

AGENDA

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

Planning Committee

Wednesday, 7th February, 2018 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
- Councillor Robert Waller

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 - 7)

- i) Meeting of the Planning Committee held on 13 December 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) 136725 Grange Bungalow, Harpswell (PAGES 8 - 15)

7. Determination of Appeals (PAGES 16 - 31)

- 132283 – Main Street, Torksey
- 135704 – Land South of Caistor Road, Swallow, Market Rasen
- 135807 – Land to the West of Scotter Road and South of Becks Lane, Scotton
- 136461 – 27 Spital Terrace, Gainsborough

Mark Sturgess
Head of Paid Service
The Guildhall
Gainsborough

Tuesday, 30 January 2018

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 13 December 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 Giles McNeill
Councillor Mrs Jessie Milne
Councillor Mrs Judy Rainsforth
Councillor Thomas Smith

In Attendance:
Councillor Bob Waller Observing
Russell Clarkson Principal Development Management Officer
Charles Winnett Development Management Officer
Martha Rees Lincolnshire Legal Services
James Welbourn Democratic and Civic Officer

Also present 2 Members of the public

Apologies: None.

Membership: There were no substitutes for the Committee.

48 PUBLIC PARTICIPATION PERIOD

There was no public participation.

49 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting dated 15 November were agreed as a true record and signed by the Chair.

50 DECLARATIONS OF INTEREST

Councillor Thomas Smith declared an interest in item 52b (136785) as a Member of Dunholme Parish Council called him to talk about the application. He informed the caller that he was a Member of the Planning Committee and expressed no view on the application during the phone call.

51 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

Both Lea and Scotter have had a majority vote in favour of adopting their Neighbourhood Plans (73% at Lea; 90% at Scotter) at recent public referendums held on 7th December. Both Plans would now be referred to the next meeting of the Full Council (22nd Jan) to be formally “made”.

Osgodby Parish have now formally submitted their final draft Neighbourhood Plan to West Lindsey District Council (WLDC) and the six week consultation period was now underway, expiring on 24th January (extended for Christmas). The Plan would then proceed to an independent examination.

Officers were working on developing the Members intranet site as requested by Cllr Cotton at the last meeting, although this was not directly in the control of Planning officers.

The Community Infrastructure Levy (CIL) remains on track to be implemented in the New Year as previously advised.

Finally, at the last committee the Planning and Development Manager advised that the revision to the 5 year supply position was being worked on by the Central Lincolnshire team – this work was still ongoing and was currently expected to be reported to the joint committee in January; this would be circulated to all members at WLDC once approved.

52 PLANNING APPLICATIONS FOR DETERMINATION

53 136686 CLIFF VIEW CHURCH LANE AISTHORPE

The Committee considered a planning application for a single storey side extension, including the removal of a single storey sun room and chimney, associated boundary treatments and external window alterations. 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 member of staff. Had this application not involved a member of staff, 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.

54 136785 HONEYHOLES LANE DUNHOLME

The Principal Development Management Officer introduced planning application number 136785 to erect 64no. dwellings with roads, garages and residential parking, including community parking, with public open spaces. This was a resubmission of 135790. There were no further updates to the report from the Principal Development Management Officer. The Officer noted that planning permission would be unlikely to be issued ahead of the implementation of the Community Infrastructure Levy (CIL) in January. Therefore, secondary school provision would be captured by CIL, not the S106 planning obligation. 25% of any CIL payment would go to the Parish Council as they have a Neighbourhood Plan in place.

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

- The previous application (135790) was refused on five points, which are addressed below:
 1. **Overdevelopment** – LP52 states that developers are encouraged to produce the most appropriate design led solution in arriving at a total dwelling figure at their site, and may not be constrained by the indicative figure in the column headed 'indicative dwelling figure'. Mr Ibbotson stated that the site could support up to 74 dwellings using the Local Plan formula, and could increase the affordable homes offer by 33%, from the approved scheme. Policy LP26 stated that proposals should make 'effective and efficient use of land';
 2. **Open Space** – 23% of the site is provided as open space, this included a dedicated 3 metre wide cycle and foot path, a green wedge, an ecology pond and a public car park. The proposed increase in the number of dwellings had not reduced the open space provision;
 3. **Landscape and Green Wedge** – a 5 metre wide buffer zone had been created enforced by native English species;
 4. **Affordable housing** – this was provided at 25%, and was well integrated within the layout of the site, with three different street scene frontages;
 5. **Housing mix** – this had been revised and amended following the refused application. There was no prescribed requirement for housing mix within the Local Plan or Neighbourhood Plan. The application provided 30% of housing to Part M4(2), for those who were less mobile. Also added was 5% (3 dwellings) to Part M4(3) that were large enough to be fully converted into wheelchair compliant properties.

The next speaker was Councillor Tony Pache, representing Dunholme Parish Council. The following points were highlighted:

- Application 135790 for 64 houses was refused in May 2017 for a number of planning issues;
- Dunholme Parish Council were delighted with the Dunholme Neighbourhood Plan, and thought that 49 dwellings was just right for the site;
- The applicant had met with the Parish Council;
- Allocating more affordable housing was good and agreed with proposed locations, but most of the allocation was for social housing, rather than an opportunity for first time buyers;
- There were concerns over the level of car parking, for the affordable homes in particular (16 spaces allocated for 12 affordable dwellings). The row of 11 spaces on the site did not look attractive;
- LP52 should apply as the site in the proposal was overdeveloped;
- There was hardly any open space in the development; the edges of the site looked fine, but the centre did not;
- Dunholme Parish Council would want to revert back to 49 dwellings rather than 64.

The Principal Development Management Officer responded to the queries raised by speakers as follows:

- It was open for an applicant to come back and resubmit an application. The onus is upon them to show how previous reasons for refusal have been overcome;
- The affordable housing on the site was now in two locations. The proposed scheme was not too dissimilar to the previous approved scheme for 49 houses. Smaller gardens have allowed for this to happen;
- There were 17 car parking spaces for the 10 affordable units in the north-eastern corner. On average, there was more than one space per affordable unit. Planning policy did not prescribe the amount of available car parking spaces.

