

---

# Appeal Decision

Site visit made on 18 October 2018

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

**an Inspector appointed by the Secretary**

**Decision date: 15 November 2018**

---

**Appeal Ref: APP/N2535/W/18/3202286**

**Land to the East and West of Gainsborough Road, Willingham by Stow, Gainsborough DN21 5JX**

- 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 J Bingham against the decision of West Lindsey District Council.
  - The application Ref 136752, dated 9 September 2017, was refused by notice dated 10 November 2017.
  - The development proposed is four new custom build homes with associated office space.
- 

## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The application is made in outline with all matters reserved for future consideration. Drawings submitted with the application showing access and site layout are described as indicative and I have determined this appeal accordingly.
3. Since the date of the Council's decision, the National Planning Policy Framework 2018 (the Framework) has been published and has effect. The parties have had the opportunity to make representations on the effect of the Framework on the application and I have taken all comments into consideration in this decision.
4. Interested parties made a number of representations that the Council did not rely on in its decision notice, but which nevertheless raised the possibility of a detrimental impact on the living conditions of neighbouring occupiers.

## Main Issues

5. Therefore the main issues are:
  - a) whether the proposal is in an appropriate location with regard to local development plan policies;
  - b) the effect of the proposal on:
    - the character and appearance of the area; and
    - the living conditions of neighbouring occupiers; and

- c) whether the proposal would result in undue reliance on private motor transport to access services.

### **Reasons**

6. Policy LP1 of the Central Lincolnshire Local Plan 2017 (the Local Plan) provides a presumption in favour of sustainable development where proposals accord with the local development plan policies, reflecting the presumption in the Framework. Policy LP2 provides for a spatial strategy and settlement hierarchy that seeks to concentrate development in larger towns and villages and limit schemes in smaller settlements and the countryside. Proposals for development in small villages should be limited to around four dwellings in appropriate locations. Schemes in hamlets should be limited to single infill proposals in appropriate locations within the developed footprint.
7. Hamlets are defined as small settlements of at least 15 dwellings clearly forming a single settlement and not otherwise identified in the Local Plan. Appropriate locations are defined as those that do not conflict with national or local policies (such as, but not exclusively, Policy LP26), and: where development would retain the core shape and form of the settlement; would not significantly harm its character and appearance; and would not significantly harm the character and appearance of the surrounding countryside or the rural setting of the settlement.
8. Policy LP26 of the Local Plan provides that developments should provide high quality designs that respect the existing landscape character and identity, and relate well to the site and surroundings. Developments should not result in the visual or physical coalescence with any neighbouring settlement or in ribbon development or other extension of existing linear features of the settlement but retain, where appropriate, a tight village nucleus. Additionally developments should not unduly harm the amenities of existing and future occupants of neighbouring land and buildings including with regard to overshadowing and loss of light.
9. Policy LP55 of the Local Plan seeks to ensure that residential development in the countryside is mainly limited to the conversion of existing buildings or the replacement of existing dwellings. Where wholly new dwellings are proposed in the countryside they should be limited to those essential for rural operations defined in Policy LP2, such as agriculture, horticulture or forestry.

### *Location*

10. The appeal site comprises two parcels of land separated by the carriageway of Gainsborough Road. The southernmost edge of the site lies half a kilometre or so from the centre of the village of Willingham by Stow and more than 300 metres from the nearest buildings in the village's main developed footprint. There is a small number of existing houses north of both parts of the site, which together with a pub cluster around a farmyard close to the point where Gainsborough Road becomes Willingham Road.
11. The cluster of buildings is located roughly centrally between the villages of Willingham by Stow and Kexby and is separated from each by open fields in agricultural use. There are a dozen or so houses in total which even taken together with the pub and the farmyard do not provide a sufficient number of dwellings to be defined as a hamlet under the Local Plan. Therefore, the

appeal site and the adjacent dwellings are located in the open countryside for the purposes of the Local Plan and national policy.

12. The proposed development is described as being for custom-build live/work units. Although there is no specific policy in the Local Plan referring to live/work units the principal function of the proposed buildings would be as houses. Therefore it is necessary to assess the scheme against the relevant policies in the Local Plan that relate to the provision of housing.
13. There is no evidence before me that the properties would be occupied by rural workers or that dwellings were essential in this particular location for rural operations. Therefore, the proposal would not accord with Policies LP1, LP2 or LP55 of the Local Plan.

