

**Assessment:**

*a) Principle of Development*

The site already benefits from planning permission for residential development. Planning permission 131087 (with approved reserved matters 136225) grants permission for 49 dwellings on the application site.

It is however acknowledged that an earlier application for 64 dwellings on the site was refused permission for a number of reasons, which included that:

- 1. A development of 64 dwellings would comprise overdevelopment of the site, far in excess of that envisaged by policy LP52 of the Central Lincolnshire Local Plan and policy 1 of the Dunholme Neighbourhood Plan.*

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

The site is allocated for residential development in both the Central Lincolnshire Local Plan (CLLP) and Dunholme Neighbourhood Plan (DNP). CLLP policy LP52 provides an 'indicative' number of 49 dwellings on site CL4084 (the application site). DNP policy 1 states the allocation of land at CL4084 is for 'approximately' 49 dwellings. It is to be noted that both plans were adopted following the previous grant of outline permission for 49 dwellings in 2015.

The principle of residential development on the site will therefore be in accordance with the Development Plan.

Both plans however give an 'indicative' or 'approximate' number of 49 dwellings. The application seeks permission for 64 dwellings – a 31% increase in capacity above that anticipated by the Development Plan.

It is to be noted that neither policy sets 49 dwellings as a ceiling or a maximum. Thus a larger number is not necessarily a departure from the Plan, and may illustrate a more efficient use of the land in order to contribute towards housing need. This would need to be considered carefully against design and character principles.

The CLLP explains (paragraph 10.2.1) that the ‘indicative dwellings’ column arises from the total number of dwellings with planning permission on a site. In other words, the ‘indicative capacity’ of 49 dwellings directly arises from the previous grant of outline permission 131087.

It states that for sites without planning permission, the indicative capacity “*is in most cases an estimate based on the size of the site, an assumption about the net developable area, and an assumption about the net residential density which would be appropriate for the area in which the site is located*”.

The CLLP Evidence Report into residential allocations<sup>3</sup> sets out the formula employed. Here, it would assume 75% of the site to be developable (2.46ha) and a net density of at least 30 dwellings per hectare (dph). So, if the site had been allocated without already having had planning permission for 49 dwellings, the indicative capacity given within the Local Plan would actually have been calculated at 74 dwellings.

The Dunholme Neighbourhood Plan does not provide commentary as to how it derived the ‘approximate’ site capacities – but acknowledges outline permission 131087, and references the capacities derived in the (then emerging) Central Lincolnshire Local Plan.

The application site measures 3.29 hectares in total – providing a gross density of 19.5dph. However, the layout would provide:

- 0.33ha (approximately 10% of the site) towards Public Open Space (POS) along its western edge.
- 0.13ha (approximately 4% of the site) dedicated to a 50-space public car park;
- 0.166ha (approximately 5% of site) in the south-eastern corner would also be dedicated to POS and include the attenuation basin;
- 0.12ha (4% of site) dedicated towards the frontage footpath.

This equates to a net developable area of 2.544ha (approximately 77% of the site) and a net density of 25.2dph. Considering the standard Local Plan formula employed (30dph across 75% of the site), then the development, at 64 dwellings and with a net density of 25.2dph, should not be concluded to be an over-development.

The CLLP does not set out any housing density requirements. Policy LP26(a) does however require, to a degree proportionate to the proposal, to “*make effective and efficient use of land*” [emphasis added]. An increased number of dwellings on site would accord with this.

It is noted that the Parish Council have not objected to the number of dwellings and densities now being proposed, who comment that “*the*

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<sup>3</sup> Document PSEVR48-54 LP48-LP54 Residential Allocations Evidence Report (April 2016) available at: <https://www.n-kesteven.gov.uk/central-lincolnshire/planning-policy-library/>

*proposed density is comparable to that of the surrounding residential areas of between 22-31 dwellings per hectare.”*

In conclusion therefore, residential development of this site for up to 64 dwellings would not conflict with, and would be in general accordance with the provisions of the development plan (CLLP policy LP52 & DNP policy 1).

*b) Open Space, Sports & Recreation*

Previous application 135790 was refused planning permission for the reason:

*2. The site layout fails to take the opportunity for providing an appropriate amount of new open space, sports and recreation facilities, contrary to policy LP24 of the Central Lincolnshire Local Plan.*

Policy LP24 requires the Council to “ensure development provides an appropriate amount of new open space, sports and recreation facilities”.

The Dunholme Neighbourhood Plan (Policy 6) states that “Proposals to enhance or provide new public open space within new developments will be supported in principle subject to their location and designation.”

23% (0.75ha) of the overall 3.29ha site is to make provision for open space, sports and recreation. The layout would provide:

- 0.33ha (approximately 10% of the site) towards Public Open Space (POS) along its western edge.
- 0.13ha (approximately 4% of the site) dedicated to a 54-space public car park;
- 0.16ha (approximately 5% of site) in the south-eastern corner would also be dedicated to POS and include the attenuation basin;
- 0.12ha (4% of site) dedicated towards the frontage footpath.

Notably, despite increasing the site’s capacity with the introduction of a further 15 dwellings, the Open Space provision has not been reduced. It is exactly the same as that in the approved scheme for 49 dwellings. Public Open Space has not been compromised in order to increase the capacity for housing.

Whilst the Parish Council seek that the “attenuation basin” is used as an accessible area of “amenity green space for informal recreation”, this is unlikely to be practical as a functioning water attenuation basin. The benefits are more likely to be more in terms of its visual and biodiversity value.

Furthermore, the site is well located to make use of the ‘children’s play area, sports facilities and amenity space at Honeyholes Lane (Community Hub)’ (DNP policy 6 – site 9) to the west and supplements this provision with additional parking provision and POS; and also access the ‘children’s play area and amenity space at Allwood Road’ (DNP policy 6 – site 7) to the east. Public car parking provision is proposed to support the community hub to the west.

Measures to secure the provision of, and ongoing management and maintenance, of the Public Open Space should be secured through the S106 planning obligation.

Planning policy seeks measures to enhance biodiversity (CLLP policy LP21; DNP policy 7). In view of the comments from the Lincolnshire Wildlife Trust who would strongly support the creation of species rich, native grassland habitats on site, it is considered that, notwithstanding the landscaping details submitted under drawing 178/004B, a condition to secure measures for biodiversity enhancement is necessary and should be employed.

Subject to planning conditions, the development is considered to be compliant with CLLP policies LP21, LP24 and DNP policies 6 and 7.

*c) Landscape and adjacent Green Wedge*

Previous application 135790 was refused planning permission for the reason:

*3. Taking into account the scale, siting, design, materials and landscape treatment, the proposed development would be expected to adversely impact on the function of the adjacent green wedge, contrary to policy LP22 of the Central Lincolnshire Local Plan and policy 11 of the Dunholme Neighbourhood Plan.*

The land immediately north of the site is designated green wedge / settlement break in the development plan (CLLP policy LP22, DNP policy 11).

CLLP Policy LP22 requires that:

*Development proposals adjacent to the Green Wedges will be expected to demonstrate that:*

*f. they do not adversely impact on the function of the Green Wedge, taking into account scale, siting, design, materials and landscape treatment;*

*g. They have considered linkages to and enhancements of the adjacent Green Wedge.*

DNP Policy 11 states that:

*Development that would detract from the purpose of the Green Wedge, which is to protect the open rural character of land between Welton and Dunholme and prevent the coalescence of the two settlements will not be supported.*

Whereas application 135790 proposed only a 3 metre wide landscape buffer along the northern boundary with the green wedge, this latest application now proposes a 5 metre wide landscape buffer, as per the approved planning permission for 49 dwellings (131087/136225).

Also, despite the overall increase of 15 dwellings, there will be no increase in the amount of dwellings that would adjoin the northern boundary. Only seven dwellings would adjoin the northern boundary, as is the case with the approved layout for 49 dwellings, and the proposed layout positions the seven dwellings in very similar positions to that of the previously approved scheme.

The Parish Council acknowledge the landscaping proposed will “*soften the site with the surrounding countryside and ‘green wedge’ between Welton and Dunholme*”. They do however suggest that “*new trees are not planted at the ends of the proposed roads to the new houses in this area. By keeping these areas free from trees will maintain the open views out to the countryside, green wedge and towards Welton.*”

Whilst noted, opening up views into the green wedge will conversely open up views from the green wedge into the site.

It is considered that the development would not adversely affect the function of the green wedge to any greater extent than that already approved for 49 dwellings. The development would now be compliant with CLLP policy LP22 and DNP policy 11.

#### *d) Affordable Housing*

Previous application 135790 was refused planning permission for the reason:

*4. The development would not integrate the affordable housing seamlessly into the site layout amongst the private housing, contrary to policy LP11 of the Central Lincolnshire Local Plan and contrary to the objective of creating mixed, inclusive and balanced communities as per paragraph 50 of the National Planning Policy Framework.*

CLLP policy LP11 seeks 25% as affordable housing within the Lincoln Strategy Area, which includes Dunholme.

16 affordable houses (25%) are proposed, in compliance with the policy. This would need to be secured through a S106 Planning Obligation, which the applicant is amenable to.

Policy LP11 requires that “*affordable housing should integrate seamlessly into the site layout amongst the private housing.*”

Whereas application 135790 sought to locate all of the affordable housing in the north-eastern corner, this application seeks to distribute the affordable housing within two locations.

10 units (plot’s 13 to 22) will be provided in the north-eastern corner. A further 6 units (plot’s 47 to 52) will be provided in the western part of the site, overlooking the Public Open Space. This is considered to now better integrate into the overall site, and accord with the provisions of policy LP11.



e) *Housing Type & Mix*

Previous application 135790 was refused planning permission for the reason:

*5. The development fails to provide a reasonable mix of housing types, tenures and sizes to help support the creation of mixed, balanced and inclusive communities, contrary to policy LP10 of the Central Lincolnshire Local Plan, policy 2 of the Dunholme Neighbourhood Plan, and paragraph 50 of the National Planning Policy Framework.*

CLLP policy LP10 sets out:

*“Developers are expected to provide housing solutions that contribute to meeting the housing needs of the housing market area, as identified in the latest Strategic Housing Market Assessment (SHMA) and in any other appropriate local evidence. This means new residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities.”*

DNP policy 2 requires:

*Proposals for residential dwellings should provide an appropriate type and mix of units, including styles and sizes that help address the needs of the community as required within the most up-to-date Housing Needs Assessment.*

Appendix 1 of the DNP refers to a lack of appropriate sized houses as a social problem, citing evidence that:

*“21.3% of those residing in the village are retired, many still living in large 3 or 4 bedroom houses. The main requirement is for smaller accommodation for elderly villagers wishing to downsize and also for young families. The Dunholme Parish survey (2014) identified that the size and design of future housing remains a major concern.”*

The most recent Strategic Housing Market Assessment (July 2015)<sup>4</sup> concludes that:

*“The analysis of housing need by size suggests that there is a need for property of all sizes in Central Lincolnshire... The greatest requirement under all of the scenarios, however, is for property of between 50 and 89 sqm, which generally relates to 2 or 3 bedroom flats, mews or semi-detached homes. In the context of the HMA as a whole having a comparatively high representation of detached properties this suggests*

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<sup>4</sup> Document E003 is available here: <https://www.n-kesteven.gov.uk/central-lincolnshire/planning-policy-library/>

*the need for new stock to contribute positively to the overall balance through the provision of smaller family sized housing. This, however, will need to be balanced against the provision of all types and sizes of housing.*

The proposed housing mix is shown below, in comparison with the previously refused application (135790) and approved scheme for 49 dwellings (131087 & 136225).

No. of bedrooms	Current Application (136785) – 64 Dwellings		Refused Application (135790) – 64 Dwellings		Approved Application (131087 & 136225) – 49 dwellings	
	No. of dwellings	Percentage	No. of dwellings	Percentage	No. of dwellings	Percentage
One	6	9%	6	9%	6	12.25%
Two	6	9%	6	9%	6	12.25%
Three	21	33%	8	13%	12	24.5%
Four	31	49%	44	69%	25	51%
<b>Total</b>	<b>64</b>	<b>100%</b>	<b>64</b>	<b>100%</b>	<b>49</b>	<b>100%</b>

This shows that this application now proposes a greater proportion of three-bedroom properties (33%, previously 13%), and reduced number of four-bedroom properties (49%, previously 69%) than the previously refused scheme. The previous emphasis on larger properties has been substantially reduced.

The table below is taken from the applicant's housing schedule and Design & Access Statement. It shows a range in house sizes from 38.55m<sup>2</sup> to 175.40m<sup>2</sup>, across a range of housetypes.

18% of the overall development will be for one and two bedroom properties. 15 of the dwellings (23%) would be in the range of 50 to 89.02m<sup>2</sup>, of which is identified the greatest need within the SHMA (July 2015).

No. of Bedrooms	Floor Area (m <sup>2</sup> )	Detached	Semi-Detached	Terrace	Bungalow	Flat	Total
1 Bed.	38.55 to 61.50	-	-	-	2	4	6 (9%)
2 Bed.	67.82 to 77.85	-	-	6	-	-	6 (9%)
3 Bed.	89.02 to 104.97	7	12	2	-	-	21 (33%)
4 Bed.	109.02 to 175.40	31	-	-	-	-	31 (49%)

<b>Total</b>		<b>38 (59%)</b>	<b>12 (19%)</b>	<b>8 (12.5%)</b>	<b>2 (3%)</b>	<b>4 (6.5%)</b>	<b>64 (100%)</b>
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The Parish Council welcome *“that the development is proposing a mix of property types and sizes, including flats, semi-detached, terraced and detached properties of between 1 and 4 bedrooms.”* They do however express disappointment that there appears to be a lack of housing for older persons with only two bungalows being identified.

Whilst the view of the Parish Council are recognised, the DNP does not prescribe a number of bungalows for inclusion within residential developments within Dunholme, and the housing mix does nonetheless provide for smaller properties.

Overall, it is considered that this latest application now provides a greater and more inclusive mix of housing, and would now accord with CLLP policy LP10 and DNP policy 2.

*f) Character, Appearance & Residential Amenities*

CLLP policy LP26 sets out that *“All development... must achieve high quality sustainable design that contributes positively to local character, landscape and townscape, and supports diversity, equality and access for all.”*

DNP policy 4 requires that *“development proposals should preserve or enhance the village of Dunholme by recognising and reinforcing the distinct local character in relation to height, scale, spacing, layout, orientation, design, and materials of buildings.”*

Policy 10 sets out that proposals will be supported where:

- 1 their design and appearance respects and complements the Dunholme Character Assessment;*
- 2 they demonstrate that the proposed development fits into the identified character area of that part of the village;*
- 3 soft and porous edges and finishes are incorporated into development proposals on the edge of the built up area;*
- 4 where previous developments have failed to respect the landscape setting, quality and have created hard and unsatisfactory edges to the village, should explore opportunities to retrospectively include planting schemes - particularly along the gateways into the village.*

The Dunholme Character Assessment breaks Dunholme down into 10 distinctive Character Areas. Adjoining the site to the east is ‘Allwood’ (character area B) and to the south, ‘Merleswen’ (character area C).