There was then the opportunity for comment from Members and responses from the Principal Development Management Officer. Further points are highlighted below:

- Proposed public car parking was available on the site to serve the adjacent community facilities, which would be gated and managed to make use of the available facilities. It would be included as open space provision because it was supporting the current community recreation provision;
- 64 dwellings was 31% over and above what was accepted by the community in the Dunholme Neighbourhood Plan. It was much greater than what the community may reasonably expect from the development plan allocations. Otherwise policy becomes meaningless;
- This site was out of the centre of the village, and gives potential for more noise and disruption;
- The Central Lincolnshire Local Plan (CLLP) uses the word 'indicative' for recommended dwelling numbers, and the Neighbourhood Plan uses the word 'approximate'. A 31% increase in housing on the site could be perceived to go beyond this 'approximate' number, but not necessarily the 'indicative' level, as there was no hint of a ceiling on this number;
- As a point of reference (but not policy), using the formula in the Local Plan, the indicator for recommended dwellings per hectare is 30. This proposed site measured at 25.2 dwellings per hectare, which would generally be deemed as low;
- The infant and junior school in Dunholme were within walking distance and there was capacity within local junior schools. There was insufficient capacity at the local comprehensive school, William Farr in Welton, but that would be addressed with a S106 contribution/CIL as part of this application;
- Case law seemed to indicate that a indicative rise in the number of dwellings would be less than 31% in total;
- Public Open Space provision had not proportionally increased with the housing numbers;
- 31% increase in numbers is greater than that accepted by the Neighbourhood Plan as being acceptable alongside the green wedge. Increased landscape buffer acknowledged. However, impact on green wedge is more than the number of dwellings on northern boundary, but overall scale and density of development overall.
- It was considered an improved and more balanced housing mix was now proposed, overcoming the fifth reason for refusal.
- The Dunholme Neighbourhood Plan was formally made, and had the same status as the CLLP as part of the statutory development plan. If there was ever conflict between the two plans, preference would be given to the more recent iteration. In law, both plans were considered as one and have the same status;

It was then moved and seconded that the recommendation in the report to agree the application be overturned and on voting it was **AGREED** that the application be **REFUSED** for the following reasons:

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, and materials, 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.

55 DETERMINATION OF APPEALS

RESOLVED that the determination of appeals be noted.

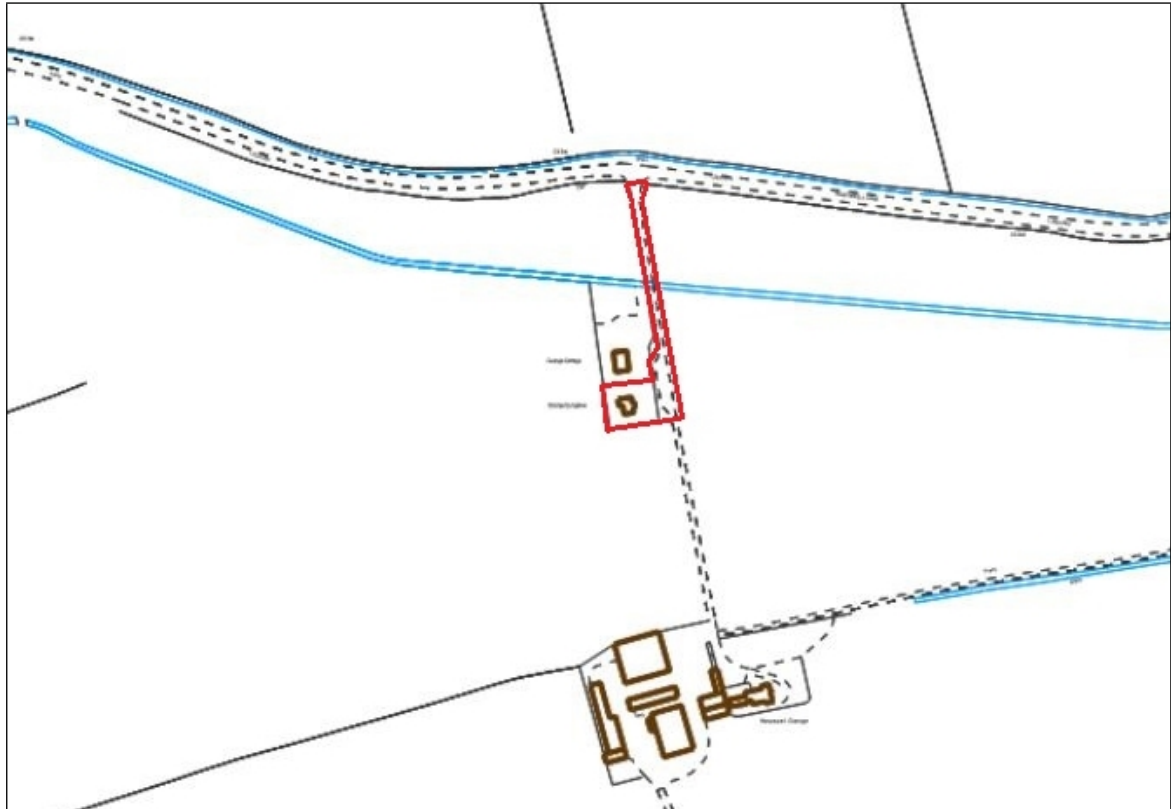
The meeting concluded at 7.26 pm.

Chairman

Agenda Item 6a

Planning Application No: 136725

Site Location Plan



Officers Report

Planning Application No: 136725

PROPOSAL: Planning application for demolition of existing dwelling and erection of replacement dwelling - resubmission of 135018

LOCATION: Grange Bungalow Harpswell Lane Harpswell Gainsborough DN21 5UW

WARD: Hemswell

WARD MEMBER(S): Cllr Paul D. J. Howitt-Cowan

APPLICANT NAME: Mr and Mrs Pickering

TARGET DECISION DATE: 27/12/2017

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Charles Winnett

RECOMMENDED DECISION: Grant permission subject to conditions

Description:

The application site is a timber clad detached bungalow with grey flat roof tiles on an apex roof, the site is located in a rural location to the south west of the settlement of Hemswell. To the immediate south west of the bungalow is a detached garage. Further to the south is Harpswell Grange and to the north is Grange Cottage. Open fields surround the site on the east, south and west.

