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## Appeal Decisions

Site visit made on 2 July 2019

**by Laura Renaudon LLM LARTPI Solicitor**

**an Inspector appointed by the Secretary of State**

**Decision date: 19 August 2019**

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### **Appeal Ref: APP/N2535/W/19/3226507 ('Appeal A')**

#### **89 Gainsborough Road, Lea, Gainsborough DN21 5JJ**

- 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 C Godley against the decision of West Lindsey District Council.
  - The application Ref 138711, dated 29 November 2018, was refused by notice dated 28 January 2019.
  - The development proposed is described as a live-work unit.
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### **Appeal Ref: APP/N2535/W/19/3226509 ('Appeal B')**

#### **89 Gainsborough Road, Lea, Gainsborough DN21 5JJ**

- 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 C Godley against the decision of West Lindsey District Council.
  - The application Ref 138753, dated 10 December 2018, was refused by notice dated 4 February 2019.
  - The development proposed is a single-storey dwelling with detached garage.
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#### **Appeal A: Decision**

1. The appeal is dismissed.

#### **Appeal B: Decision**

2. The appeal is dismissed.

#### **Main Issues**

3. Appeals A and B differ significantly in two respects. The first is that Appeal A seeks permission for a 'live-work' unit, rather than the dwellinghouse that is sought in Appeal B. Nevertheless, it does include a residential element and so the suitability of the site for housing, having regard to the effect of each of the proposals on the character and appearance of the area, is a main issue in both appeals. The second difference is that Appeal A seeks to utilise and extend an existing access into 89 Gainsborough Road, whereas Appeal B seeks to use an alternative access to the site, to the north of 91 Gainsborough Road. The Council's reasons for refusing the application comprised in Appeal B included an objection to the proposed access arrangements. Therefore the safety of the access arrangements is a main issue in Appeal B only.
4. A further reason for the Council's refusal of permission in both cases concerned whether there was evidence of community support for the development. This is

however encompassed by the first main issue concerning the suitability of the site for housing.

## Reasons

### *Suitability of the site for housing*

5. The appeal site comprises much of the extensive rear garden of 89 Gainsborough Road in Lea, near Gainsborough. No 89 is a semi-detached property, with No 91 to its northern side, and the appeal site lies mainly to the west of both rear gardens (and to the northern side of No 91, in the Appeal B proposal) as well as extending to the south beyond the rear garden of the property to its southern side, No 87. All of these properties, and a number beyond them on each side, front onto Gainsborough Road in a linear arrangement as it progresses south from the town of Gainsborough into the main settlement area of Lea. Further to the north lies Causeway Lane, a public right of way leaving Gainsborough Road to the west, with some housing development to the south of that. To the south of the site lies Lansdall Avenue which is an oval of 'backland' housing development behind the houses fronting onto Gainsborough Road.
6. In the immediate vicinity of the appeal site, however, it is surrounded to its sides by open gardens and fields, with occasional non-domestic outbuildings such as stables seen from the site, and beyond to the west by grazing land and open fields. The houses in this area are described in the Lea Character and Settlement Breaks Assessment 2016 as *reflective of the fringe of Gainsborough. The arrangement is simple and repetitive, enabling on-plot parking and active frontages, and with gardens to the rear offering a soft transition between the built form and the open countryside to the west.*
7. The land at No 89 rises as it meets Gainsborough Road to the east, and from the entrance into No 89 the cooling towers of the power station beyond the River Trent to the west are visible beyond the tree belt to the rear of the site. In the appeal site itself however there are very limited views owing to the extensive screening surrounding the site, with the only significant visibility off to the stables and houses beyond, on or near Causeway Lane, to the north of the site. The site lies in a designated Area of Great Landscape Value (although no character appraisal or copy of the policies map has been provided in the course of the appeal) to which the Central Lincolnshire Local Plan 2012 – 2036, adopted in April 2017, ('the CLLP') Policy LP17 has particular application.
8. The site is thus a greenfield site lying at the edge of the settlement. Policies LP2 and LP4 of the CLLP set out that Lea is a 'Medium Village' at level 5 in the settlement hierarchy, and is expected to grow by 15% over the plan period. The Council's officer reports set out that much of this growth has already been achieved. The policies of the CLLP set out that limited developments in appropriate locations to support the functioning or sustainability of the settlement will be accommodated. A sequential test will be applied, preferring brownfield or infill sites within or on the edges of settlements before greenfield sites, with any proposal departing from this sequence required to clearly explain why sequentially preferable sites are not suitable or available.
9. A Neighbourhood Plan for the area also exists. Made in January 2018, Policy 2 of the Lea Neighbourhood Plan ('the NP') supports small scale residential developments only where they fill a gap within the built up area of the village,

