



## Appeal Decision

Site visit made on 12 March 2019

by **R Bartlett PGDip URP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10<sup>th</sup> May 2019

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**Appeal Ref: APP/N2535/W/18/3218380**

**Bucknell Farm, Gainsborough Road, Scotter Common, Gainsborough, DN21 3JF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr & Mrs Clyne Taylor against the decision of West Lindsey District Council.
  - The application Ref 138420, dated 28 September 2018, was refused by notice dated 15 November 2018.
  - The development proposed is to remove existing semi derelict building and erect single two storey dwelling house with garage.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The application sought outline permission with all detailed matters reserved for later determination and I have dealt with the appeal on this basis.

### Main Issue

3. The main issue in this appeal is whether the location of the dwelling would be acceptable, with particular regard to its access to services.

### Reasons

4. The appeal site is located outside of the developed footprint of Scotter and as such, despite the presence of other built development in the immediate surrounding area, for the purposes of planning policy it is defined as being within the countryside.
5. There is some dispute between the main parties as to whether or not the appeal site is within a hamlet. Policy LP2(7) of the Central Lincolnshire Local Plan (CLLP) defines a hamlet as a settlement with dwellings clustered together to form a single developed footprint. It goes on to state that such a hamlet must have a dwelling base of at least 15 units (as at April 2012).
6. The appellant disagrees with the CLLP definition of a hamlet and considers an arbitrary number has been selected by the Council, which is unsupported by the National Planning Policy Framework (the Framework). This is a matter which should have been raised as part of the CLLP consultation process. The Local Plan, following extensive consultation and an examination in public, has been found sound and was only adopted in April 2017. As such I give this

- policy substantial weight in the absence of any more up to date planning policy or case law to the contrary.
7. I observed on my site visit that there is a cluster of development surrounding the site, which comprises a mixture of dwellings, commercial buildings and a residential care home. Outside of the developed footprint of this cluster, there are other dwellings and businesses that are sporadically located along Gainsborough Road. In my view these more widely spread dwellings cannot reasonably be considered to form part of a single developed settlement footprint. There are 8 dwellings within the developed footprint of the cluster and as such the site could not be considered to be within a hamlet, based upon the CLLP definition.
  8. Policies LP2(8) and LP55(D) of the CLLP set out the circumstances in which new dwellings may be considered acceptable in the countryside. The proposal would not fall within any of these categories.
  9. I observed during my site visit that there is a footpath, but no street lighting, along Gainsborough Road providing pedestrian access from the site into Scotter, which is approximately 1.2km away. Scotter is defined as a larger village and offers a reasonable level of services and facilities. I did not see any bus stops close to the site and have not been provided with any evidence to suggest that the development would be served by regular public transport.
  10. Whilst there are some small businesses nearby, future occupants of the proposal, would most likely be dependent upon private transport to access retail, education, healthcare and leisure facilities. A condition to ensure the proposal is a live/work dwelling, as offered by the appellant, would not in my view reduce the number of journeys likely to be made as trips to work are frequently linked, for example, with a trip to the shop, doctors or gym on the way home. Furthermore, I have not been pointed to any planning policies that would support a new live work dwelling in the countryside.
  11. I acknowledge the fact the site is previously developed land and that it is surrounded by built development. Subject to appropriate reserved matters being agreed a new building in this location would not be harmful to the character and appearance of the countryside. These factors add moderate weight in favour of the proposal but would not, in my view, outweigh the harm caused in terms of future occupiers having to rely heavily upon private vehicle journeys.
  12. I therefore conclude on the main issue that the proposal would not be in a sustainable location with regard to access to services and would run contrary to the aims of the Framework in terms of reducing the need to travel. The proposal would also conflict with policies LP2 and LP55(D) of the Central Lincolnshire Local Plan, which seek to direct new housing growth into the larger, more sustainable settlements and to restrict new dwellings in the countryside to those that require such a location in connection with a rural enterprise.

### **Other Matters**

13. Reference has been made to a development at Pingley Vale. However, I have not been provided with full details of this and based upon the brief comments regarding this in the appeal statements submitted by the main parties, it is not

in my view, a comparable case. Moreover, it was determined under a different local plan. As such I am unable to give this any weight in my decision.

**Conclusion**

14. For the reasons set out above the appeal is dismissed.

*Rachael Bartlett*

INSPECTOR