The application seeks permission for the erection of a replacement dwelling.

This application is presented to the planning committee as the applicant is from the immediate family of an elected member of the council.

Relevant history:

135018: Planning application to erect 1no. replacement dwelling - Refused on 24/10/2016 as the application would have resulted in a new isolated home in the open countryside.

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/comments

IDOX Checked on: 26/01/2018

Relevant Planning Policies:

Central Lincolnshire Local Plan (CLLP)

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

<https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/>

Relevant policies:

LP1: A Presumption in Favour of sustainable Development

LP2: The Spatial Strategy and Settlement Hierarchy

LP13: Accessibility and Transport

LP14: Managing Water Resources and Flood Risk

LP17: Landscape, Townscape and Views

LP26: Design and Amenity

LP55: Development in the Countryside

Neighbourhood Plan

West Lindsey District Council has approved the application by Hemswell Parish Council to have the parishes of Hemswell and Harpswell designated as a neighbourhood area, for the purposes of producing a neighbourhood plan.

The neighbourhood plan group are now consulting with the public and working towards the production of a draft neighbourhood development plan. However, at this stage no weight can yet be given to the Neighbourhood Plan, as it is yet to be published.

National Policy

National Planning policy framework (NPPF)

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

National Planning Practice Guidance

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

Main issues

- Principle
- Design and visual impact
- Residential amenity
- Archaeology
- Surface water and drainage

Assessment:

Principle

Planning Law dictates that applications for planning permission should be determined in accordance with the development plan, unless material considerations dictate otherwise.

The Central Lincolnshire Local Plan was adopted by the Central Lincolnshire Joint Strategic Planning Committee (CLJSPC) on 24 April 2017 and is now the development plan to be used in the determination of applications within West Lindsey.

As the application seeks permission for a replacement dwelling in the countryside then policy LP55 is applicable.

Policy LP55 states that:

“The replacement of an existing dwelling outside the developed footprint of a settlement will be supported provided that:

- a. The residential use of the original dwelling has not been abandoned;***
- b. The original dwelling is not of any architectural or historic merit and it is not valuable to the character of the settlement or wider landscape;***
- c. The original dwelling is a permanent structure, not a temporary or mobile structure;***
- d. The replacement dwelling is of a similar size and scale to the original dwelling; and***
- e. It is located on the footprint of the original dwelling unless an alternative position within the curtilage would provide notable benefits and have no adverse impact on the wider setting.”***

For the replacement dwelling to be acceptable, all the criteria set out above must be met.

The current dwelling on the site is still used for a residential use, and therefore the proposal meets criteria (a).

The existing dwelling is a two bedroom wooden clad detached bungalow with grey flat roof tiles on an apex roof. The agent for the application has provided details on the history of the bungalow, and it was confirmed that the dwelling was originally imported from Australia in the 1940's as a 'flat pack' construction and was previously located in Northorpe but was subsequently moved at a later date to Harpswell. Whilst the above confirms that the

dwelling was at one time a mobile structure, the dwelling has now been positioned in its current location for several years, and has been subject to several alterations such as the erection of a brick built rear extension and garage which has removed the mobile capability of the dwelling.

Given the above assessment, the dwelling is now considered to be a permanent structure, but one which is not of any architectural or historic merit, therefore the proposal meets the requirements of criteria (b) and (c).

The existing floor space of the dwelling is 110sqm, however this does not include the detached garage which if added to the previous calculation brings the overall residential floor space to 130sqm. The proposal would result in the removal of the detached garage and but would rather include an integral garage arrangement, this alteration would result in an increase of useable floor space to 174.5m, an increase 44.5 sqm.

In addition to the above the roof height would also be raised by an additional 1m, however the building will still remain single storey only. Weight can be given to what could be achieved on the site through permitted development, as the current house could extend to the desired new level of proposed floor space, without the need for planning permission.

Furthermore, due to the design and scale of the dwelling (see design and visual impact section for full assessment), the replacement dwelling is considered to be of design which will improve the visual quality of the site, and will not result in any adverse visual impacts on the surrounding countryside. The benefits of the development therefore outweigh any harm and the proposal is considered to be in conformity with the requirements of criteria (d) and (e) of policy LP55. The proposal is therefore considered acceptable in principle, subject to other material planning considerations.

Design and Visual Impact

The landscape surrounding the application site is very open and the site is clearly visible when seen from A631 to the North West, though the site does benefit from some screening in the form of a row of trees when seen from the east.

Whilst larger than the current building, the replacement dwelling would not significantly alter the visual appearance of the site as the built form of the dwelling is already an established feature in the landscape.

Previous applications submitted on this site would have resulted in the creation of a brand new dwelling which would adversely impact the open nature of the surrounding countryside. However as this application seeks to replace an existing dwelling, the overall visual impacts on the wider landscape are considered to be negligible. The visual impacts of the scheme are therefore considered to be in compliance with the design requirements set out in in policies LP17 and LP26 of the Central Lincolnshire Local Plan.

Materials

The replacement dwelling is to be built brickwork with corbelling to the eaves, with a clay pantile roof containing dental slips and painted PVCU doors and windows. The replacement dwelling will be of a more traditional local design than the current dwelling on the site and the proposed materials are considered to be acceptable. A condition would be attached to the permission of the application (if granted) which would ensure that no development could take place until details of all external materials to be used have been submitted to and approved in writing by the Local Planning Authority.