Allwood *“has a grid-like layout which is unique to the village, with housing being arranged under the periphery block principle, whereby building frontages face onto the public realm and street, the backs of buildings face onto each other, and private space, in this case individual back gardens, are*

*accommodated in between.*” Positive characteristics include *“Well-defined streets with a coherent, permeable layout”* and *“Consistent approach to materials and architectural styles between buildings.”* Tennyson House is identified as a negative feature, *“out of keeping with the rest of the area due to its excessively imposing scale and bulk.”*

Merleswen is of a very different character – described as being *“occupied exclusively by residential properties, most of which were constructed through the 1960’s and early 1970’s,”* *“both Merleswen and the various cul-de-sacs which latch onto it are lined on either side by single-storey, detached bungalows, with The Granthams, which also hosts a number of two-storey properties, being the only exception.”* Positive characteristics are described as *“Simple open plan character throughout makes for a spacious townscape”* and *“consistent scale of development and housing typology makes for a very coherent and unified piece of townscape.”*

With a ‘unique’ grid layout to the east, and to the south a very uniform bungalow development, the application site is located adjacent to two very contrasting styles of 20<sup>th</sup> Century development (and not necessarily representative of Dunholme as a whole).

It is considered that the proposed development would be located between two very different housing layouts and styles and that this gives freedom to derive its own character area.

Despite the increased density, the proposed layout is similar to that already approved for 49 dwellings.

The Parish Council have cited concerns with the *“rather confused layout”* considering that it *“could lead to a misunderstanding of what areas are publicly accessible and what areas are private creating unnecessary barriers to movement.”*

The layout proposes a central road spine, with some properties served by some private access roads. This is a very typical residential arrangement and it is not anticipated that “confusion” would arise from it. In any event, the layout is almost identical to that already approved under the current permission for 49 dwellings.

The Parish Council are concerned that the introduction of rendered buildings would be out of keeping with Dunholme’s prevailing character. However, the Dunholme Character Assessment specifically identifies the use of white painted render “bookend” dwellings as a feature of the adjacent Allwood area and that “plain render” is sometimes used to offset brickwork within Merleswen.

The proposed development would use rendered buildings in a similar way, to create focal points at key junctions within the site, and introduce some variety in appearance. This is not considered to form a discordant feature, and in any

event, such an approach has already been established as acceptable with the approval of reserved matters for the 49 dwelling scheme.

The layout indicates suitable levels of residential amenities can be achieved for the future residents. The amenities of existing residents would not be expected to be compromised by the development.

The Parish Council has cited concerns with the potential for plot's within the north-eastern corner of the site to be overlooked by the three storey Tennyson House. Tennyson House is over 22 metres from the proposed rear garden boundaries, and over 30 metres to the proposed dwellinghouses. This is not expected to unduly compromise the enjoyment of such new properties and the principle of housing in this location has already been established by the approved scheme.

It is considered that good design is achieved, that would not undermine, and would otherwise enhance, Dunholme's prevailing character. Development is considered to accord with CLLP policy LP26 and DNP policies 4 & 10.

*g) Drainage and Flood Risk*

CLLP policy LP14 requires that *"All development proposals will be considered against the NPPF, including application of the sequential and, if necessary, the exception test."*

DNP policy 13 requires that *"the development proposed will not have a detrimental impact on surface water run-off and sewage discharge networks in the village."*

A neighbour has objected on the grounds that development would take place within a flood plain and would increase the risk of flooding. The site lies within flood zone 1 (low probability) and is already allocated in the Development Plan. It therefore accords with the sequential test towards directing development to those areas at lower risk of flooding, as is required by CLLP policy LP14 and the NPPF (paragraph 100 onwards).

Policy LP14(f) requires *"that they have incorporated Sustainable Drainage Systems (SuDS) in to the proposals unless they can be shown to be impractical."* National Planning Practice Guidance ([Paragraph: 079 Reference ID: 7-079-20150415](#)) advises *"when considering major development.. sustainable drainage systems should be provided unless demonstrated to be inappropriate."*

National Guidance ([Paragraph: 080 Reference ID: 7-080-20150323](#)) advises:

*Generally, the aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable:*

- 1. into the ground (infiltration);*
- 2. to a surface water body;*

3. *to a surface water sewer, highway drain, or another drainage system;*
4. *to a combined sewer.*

The Drainage Statement submitted with the application is the same as that previously submitted. It confirms that formal soil infiltration testing has not yet taken place. It advises that trial pits excavated in June 2014 however, *“excavated to a depth of 1.0m did not give results suitable for soakaway structures at that depth due to there being no infiltration and a water ingress at depth 1.0m below ground level.”*

Whilst the likelihood of infiltration is therefore low, the onus is upon the applicant to achieve as high as possible upon the hierarchy, and will need to undertake formal soil infiltration testing in order to demonstrate this.

Discharge to an existing surface water body is dismissed in the Statement - *“There is a small, approximately 1.0m deep, ditch to the very west of the site however its level is such that a gravity surface water solution to this point is not achievable. Also, this ditch connects into the Anglian Water Services Ltd 450mm diameter surface water sewer in the northern verge of Honeyholes Lane flowing from west to east.”*

Instead, a schematic concept proposal is to use under-drained swales to convey surface water from impermeable areas to an online balancing pond in the south-eastern corner of public open space. The pond will be wet (maximum 600mm depth) under normal conditions.

A Hydrobrake Optimum flow control device would then attenuate flows down to the permitted discharge rates (for 1 year (4.2l/s), 30 year (4.2l/s) and up to the 1 in 100 year plus 30% climate change standard (5.0l/s)), into the 450mm diameter surface water sewer in Honeyholes Lane. It advises that all proposed discharges are significantly less than the green field values.

The Statement anticipates that the surface water system including the under-drain to the swales to its point of attenuated discharge to the outfall to the existing surface water sewer will be included in a section 104 adoption agreement with Anglian Water Services Ltd. It anticipates that the grassed surface part of the swales will be included in a section 38 adoption agreement with Lincolnshire County Council. It anticipates that the balancing pond will either be included in the Public Open Space area or adopted by a Management Company Ltd.

Anglian Water consider the Drainage Statement is unacceptable – because it does not provide the evidence to show the surface water hierarchy has been followed – such as the trial pit logs from the infiltration tests and investigations into discharging into the watercourse.

This is noted, along with the Drainage Statement acknowledging the drainage scheme is only a schematic concept. Accordingly, as per Anglian Water’s

advice, it is recommended that a planning condition is applied to secure details of the final surface water drainage scheme.

For foul water, It is anticipated that a gravity foul water solution will be achievable and the network of foul sewers will be included in a section 104 agreement with Anglian Water Services Ltd to ensure the foul water infrastructure can be monitored and maintained to ensure it will continue to function correctly for the lifetime of the development.

Anglian Water confirm the sewerage system at present has available capacity for these flows and the foul drainage from this development is in the catchment of Dunholme Water Recycling Centre that will have available capacity for these flows.

A condition to secure final foul water drainage strategy is however recommended, as per Anglian Water's advice.

Subject to planning conditions to secure final surface water and foul water drainage solutions, development is expected to accord with CLLP policy LP14 and DNP policy 13.

#### *h) Access & Highway Safety*

Access would be taken directly from Honeyholes Lane, with access identical to that previously approved for the 49 dwelling scheme.

The Local Highways Authority raise no concerns on highway safety grounds, and recommend planning conditions to secure upfront delivery of the estate road, phasing and maintenance.

They do advise that as the frontage footway/cycleway is constructed on private land, this will be required to be dedicated to the Highway Authority as public highway.

Access provision is made to the public open space along the western edge and existing public right of way, giving access to the green wedge.

The applicant has proposed a capital contribution towards local highways infrastructure – the earlier application had such an obligation with contributions towards the A46 Centurion Garage junction. The Local Highways Authority has confirmed this remains a valid requirement.

The Development Plan does not prescribe parking standards. CLLP policy LP13 requires to ensure that *“appropriate vehicle, powered two wheeler and cycle parking provision is made for residents...”*  
DNP policy 4 requires to ensure *“that car parking is positioned and designed to have minimal impact on the street scene.”*

The majority of properties have garages and off-street car parking provision. The affordable housing will have dedicated parking provision (two spaces per

unit, with the exception of 1 space per one-bedroom flat) and additional visitor parking. The application also proposes a dedicated public car park to support the 'community hub' to the west of the site.

To cater for the needs of less mobile occupants, including older people and disabled people, and to deliver dwellings which are capable of meeting peoples' changing circumstances over their lifetime, CLLP policy LP10 requires:

*“proposals for 6 or more dwellings (or 4 or more dwellings in small villages) must deliver housing which meets the higher access standards of Part M Building Regulations (Access to and use of buildings) by delivering 30% of dwellings to M4(2) of the Building Regulations, unless the characteristics of the site provide exceptional reasons for delivery of such dwellings to be inappropriate or impractical. Proposals which voluntarily deliver more than 30%, or deliver the 30% requirement to the higher M4(3) standard will be supported.”*

The Schedule of House Types (Rev.A) shows 19 units (30%) will be built to part M4(2), meeting the policy requirement. The applicant also volunteers a further three dwellings (5%) to meet the higher M4(3) standard.

A planning condition is recommended to secure this provision.

It is considered that, subject to conditions, safe access is achieved for all, and development accords with the development, particularly CLLP policy LP14 in this regard.

*i) Community Facilities*

CLLP policy LP12 sets out that *“All development should be supported by, and have good access to, all necessary infrastructure.”* It goes on to state that:

*“Developers will be expected to contribute towards the delivery of relevant infrastructure. They will either make direct provision or will contribute towards the provision of local and strategic infrastructure required by the development either alone or cumulatively with other developments.”*

NHS England seek a capital contribution of £27,232 (£425.50 per dwelling), to go towards increasing capacity at the Welton Health Clinic in order to accommodate the development.

The applicant has agreed to meet this provision through an obligation within a S106 Planning Obligation.

The Local Education Authority have identified a need for an additional 12 secondary school places and 2 sixth-form places in order to accommodate the development. They seek a capital contribution of £240,752 towards a specific scheme at Welton William Farr Secondary school, in order to do so.



The applicant has agreed to meet this provision as an obligation within a S106 Planning Obligation. However, should the application be decided after the implementation of the Community Infrastructure Levy (CIL), no Secondary or Sixth-form contribution will be required to be secured through the S106 Planning Obligation, as this is on WLDC's regulation 123 list and would then be secured through a CIL payment.

The applicant has otherwise confirmed they are amenable to making such contributions, considered necessary to make the development acceptable in planning terms.

Subject to the completion of a S106 planning obligation to meet these requirements, development would be compliant with CLLP policy LP12.

### **Overall Planning Balance**

The site is allocated for residential development in the development plan (CLLP policy LP52; DNP policy 1).

The application seeks permission for 64 dwellings – approximately 31% above that indicated within the development plan (49 dwellings). The figure derived in the development plan arises from an earlier planning permission on the site.

23% (0.75ha) of the overall 3.29ha site is to make provision for open space, sports and recreation. This has not been reduced in order to accommodate the increased number of dwellings.

This latest application now proposes a 5 metre wide landscape buffer, as per the approved planning permission for 49 dwellings (131087/136225). There will be no increase in the amount of dwellings that would adjoin the northern boundary. It would no longer be considered to impact on the function of the adjacent green wedge.

It is considered that a more balanced and inclusive mix of housing types and sizes is now proposed. 15 of the dwellings (23%) would be in the range of 50 to 89.02m<sup>2</sup>, of which is identified the greatest need within the SHMA (July 2015).

25% (16 dwellings) would comprise affordable housing. These would be located across the site in two locations in order to better integrate into the overall scheme.

19 units (30%) would be built to the higher accessibility standards of Part M4(2) of the Building Regulations. A further 3 dwellings are volunteered to meet with the higher standards of Part M4(3).

It is considered that this revised application has now overcome the previous reasons for the refusal of planning application 135790. It is considered that it achieves an additional 15 dwellings on the site, making more efficient use of

the site without compromising the overall character and amenities within Dunholme and the immediate locality.

### **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

### **RECOMMENDED DECISION:**

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

- The delivery of no less than 25% (16 units) as affordable housing;
- A capital contribution (£425.50 per dwelling), to go towards increasing capacity at the Welton Health Clinic in order to accommodate the development. ("health contribution");
- Measures to secure the delivery, and ongoing maintenance and management of public open space (including the car park);
- A capital contribution (£20,000) towards local highway infrastructure;
- A capital contribution (£240,752) towards a specific scheme at Welton William Farr Secondary school for an additional 12 secondary school places and 2 sixth-form places in order to accommodate the development. ("education contribution");

*\*Should the application be decided after the implementation of the Community Infrastructure Levy (CIL), no Secondary or Sixth-form contribution will be required, as this is provided for on WLDC's regulation 123 list.*

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

### **Conditions 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 a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - (i) the routing and management of construction traffic;
  - (ii) the parking of vehicles of site operatives and visitors;
  - (iii) loading and unloading of plant and materials;
  - (iv) storage of plant and materials used in constructing the development;
  - (v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - (vi) wheel cleaning facilities;
  - (vii) measures to control the emission of dust and dirt during construction;
  - (viii) details of noise reduction measures;
  - (ix) a scheme for recycling/disposing of waste resulting from demolition and construction works;
  - (x) the hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on the site;
  - (xi) Measures for tree and hedgerow protection.

**Reason:** In the interests of amenity and in accordance with policy LP26 of the Central Lincolnshire Local Plan.

3. No development shall take place until details of all external and roofing materials to be used have been submitted to and approved in writing by the Local Planning Authority and the development shall only be carried out using the agreed materials.

**Reason:** To safeguard the character and appearance of the buildings and its surroundings and ensure the proposal uses materials and components that have a low environmental impact in accordance with in accordance with policy LP26 of the Central Lincolnshire Local Plan and policy 4 of the Dunholme Neighbourhood Plan.

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

The scheme shall:

- a) Provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
- b) Provide attenuation details and discharge rates which shall be restricted to 5 litres per second;
- c) Provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- d) Provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

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

**Reason:** As per the advice of the water company and Local Lead Flood Authority and to prevent environmental and amenity problems arising from flooding, to accord with policy LP14 of the Central Lincolnshire Local Plan.

- 5. No development shall commence until a foul water drainage strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

**Reason:** To prevent environmental and amenity problems arising from flooding, in accordance with policy LP14 of the Central Lincolnshire Local Plan.

- 6. No dwellings 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 178/002F 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, in order to accord with policy LP13 of the Central Lincolnshire Local Plan.

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, and details of the proposed arrangements for future management and maintenance of the proposed streets within the development.

**Reason:** To ensure that the estate streets serving the development are completed and thereafter maintained to an acceptable standard, by the Local Highway Authority under Section 38 of the Highways Act 1980 or via an established private management and maintenance company, in the interest of residential/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, in accordance with Policy LP13 of the Central Lincolnshire Local Plan.