#### *Character and Appearance*

14. The proposal is for the construction of four detached houses with associated office space, with one dwelling located on the parcel of land to the east of Gainsborough Road and the three remaining buildings on the western portion of the site. The indicative site plan shows a potential layout of the site. However, if the number of vehicular access points is to be limited as suggested and there is to be sufficient space for turning without the loss of personal garden space, the indicative plan would be a logical layout.
15. The surrounding area comprises a loose cluster of buildings over a wide area. The area is separate from the nearby villages and does not form part of any gateway into those settlements. The proposed development would be more densely packed than the neighbouring dwellings and would be an alien and incongruous addition to the rural landscape. The proposal would stretch the cluster of houses creating a ribbon development and would narrow the open space between the existing buildings and the developed footprint of Willingham by Stow, resulting in a shift towards physical and visual coalescence.
16. Therefore, the proposed development would not accord with Policy LP26 of the Local Plan with regard to the character and appearance of the area. In addition, the proposal would not accord with Policy LP2 of the Local Plan as the failure to accord with Policy LP26 would mean that the appeal site would not be an appropriate location. The likely locations of the existing buildings would be at odds with the existing build-line on the western side of the road where the three houses north of the site are gradually stepped back westward to allow each to have an open southern aspect from the flank wall. The indicative plan shows buildings close to the road and well to the east of the first two buildings to the north.
17. Therefore, the proposal would not respect the existing landscape character and the tendency towards coalescence and ribbon development would be contrary to Policy LP26 of the Local Plan. The proposal would also not accord with Policy LP2 of the Local Plan as the failure to accord with Policy LP26 would mean that the appeal site would not be an appropriate location.

#### *Living Conditions of Neighbouring Occupiers*

18. To provide for safe access to the highway and vehicle turning for a house on the eastern portion of the site, the building would be likely to be erected in the approximate area shown on the indicative plan. At the time of my site visit the morning sun was relatively low in the sky and a two-storey dwelling in the

location shown on the plan would have overshadowed the rear elevation of the semi-detached pair of houses to the north known as Springbank and Springbank South. This would be a particular problem in late autumn to early spring when the sun is low in the sky.

19. The northernmost building proposed on the western half of the site would sit relatively close to the flank wall of the dwelling at Glendale. Glendale is a bungalow with the main windows for several living rooms in the south-facing flank wall. At the time of my site visit the flank wall was partially in shadow from the existing boundary hedge. A two-storey dwelling would be considerably taller than the hedgerow and would be likely to cast a shadow over the full height of the wall up to the eaves, especially in months when the sun was low in the sky.
20. Even if the site layout could significantly alter and a different configuration be put forward, the probability of a detrimental impact on the living conditions of the occupiers of Glendale would remain. The appellant points out that the full impact can only be truly assessed with detailed plans. In such circumstances it would be necessary to take a precautionary approach and conclude that the risk of unacceptable harm from the development was likely.
21. Therefore, the proposed development would not accord with Policy LP26 of the Local Plan with regard to the amenities of existing and future occupants of neighbouring land and buildings. In addition, the proposal would not accord with Policy LP2 of the Local Plan as the failure to accord with Policy LP26 would mean that the appeal site would not be an appropriate location.

#### *Access to Services*

22. Gainsborough Road is subject to the national speed limit as it passes the appeal site and there is no footpath on the western side of the road, save for a very small stretch surrounding a bus stop some distance away close to the pub. There is a footpath on the eastern side of the road. Other than the pub, there are no services in the area surrounding the appeal site. There is a surgery, church and further pub in Willingham by Stow and a shop and church in Kexby. The nearest school appears to be in Sturton by Stow.
23. Other than the pub, future residents of the appeal site would have to travel some distance to access any other services. While there is a bus stop within easy walking distance of the site, the nearest services are relatively limited in scope. To access more comprehensive services would involve travelling greater distances to the nearest towns or large villages and private motor vehicles would be the most likely mode of transport.
24. Therefore, the proposal would not accord with Policy LP13 of the Local Plan which seeks to ensure that developments are located where travel can be minimised and the use of sustainable transport maximised. As the proposal would be contrary to Policy LP13 it would not be in an appropriate location for the purposes of Policy LP2 of the Local Plan

#### **Other Matters**

25. Although not forming a reason for refusal, the Council refers to the agricultural benefit of the appeal site. The appellant describes the land as informal grazing land whose development would not lead to the loss of important agricultural land. However, Natural England's East Midlands Agricultural Land Classification

Map describes the appeal site as grade 3 (good to moderate). Grade 3 land falls within the definition in the Framework of best and most versatile agricultural land.

26. The appellant has referred me to the decision in a recent appeal<sup>1</sup> where the Inspector found that while an appeal site was outside the developed footprint of the settlement of Osgodby, it was located on the edge of the settlement adjacent to higher density dwellings and structures. I do not have before me the evidence that was before the Inspector so am unaware of the specific distances involved. However, I note that the site was close to services in Osgodby. In this appeal, the site is far from any services and is adjacent only to buildings which themselves are not within the developed footprint. Therefore I consider that the circumstances pertaining to the appeal decision are not directly comparable to the current case. In any event I must determine this appeal on its own merits.

### **Conclusion**

27. Therefore, for the reasons give above and taking into account all other material considerations, I conclude that the appeal should be dismissed.

*D Guiver*  
INSPECTOR

---

<sup>1</sup> APP/N2535/W/17/3168283