Residential amenity

The only dwelling in close proximity to the application site is Grange Cottage, which is located approximately 15m to the north of where the replacement dwelling would be positioned. Given this separation distance and the fenestration of the proposed replacement dwelling, it is considered that the proposal will not adversely impact the residential amenity of this nearby property. The proposal is therefore considered to be in compliance with the requirements set out in policy LP26 of the Central Lincolnshire Local Plan.

Archaeology

The Historic environment Team at Lincolnshire County Council have been consulted on the application and have not objected to the proposal. Given this response it's considered that there are no archaeological issues relating to the application.

Surface water and drainage

Details provided with the application, confirm that surface water will be discharged into an existing watercourse and that foul sewerage will be discharged to a mains sewer. Given that existing systems will be used for the replacement dwellings, it is considered the drainage arrangements are acceptable.

Conclusions and Reasons for granting permission

The application has been determined in accordance with the relevant policies set out within the Central Lincolnshire Local Plan in the first instance, furthermore it has considered guidance contained within the National Planning Policy Framework and National Planning Practice Guidance.

The proposal will result in a replacement dwelling which meets the criteria set out in policies LP17, LP26 and LP55 of the Central Lincolnshire Local Plan, and will not result in an adverse impact on the surrounding landscape or street scene. It is considered that the proposal would not harm the character and appearance of the street-scene or the surrounding area and would not have a significant impact on the living conditions of neighbouring occupiers.

The development would not have a detrimental impact on highway safety. The application is therefore recommended for approval.

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

Decision Level (tick as appropriate)

Committee **X**

Conditions

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

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

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

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

2. No development shall take place until details of all external 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 ensure the use of appropriate materials to accord with the National Planning Policy Framework and Policy LP26 of the Central Lincolnshire Local Plan.

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

3. 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: 001.002,003, and 004 dated April 2016 and 006 dated June 2016 .The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

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

4. The driveway and turning space shown on drawing number 001 dated April 2016 shall be constructed from a permeable gravel material unless otherwise agreed in writing with the Local Planning Authority.

Reason: to ensure the area is permeable for drainage purposes in accordance with policy LP14 of the Central Lincolnshire Local Plan.

5. Construction works shall only be carried out between the hours of 8 am and 5 pm on Mondays to Fridays; and at no time on Saturdays, Sundays and Bank Holidays.

Reason: To protect the amenity of the occupants of nearby dwellings in accordance with policy LP26 of the Central Lincolnshire Local Plan.

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

None.

Agenda Item 7



Planning Committee

7 February 2018

Subject: Determination of Planning Appeals

Report by:

Chief Operating Officer

Contact Officer:

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

Purpose / Summary:

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

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

IMPLICATIONS

Legal: None arising from this report.

Financial: None arising from this report.

Staffing: None arising from this report.

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

Risk Assessment: None arising from this report.

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

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

Call in and Urgency:

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

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

Yes

No

Key Decision:

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

Yes

No

Appendix A - Summary

- i) Appeal by Mrs Paula Wraith against the decision of West Lindsey District Council to refuse planning permission for the erection of 13 dwellings including associated hard and soft landscaping works and minor relocation of existing vehicular access point at Main Street, Torksey, LN1 2EE

Appeal Dismissed – See copy letter attached as Appendix Bi

Officer Decision – Refuse permission

- ii) Appeal by HJW Developments Limited and Bellview Homes against the decision of West Lindsey District Council to refuse planning permission for the erection of 4no. dwellings with integral garages on land south of Caistor Road, Swallow, Market Rasen, Lincolnshire LN7 6AT

Appeal Dismissed – See copy letter attached as Appendix Bii

Officer Decision – Refuse permission

- iii) Appeal by Mr and Mrs J Burtenshaw against the decision of West Lindsey District Council to refuse planning permission for the erection of three dwellings – all matters reserved on land to the west of Scotter Road and south of Becks Lane, Scotton, Gainsborough, Lincolnshire DN21 3QU

Appeal Dismissed – See copy letter attached as Appendix Biii

Officer Decision – Refuse permission

- iv) Appeal by Mr Brian Broomfield against the decision of West Lindsey District Council to refuse planning permission for the installation of a dropped kerb and creation of a vehicular access at 27 Spital Terrace, Gainsborough, Lincolnshire, DN21 2HD

Appeal Dismissed – See copy letter attached as Appendix Biv

Officer Decision – Refuse permission



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: 13 December 2017

Appeal Ref: APP/N2535/W/17/3178775

Main Street, Torksey, Lincolnshire, LN1 2EE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Paula Wraith against the decision of West Lindsey District Council.
 - The application Ref 132283, dated 23 December 2014, was refused by notice dated 30 January 2017.
 - The development proposed is the erection of 13 dwellings including associated hard and soft landscaping works and minor relocation of existing vehicular access point.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Although Part E of the Appeal Form stated that the description of development has not changed nevertheless a different wording has been entered to that on the application form, the latter referring to 15 dwellings. However, it is clear that the application was amended during its consideration and that the Council made its decision on the basis of a scheme comprising 13 dwellings. I have therefore used this description in the heading above and considered the appeal on that basis.
3. Since the Council made its decision the Central Lincolnshire Local Plan 2012-2036 (LP) has been adopted. Its Introduction confirms that it replaces all saved policies from the West Lindsey Local Plan (WLLP), and therefore this includes those cited by the Council in its refusal reasons. I have therefore determined the appeal on the basis of the Local Plan forming part of the development plan and made no further reference to the WLLP policies which carry no weight.

Main Issues

4. The main issues raised by this appeal are: i) whether the site would be a suitable location for housing development with regard to development plan policy, ii) whether the development would accord with national and local planning policy which seeks to steer new development away from areas at highest risk of flooding, iii) the effect the development would have on highway safety, and; iv) the effect the development would have on an undesignated heritage asset.