8. Notwithstanding the details submitted, no development hereby permitted shall take place until a Landscape Management Plan setting out management responsibilities and maintenance schedules for all landscaped areas (excluding private gardens), inclusive of trees, hedges, ditches and balancing ponds; and a Biodiversity Enhancement Scheme setting out measures for habitat creation and management, has been submitted to, and agreed in writing with, the Local Planning Authority. Development shall thereafter proceed wholly in accordance with the approved details.

**Reason:** In the interests of landscape and visual amenity and in the interests of biodiversity enhancement, in accordance with the National Planning Policy Framework, and policies LP21 & LP24 of the Central Lincolnshire Local Plan, and policies 6 & 7 of the Dunholme Neighbourhood Plan.

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

9. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings:
  - 178/002F – Proposed Site Layout;
  - 178/004B – Proposed Site Layout Landscaping Plan
  - 178/005B – Proposed Site Layout Material Plan
  - 178/027 – Location Plan
  - 178/101B – Proposed Plans and Elevations – dH418
  - 178/102A – Proposed Plans and Elevations – dH418
  - 178/103B – Proposed Plans and Elevations – dH418
  - 178/104A – Proposed Plans and Elevations – dH417
  - 178/105A – Proposed Plans and Elevations – dH407

- 178/106B – Proposed Plans and Elevations – dH414
- 178/107A – Proposed Plans and Elevations – dH413
- 178/108C – Proposed Plans and Elevations – dH409
- 178/109A – Proposed Plans and Elevations – dH408
- 178/110C – Proposed Plans and Elevations – dH404
- 178/111B – Proposed Plans and Elevations – dH402
- 178/112B – Proposed Plans and Elevations – dH402
- 178/113B – Proposed Plans and Elevations – dH401
- 178/114C – Proposed Plans and Elevations – dH325
- 178/115A – Proposed Plans and Elevations – dH325
- 178/116A – Proposed Plans and Elevations – dH325
- 178/117A – Proposed Plans and Elevations – sH303 330
- 178/118B – Proposed Plans and Elevations – sH320 319
- 178/119A – Proposed Plans and Elevations – sB102W sF110
- 178/120B – Proposed Plans and Elevations – tH330 202 201 205 and 323W
- 178/150A – Proposed Plans and Elevations – Garages

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 policy LP26 of the Central Lincolnshire Local Plan.

10. No less than 30% of the total number of dwellings shall be built to the higher access standards of Part M4(2) (accessible and adaptable dwellings) of the Building Regulations, in accordance with the Schedule of House Types (reference 178/B3/Sh-3 20.10.2017).

**Reason:** To cater for the needs of less mobile occupants, in order to accord with policy LP10 of the Central Lincolnshire Local Plan.

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

**Reason:** To protect biodiversity in accordance with the recommendations of the Preliminary Ecological Survey and in accordance with policy LP21 of the Central Lincolnshire Local Plan and the National Planning Policy Framework.

12. No dwelling shall be occupied until the estate street(s) affording access to that dwelling has been completed in accordance with the approved Estate Street Phasing and Completion Plan.

**Reason:** To ensure that the estate streets serving the development and completed and maintained to the approved standard, and are available to 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 the safeguard the visual amenities of the locality and users of the highway, in accordance with Policy LP13 of the Central Lincolnshire Local Plan.

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

13. No dwelling hereby permitted shall be occupied until a Travel Plan has been submitted and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

**Reason:** In order to maximise the sustainability of the development in accordance with policy LP13 of the Central Lincolnshire Local Plan and paragraph 36 of the National Planning Policy Framework.

14. All planting, seeding or turfing comprised in the approved details of landscaping (drawing 178/004B) shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

**Reason:** To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome, in the interests of the visual amenities of the locality (and occupiers of adjacent buildings – where appropriate) and in accordance with policies LP17, LP20, LP24 and LP26 of the Central Lincolnshire Local Plan.

**Notes to the applicant:**

You are advised to contact Lincolnshire County Council as the local highway authority for approval of the road construction specification and programme before carrying out any works on site. 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.

The frontage footway/cycleway is constructed on private land, that land will be required to be dedicated to the Highway Authority as public highway.

When the frontage footway/cycleway is constructed the existing footway that runs along the frontage of Honeyholes Lane, should be reinstated as highway verge.





**Planning Committee**

**13 December 2017**

**Subject: Determination of Planning Appeals**

Report by:

Chief Operating Officer

Contact Officer:

Mark Sturgess  
Chief Operating Officer  
[Mark.sturgess@west-lindsey.gov.uk](mailto: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 G Collins on behalf of Cherry Tree Homes (UK) Ltd against the decision of West Lindsey District Council to refuse planning permission for an outline planning application for residential development of 19 dwellings – all matters reserved – at land adjacent to Wesley Road, Cherry Willingham, Lincoln, LN3 4GT

**Appeal Dismissed** – See copy letter attached as Appendix Bi

**Officer Recommendation** – Grant permission with conditions  
**Committee Decision** – Refuse permission

- ii) Appeal by Mr S Andrew against the decision of West Lindsey District Council to refuse planning permission for residential development at The Old Angel Inn, 2 Wragby Road, Bardney, Lincoln, LN3 5XE

**Appeal Dismissed** – See copy letter attached as Appendix Bii

**Officer Decision** – Refuse permission

- iii) Appeal by Mr Leigh Dearden against the decision of West Lindsey District Council to refuse planning permission for the conversion of an agricultural barn to a single dwelling at Highgate Lane, Normanby by Spital, Market Rasen, LN8 2HQ

**Appeal Dismissed** – See copy letter attached as Appendix Biii

**Officer Decision** – Refuse permission

- iv) Appeal by Mr D Fox against the decision of West Lindsey District Council to refuse planning permission for the erection of a dwelling at 34 Ryland Road, Dunholme, Lincoln, LN2 3NE

**Appeal Dismissed** – See copy letter attached as Appendix Biv

**Officer Decision** – Refuse permission

- v) Appeal by Mr Chris Marsh against the decision of West Lindsey District Council to refuse planning permission for the erection of two detached dwellings with detached garages on land to the east of Kettleby Wood House, Bigby High Road, Kettleby, Brigg, DN20 9HH

**Appeal Dismissed** – See copy letter attached as Appendix Bv

**Officer Decision** – Refuse permission

- vi) Appeal by Mr R Lancaster and Mr A Burkitt against the decision of West Lindsey District Council to refuse planning permission for the erection of a dwelling and detached garage and creation of vehicular access on land at Owmy Road, Spridlington, Lincolnshire, LN8 2DD

**Appeal Dismissed** – See copy letter attached as Appendix Bvi

**Officer Decision** – Refuse permission

- vii) Appeal by Mr Nicholas Turner, Lincoln Diocesan Trust & Board of Finance Ltd, against the decision of West Lindsey District Council to refuse planning permission for a new 4-bedroom Vicarage with detached double garage at The Vicarage, North Street, Middle Rasen, Market Rasen, LN8 3TS

**Appeal Allowed** – See copy letter attached as Appendix Bvii

**Officer Decision** – Refuse permission

- viii) Appeal by Mr Rod Foster against the decision of West Lindsey District Council to refuse planning permission to remove existing PVC conservatory and replace with brick and pantile dining room / sunroom extension at 6 Cross Street, Nettleham, Lincoln, LN2 2PB

**Appeal Dismissed** – See copy letter attached as Appendix Bviii

**Officer Decision** – Refuse permission

- ix) Appeal by Mr G Hughes, Pride Homes (Lincoln) Ltd against the decision of West Lindsey District Council to refuse planning permission for the erection of 69 dwellings on land to the rear of Hutchinsons, Hawthorne Road, Cherry Willingham, Lincoln LN3 4JU

**Appeal Dismissed** – See copy letter attached as Appendix Bix

**Officer Decision** – Refuse permission

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## Appeal Decision

Site visit made on 21 September 2016

**by M Seaton BSc (Hons) DipTP MRTPI**

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

Decision date: 08 November 2017

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**Appeal Ref: APP/N2535/W/16/3152310**

**Site 3A, Land adjacent to Wesley Road, Cherry Willingham, Lincoln, LN3 4GT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr G Collins on behalf of Cherry Tree Homes (UK) Ltd against the decision of West Lindsey District Council.
  - The application Ref 133692, dated 4 November 2015, was refused by notice dated 27 April 2016.
  - The development proposed is an outline planning application for residential development of 19 dwellings – all matters reserved.
- 

### Procedural Matters

1. I have noted that the site address has been described in a number of ways during the course of the planning application and appeal. Whilst I have no doubt that all refer to the same parcel of land, I have found the description of the address used on the Council's Notice of Decision (and subsequently on the appellant's Statement of Case) to most accurately describe the land, and reflect the phrasing of the proposed works.
2. The proposals have been submitted in outline with all matters reserved for later consideration. I have dealt with the appeal on this basis and treated the submitted layout plan as indicative in respect of the reserved matters (appearance, landscaping, layout, access and scale) related to the proposed residential development.
3. Since the submission of the planning appeal, my attention has been drawn to a number of additional documents and statements published, which have been material to the issues and matters arising within the appeal. These documents and publications have included the *Central Lincolnshire Five Year Land Supply Report 1 April 2017 – 31 March 2022 & Errata Report* (September 2016); and the *Inspector's Report on the Examination of the Central Lincolnshire Local Plan* (April 2017). Furthermore, the *Central Lincolnshire Local Plan* (the Local Plan) was formally adopted in April 2017. This has had the effect of superseding and replacing the policies of the West Lindsey Local Plan First Review 2006, which were referred to in the reasons for refusal. Both the Council and appellant have been provided with the opportunity to comment on these additional submissions and the implications of this change in policy.
4. Further to the above, a s106 Legal Agreement dated 6 June 2017 has been submitted. The Agreement addresses matters related to affordable housing including the terms of occupation of the units proposed and the provision of an

off-site contribution; the provision and phasing of on-site public open space; and the provision of a contribution towards education, specifically towards two additional classrooms and ancillary group space at Cherry Willingham Primary Schools. I will return to the Agreement later on in my decision.

5. In determining this appeal, I am mindful that a separate appeal further to the refusal of outline planning permission for residential development on the land adjacent to the appeal site is also underway (*Ref. APP/N2535/W/16/3153106*). Whilst this appeal and the appeal on the neighbouring site fall to be considered on their own planning merits, in reaching my decision I have been mindful of the relationship and similarities between the two proposed developments.
6. I have given careful consideration to all of the amendments, documents and publications in reaching my decision on this appeal, and where pertinent refer to them in more detail in the reasoning of the appeal decision.

### **Decision**

7. The appeal is dismissed.

### **Main Issues**

8. The main issues are;
  - whether the proposed development accords with the spatial strategy for the area and the Development Plan;
  - the effect of the proposed development on the rural character and appearance of the landscape and open countryside; and,
  - whether services and facilities would be accessible by means other than private motor vehicles.

### **Reasons**

#### *Spatial strategy*

9. Policy LP2 of the Local Plan sets out the spatial strategy and settlement hierarchy for the area with the aim to deliver sustainable growth for Central Lincolnshire through the concentration of development on the main urban areas, and elsewhere to support the function of other sustainable settlements and to help meet local needs.
10. Cherry Willingham is identified as a Large Village (category 4 within the settlement hierarchy), where an appropriate level of growth may be accommodated so as to maintain and enhance the role of the settlement, noting the provision of housing, employment, retail and key services and facilities for the local area. It is expected that most of the anticipated growth will be via sites allocated in the Local Plan, or appropriate infill, intensification or renewal within the existing developed footprint. However, the policy also states that, in exceptional circumstances, additional growth on non-allocated sites in appropriate locations immediately adjacent to the developed footprint might be considered favourably, though these are unlikely to be of a scale over 25 dwellings or 1hectare per site (whichever is the smaller).
11. Policy LP52 of the Local Plan allocates five sites for development in Cherry Willingham, totalling 432 dwellings. Site allocations CL4751 & CL4752 fall on

- the land which at the time of my site visit was being developed and where it was expected that a total 59 dwellings would be delivered.
12. The appeal site is not allocated for residential development in the Local Plan, but having regard to my findings below in relation to the second and third main issues, the site, if developed, could be considered to be in an 'appropriate location' immediately adjacent to the developed footprint. I agree with the appellant's contention that the appeal proposals would in isolation in proposing 19 dwellings accord with the quantum of development which might be acceptable for additional growth on non-allocated sites. I also note that this is a conclusion with which the Council had agreed with in assessing the proposals in the context of the (then) emerging Local Plan in the Committee Report, and I note that the Council has not recanted from this position in their appeal submissions further to the adoption of the Local Plan
  13. Nevertheless, I am mindful that in considering the proposed development against Policy LP2, it is necessary to demonstrate 'exceptional circumstances' to justify the development of the appeal site. The adopted policy defines 'exceptional circumstances' as a matter for the decision maker, and gives the example of where the development would deliver a community facility above and beyond what would ordinarily be required and for which a clear need has been identified.
  14. In this respect, neither the Council nor appellant have sought to grapple with this aspect of the policy in their submissions, but this does not preclude me from having to address the matter. Whilst I acknowledge that the proposed development would incorporate affordable housing provision (including an off-site contribution), this would be to meet the requirements of the Development Plan, and the quantum proposed would not therefore represent an exceptional level of provision. Furthermore, the provision of open space and education contributions as proposed would also meet the requirements of future occupiers and mitigate against the potential impact of the development on existing infrastructure. Whilst I have set out the further benefits of the proposed development in the planning balance, I do not regard any of these matters as representing the demonstration of 'exceptional circumstances' necessary for the purposes of the policy.
  15. I have had regard to the appellant's submission that the area in the vicinity of the appeal site, and indicated as being known as 'Hawthorn Avenue', should not be considered as separate from Cherry Willingham. On the basis of the two adjacent sites identified within Policy LP52 being classified as within Cherry Willingham, and the absence of a separate definition of this location, I would agree with this contention. As such, I accept that Policy LP4 of the Local Plan relating to Growth in Villages within categories 5-6 of the settlement hierarchy is not therefore engaged.
  16. On the basis of the evidence before me, I consider that the appeal proposal would not be acceptable with reference to the spatial strategy of the area, having particular regard to the absence of demonstrable 'exceptional circumstances' to justify development in a location immediately adjacent to the developed footprint of the settlement. The proposals would therefore not accord with Policy LP2 of the Local Plan.