Reasons

Suitability of location for housing

5. The site is a field lying on the northern edge of the village, situated between a former railway embankment and existing dwellings, and adjoining open land to the east. The development would provide a mixture of detached and semi-detached houses in a cul-de-sac arrangement. Based on the appellant's assessment of facilities in the village and the frequency of bus services serving it is likely that many future occupiers of the development would rely on private motor vehicles for many of their day to day needs in accessing employment, services and entertainment.
6. The LP seeks to concentrate growth in main urban areas and their supporting settlements, using a hierarchy approach. The thirteen dwellings proposed would considerably exceed the small scale development, limited to around 4 dwellings, that LP Policy LP2 establishes for Small Villages such as Torksey in its settlement hierarchy. As the site is not promoted via a neighbourhood plan and there is no demonstration of clear community support (including from the Parish Council), circumstances which might indicate an exception to LP Policy LP2's approach do not exist.
7. The number of dwellings would also exceed LP Policy LP4's growth level of a 10% increase in dwellings in the village during the plan period which, according to the Council's figures, equates to 7 dwellings taking into account extant planning permissions. In any event this growth rate includes the caveat that the whole settlement's location in a flood risk area means "it is questionable whether development proposals will be able to overcome these constraints." The proposal would therefore be contrary to LP Policies LP2 and LP4 and not represent the sustainable development LP Policy LP1 presumes in favour of.
8. The proposal would nominally meet LP Policy LP11's 20% affordable housing requirement. The appellant contends that LP Policy LP2's 4 dwelling limit means that market led development schemes could never be required to provide affordable housing given LP Policy LP11's requirement for affordable housing to be provided on sites of 11 dwellings or more. However, LP Policy LP11 also includes a provision for rural affordable housing that may be permitted as an exception to other LP policies including the consideration of local support and whether a limited amount of market housing to facilitate delivery would be required, amongst other factors.
9. The Council consider that there is a requirement in Torksey for 8 socially rented bungalows and one two bedroom house. In principle the proposed provision of three affordable units would address part of the need but, given their size and configuration, two of the affordable homes would presumably serve a wider need rather than that of Torksey.
10. Nevertheless, no planning obligation to secure the provision of affordable housing has been provided. The appellant considers that on-site affordable housing could be delivered by way of a negatively worded condition. The PPG¹ advises that such an approach is unlikely to be appropriate in the majority of cases. The development proposed could not reasonably be considered to be of the more complex and strategically important type that the PPG considers may

¹ Paragraph: 010 Reference ID: 21a-010-20140306.

justify an exception to this approach. The circumstances do not support an attempt to secure affordable housing by condition. Both the appeal decisions² referred to by the appellant in support of her position related to significantly larger schemes than that before me and those Inspectors found that the development proposed in those cases to be of strategic importance to housing land supply, materially different circumstances to this case.

11. In the circumstances that there would be no appropriate mechanism to secure affordable housing, this is not a benefit I can take into account in support of the proposal and it would be contrary to LP Policy LP11.

Flood risk

12. The site's Flood Zone 3 location is one which has a high probability of flooding and Dwellings are identified in the national Planning Practice Guidance (PPG)³ as development which is More Vulnerable to flooding. There are flood defences alongside the River Trent to the west of the village. LP Policy LP14 requires proposals to be considered in light of application of a Sequential Test which follows the National Planning Policy Framework's (the Framework) requirement that development in flood risk areas should be avoided by directing development away from areas at highest risk, making it safe if development is necessary. Given the caveat in LP Policy LP4 it cannot be automatically assumed that a sequential test is not necessary for development in Torksey.
13. The Appellant considers that the development would be considered a necessary one in a flood risk area as it includes affordable housing. Notwithstanding my findings above on affordable housing, the site would provide three bedroom houses which in theory might reasonably address the need for the single family affordable home in the village of the format the Council consider is required. Considered on that basis it could in theory be considered to be necessary.
14. However, this conclusion could only apply to a single dwelling and the PPG advises that the area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development proposed. Therefore, limiting the area of search for the Sequential Test to Torksey and its immediate hinterland is too restricted an area to conclude that the market housing development of the size proposed, or indeed the affordable housing which would not be addressing a need as localised as Torksey's, could not be accommodated on a site elsewhere at lower risk of flooding. In light of the recently adopted LP there is insufficient evidence to support the Appellant's initial assertion that there are no other sequentially preferable housing sites in a reasonable area of search. It has not been demonstrated that the development considered as a whole would meet the Sequential Test and I note that the Environment Agency (EA) support the Council's reason for refusal in this regard. The development would be contrary to LP Policy LP14.
15. The appellant's Flood Risk Assessment concludes that, with its recommend mitigation including raising floor levels above predicted inundation levels, the development would meet the Exception Test and would provide protection to occupiers against flooding on the site, although given levels along Main Street should a flood event occur occupiers would have to remain in their properties

² APP/N2535/W/16/3144855 and APP/N2535/W/15/3129061.

³ Table 2: Flood Risk Vulnerability Classification, Paragraph: 066, Reference ID: 7-066-20140306.

rather than have a safe egress route from the area. However, such measures would not overcome the requirement to meet an appropriate Sequential Test. Taking into account the appeal decisions⁴ the Council have referred me to I do not consider that the constraint of flooding to have been satisfactorily overcome in the context of LP Policy LP4's conditional housing allocation.

Highway safety

16. The proposed access road would have a slightly narrower secondary spur road running perpendicular to it. The Council's objection focuses on the absence of a turning head to enable refuse and service vehicles to turn around and leave this spur road in forward gear. The Officer's Report notes that this was a technical issue which could be resolved through an amendment and that subject to the requirement being met there would be no highway safety harm.
17. Whilst no drawings of how an appropriate turning head may be added have been supplied I can appreciate that there would be likely to have to be material changes to the proposed disposition of dwellings and swales on the site. Given its likely location relative to existing dwellings, adjoining occupiers would not have been given the opportunity to consider such a change if it were to be dealt with by way of a condition. In these circumstances I agree with the Council that the knock on effects of such a modification mean that it would not be reasonable to rely on a condition to secure the change.
18. The implications of not providing a turning head would in all likelihood be limited to the ability of a refuse or larger delivery or service vehicles to enter and leave the spur road in forward gear. Such vehicles would either have to reverse into or out of the narrower spur road, but this a manoeuvre they would presumably have to do in some form in order to leave the proposed estate in forward gear in any event.
19. Given the limited number of dwellings, relatively short length of the spur road and slow speeds and care with which refuse and other large vehicles are normally required to operate within residential areas I consider it unlikely that any material harm to highway safety would arise in its proposed form. I cannot therefore conclude that the appeal fails on this matter and the proposal would not conflict with LP Policy LP26 in this respect.