*Character and appearance*

17. The appeal site comprises a parcel of land of approximately 0.6 hectares, set immediately to the south of an existing residential development, part of which at the time of my visit was under construction. The appeal proposals would represent part of a 3<sup>rd</sup> phase of development linked to the existing development from Wesley Road and Franklin Way. The surrounding open land to the south and east falls within agricultural use, whilst the land immediately to the west was also open land, which is the subject of the aforementioned second planning appeal. Further to the west are open fields and to the south-west is an area of woodland. Nevertheless, and whilst acknowledging that the site clearly abuts the existing settlement, it occupies a position within the open countryside.
18. I observed the countryside in the surrounding area to be generally open in character with existing pockets of development and small and medium-sized settlements and villages scattered within the wider landscape. The existing built form centred around Hawthorn Avenue accords with the wider landscape character of the area. In this respect I am satisfied that the proposed development, despite representing a further extension to the existing settlement, would continue to respect that wider character and in longer views would largely be read as part of the existing built form of the settlement and existing characteristics of the environment.
19. I recognise that although the land is pleasant there are no overall specific characteristics of the appeal site which would warrant its full protection over and above any other area of countryside. However, I would not dispute that the proposed development would result in a permanent and adverse change to the character and appearance of the appeal site itself, particularly as experienced by users of the nearby indicated footpath, and occupiers of development close to the appeal site. I am satisfied that this conclusion would be reasonable even allowing for the incorporation of an area of public open space within the wider layout of the development as shown on the indicative layout plan, as well as the potential for additional boundary landscaping.
20. I have noted that the appellant has referred to the previous phases of development as having set a degree of precedent for the proposed development in respect of allowing further development in this location. However, it is quite clear that the circumstances of the case vary significantly from the previous schemes, not just in light of the additional extension of development into the countryside, but in light of the changing Development Plan. I do not therefore consider that there is a realistic or reasonable precedent for development precluding the need to determine the case on its own merits.
21. Whilst I am satisfied that there would not be a significant impact on the wider landscape character of the rural area, or the character and appearance of the adjacent settlement, I nevertheless conclude that the proposal would result in a limited and localised adverse landscape impact and urbanising effect. This would have some limited detriment to the character and appearance of the area, and would therefore be in conflict with Policy LP55 of the Local Plan, which seeks to address development in the countryside through the application of a criteria-based approach ascertaining acceptable circumstances for development. I also recognise that the development of the land would, to some extent, run counter to the National Planning Policy Framework's (the



Framework) core planning principle (paragraph 17) of recognising the intrinsic character and beauty of the countryside.

### *Accessibility*

22. Cherry Willingham, incorporating Hawthorn Avenue, is identified as a large village with access to good range of services and facilities. These are identified as including a parade with a doctor's surgery, public library, retail outlets, a take-away and a public house. Additionally, the village is indicated as possessing a primary school, community school and sports clubs.
23. The Council's Committee Report identifies the appeal site as being 0.9 miles (approx. 1450 metres) from the nearest facilities, which equates to approximately a 15-20 minute walk along an unlit cycle and pedestrian path. Hawthorn Avenue is also served by a reasonable frequency of bus services from Hawthorn Road into Lincoln and the surrounding villages throughout the core hours of daytime and into the early evening.
24. It has been concluded by the Council that the appeal site would be within a location whereby walking distances would not be considered to be sustainable. In assessing the accessibility of the appeal site, my attention has been drawn to the *Institute of Highways and Transportation (IHT) publication, 'Providing for Journeys on Foot' (2000)*, which amongst other things provides guidance on acceptable walking distances. Reference has also been made to the Manual for Streets which advises on distances as a characteristic of a walkable neighbourhood, and
25. I accept that the proposed development would be beyond the preferred maximum suggested acceptable walking distance of 800 metres for 'Town Centres' and 1200 metres for 'Elsewhere' as set out in the IHT publication, but it would be within the preferred maximum distance of 2000 metres for 'Commuting/School'. The distances involved would also exceed those identified within the Manual for Streets as being characteristic of a walkable neighbourhood, although I am mindful that this document also refers to distances of up to 2000 metres as offering the greatest potential to replace short car trips.
26. I am mindful that the above distances are provided as guidance with a recognition that 'acceptable' walking distances will vary between individuals and circumstances. Nevertheless, despite the absence of street lighting, I observed the pedestrian environment between Hawthorn Avenue and Cherry Willingham to be otherwise of a reasonable standard for both journeys by foot and by cycle. I also find that despite the Council's contention regarding the infrequency of bus services, that the level of available service would be sufficiently frequent to provide a realistic alternative to a reliance on the private car. I am therefore satisfied that the location and accessibility of the site to local services and facilities would not be solely dependent upon the use of the private car.
27. As a consequence of the accessibility of the site for walking, cycling, and public transport, I am satisfied that realistic alternatives are in place to prevent reliance upon the private car for access to the services and facilities within Cherry Willingham. I have not therefore found the proposals to conflict with Policy LP13 of the Local Plan, which requires development to be located where

travel can be minimised and the use of sustainable transport modes maximised and where there are a range of transport choices for the movement of people.

*Other Possible Harm*

28. A number of other issues have been raised by interested parties, including Cherry Willingham Parish Council. These include concerns over the impact in the future of the proposed Lincoln Eastern Bypass scheme, the level of parking provision and potential impact on accessibility for emergency vehicles, and the impact on local ecology.
29. I have considered the references to the future impact of the proposed Lincoln East Bypass, and the contention that it would limit the accessibility of the appeal site from Lincoln itself. However, beyond the references made by interested parties, I do not have any detailed information before me on any potential future scheme, and am mindful that concerns have not been raised by the Council in their reasons for refusal, or by the Highway Authority in their assessment of the proposed development. This is not therefore a matter which has had any significant bearing on my decision-making.
30. In respect of matters related to parking provision and the suitability of the future road layout to cope with emergency vehicles, I am mindful that issues related to access and layout are reserved matters at this stage, and have not formed part of the assessment undertaken by the Highway Authority. Nevertheless, on the basis of the indicative plans accompanying the planning application and appeal, I see no reason that an appropriate quantum of parking and layout could not be achieved.
31. Concerns have also been raised over the impact of the proposed development on ecology. I note that a protected species survey was submitted in support of the application, which concluded that no protected species were present on the site, prior to the clearance works already having been undertaken. I also note that the Council's Tree Officer has assessed the impact on existing hedgerows and trees and offered no objection, but with the expectation that any future planning permission should require new, mixed species, native hedgerow planting to improve the biodiversity value of the site. This would attract some limited weight in support of the proposal.

*Planning Benefits*

32. At the time of the application and original submission of the planning appeal, it was accepted by the main parties that the Council was unable to demonstrate a 5 year supply of deliverable housing land. However, in adopting the Local Plan that position has now changed, and on the basis of the evidence placed before me, I am satisfied that the Council is now able to demonstrate a 5 year supply of deliverable housing land. I have no evidence or reasoning before me from which to dispute this conclusion.
33. The proposed development would nevertheless result in the contribution of 19 dwellings towards the delivery of housing in the local area, being comprised of 25% affordable housing secured as a planning obligation, with the remainder as market units. This would accord with the objective of the Framework of seeking to boost the supply of housing, and would go towards the long-term housing requirement. I accept that the quantum of development would make only a comparatively small contribution, but that some limited weight in

support of the proposals must nevertheless be afforded to this provision.

However, in respect of the provision of the level of affordable housing to meet identified local needs both on the site and in the form of a commuted sum, I attach moderate weight in support of the proposals.

34. Further to the additions to the local housing market, the proposed development would also provide some further limited economic benefit as a result of the opportunities for the creation of employment from the construction of the dwellings, as well as within the supply chain and related services, and economically in respect of additional spending in the local area. Furthermore, the proposed biodiversity enhancement in the form of open space, landscaping, and planting would attract some limited environmental weight in support of the proposals.

#### *Obligations*

35. As set out at the beginning of this Decision, the appellant has submitted a planning obligation in support of the proposed development. I have already briefly addressed the issue of affordable housing within the Decision, and am satisfied that the provision of 25% would be required in accordance with Policy LP11 of the Local Plan. The requirement for the provision and phasing of on-site public open space would address the additional demand from the proposed development. Finally the provision of a contribution towards two additional classrooms and ancillary group space at Cherry Willingham Primary School, has been identified as necessary due to the projected absence of future capacity at the school from 2018 onwards, and would accord with Policy LP12 of the Local Plan..
36. Overall, I am satisfied that the undertaking is in order and meets all the requirements set by the Council. The need for the provision of, or contribution towards the various obligations has been made clear as well as the direct relationship to the development, the necessity and acceptability in planning terms, and that the obligations are fairly and reasonably related in scale. In this respect, I am satisfied that the obligations would accord with the provisions of Regulation 122 of the Community Infrastructure Levy regulations 2010 and the tests for planning obligations set out in the Framework.

#### **Planning Balance and Conclusion**

37. I have concluded that the appeal site is situated within an accessible and sustainable location for new development, and would make a social contribution to the local housing market through the provision of additional housing and affordable housing units, to which I attach limited to moderate weight. The proposed development would also make some limited economic benefits related to the construction of the proposed development and from the future occupation of the units in respect of local expenditure. There would also be the potential for some limited environmental benefits in respect of the enhancement of the biodiversity value of the site.
38. However, the proposed development would not accord with the adopted spatial strategy, due to the absence of any demonstrable 'exceptional circumstances' to justify development in a location immediately adjacent to the developed footprint of the settlement, and to this shortcoming of the development proposals, I attach substantial weight. Furthermore, whilst I am satisfied that the proposals would not detract from the overall rural character of the wider

landscape, the development of the existing open land would result in a localised and limited adverse visual impact and urbanising effect.

39. In respect of other possible harm identified by interested parties in relation to the proposed development, I conclude that none would be likely to result from the scheme.

40. In this respect, I am satisfied that the benefits of the proposed development would not outweigh the identified harm, and that having regard to all other matters raised and the economic, social and environmental dimensions of sustainable development set out in paragraph 7 of the Framework, the scheme does not therefore represent sustainable development.

41. For the reasons given above, the appeal should be dismissed.

*M Seaton*

INSPECTOR



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## Appeal Decision

Site visit made on 24 October 2017

**by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE**

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

**Decision date: 6 November 2017**

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**Appeal Ref: APP/N2535/W/17/3179513**

**The Old Angel Inn, 2 Wragby Road, Bardney, Lincoln LN3 5XE**

- 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 S Andrew against the decision of West Lindsey District Council.
  - The application Ref 135574, dated 12 December 2016, was refused by notice dated 16 May 2017.
  - The development proposed is described as residential development.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The application was submitted in outline. The Council's Decision Notice refers to matters of access and layout as not being reserved for future determination. However, the planning application form refers to all matters apart from only access being reserved for future determination. The Council's 'validation letter' dated 6 March 2017 also refers to only access as not being reserved. In addition, the Design and Access Statement, dated November 2016, and the submitted plan (Ref 138/16/01/A) refer to the proposed layout as being illustrative.
3. Taking into account the evidence provided, and in the absence of any other information to the contrary, I have determined the appeal on the basis of the application submitted to the Council with all matters apart from access reserved for future determination. I have had regard to the plan showing an illustrative site layout in the determination of this appeal.

### Main Issue

4. The main issue is the effect on the living conditions of the future occupants of the proposed development with particular regard to noise, odour and disturbance.

### Reasons

5. The appeal site comprises the south eastern corner of a gravelled surfaced car park located to the rear of 'The Old Angel Inn' with a garden area located to the east. The car park serves the public house and also enables access to a private garage, which the Council indicate is used by No 5 Silver Street, which

- is located to the south of the site. The public house has a kitchen and store extension that is located close to the northern boundary of the proposed site and contains a kitchen extraction flue on the western elevation.
6. The illustrative layout shows that the proposal site would accommodate a pair of semi-detached dwellings with their primary aspect facing west-east. Owing to the modest size of the site, the plan shows the proposed dwellings being located in close proximity to the property boundary with the garden to the east. As such, the dwellings would have very little front and rear private garden areas although a very modest garden area is shown to the side of each of the proposed properties. Two dedicated car parking spaces are proposed to serve each dwelling which would be located along the southern boundary of the existing car park.
  7. The front elevation of the proposed dwellings would face towards the entrance to the car park. Given the modest size of the proposed private amenity area, the vehicular movements of customers using the public house and entering, leaving and parking in the car park would do so in close proximity to the front elevation of the proposed dwellings. In addition, vehicular access and egress to the garage serving No 5 Silver Street would also result in vehicle manoeuvres occurring in close proximity to the front and side elevation of the proposed southern semi-detached dwelling.
  8. Such vehicular movements, even associated with a modest number of cars, occurring in close proximity to the front elevation of the proposed dwellings would result in noise and disturbance that would unacceptably harm the living conditions of the future occupants. Noise would be further compounded by the loose gravel surface of the car park. The future occupants would also be likely to suffer more general disturbance as a consequence of car headlights shining into the front windows as a result of vehicles turning into the public house car park off the highway. These factors further add to my concerns regarding the effect of the proposal on the living conditions of the future occupants.
  9. Whilst I note the appellant's view that the car park could be marked out to ensure that cars park away from the properties, given the relatively small size of the car park and the proximity of the appeal site to it, even if vehicles were to park closer to the rear of the public house this would not overcome my concerns of the manoeuvring of vehicles occurring in close proximity to the front façade of the proposed dwellings.
  10. The public house opens late into the evening. In addition to any noise being generated from any amplified music in the public house, customers arriving and leaving the premises would be likely to generate a range of different noises including talking outside in the car park, the opening and closing of car doors, the starting up and revving of car engines, the sound of music from car stereos and pedestrian movements occurring in very close proximity to the proposed front façade of the dwellings.
  11. Such noise and general disturbance would be a relatively frequent occurrence which would be exacerbated by groups of customers. Furthermore, this would be more noticeable in the evenings, when the ambient background noise will be likely to be less, and at a time when the future occupants should reasonably expect a quite living environment.

12. The Council also suggest that the future occupants would be exposed to the adverse impact of odour. However, I have no evidence to indicate what the source of such odour may be and how this would impact on the living conditions of the future occupants of the proposed development. The flue from the kitchen of the public house appears to be quite modern and would be sited a sufficient distance from the proposed dwellings so as not to cause any unacceptable odours. In the absence of any other evidence, I consider that it has not been demonstrated that the living conditions of the future occupants of the proposed dwellings would be unacceptably harmed by odour.
13. The Council has also referred to the constrained nature of the proposed plot sizes resulting in a small area of private amenity space. I have no evidence of any space standards adopted by Council that relate to the minimum area for private amenity space that is required to be provided in new residential development. However, the proposed small area shown on the illustrative plan would constrain the ability to mitigate the development from the effects of noise and disturbance associated with the use of the car park. In addition, the outlook from the rear of the properties would be directly over the garden to the east. This would cause a mutual loss of privacy for both future occupants of the dwellings and the users of the adjacent gardens. These factors also add to my concerns regarding the suitability of the proposed site to be used for residential purposes.
14. Taking the above factors into account, the proposed development would result in unacceptable harm to the living conditions of the future occupants of the dwellings as a consequence of noise and disturbance. As such, the proposal would be contrary to Policy LP26 of the Central Lincolnshire Local Plan (2017). This policy, amongst other things, indicates that new development should ensure that the amenity of future occupants of buildings must not be unduly harmed by, or as a result of, adverse noise. In addition, the amenity of occupiers of new development should be compatible with the ongoing normal use and activities of neighbouring sites.

#### *Other matters*

15. I have taken into account the modest contribution that the proposed development would make to housing supply within the District and the opportunity that would be provided for existing residents within the village to relocate to more modest properties. Whilst these factors carry some limited weight in support of the appeal proposal they do outweigh my findings that the development would result unacceptable harm to the living conditions of future occupants of the dwellings.

#### **Conclusion**

16. For the above reasons, taking into account the development plan as a whole based on the evidence before me and all other matters raised, I conclude that the appeal should be dismissed.

*Stephen Normington*

INSPECTOR

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## Appeal Decision

Site visit made on 24 October 2017

**by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE**

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

**Decision date: 9 November 2017**

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**Appeal Ref: APP/N2535/W/17/3179075**

**Highgate Lane, Nomanby by Spital, Market Rasen LN8 2HQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.
  - The appeal is made by Mr Leigh Dearden against the decision of West Lindsey District Council.
  - The application Ref 135910, dated 10 February 2017, was refused by notice dated 29 March 2017.
  - The development proposed is described as the conversion of an agricultural barn to a single dwelling.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. Class Q (a) together with Class Q (b) of the Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) permit the change of use of an agricultural building and land within its curtilage to a residential use falling within Class C3 (dwellinghouses) of the Town and Country Planning (Use Classes) Order 1987 (as amended) and the building operations reasonably necessary to convert the building to that use.
3. The Council considers that the extent of the proposed building operations go beyond those that are reasonably necessary to convert the building to a dwellinghouse and therefore in not meeting the test set out in paragraph Q.1 (i) the proposal is not capable of being permitted development.

### Main Issue

4. The main issue is whether the proposed building operations would go beyond what is reasonably necessary to convert the building such that they would take the proposal outside of the scope of what is permitted development under the GPDO.

### Reasons

5. On the basis of the evidence before me I have no reason to conclude differently to the Council that the proposal would satisfy the criteria set out in Q.1 (a to h) and Q.1 (j to m) of the GPDO. The primary area of dispute between the parties

- concerns the extent of building operations proposed and whether or not these would meet the criteria of Q.1 (i) which, amongst other matters, states that development is not permitted under Class Q (b) of the GPDO if it would consist of building operations other than the installation or replacement of windows, doors, roofs or exterior walls, to the extent reasonably necessary to allow the building to function as a dwellinghouse.
6. Paragraph 105 of the Planning Practice Guidance (PPG) on permitted development provides guidance in this respect. It states that the right under Class Q assumes that the agricultural building is capable of functioning as a dwelling and that it is not the intention of the right to include the construction of new structural elements of the building. It goes on to say that it is only where the existing building is structurally strong enough to take the loading which comes with the external works to provide for residential use that the building would be considered to have the permitted development right.
  7. The appeal building is steel portal framed with corrugated fibre cement cladding to the sides above partial blockwork walls. The roof is also comprised of corrugated fibre cement panels on timber purlins and rails. The western side of the building has no wall or cladding whilst the eastern side is partly open, having a small breeze block wall with some cladding being absent.
  8. Although both main parties have referred to a structural report dated 21 August 2016, no evidence has been provided of the full content of the report. The Council suggest that the report was based on a single visual assessment undertaken on 28 July 2016. The appellant has provided extracts from the report which identify that the building is currently in a stable condition only limited repair work is necessary to allow it retention where desired. The report states that it is therefore suitable for retention and incorporation into a scheme of alteration subject to careful structural consideration at detailed design stage.
  9. The extracts from the submitted structural report identify that the roof structure appears robust and well designed to resist all applied vertical and wind loads for the foreseeable future and that the member sizes to be used for the roof are satisfactory subject to careful consideration in terms of weight of the new roof covering. However, the extracts identify that the existing timber purlins would be required to be replaced and that cladding treatment should not impose additional loading upon the cladding rails and the primary structure.
  10. On the basis of the limited evidence provided and from my observations at my site inspection, the proposals would leave only the steel structure and floor remaining. Given that the existing building is open on two sides, it is clear to me that without extensive building works it would not be capable of functioning as a dwelling.
  11. The evidence provided in the extracts from the structural report defers structural considerations to the detailed design stage and identifies that materials to be used should not impose additional loads on the primary structure. However, it does not identify any correlation between materials proposed to be used and whether additional loads on the primary structure would be caused. Whilst the extracts refer to the floor slab being undamaged, its states that care is required in detailing the internal configuration but it does not identify the extent of work required to the floor slab or provide any interpretation of the 'care' required. In addition, I have no evidence to

suggest that the existing blockwork walls have foundations that are capable of being used to support the load of the proposed side walls

12. The extent of the works proposed would effectively mean that only the steel portal frames of the existing barn would remain with all other components of the proposed dwelling comprising new construction. Furthermore, I am not satisfied that the evidence provided, which defers the careful structural considerations to detailed design stage, adequately verifies that the structural integrity of the steel frame, the side rails and the floor to the extent that the overall structural integrity of the existing building is capable of being converted to a dwellinghouse without extensive rebuilding, the provision of new structural elements or the need for any new foundations.
13. Consequently, I find that the extent of works proposed in order to enable the remaining frame to be used as a basis for the conversion of the building for use as a dwelling house would be extensive and would be tantamount to the construction of a new building. In my view, the extent of works necessary would go substantially beyond those that are reasonably necessary to convert the building.
14. In arriving at this view I have had regard to the High Court judgement in the case of *Hibbitt v SSCLG [2016] EWHC 2853(Admin)* referred to by the Council. This reinforces my conclusion that, having regard to the advice in the PPG, the extent and type of building operations necessary would far exceed those that can be considered reasonably necessary to convert the building as prescribed in the GPDO. I am also not satisfied that the proposal would not involve the construction of new structural elements.
15. Accordingly, for these reasons, I do not consider that the development proposed would meet the criteria of Class Q (b) and, as such, I conclude that the proposal is not permitted development. Consequently, the proposal is development for which an application for planning permission is required.

#### *Other matters*

16. I have taken into account the appeal decisions referred to by the appellant (Refs APP/Q1825/W/15/3006087; APP/P0240/W/15/3005436 and APP/U1240/W/15/3006037). I do not have full details of the nature and circumstances of the proposals in these appeals or the extent of any accompanying structural evidence. Moreover, the decisions on these appeals predated the judgement in the case of *Hibbitt v SSCLG [2016] EWHC 2853(Admin)*. Consequently, I cannot be certain that these are comparable with the circumstances in this appeal. In any event, I have determined this appeal on its own individual merits.

## **Conclusion**

17. The proposed works would fall outside of the limitations of paragraph Q.1 (i) of the GPDO and would go substantially beyond the building works reasonably necessary to convert the building to function as a dwellinghouse. Consequently the proposal would not satisfy the requirements of Schedule 2, Part 3, Class Q of the GPDO and therefore is not development permitted by it. For the above reasons, taking into account the development plan as a whole based on the evidence before me and all other matters raised, I conclude that the appeal should be dismissed.

*Stephen Normington*

INSPECTOR



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## Appeal Decision

Site visit made on 24 October 2017

**by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE**

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

**Decision date: 10 November 2017**

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**Appeal Ref: APP/N2535/W/17/3178296**

**34 Ryland Road, Dunholme, Lincoln, Lincolnshire LN2 3NE**

- 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 Fox against the decision of West Lindsey District Council.
  - The application Ref 135546, dated 25 November 2016, was refused by notice dated 23 January 2017
  - The development proposed is described as the erection of a dwelling.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The application is in outline with all matters reserved for future consideration. Drawings showing an indicative site layout and position of a proposed access road were submitted with the application. I have had regard to these in the determination of this appeal.
3. The Council's decision notice referred to policies contained within the emerging Central Lincolnshire Local Plan (2017) (CLLP). This was adopted on 24 April 2017 and after the Council's decision on the planning application. This plan now forms part of the 'development plan' for planning decisions in the Borough and replaces all the existing or 'saved' policies in the West Lindsey Local Plan (2006). The Council and the appellant have drawn my attention to new policies contained within the recently adopted plan that may be relevant to the consideration of this appeal. Consequently, I have determined this appeal on the basis of the up to date policy position.

### Main Issues

4. The main issues are:
  - The effect of the proposed development on the character and appearance of the surrounding area.
  - Whether sufficient information has been submitted with the application in order to determine the extent to which the site is suitable for development without being at risk from flooding or causing a flood risk elsewhere.
  - The effect of the proposed development on mature trees on the site.

## Reasons

### *Character and appearance*

5. The appeal site comprises part of the large rear garden of No 34 Ryland Road which is bounded by mature planting and contains a small number of mature trees. Dunholme Beck forms the eastern boundary of the garden with open countryside beyond. A characteristic feature of this part of Ryland Road is that residential development on the eastern side of the road comprises of detached dwellings, with frontages positioned relatively uniformly to the road having long rear gardens with countryside beyond. As such existing development has a spacious character and a low density. There are no examples of backland development in the immediate vicinity.
6. The indicative layout shows a proposed detached dwelling to the east of the detached garage of No 34 with access via the existing driveway off Ryland Road. The proposed plot would occupy the full width of the existing garden thereby substantially reducing the extent of the rear garden at No 34. The plan also shows that the indicative proposed footprint of the dwelling would be larger than that of the host property and nearby dwellings.
7. The proposed development would introduce a form of backland development that would unacceptably erode the established spacious character of dwellings having long rear gardens on this part of Ryland Road. It would result in both the host property and the proposed dwelling having significantly smaller gardens in comparison to the existing adjacent residential development. As such, the proposed development, and the resultant reduced garden area of the host property, would appear as being unacceptably at odds with the distinctive character of adjacent development.
8. The proposal would result in a tandem form development in an area where currently none exists. The encroachment of backland development to the east of the properties on this part of Ryland Road would result in the incongruous protrusion of built development towards the open countryside that would unacceptably erode the distinctive linear pattern of development that runs approximately parallel to the road and to Dunholme Beck. It would also introduce a noticeable localised denser form of development than that of the surrounding area. Collectively, these factors would result in the proposal failing to respect the surrounding prevailing pattern of development.
9. Taking the above factors into account, the proposed development would have a materially harmful and unacceptable effect on the character and appearance of the surrounding area. As such, it would be contrary to Policy LP24 of the CLLP and Policy 4 of the adopted Dunholme Neighbourhood Development Plan (DNDP). These policies, amongst other things, require development proposals to reinforce the character and local distinctiveness of the area and relate well to their surroundings.
10. The Council also indicate that the appeal site helps to support the Green Wedge designation that separates the villages of Dunholme and Welton. However, the appellant has drawn my attention to Inset 24 of the CLLP which shows that the boundary of the Green Wedge in the vicinity of the host property is formed by the route of Dunholme Beck. As such, on the basis of the evidence provided, the appeal site does not lie within the Green Wedge. Furthermore, the indicative plan shows that the existing mature vegetation at the eastern end of

the garden in the vicinity of the beck would remain. Consequently, the proposed development would not have a demonstrable detrimental effect on the purpose of the Green Wedge and there would be no conflict with Policy LP22 of the CLLP. This policy, amongst other things, relates to development within Green Wedges and indicates the need to retain their open and undeveloped character.

*Flood risk*

11. The appeal site is located within an area identified by the Environment Agency as Flood Zone 1 and Zone 2 which indicates that there is a low to medium probability of the site flooding. The extreme eastern part of the site lies within Zone 3 which indicates a high probability of flooding.
12. The National Planning Policy Framework (paragraph 100) (the Framework) indicates that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas of highest risk but where development is necessary, making it safe without increasing flood risk elsewhere. The Framework advises that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.
13. Paragraph 101 of the Framework indicates that a Sequential Test should be applied to proposals for new development. This will involve a risk based sequential approach to determine the suitability of land for development that uses the principle of locating development, where possible, on land that has a lower flood risk, and relates land use to its vulnerability to flood. This approach does not mean that development should not be permitted within Flood Zones but that sites in areas with a lower risk of flooding should be development first.
14. A Flood Risk Assessment (FRA) was submitted with the planning application which demonstrates, subject to mitigation measures, that the development can be undertaken without being at unacceptable risk from flooding nor increasing the risk of offsite flooding. I have taken into account the comments of the Upper Witham Internal Drainage Board who raised no objections to the proposed development, subject to the imposition of relevant planning conditions, and confirm that appropriate mitigation is identified in the FRA.
15. The Council's concern is that the FRA does not contain an adequate sequential assessment and therefore fails to demonstrate that there are no alternative sites reasonably available to accommodate a single dwelling that are at a lower risk of flooding.
16. I have taken into account the appellant's comments that at the time the FRA was prepared the CLLP had not been adopted and that future residential allocations were not conclusively identified. As such, the appellant contends that the proposed site was considered to be acceptable under the provisions of the sequential test. However, the CLLP was adopted prior to the submission of the appeal and I have no evidence to indicate that any further revisions to the FRA have been made.
17. I have also taken into account the advice provided in the Government's Planning Practice Guidance (PPG) which indicates that the aim is to steer new development to Flood Zone 1 (areas with a low probability) and provides advice that the Sequential Test does not need to be applied for proposals in Flood

Zone 1 (unless the SFRA for the area indicates otherwise). In this case, the Council indicate that the site is located mainly within Flood Zone 2 with approximately 20% being within Zone 3.

18. I accept that the FRA suggests that the proposed dwelling would be safe from flood risk with finished floor levels above the predicted Higher Central 1 in 1000 year with climate change flood level and 600mm above the higher 1 in 100 year with climate change flood level for Dunholme Beck. In addition, the FRA suggests that the proposal would not increase flooding elsewhere.
19. Whilst I have little doubt that the development can be undertaken without being at unacceptable risk from flooding nor increasing the risk of offsite flooding, the fact remains that the site lies mainly within Flood Zone 2 and the FRA does not contain a Sequential Test. Although the FRA suggests that the Sequential Test is passed there is no objective analysis relevant to the adopted and up to date development plan.
20. I have attached considerable weight to the planning importance of the consideration of the issue of flood risk as identified in the Framework. The absence of a Sequential Test is contrary to the guidance provided in paragraphs 100 to 102 of the Framework.

#### *Mature trees*

21. None of the existing trees in the garden of No 34 are protected by a Tree Preservation Order. The indicative layout indicates that one tree which exists in the centre of the garden would be lost as a consequence of the proposed development. However, this tree is of medium size which, owing to its position within the context of the garden having mature boundary planting and being located to the rear of the host property, makes little contribution to the character of the surrounding area or the street scene. As such, the loss of this tree would not cause any demonstrable harm to the character of the area.
22. The Council suggest that the trees on the southern boundary of the site could suffer root damage due to the additional compaction that would be created by construction plant and other vehicles traversing over the extended driveway to access the proposed development. The Council also indicate that, due to their position to the south of the proposed dwelling, the existing trees are likely to cause a degree of shading to the proposed dwelling and cause leaf drop on the proposed drive and parking area. Consequently, there would be a possibility that the future occupants of the proposed dwelling would seek to remove trees or lop their branches.
23. Although the Council suggest that the proposed development may have the potential to cause some harm to trees, an appropriate planning condition could be imposed, were I minded to allow the appeal, requiring measures to protect the integrity of the roots from unacceptable compaction and supported by arboricultural surveys and advice.
24. The trees on the southern boundary that are visible from the street scene are those in the vicinity of the existing dwelling. Even if I were to be convinced that leaf drop would result in the felling of trees, those trees on the southern boundary in the vicinity of the proposed development are not readily visible from the road and, as such, make little contribution to the character of the street scene.