Heritage asset

20. The appellant's Interim Archaeological Evaluation Report points to Torksey's significance as a former port which had a number of former ecclesiastic establishments, the location of three of which remain unknown. It goes on to note that that evidence found during excavations indicates that the appeal site was close to the centre of the late Saxon and Medieval Torksey. Nevertheless, the appellant's subsequent archaeological report concludes that there is currently not enough information to determine if the remains within the proposed development area (and earthworks to the east) are of schedulable significance. Preservation in situ would not appear to be a feasible option and comprehensive excavation and preservation by record, whilst increasing knowledge and understanding of the site, the area and the eras represented in finds, would result in what significance the site has being largely destroyed in the process.

⁴ APP/N2535/W/17/3172031, APP/N2535/W/16/3152072 and APP/N2535/W/17/3173175.

21. However, the appellant has indicated a willingness to undertake a full topographical survey and a 'set piece excavation', in light of which, and following an agreement with the County Archaeologist, the Council advise that that they would be amenable to an appropriately worded condition. In light of these circumstances and in the absence of a dispute between the main parties about the approach to archaeology on the site, the proposal would accord with the archaeology provisions of LP Policy LP25.

Overall balance

22. In light of my findings above, highways and archaeology matters weigh neutrally in the planning balance, as does the absence of harm in other respects. The proposal would result in social and economic benefits through the provision of new housing, including that arising from construction and ongoing occupation including support for those services and facilities are available in the village. The Framework aims to boost significantly the supply of housing and delivering increased numbers and choice of, and widening opportunities to own, housing is a key element of the Housing White Paper⁵. The Appellant considers that the development would respond to a need in Torksey for smaller more affordable family housing.
23. However, these benefits need to be weighed against the conflict with development plan's approach to the scale and location of new housing and the strong development plan and national policy aim of steering new development away from high flood risk areas. It has not been demonstrated that the exceptions to locational or flood policies would be engaged in this case. Furthermore LP paragraph 3.4.6 acknowledges that the LP's growth targets assume no growth in villages including Torksey in light of the uncertainty from factors such as flood risk. Housing delivery in the plan area is not therefore dependent on development in Torksey which means that the weight the housing delivery benefits of the development would only be moderate. I cannot afford the notional affordable housing any weight.
24. The Framework's presumption in favour of sustainable development at paragraph 14 does not apply as the proposal conflicts with the LP, a development plan where relevant policies are not out of date, absent or silent. Indeed paragraph 12 of the Framework states that development that conflicts with an up to date Local Plan should be refused unless other material considerations indicate otherwise. I have afforded the conflict with the development plan and national policies in respect of scale, location and flooding considerable weight and I do not consider that the scheme's benefits would outweigh it. Consequently material considerations do not indicate that a decision other than in accordance with the development plan should be taken.

Conclusion

25. For the above reasons, and having had regard to all other matters raised, the development would not accord with the development plan in respect of the suitability of the location for housing development or flood risk. The appeal is therefore dismissed.

Geoff Underwood

INSPECTOR

⁵ Fixing our broken housing market, 2017.



Appeal Decision

Site visit made on 16 November 2017

by **D Guiver LLB(Hons) Solicitor**

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

Decision date: 20th December 2017

Appeal Ref: APP/N2535/W/17/3181556

Land south of Caistor Road, Swallow, Market Rasen, Lincolnshire LN7 6AT

- 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 HJW Developments Limited and Bellview Homes against the decision of West Lindsey District Council.
 - The application Ref 135704, dated 19 January 2017, was refused by notice dated 9 June 2017.
 - The development proposed is the erection of 4no. dwellings with integral garages.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues is whether the proposed development is in an appropriate location with particular regard to the effect of the scheme on:
 - the character and appearance of the village of Swallow and the surrounding countryside; and
 - protected species with particular regard to great crested newts (GCN).

Reasons

Character and Appearance

3. Policies LP17 and LP26 of the Central Lincolnshire Local Plan 2017 (the Local Plan) together seek to ensure that developments contribute positively to the local character and landscape and do not result in ribbon development. Policies LP2 and LP55 of the Local Plan together seek to restrict residential development in the countryside to dwellings necessarily required for rural operations such as agriculture and forestry, or for sport and recreation, transport or utilities.
4. Policies LP2 and LP4 of the Local Plan identify Swallow as a tier 6 settlement meaning that in principle developments of up to four dwellings could be permitted within the village.
5. The village is located within the northern boundary of the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB) which has the highest status of protection. In accordance with paragraph 115 of the National Planning Policy Framework (the Framework), the conservation of the landscape and scenic beauty is a material consideration to which I attach great weight.

6. The appeal site is located to the west of the village of Swallow, which is a small settlement east of Caistor with housing mainly clustered around two roads travelling roughly east to west and one road running roughly north to south.
7. The appeal site is outside the existing developed footprint of the village and comprises a green-field site of rough pasture fronting Caistor Road. Beyond the appeal site, the ground slopes away south towards two ponds and a shallow watercourse. The land north, south and west of Caistor Road largely comprises open countryside and following my site visit I consider the appeal site to be in the countryside.
8. The village sits comfortably within the AONB, with properties in the main built form, including the most recent developments, sitting in relatively large plots set back from the road and tending to face or back onto other dwellings. However, other than more recent construction the size of properties varies considerably reflecting historical *ad hoc* development. The main built form of the village sits to the south-east of the appeal site.
9. The proposal is to construct four large dwellings with detached double garages on the appeal site, although these garages are described as integral in the application. Each dwelling would sit in a relatively large plot with a separate access off Caistor Road. The proposal would introduce a ribbon development to the edge of the village that would penetrate intrusively into the AONB and the open countryside to the west.
10. The proposed dwellings would reflect the design of some of the more recent additions to the village. However, in their design and layout they would also introduce an element of uniformity to the edge of the village, which is otherwise largely eclectic in character and appearance. I consider that the proposal would cause localised harm to the character and appearance of the AONB and to the shape of the village.
11. The appellant refers to a lack of brownfield sites and constraints arising from a risk of flooding in many areas in the village. The appellant also recognises the character of the village means that back-land development would not be appropriate. These considerations are relevant to Policies LP2 and LP4 of the Local Plan. However, I have concluded that the appeal site is outside the village and in any event the application of those Policies would be insufficient to overcome the harm to the character and appearance of the AONB and the village.
12. Therefore, I conclude that the proposal would not accord with Policies LP17 and LP26 of the Local Plan. The proposal would also not accord with Policies LP2 and LP55 of the Local Plan.