25. Given that the trees on the site are not protected; that the root zone can be protected by appropriate planning conditions; their limited contribution to the character of the street scene; and the absence of any other information to suggest that they are ancient trees, these are all factors which lead me to conclude that the Council's alleged impact on the trees is found mainly on supposition.
26. As such, I do not consider that it has been adequately demonstrated that the proposed development would cause harm to mature trees of an extent that would demonstrably harm the character of the street scene or the surrounding area. Consequently, there would be no conflict with Policy LP26 of the CLLP or Policy 4 of the DNDP. These policies, amongst other things, require that new development should protect the landscape and seek to retain mature or important trees.

*Other matters*

27. I have taken into account the modest contribution that the proposal would make to the supply of housing in the District and that Dunholme is identified as a 'Large Village' in the CLLP where appropriate infill residential development would be acceptable within the existing developed footprint. I have also found that the proposal would not cause harm to mature trees. However, whilst this modest benefit carries some limited weight in support of the appeal proposal it does not outweigh my findings that the development would result unacceptable harm to the character and appearance of the surrounding area and that in not providing a Sequential Test it fails to comply with the guidance provided in paragraphs 100 to 102 of the Framework.

**Conclusion**

28. For the above reasons, taking into account the development plan as a whole based on the evidence before me and all other matters raised, I conclude that the appeal should be dismissed.

*Stephen Normington*

INSPECTOR

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## Appeal Decision

Site visit made on 7 November 2017

by **Daniel Hartley BA Hons MTP MBA MRTPI**

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

Decision date: 14 November 2017

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**Appeal Ref: APP/N2535/W/17/3182317**

**Land to the east of Kettleby Wood House, Bigby High Road, Kettleby, Brigg DN20 9HH**

- 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 Chris Marsh against the decision of West Lindsey District Council.
  - The application Ref 136090, dated 7 April 2017, was refused by notice dated 19 July 2017.
  - The development proposed is the erection of two detached dwellings with detached garages.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The application is made in outline with all detailed matters reserved. An indicative site layout plan has been submitted which shows the erection of two detached dwellings each with a garage. I have taken this plan into account only in so far as determining whether in land use principle terms it would be possible to develop the site for such purposes.
3. I have taken the site address from the Council's decision notice rather than from the planning application form as this is more precise.

### Main Issues

4. The main issues are (i) whether or not the site would be at risk of flooding; (ii) whether or not the proposal would constitute an acceptable form of development in the countryside and (iii) whether or not the proposal would deliver a sustainable form of development.

### Reasons

5. The appeal site comprises part of a field and is positioned alongside the A1084 which leads to the settlements of Brigg and Bigby. Along the eastern boundary of the site is a railway track, to the west is Kettleby Wood House and to the north is Woodlands Farm. Land opposite the site and on the other side of the A1084 is open agricultural land. There is an access track leading directly from the A1084 to Woodlands Farm: the indicative site layout plan shows that an access into the site could be taken from this existing access track.

### *Flood Risk*

6. The Council originally considered that the appeal site fell within flood risk zones 2/3. However, I have viewed the flood risk map produced by the Environment Agency and the site does in fact fall within flood risk zone 1. The Council now agree with this and have withdrawn their flood risk reason for refusal.
7. I am not aware that there are any critical drainage issues in the area. As the site is designated as being in flood risk zone 1, there is a low possibility of flooding. I therefore conclude that neither a flood risk assessment nor a sequential assessment is necessary in respect of this proposal. Consequently, I do not find any conflict with the flood risk aims of Policy LP14 of the Central Lincolnshire Local Plan 2017 (LP) or the National Planning Policy Framework (the Framework).

### *Development in the Countryside*

8. The appeal site falls within open countryside. Policy LP55 of the LP states that *"applications for new dwellings will only be acceptable where they are essential to the effective operation of rural operations listed in policy LP2"*. I have considered Policy LP2 of the LP and do not consider that the appeal site falls within a village or a hamlet. Consequently, development in this part of the countryside is *"restricted to that which is demonstrably essential to the effective operation of agriculture, horticulture, forestry, outdoor recreation, transport or utility services; renewable energy generation; proposals falling under policy LP55; and to minerals or waste development in accordance with separate Minerals and Waste Local Development Documents"*.
9. The proposal has not been submitted on the basis that it would represent one of the development types as listed above. I conclude that the proposal would not accord with the sustainability and countryside aims of Policies LP55 and LP2 of the LP.

### *Sustainability*

10. Paragraph 7 of the Framework states that there are three dimensions to sustainable development: economic, social and environmental and that these dimensions give rise to the need for planning to perform economic, social and environmental roles.
11. I do not doubt that the occupiers of two dwellings would support local facilities and services in Brigg and Bigby. However, this would be a relatively limited contribution from the occupiers of only two dwellings. There would be some employment at construction stage, but this would be a short lived economic benefit.
12. The proposal would deliver two additional private market dwellings in the area. However, this would be a limited housing land supply contribution. Furthermore, the LP has only recently been adopted. At this point the Council could demonstrate a deliverable five year supply of housing sites. I have no evidence before me to indicate that the housing land supply position has changed. Consequently, and based on the evidence before me, I do not consider that there is a pressing housing land supply need to release this site for housing.

13. The appeal site would be located in an area of countryside where there are a very limited number of residential properties. Those that do exist in the immediate area are arranged very sporadically and are set well back from the main road. The area is characterised as being essentially open and rural in character which is in direct contrast to the more built up settlement of Brigg. The erection of two dwellings in this location would detract from the aforementioned character and appearance of the area and would be isolated from the more built up settlements of Brigg and Bigby. I acknowledge that there are some evergreen hedgerows around the site, but given the very close proximity of the site to the A1084 (which is at a higher level) I consider that the dwellings would appear dominant and intrusive in this rural environment. I do not consider that the planting of additional hedgerows would suitably mitigate the adverse visual impacts arising out of the erection of two dwellings and two garages on the site. This is an environmental matter which significantly weighs against the proposal.
14. In addition to the above, I note that the site is relatively close to the settlements of Brigg and Bigby. However, large parts of the A1084 are not flood lit and there is an absence of pavements. Furthermore, my site visit revealed that there were no bus stops in close proximity to the site. Consequently, I consider that occupiers of the proposed dwellings would be very reliant on the private motor vehicle for most journeys. This is a further environmental factor which weighs against the proposal.
15. In conclusion, whilst there would be some social and economic benefits associated with the proposal these would be relatively limited. The aforementioned environmental harm would be significant and the proposal would not accord with the overall sustainability aims of the LP including Policies LP55, LP1 and LP2. I have not been provided with any compelling reason to justify why such policies should be set aside. Whilst I have found that the proposal would not conflict with Policy LP14 of the LP or the Framework in terms of the risk of flooding, this is matter which has neutral weight in the overall planning balance. On balance, I find that the proposal would not deliver a sustainable form of development.

### **Conclusion**

16. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

*Daniel Hartley*

INSPECTOR

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## Appeal Decision

Site visit made on 14 November 2017

**by Elaine Worthington BA (Hons) MTP MUED MRTPI**

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

**Decision date: 22<sup>nd</sup> November 2017**

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**Appeal Ref: APP/N2535/W/17/3181611**

**Land at Owmbly Road, Spridlington, Lincolnshire, LN8 2DD**

- 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 R Lancaster and Mr A Burkitt against the decision of West Lindsey District Council.
  - The application Ref 135998, dated 22 March 2017, was refused by notice dated 1 June 2017.
  - The development proposed is the erection of a dwelling and detached garage and creation of vehicular access.
- 

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue in this case is whether the proposal would preserve or enhance the character or appearance of the Spridlington Conservation Area.

### Reasons

3. The appeal site is at the northern end of Spridlington and is an area of open grassed land adjacent to Netherwood a detached dwelling. The appellants indicate that it is within the settlement boundary identified by the West Lindsey Local Plan First Review 2006. The site sits behind a wide highway verge which incorporates mature trees and is separated from it by a newly planted hedgerow. The strip of verge between the site and the road forms part of the village viewing area which is recognised as an Asset of Community Value<sup>1</sup>. There is open countryside to the north and east and other buildings including Spridlington Hall (a Grade II Listed Building) to the west.
4. The site is within the Spridlington Conservation Area which covers much of the rural village and the fields immediately surrounding it. The appeal site and the other open fields nearby form part of the village's surrounding farming landscape and play a role in defining the character of the area, which is part of the Conservation Area's significance as a heritage asset. Open spaces and important views are identified in the Spridlington Conservation Area Appraisal (CAA). The linear open space on Owmbly Road appears on the 1775 Enclosure Map and is important to the historic form of the village as well as contributing significantly to the landscape character at this end of Spridlington.

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<sup>1</sup> The Assets of Community Value provisions of the Localism Act 2011 came into force on 21 September 2012 alongside associated regulations SI 2012 No.2421 The Assets of Community Value (England) Regulations 2012.

5. The proposed house would be located on the southern edge of the existing field adjacent to Netherwood and would be set back from the road. Nevertheless, even though some open space would be retained to the north, the house and its curtilage would take up a good deal of the existing field. Although it is next to Netherwood and there are dwellings on the other side of the road, the site (along with the adjoining area to the north) relates closely to the wider open countryside to the east, rather than to the built up extent of the village. As a consequence, the proposal would introduce urbanising development that would detract from the site's currently rural appearance and undermine the open character of this part of the settlement. The CAA is clear that the open fields which surround the village have been included within the Conservation Area because of the important part they play in contributing to the setting of the village.
6. I accept that the proposal concerns a high quality dwelling of a traditional design that would generally retain the linear form of the settlement and reflect the pattern of development there, including the informal layout of the buildings. Nor would it undermine the marked contrast between the spacious landscaped layout along Owmbly Road and the tighter village form beyond which is identified in the CAA as important. Even so, it would unacceptably extend the built form of the village and lead to the creep of development along the east side of Owmbly Road. This would go beyond current edge of the built up area of Spridlington and into one of the open fields surrounding the village. The CAA recognises that it is the current lack of sprawl that is important in giving the village its identity.
7. The resultant intrusion of built development would be appreciated from Owmbly Road. This would be so despite the house's position set back from the road and behind the wide verge, the intervening trees there and the proposed introduction of a new frontage hedge. On approach from the north, I accept that the proposed house would be seen against the backdrop of the existing trees and hedging and in the context of Netherwood and its curtilage. However, it would still stand out as additional residential development on the edge of the village. On approach from the south, whilst it would be screened to some extent by Netherwood and would not be particularly prominent, the proposal would be readily visible in closer range views. It would also be evident in some longer range views from the countryside to the east. The CAA advises that Spridlington is located on slightly elevated land within a flat farming landscape and when viewed from a distance is defined by its trees rather than the built form.
8. Additionally, the proposed dwelling and its curtilage would be seen at rather close quarters from the village viewing area and would introduce residential development into the currently open field between it and the countryside to the east. In doing so, it would seriously impede the open and uninterrupted views currently afforded from the viewing area across the appeal site towards the Lincolnshire Wolds.
9. The house would be sited towards the southern edge of the appeal site and its access across the verge would be immediately adjacent to Netherwood's existing driveway which also crosses the verge. As such, I acknowledge that the proposal would not lead to any substantial incursion into the verge and would be located close to the existing development to the south. I also accept that views in a more north easterly direction towards the Wolds across the



remaining open land immediately to the north would be retained. Be that as it may, the proposal would still considerably lessen the extent of the open land over which important and valued views eastwards can currently be taken. This being so, it would undermine the practical extent and role of the viewing area which is listed as an Asset of Community Value and is clearly very important to the community.

10. Bringing matters together, in this overall context, the proposal would appear at odds with the character and appearance of the surrounding area, undermine the rural setting of the settlement, and curtail recognised important views out of the settlement towards the countryside. For these reasons, the proposal would seriously detract from the character and appearance of the area which is of significance to the area's heritage. Paragraph 131 of the National Planning Policy Framework (the Framework) indicates that the desirability of sustaining and enhancing the significance of heritage assets should be taken into account in determining planning applications. Whilst the proposal would lead to less than substantial harm to the significance of the Conservation Area (as described at paragraphs 133 and 134 of the Framework), the harm caused would be material.
11. I therefore conclude on the main issue that the proposal would be harmful to the character and appearance of the area, would fail to preserve or enhance the character or appearance of the Spridlington Conservation Area, and would adversely affect the significance of this designated heritage asset. This would be contrary to Policy LP2 of the Central Lincolnshire Local Plan (Local Plan) which identifies Spridlington as a small village which could accommodate small scale development of a limited nature in appropriate location. However, to qualify as an appropriate location the site, if developed, should retain the core shape and form of the settlement, not significantly harm the settlement's character and appearance, and not significantly harm the character and appearance of the surrounding countryside or the rural setting of the settlement.
12. It would conflict with Local Plan Policy LP4 which sets out the growth levels for the village and a sequential approach to development that gives priority to the development of brownfield land (both within and on the edge of settlements) before greenfield sites at the edge of the settlements such as the appeal site. It also requires these to be in appropriate locations which refer back to those described in Local Plan Policy LP2. The proposal would also undermine Local Plan Policy LP17 which states that proposals should take account of views into, out of and within development areas, and that schemes should be designed to preserve or enhance key local views and vistas.
13. The proposal would fail to support Local Plan Policy LP25 which requires proposals to protect, conserve and seek opportunities to enhance the historic environment and Local Plan Policy LP26 which requires development to achieve high quality sustainable design that contributes positively to local character, landscape and townscape and supports diversity, equality and access for all. However, I see no conflict with Local Plan Policy LP55 which is cited on the decision notice but relates to development in the countryside. Finally, I consider that the proposal would run contrary to the core planning principles of the Framework of preserving the significance of designated heritage assets and securing high quality design.

*Other matters*

14. The proposal would contribute to housing land supply and would help to sustain local services in the village and neighbouring settlements. Whilst these are public benefits of the proposal they would not be great given its limited scale for only a single dwelling and are insufficient to outweigh the harm I have identified. The Council raises no objections to the proposal in terms of its impact on the living conditions of nearby occupiers. The absence of harm in this regard counts neither for, nor against the proposal.
15. The Council is content that the proposal would cause no harm to the setting of Spridlington Hall to the west which is a Grade II Listed Building set within a Historic Park and Garden, and I see no reason to come to a different view on this matter. However this does not alter my findings in relation to the main issue in this case.
16. The Council does not argue that the proposal would conflict with the amount of development to be provided in small villages described in Local Plan Policy LP2 or with the in-principle levels of growth for the village set out in Local Plan Policy LP4. However, the proposal remains contrary to those policies when read as a whole as detailed above.
17. I have also had regard to the appellants' view that the proposal would comply with national policies for sustainable development. However, since the proposal would fail to contribute to protecting and enhancing our natural, built and historic environment it would not meet the environmental role of sustainability. Moreover, the proposal is contrary to the development plan, and it has not been put to me that this is absent, silent or that the relevant policies are out of date. As such, I do not regard the presumption in favour of sustainable development as set out at paragraph 14 of the Framework to apply in this case.

**Conclusion**

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

*Elaine Worthington*

INSPECTOR



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## Appeal Decision

Site visit made on 24 October 2017

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

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

**Decision date: 28 November 2017**

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**Appeal Ref: APP/N2535/W/17/3176551**

**The Vicarage, North Street, Middle Rasen, Market Rasen LN8 3TS**

- 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 Nicholas Turner, Lincoln Diocesan Trust & Board of Finance Ltd against the decision of West Lindsey District Council.
  - The application Ref 135794, dated 8 February 2017, was refused by notice dated 5 April 2017.
  - The development proposed is a new 4-bedroom Vicarage with detached double garage.
- 

### Decision

1. The appeal is allowed and planning permission is granted for a new 4-bedroom Vicarage with detached double garage at The Vicarage, North Street, Middle Rasen, Market Rasen LN8 3TS in accordance with the terms of the application, Ref 135794, dated 8 February 2017, subject to the conditions in the schedule attached to this decision.

### Preliminary Matter

2. The Council's reason for refusal cited saved policies from the West Lindsey Local Plan, 2006 (WLLP) along with, at the time emerging, ones from the Central Lincolnshire Local Plan, 2017 (Local Plan). Since the Council made its decision the Local Plan has been adopted and its Introduction a paragraph 1.1.6 confirms that the Local Plan replaces all the saved policies in the WLLP. I have therefore determined the appeal on the basis of the Local Plan forming part of the Development plan and not given any weight to the WLLP policies.

### Main Issues

3. The main issues raised by this appeal are the effect that the development would have on the character and appearance of the area and whether the development would preserve the setting of the Church of St Peter (the Church), a grade II\* listed building and designated heritage asset.

### Reasons

#### *Character and appearance*

4. The appeal site is currently part of the garden of The Vicarage which is mainly flat and given over to lawn. The proposed building would be a detached, largely two storey house with a single storey wing projecting to the front. It would be set back from North Street and located between the two storey Vicarage and Ashfield, a bungalow.

5. In the vicinity of the appeal site, houses on North Street are a mixture of one and two storeys with a variety of designs and materials and with no predominant style. There are no strong building lines although houses are generally set back from the road, some with trees and shrubs in gardens which soften the streetscene. The Church stands out as a landmark as a result of its elevated situation, spacious churchyard position, its size and the height of its tower.
6. The closest part of the single storey wing to the road would be in line with that of Ashfield next door and although a two storey gable would sit slightly proud of The Vicarage's front elevation, the substantive body of the proposed house would be set slightly behind it. As a result, the proposed building would sit within the established built form of its immediate surroundings and would not appear awkward or incongruous within this built context.
7. The single storey front wing arrangement does not appear typical of surrounding buildings. However, the wing's position level with Ashfield along with a similar roof pitch, fenestration proportions and detailing of that of the substantive part of the proposed dwelling, would avoid the 'confused' design the Council are concerned about. It would not appear at odds with the wider streetscene given the variety of design and appearance of dwellings in the vicinity.
8. Although there are a variety of facing materials on surrounding buildings, red brick predominates, particularly farther to the west along North Street and the proposal to use this walling material would assist the building to fit comfortably within the wider streetscene. Given the appellant's willingness to consider a revised palette of materials I consider that any concerns the Council has over roofing and window materials could be addressed by a planning condition.
9. Although of a different design and siting to a proposed house on the site which received planning permission in 2015, the appeal proposal would not have a harmful effect on the streetscene and would preserve the character and appearance of the area. The proposal would accord with the design principles, of Local Plan Policy LP26 and would avoid the poor design which the National Planning Policy Framework (the Framework) presumes against.

#### *Listed Building setting*

10. The site is located close to the grade II\* listed Church and would affect its setting. Based on the listing description and my observations the Church has considerable significance which it derives through its architecture, C12 origins and great age, historic development and its many architectural features, amongst other aspects. Its national importance and very high significance is recognised by its grade II\* status.
11. It also derives some of its significance from its historic church yard setting. However, the setting in which it is experienced is wider and includes the townscape of the village and the surrounding countryside to the north. Its position at the junction of North and Church Streets gives it pivotal location within the settlement which according to the Council's Officers Report is of late Saxon/medieval origins. From my observations, the contribution this townscape makes to the significance of the listed building is through the Church's situation in respect of the surrounding streets, the predominantly subservient scale and relatively spacious arrangement of surrounding buildings

- which enables the Church to be experienced as a principal building and the trees and shrubs in gardens and along streets which adds to a mature, village character. The garden character of the appeal site currently makes a neutral contribution to this setting.
12. The proposal would insert a building into this relatively respectful townscape, would not alter its overall scale and grain and, given my findings on character and appearance above, would not change it detrimentally. The Council have particularly identified views from within the churchyard looking west and also views of the church looking along North Street. Views from and of the church are a component of the significance the Church derives from its setting.
  13. From the various vantage points within the churchyard looking west, in the main a relatively modest, single storey element of the proposed building would be noticeable beyond The Vicarage. As a result of its scale, form, situation between existing buildings and distance from the listed building it would have a minimal effect on views, even when trees between the Church and The Vicarage are not in leaf. These particular views would effectively remain as those of the front gardens and front elevations of neighbouring dwellings.
  14. From my observations, views of the Church and its tower along North Street are unfolding ones, framed or obscured by buildings and trees to varying degree as the viewer moves towards or away from the Church rather than there being key strategic viewpoints. The staggered footprint of the proposed house would mean that it would not appear as a conspicuous feature between existing buildings on either side and would not appear as a prominent feature in, or obscure, views of the Church from the west. In the most part the development would assume the role of contributing to the one and two storeyed roofscape and would fit into the respectfully scaled townscape within which the listed building is set and from which it is experienced.
  15. As required by section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have had special regard to the desirability of preserving the listed building's setting and given great weight to the conservation of the designated heritage asset, recognising its importance as a grade II\* listed building. In doing so I consider that the effect of the development would be one which preserves this setting and hence preserves the special architectural and historic interest the listed building derives from that setting. In this respect the development would comply with Local Plan Policy LP25 which, amongst other criteria, seeks to protect the significance of designated heritage assets, including their settings.
  16. The Council point out that the appellant has not provided the description of the heritage asset's significance, including any contribution made by their setting, required by Local Plan Policy LP25 which reflects the Framework at Paragraph 128. This requires a level of detail proportionate to the asset's importance, which in this case is considerable given its grade II\* status. The absence of such an assessment is unhelpful and has not been meaningfully remedied in the appellant's evidence.
  17. However, I have taken into account the nature of the Council's views on the development's effect on significance and their assessment of a previous, albeit materially different, scheme on the site which has planning permission as well as my own observations. In this particular case and circumstances, these are considerations which lead me to conclude that the omission of a proportionate

assessment of significance would not warrant withholding permission in this instance.

### **Conditions**

18. The Council have suggested conditions in the event the appeal was to be allowed which I have considered in light of the Planning Practice Guidance (PPG), amending them where appropriate. I have retained the Council's advisory headings. It is necessary to specify the approved plans as this provides certainty. Materials and a landscaping scheme need to be approved and implemented to preserve the area's character and appearance. As the site's location means that there is the potential to disturb previously unknown archaeological finds and features it is necessary that a scheme of monitoring and recording is carried out. In order to avoid flooding a drainage scheme needs to be approved and implemented.
19. It is necessary to limit hours of construction to prevent unreasonable disturbance to neighbouring occupiers. Exceptionally, given the proposed building's configuration and proximity to the listed building, it is necessary to withdraw permitted development rights for future enlargement and alteration of the house along with buildings within its curtilage and walls and fences in order that the Council can consider the effect of any such proposals. However, I can see no reason as to why it would be necessary or reasonable to extend this restriction to new windows.

### **Conclusion**

20. For the above reasons the development would preserve the character and appearance of the area and the setting of the Church of St Peter and would consequently accord with the Act, the development plan, except where material considerations have indicated otherwise, and the Framework. The appeal is therefore allowed.

*Geoff Underwood*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 16/010/L/02 and 16/010/L/01 Rev C.

*Conditions which apply or require matters to be agreed before the development commences*

- 3) Notwithstanding any details in the application or on the approved plans, no development shall take place until details of the materials to be used in the construction of the external surfaces of the buildings and any hardstandings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until a scheme of landscaping, including details of the size, species and position or density of any trees and hedging to be planted and boundary treatments, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved scheme.
- 5) No development shall take place until a scheme for the disposal of foul and surface waters (informed by the results of soakaway/percolation tests) have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved scheme and the scheme shall be brought into use before the first occupation of the development hereby approved.
- 6) No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the local planning authority. The local planning authority shall be notified in writing of the intention to commence the archaeological investigations in accordance with the approved written scheme at least 14 days before the development commences. The written scheme shall include:
  1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
  2. A methodology and timetable of site investigation and recording.
  3. Provision for site analysis.
  4. Provision for publication and dissemination of analysis and records.
  5. Provision for archive deposition.
  6. Nomination of a competent person/organisation to undertake the work.

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

- 7) Construction works shall take place only between 0800 and 1800 Mondays to Fridays and 0900 and 1300 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.

- 8) The development shall proceed wholly in accordance with the approved written scheme of archaeological investigation approved under the provisions of condition 6) above. A written report of the findings of the archaeological investigations shall be submitted to and approved in writing by the local planning authority within 3 months of the archaeological investigations being completed.

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

- 9) All planting and turfing approved in the scheme of landscaping under condition 4) above shall be carried out in the first planting and seeding season following the first occupation of the dwelling or the completion of the development, whichever is the sooner; and any trees or hedging which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation. The landscaping shall be retained thereafter.
- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development permitted by Classes A, B, C, D, E or H of Part 1 of Schedule 2 or by Class A of Part 2 of Schedule 2 of that Order shall be carried out.





## Appeal Decision

Site visit made on 14 November 2017

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

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

**Decision date: 30 November 2017**

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**Appeal Ref: APP/N2535/D/17/3181575**

**6 Cross Street, Nettleham, Lincoln LN2 2PB**

- 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 Rod Foster against the decision of West Lindsey District Council.
  - The application Ref 136096, dated 10 April 2017, was refused by notice dated 2 June 2017.
  - The development proposed is to remove existing pvc conservatory and replace with brick and pantile dining room/sunroom extension.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The Council requested that I view the appeal site from the neighbouring property of 2 Cross Street. However, at my site visit I was unable to gain access. Nevertheless, I was able to view that property from the rear garden of the appeal site as well as from the public realm. I am satisfied, therefore, that I have sufficient information to proceed with the appeal.
3. The appellant has suggested an amended design in respect of the relationship between the proposed extension and the catslide roof. However it is my firm view, in the interests of fairness, that this appeal must be determined on the basis of the plan that was submitted with the planning application and which has been subject to consultation and not the amended design submitted with the appeal. To do otherwise could prejudice unacceptably the interests of interested people and/or consultees who have not been consulted on the amended proposals and who may have observations to make. I have therefore determined this appeal on the basis of the plan submitted with the application.

### Main Issue

4. The main issue in this appeal is the effect of the proposal on the character and appearance of the host dwelling, with due regard to the location of the site in the Nettleham Conservation Area.

### Reasons

5. The appeal site is located within the Nettleham Conservation Area (CA) and I note that the CA Appraisal includes the host dwelling and its immediate

neighbour in a list of the important buildings which contribute most strongly to the character of the CA. I saw that the rear of the appeal site is readily visible in views from the public realm to the rear, even allowing for screening from trees and hedges. This included views from The Green which is a designated area of Local Green Space and one of the main focal points of the CA. The CA Appraisal notes that The Green and features including the buildings around it give an overall effect of village charm, which contributes to the importance of the CA as a designated heritage asset.

6. Within this context the proposed extension would appear as an awkward and incongruous addition to the host cottage. The glazed gable would be an angular and obtrusive addition to the cottage and would detract from the form and scale of its traditional character. The extension would also be of a significant size, projecting further to the rear than the existing conservatory and the ridge of the roof would project above the sill of a first floor window.
7. Furthermore, the extension would partially wrap around a catslide roof and would obscure part of the roof slope. This would sit uncomfortably in relation to the catslide roof which is a prominent and attractive feature of the host building. Whilst I acknowledge that the catslide roof is part of a relatively recent extension, this feature is a good example of vernacular architecture which integrates successfully with the cottage and the CA. The awkward arrangement of the proposal in relation to the roof would detract from the benefits arising from the sensitive design of the previous extension.
8. I saw that the adjoining dwelling of 2 Cross Street has a flat roofed extension and an outbuilding to the rear which are of an obviously modern design. I also saw that the extension intruded into views of some elements of the rear of No 2, including a catslide roof and first floor window. I am also mindful of the evidence provided by the appellant in relation to the comparative height and scale of the proposal. However, the rear of No 2 is not in as prominent a location as the appeal site as it is partially shielded in views from the wider area by an adjacent building. The buildings to the rear of No 2 are also of a flat roof design in contrast to the glazed gable of the proposal. Whilst I have some sympathy with the points made by the appellant in relation to the scale of the additions to No 2, I consider that the arrangement and design of the extensions at that property are materially different from the appeal proposal. This matter does not therefore lead me to a different conclusion in relation to the harm arising from the proposed extension.
9. In support of the appeal, my attention has also been drawn to a number of other properties in the village with varying roof designs. However, I do not have full details of the circumstances of these other sites and so cannot be sure that they represent a direct parallel to the appeal proposal. Furthermore, the angular appearance of examples which have a glazed gable adds weight to my concerns in relation to the incongruous appearance of the proposal within the context of the appeal site.
10. I acknowledge that the removal of the modern conservatory would be a benefit, as would the use of traditional materials which complement the host dwelling. However, the proposal would be a more obtrusive replacement due to the projection to the rear, the height to the ridge of the roof and the glazed gable. I have also had regard to the benefits identified by the appellant in relation to the space within the dining room of the dwelling. However whilst

the harm to the significance of the CA is less than substantial, I consider that the public and other benefits of the proposal would not outweigh the identified harm.

11. I therefore conclude that the proposed extension would be of a design which would cause material harm to the character and appearance of the host property and of the CA. The proposal would conflict with Policies LP25 and LP26 of the Central Lincolnshire Local Plan 2017 in respect of the effect on the historic environment and matters of design. The proposal would also conflict with Policies E-4 and D-6 of the Nettleham Neighbourhood Plan 2015 which, amongst other things, seek to preserve or enhance the character of the CA and reinforce the local character of the village.
12. For the reasons given above, and taking account of all material planning considerations, I conclude that the appeal should be dismissed.