Protected Species

13. Policy LP21 of the Local Plan, which is consistent with paragraph 118 of the National Planning Policy Framework (the Framework), seeks to ensure that developments protect habitats and species, and minimise impacts on biodiversity. Both the Policy and the Framework are clear that developments that cannot avoid, mitigate or, as a last resort, compensate for significant harm to biodiversity should be refused.
14. Policy LP21 also states that planning permission should be refused for development resulting in the loss, deterioration or fragmentation of irreplaceable habitats, unless

the need for, and benefits of, the development in that location clearly outweigh the loss or harm.

15. An Ecology and Protected Species Survey (EPSS) was provided of the two ponds to the south of the site, the watercourse and surrounding vegetation. The EPSS concluded that there was potential for protected species on the site, including common reptiles such as grass snakes, and evidence of possible badger activity. Bat foraging was also considered likely. In addition, the EPSS concluded that there was high potential for surrounding trees and hedges to be used for nesting birds, and high potential for the ponds and watercourse to be used for nesting waterfowl.
16. The appeal site itself was found to provide a good terrestrial habitat, and the adjacent ponds to have excellent suitability with high potential to support breeding GCN. The EPSS recommended further survey work to confirm the presence of GCN and to estimate population size.
17. The reasonable likelihood of GCN on the site is a material consideration to which I attach great weight. Whilst I have had regard to the Planning Practice Guidance cited by the appellant in respect of protected species, I consider the appellants' suggestion that the development could be made acceptable by imposing a condition requiring an additional survey and a plan to mitigate any harm to biodiversity to be inappropriate.
18. Circular 06/2005 states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted. Conditions should only be used in exceptional circumstances.
19. Therefore, having identified a reasonable likelihood of GCN on the site, detailed survey evidence should be provided. In the absence of a further survey, there was no possibility of determining whether any harm arising from the proposed development could be avoided or mitigated. The appellant's evidence provides clear justification for the surveys to have been undertaken.
20. The proposal would provide for the construction of four additional houses. There is no argument before me to suggest that the Council is unable to demonstrate a five-year housing land supply. Therefore, I conclude that the need for the proposed development in the location identified has not been demonstrated and any benefits arising do not clearly outweigh the loss or harm to the habitat. Therefore, I conclude that the proposed development would not accord with Policy LP21 of the Local Plan or paragraph 118 of the Framework.

Other Matters

21. The appellants' comments regarding the Councils handling of the planning application are matters for local government accountability.

Conclusion

22. For the reasons given above, and taking into account all other matters, I therefore conclude that the appeal should be dismissed.

D Guiver

INSPECTOR



Appeal Decision

Site visit made on 16 November 2017

by **D Guiver LLB(Hons) Solicitor**

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

Decision date: 21 December 2017

Appeal Ref: APP/N2535/W/17/3181286

Land to the west of Scotter Road and south of Becks Lane, Scotton, Gainsborough, Lincolnshire DN21 3QU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs J Burtenshaw against the decision of West Lindsey District Council.
 - The application Ref 135807, dated 10 February 2017, was refused by notice dated 9 May 2017.
 - The development proposed is erection of three dwellings – all matters reserved.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is made in outline with all detailed matters reserved for future consideration.
3. I have adopted the Council's description of the appeal site as this is more precise.
4. The post code given for the site in the application was incorrect and should be DN21 3QU.

Main Issues

5. The main issues are the effect of the scheme on:
 - the character and appearance of the village of Scotton and the surrounding countryside; and
 - protected species, with particular regard to great crested newts.

Reasons

Character and Appearance

6. Scotton is a small settlement surrounded by open countryside, with housing predominantly built fronting one of six or so roads forming the core of the village. There are a few outlying houses fronting Scotter Road to the north and the eastern end of Crapple Lane.
7. With the exception of the few houses on Scotter Road, there are no other dwellings north or west of the appeal site within the village. To the south of the site lie the rear gardens of a number of houses on Westgate and, at the

southernmost end of the village, the recent development in the cul-de-sac known as Westfield.

8. The main built form of the village lies south-east of the appeal site. The appellant states that the appeal site is 'not *too far remote* from the village' (my emphasis). However, from my observations at the site I considered there to be a clear distinction between the site and the built form of the village.
9. The site is surrounded on three sides open land or woodland and its only boundary with the village comprise the gardens to the properties on Westgate. I therefore consider the site to be part of the countryside. The site's proximity to the Beck and open fields means that it makes a significant contribution to the rural setting of the village.
10. Given these characteristics the proposed development would not fit easily within its surroundings. It would not integrate with housing but, instead, would appear as an intrusive incursion into the countryside, unrelated to the built-up part of the village.
11. Moreover, there would a significant effect on trees on the site. The appeal site comprises an open plot of close cropped grass and vegetation with a number of large mature trees spread across the western half of the site together with some younger trees.
12. A post-decision tree survey suggested that there are three trees of moderate value and eight trees of low value on the site, all of which would need to be removed. The survey was described as 'essentially a walkover and visual assessment' and focussed solely on the visual character and appearance when considered remotely from the site. There is no evidence before me or from my visit to question the health of the trees on the site or to conclude that they would be likely to suffer a shortened life.
13. I consider that the trees make a valuable contribution to the character of the area and specifically to the site itself. The loss of the three trees identified in the survey would have a significant detrimental effect on the character and appearance of the site and the wider area.
14. For these reasons I conclude that the development would harm the character and appearance of the village and the surrounding countryside. Consequently, the proposal would not accord with Policies LP17 and LP26 of the Central Lincolnshire Local Plan 2017 (the Local Plan), which together seek to ensure that developments contribute positively to the local character and landscape.