*David Cross*

INSPECTOR

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## Appeal Decision

Site visit made on 13 November 2017

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

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

Decision date: **1<sup>st</sup> December 2107**

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**Appeal Ref: APP/N2535/W/17/3179325**

**Land to the rear of Hutchinsons, Hawthorne Road, Cherry Willingham, Lincoln LN3 4JU**

- 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 G Hughes, Pride Homes (Lincoln) Ltd against the decision of West Lindsey District Council.
  - The application Ref 134096, dated 26 February 2016, was refused by notice dated 1 June 2017.
  - The development proposed is erection of 69 dwellings.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The name on the appeal form is different to that on the planning application form. However, it is been confirmed that the applicant and the appellant are the same, and is as shown in the banner heading above.
3. On the planning application form the site was described as set out above. The address used in the Council's Notice of Decision and in the appellant's Statement of Case is "Land off Hawthorne Road, Cherry Willingham, Lincoln". I am satisfied that both descriptions relate to the same piece of land.
4. For the purposes of this appeal a Unilateral Undertaking under s106 of the Town and Country Planning Act 1990 has been submitted by the appellant. I have taken this into account in considering the appeal.

### Main Issues

5. I consider the main issues in this case to be:
  - whether or not the proposed development accords with the spatial strategy for the area, including accessibility to services;
  - the effect of the proposed development on the rural character and appearance of the landscape and open countryside; and
  - whether or not satisfactory arrangements for the disposal of surface water can be made.

## Reasons

### *Spatial Strategy*

6. Planning applications and appeals should be determined in accordance with the development plan unless material considerations<sup>1</sup> indicate otherwise. The development plan for West Lindsey District includes the Central Lincolnshire Local Plan (the CLLP) which was formally adopted in April 2017. The National Planning Policy Framework (the Framework) is a material consideration. The Framework and Policy LP1 of the CLLP together seek to achieve sustainable development.
7. Paragraphs 7 and 8 of the Framework require the economic, social and environmental roles of sustainability to be considered together. Paragraph 12 states that proposed development that conflicts with an up to date Local Plan should be refused unless other material considerations indicate otherwise. Paragraph 17 emphasises the principle of a plan-led system.
8. The Council has approved the application by Cherry Willingham Parish Council to be designated as a neighbourhood area and a draft neighbourhood development plan is being prepared. However, in accordance with Paragraph 216 of the Framework, it is at too early a stage to attract weight.
9. The appeal site is on land to the south of Hawthorne Road behind other housing. It is accessed off an existing road built in connection with other recently constructed/under construction residential development. The part of Hawthorne Road to the north and east of the appeal site; together with Hawthorne Avenue, Wesley Road, Franklin Way and other roads; comprise an enclave of mainly residential properties. This Hawthorne Avenue area was recognised as a settlement in its own right under the West Lindsey Local Plan First Review 2006 (the former LP). The former LP has now been superseded.
10. Policy LP2 of the CLLP sets out a settlement hierarchy. The principal focus for development is Lincoln Urban Area, followed by main towns and market towns. There are a further three village categories plus hamlet (Category 7) and countryside (Category 8). Broadly the scale of development considered appropriate reduces with the scale of the settlement. Hamlets are defined as settlements of 15 dwellings or more clustered together to form a single development footprint and not listed elsewhere in Policy LP2. In hamlets single dwelling infill development is considered to be appropriate. In the countryside Policies LP2 and LP55 restrict development other than for specified exceptions.
11. From my observations during my site visit I would conclude that the combined development in the Hawthorne Avenue area would amount to a hamlet for the purposes of Policy LP2. This is because it is not listed as a settlement in Policy LP2 and it is separated by fields from any other settlement. This coincides with the view of the Council and of the appellant, as stated at Paragraph 5.1.13 of the Grounds of Appeal, although the appellant is now of a different view<sup>2</sup>. In this regard I differ from a colleague Inspector who, in considering appeals on two adjoining sites on land off Wesley Road<sup>3</sup>, conjoined Cherry Willingham and Hawthorne Avenue. Neither this, nor the allocation of two sites ref CL4751 and

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<sup>1</sup> Section 38 of the Planning and Compulsory Purchase Act 2004

<sup>2</sup> Email dated 15 November 2017

<sup>3</sup> APP/N2535/W/16/3152310 and APP/N2535/W/16/3153106 (the Wesley Road appeals). The parties have had the opportunity to comment on these.

CL4752 for residential development on land south of Wesley Road (Policy LP52 of the CLLP), lead me to a different conclusion in relation to this appeal.

12. In either event, the appeal site before me lies outside the developed footprint of both the Hawthorne Avenue area and Cherry Willingham, and is a significant distance from the latter. Accordingly I conclude that the appeal site is in the open countryside for the purposes of Policy LP2. I have seen no evidence to suggest the proposal would fall within any of the exceptions which allow for residential development in the countryside or in a hamlet. Even should I accept that the Hawthorne Avenue area forms part of Cherry Willingham, which is categorised as a large village, the proposal would not amount to the appropriate infill, intensification or renewal, within the existing developed footprint, anticipated by Policy LP2.
13. Policy LP2 states that additional growth on non-allocated sites might be considered favourably in appropriate locations immediately adjacent to the developed footprint of a large village, in exceptional circumstances, but states these are unlikely to be of a scale over 25 dwellings. No exceptional circumstances have been put forward and the current proposal for 69 dwellings would not satisfy either criteria. I conclude that the proposed development would be contrary to Policies LP2 and LP55 of the CLLP and that part of Policy LP1 that relates to the environmental dimension of sustainable development.
14. There are no services or facilities within the Hawthorne Avenue area itself with the exception of bus stops providing access to a bus service into Lincoln and the surrounding villages during the day and early evening. There is an unlit shared footpath/cycle path which links the Hawthorne Avenue area with Cherry Willingham. This has a range of services and facilities including a school, a library, shops, and leisure, health and education facilities. There is a full range of services available in Lincoln.
15. Some facilities would be about 1.5km to 2.00km away and others, including the Cherry Willingham Primary School, would be further away. Such distances exceed the maximum walking distance of 800m sought by the Institute of Highways and Transportation document '*Providing for Journeys on Foot*'. A distance of up to 800m is also identified as a characteristic of a 'walkable neighbourhood' in national guidance<sup>4</sup>. As a result, I find that whilst the village has some public transport provision, the appeal site is less than ideally located in terms of accessibility of most day to day services and facilities in the village which would be required by future residents of 69 dwellings, other than by means of a private vehicle.
16. Despite the lack of street lights I consider that the environment between Hawthorn Avenue and Cherry Willingham to be otherwise of a reasonable standard for journeys by foot and by cycle. I therefore consider the location and accessibility of the site to local services and facilities would not be solely dependent upon the use of the private car. On balance I conclude that there would be only limited conflict with Policy LP13 of the CLLP which seeks to minimise travel and maximise the use of sustainable transport modes. I acknowledge the views of the Inspector in the Wesley Road appeals but note that these related to significantly smaller numbers of dwellings and that the current proposal would be for substantially more than the total combined dwellings in those two cases.

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<sup>4</sup>Manual for Streets, section 4.4.1 conflict albeit limited

17. For the reasons set out above I conclude that the appeal proposal, given the scale of the development and the location in the open countryside, would not accord with the current spatial strategy of the area. The proposal would therefore significantly conflict with Policies LP2 and LP55 of the CLLP and that part of Policy LP1 that relates to the environmental dimension of sustainable development. There would also be limited conflict with Policy LP13 as the site is not ideal in terms of accessibility to local services by means other than the private car.

*Character and appearance*

18. The site is within the Lincoln Fringe which is characterised as a flat agricultural landscape with a number of settlements in the West Lindsey Landscape Character Assessment Area. The surrounding countryside is very open in character and the spire of Lincoln Cathedral and the tops of other buildings in Lincoln can be seen in the distance to the west. There are other small and medium sized settlements scattered in the wider agricultural landscape.
19. The appeal site is mainly a field which is currently being used for the storage of plant and materials in connection with nearby residential development. There are houses to the north. On some of the land to the east houses have been, or are being, constructed. Beyond is land which was the subject of the Wesley Road appeals which were dismissed on 8 November 2017. Land to the south and west comprises open fields and woodland.
20. The proposed development would have a relatively high density with a mix of house designs and finishes. It would be similar to adjacent development given permission and/or constructed to the east. The proposed development would largely be seen from surrounding public vantage points in the context of the existing/permitted Hawthorne Avenue buildings. Accordingly the proposal would respect the wider character of the area and would not be particularly intrusive in longer views.
21. The appeal site has no overall specific characteristics to warrant protection above other areas of countryside although I note there may have been unauthorised removal of hedgerows and trees<sup>5</sup>. However, the proposed development would result in the permanent and adverse change from open countryside to built development.
22. The appellant asserts that the western edge of the appeal site would provide a future defensible boundary. However, the edge of existing and permitted development would provide an equally defensible boundary in this open agricultural landscape. I acknowledge that part of the site was allocated for residential development under the former LP but this has now been superseded by the CLLP. Neither of these matters therefore attracts significant weight in my considerations.
23. I conclude that, whilst there would not be a significant impact on the wider landscape character of the rural area or the character and appearance of the adjacent settlement, the proposal would result in a localised adverse landscape impact and urbanising effect to the detriment of the character and appearance of the open rural countryside. It would therefore conflict with Policies LP2 and LP55 of the Local Plan, which seek to restrict development in the countryside

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<sup>5</sup> Tree and Landscape Comments 5 April 2016



through the application of a criteria-based approach. There would also be conflict, albeit limited, with Policy LP17 which seeks to protect the intrinsic value of the landscape and townscape, including the setting of settlements.

### *Surface Water Disposal*

24. The site is in Flood Zone 1 which is the lowest flood risk category. Development would be likely to result in additional surface water run-off. The proposal is accompanied by a Flood Risk Assessment and Drainage Strategy which indicates that disposal of surface water would be by means of soakaways and permeable carriageway construction.
25. The Lead Local Flood Authority has raised concerns about the likely effectiveness of infiltration disposal given the height of the water table; problems with drainage on the adjacent phases of development; and the capacity of the highway drain along Hawthorne Road. Policy LP14 of the CLLP, amongst other things, prefers the incorporation of Sustainable Drainage Systems and that surface water connections to the combined or surface water systems are only made in exceptional circumstances where there are no feasible alternatives.
26. The appellant has provided a copy of land drainage consent granted by the Witham Third District Internal Drainage Board under the Land Drainage Act 1991. The Council has had the opportunity to comment on this but raised no further objection. On this basis I see no reason to conclude that appropriate provision could not be made for surface water disposal in accordance with Policy LP14 of the CLLP.

### **Other considerations**

27. The Planning Committee Report states that a 6.27 year supply of deliverable housing land for the period of 2017 – 2022 can be demonstrated<sup>6</sup>. The appellant has questioned the timely deliverability of the Sustainable Urban Extensions (SUEs) as part of the immediate five year housing land supply and considers additional windfall sites will be required. However, no detailed evidence has been provided and I am mindful that the Local Plan Inspector found the selection of the SUEs to be robust and were justified, viable and developable within the plan period<sup>7</sup>.
28. On the basis of the evidence before me, for the purposes of this appeal, I am satisfied that the Council can demonstrate a deliverable supply of housing land in excess of the five years envisaged in the Framework. Accordingly the policies in the CLLP for the supply of housing are not out of date for the purposes of Paragraph 14 of the Framework. Therefore the presumption in favour of sustainable development at Paragraph 49 of the Framework does not outweigh Policies in the development plan.
29. Concern has been raised by third parties about traffic and the impact in the future of the closure of Hawthorne Road to through traffic as part of the proposed Lincoln Eastern Bypass. I have seen no detailed evidence about such a scheme, and I am mindful that concerns have not been raised by the Council in their reasons for refusal, or by the Highway Authority in their assessment of

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<sup>6</sup> Housing Land Availability Assessment for Central Lincolnshire December 2016

<sup>7</sup> Paragraph 6.2 of the Council's Statement and the in Reporting on the Examination of the Central Lincolnshire Local Plan

the proposed development. Accordingly I give this matter little weight in my considerations.

30. Concern has been raised about the level of parking provision. The revised plan ref RDS11268/01 provides for a minimum of two parking spaces. No objections have been raised by the Council and I see no reason to come to a different view.
31. Although not a reason for refusal of the planning application I note that the Tree and Landscape Officer has advised that development should not take place within the Fox Covert woodland and Site of Nature Conservation Interest and has identified that plots 58, 59 and 60 could be affected by trees planted under a Restocking Notice for felled woodland<sup>8</sup>. This is not a determinative issue for the purpose of this appeal so I do not need to consider it in detail. However, if the proposal was otherwise acceptable I would be seeking further information on this matter.
32. The proposal would contribute 69 houses to the overall provision of housing in the District whether or not a five year supply of housing land can be demonstrated. The proposed Unilateral Undertaking would provide for 17 units of affordable housing. This would meet the terms of Policy LP11 of the CLLP and would be a benefit of the proposal.
33. The provision for contributions to education and health infrastructure and the provision and future maintenance of on-site open space would not amount to benefits as they would be necessary to meet the infrastructure requirements arising from the development. As I am dismissing the appeal for other substantive reasons it is not necessary for me to consider these matters further.
34. The planning application attracted an officer recommendation for permission at the Planning Committee on 5 April 2017 and the appellant is dissatisfied with the way in which the Council handled the application and especially the time taken to reach a decision. However, circumstances have changed particularly with the adoption of the CLLP. I have reached my own conclusions based on the relevant current material planning considerations.

### **Planning Balance and Overall Conclusion**

35. The appeal site is not allocated in the recently adopted CLLP for residential development. The proposal is for 69 dwellings which is a significant development. It is in a countryside location and I have seen no exceptional circumstances that would justify the proposal. Accordingly I have found significant conflict with Policies LP2 and LP55 of the adopted development plan. I have also found there would be a localised and limited adverse visual impact and urbanising effect and a limited conflict with Policy LP17. Access by means other than the private car would not be ideal and there would be conflict, albeit limited, with Policy LP13. Taking these matters together I conclude that the proposal would not meet the environmental dimension of sustainable development as envisaged by Policy LP1 of the CLLP and the Framework.
36. The proposal would make a contribution to housing supply in the District including affordable housing. There would be economic benefits arising from employment during construction, support for local facilities, expenditure in the

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<sup>8</sup> Forestry Commission email 21 March 2017

local economy, Council Tax revenue and New Homes Bonus. In these respects the proposal would satisfy the economic and social dimensions of development as envisaged by Policy LP1 of the CLLP and the Framework. Suitable conditions could ensure that the proposed development would satisfy Policy LP14 in respect of surface water disposal.

37. Bringing all the above matters together I find, on balance, that the proposal would not accord with the development plan taken as a whole. I find no circumstances that have been drawn to my attention either within or outside the Framework to warrant a decision other than in accordance with the development plan in a plan led system. Taking into account all other relevant matters raised I conclude the appeal should not succeed.

*S Harley*

INSPECTOR

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