Biodiversity

15. The proximity of the Beck and the pond to the rear of the site, together with the significant number of valuable mature trees, could provide a habitat for protected species. The Council applied standing guidance from Natural England to determine that the appeal site has the potential for protected species to be present. Circular 06/2005 *Biodiversity and Geological Conservation* advises that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted. Post-decision, the appellant submitted surveys of the trees on site and the potential for protected species. While the tree assessment was limited to character and appearance, the wider

- assessment addressed the potential presence of protected species and the ecological significance of the site as a habitat, including the trees.
16. Again, this survey is described as a 'walkover' and 'not detailed'. The assessment considered the possibility of a number of species being present, including great crested newts, nesting birds and grass snakes. It concluded there was limited evidence to support the presence of bats and badgers.
 17. The potential for the presence of great crested newts was categorised as low as a limited number of the assessment criteria were sub-optimal. However, there was also an acknowledgement that such a categorisation still left a 20 percent chance of great crested newts being present.
 18. The site was assessed to be a potential habitat for reptiles, including the grass snake, but considered the possibility low because of surrounding roads, hardstandings, gardens and arable land.
 19. Overall, while the evidence relating to some species is limited, on the information before me I consider there to be a reasonable likelihood of great crested newts being present on the site. While the application subject to this appeal is in outline, with all matters reserved, a grant of planning permission would have to presume that any harm that might be identified could be avoided or mitigated. Yet in the absence of any detailed assessments it remains unknown if there are protected species on the site, what their populations might be or how they would be affected by the development. The National Planning Policy Framework advises that if significant harm resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused
 20. In the absence of all the necessary information at this stage I conclude that there is a reasonable likelihood that great crested newts are present at the site and that the appeal proposal could have a harmful effect on them. Nor would it be appropriate to require additional survey information by condition; Circular 06/2005 makes clear that surveys should only be left to coverage under planning conditions in exceptional circumstances. I do not consider that such circumstances apply in this instance. Accordingly, the proposal runs counter to advice within Circular 06/2005 and the Framework.
 21. Therefore, I conclude that the protected great crested newts could be harmed by the development, contrary to Policies LP17 and LP21 of the Local Plan, which seek to ensure that important features such as trees and valuable habitats and species are protected and maintained.

Conclusion

22. While the proposal would provide the addition of three new dwellings, there is nothing in the evidence before me that would lead me to conclude that the benefit of those dwellings would clearly outweigh the harm I have identified above.
23. For the reasons given above, and taking into account all other matters, I therefore conclude that the appeal should be dismissed.

D Guiver

INSPECTOR



Appeal Decision

Site visit made on 6 December 2017

by **John Morrison BA (Hons) MSc MRTPI**

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

Decision date: 28 December 2017

Appeal Ref: APP/N2535/D/17/3188709

27 Spital Terrace, Gainsborough, Lincolnshire DN21 2HD

- 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 Brian Broomfield against the decision of West Lindsey District Council.
 - The application Ref 136461, dated 5 July 2017, was refused by notice dated 29 August 2017.
 - The development proposed is the installation of a dropped kerb and creation of a vehicular access.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. I have used the description set out above since it best describes the development to which the appeal scheme relates. I have sought the views of the appellant and the Council on my use of this description and received no objections; I have therefore proceeded on this basis.

Main Issue

3. The main issue is the effect of the proposed development on highway safety.

Reasons

4. The appeal site is the front garden to one of a pair of semidetached two storey dwellings which are set back from and facing the road. A hedge and low wall demarcate the front boundary where it meets the back edge of the footway. The proposed development seeks to create off street parking in the front garden and in so doing create an access from the carriageway in the form of a dropped kerb.
5. The front garden is roughly square and unimpeded by any obstacles. I have no doubt, based on the evidence before me and my observations on site, that there is sufficient space within it to park a vehicle clear of the highway and thus ensure it would not be obstructed. Indeed, at just over five metres in width, it seems eminently possible to be able to accommodate two vehicles side by side. The appellant has shown on the proposed plans that it would also be possible to enter the front garden forwards, execute a turn within it, and exit forwards. Whilst I have some doubts as to whether this could be carried

out as a three point manoeuvre as claimed, when taking into account the average length of a car, I accept nonetheless it could be done.

6. Be this as it may, this would rely on there being no other vehicles or indeed other obstacles in the garden. I acknowledge that the appellant, as stated, owns only one vehicle but no reasonable planning controls could prevent that situation changing. Essentially, neither a planning condition nor a legal agreement for example could restrict the actions of an individual or their choice, or indeed the choice of another occupant of the dwelling, from owning more than one vehicle. I have also given consideration to restricting the parking space that would be created to hosting a single vehicle only at any one time. However, I feel this would place an unfair burden on the Council to enforce going forwards.
7. With the above in mind, I have concern that the proposed development would have the potential to give rise to a vehicle having to reverse into a live carriageway. Spital Terrace, being part of the B1433, is a busy route into and out of the centre of town and carries a steady but almost constant traffic flow. Such a manoeuvre would therefore be hazardous to users on a regular basis. To the extent that the safe use of the highway would be compromised.
8. This harm would bring the proposed development into conflict with Policy LP13 of the Central Lincolnshire Local Plan 2017. This policy, amongst other things and along with the Framework¹, seeks to ensure that new development provides well designed, safe and convenient access for all.

Conclusion

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

John Morrison

INSPECTOR

¹ The National Planning Policy Framework 2012