demonstrate clear evidence of community support, and do not result in back land development.

10. There is presently an ample supply of housing land in the local area (the Council's figure of 5.87 years' supply is not disputed) and these development plan policies are up to date, and consistent with the National Planning Policy Framework ('the Framework') in recognising the intrinsic character and beauty of the countryside by seeking to avoid unnecessary development of it. The appeal proposals in each case constitute the development of a greenfield, back land, site, with no evidence provided to justify not developing sequentially preferable sites. Therefore I conclude that the proposed development would in each case fail to comply with Policies LP2 and LP4 of the CLLP, and with Policy 2 of the NP.
11. The proposal in either case comprises low-rise single storey development that would not be readily visible from beyond the site. Nonetheless, development of the appeal site for residential purposes would considerably alter the setting of the settlement in this vicinity, from the existing linear housing backing onto open countryside, or the current undeveloped garden area of the appeal site, to houses that would lose this transitional aspect by becoming bounded to their rear by the domestic built form and garden of the proposed new dwelling or live-work unit. Policy 4 of the NP requires new developments to respect the linearity of the settlement, and Policies LP17 and LP26 of the CLLP require proposals to respond positively to the local character of the area. The introduction of back land housing development to the site would not reflect the existing local character and would be contrary to these policies.
12. In conclusion on this main issue I find that each of the development proposals would amount to the provision of housing on an unsuitable site, causing harm to the character of the area and to planning objectives safeguarding the countryside, and would be contrary to the development plan for the area.

#### *Highway safety*

13. The concern of the Local Highway Authority ('the LHA') relates to the proposed access for Appeal B, which appears to be an historic access lane to Gainsborough Road, leading to the appeal site on the northern side of No 91, but which is presently blocked off by a hedgerow. A telegraph pole stands immediately to the north of the proposed access in the highway verge, and a cherry tree also abuts it. The lane runs the entire length of the house and garden at No 91 and is passable for just one vehicle. The LHA's objection arises from the inability of two vehicles to pass on this lane, which could have consequences for the traffic flow and safety on Gainsborough Road where there are conflicting movements.
14. However, the risks of this happening appear to be reasonably remote and do not amount to such severe transport implications as to warrant dismissing the appeal on the grounds of conflict with CLLP Policy LP13 or NP Policy 2, or by reference to the Framework. Gainsborough Road is very busy, but traffic speeds are limited to 40mph and it is a wide road, with wide verges. The dwelling under Appeal B is designed as a 1 or at most 2-bedroomed house, so the likelihood of traffic conflicts at the site can be expected to be low. The access lane is straight with adequate visibility, with a turning area near to the proposed garage for use if necessary.

15. The LHA's objection also states that allowing this access would make it difficult to resist other applications of a similar nature on adjacent land with similar access deficiencies, to the detriment of highway safety. However, I have no details of any other proposed developments or their proposed accesses, and so give no weight to the risk of precedent in concluding on this issue.

*Other matters*

16. In relation to Appeal A, which is not purely a residential proposal but encompasses a 'work' element, the appellant seeks support from the Framework and particularly from paragraph 81. That paragraph relates to planning policies, rather than decisions but, although the employment aspects of the proposal attract some weight in favour of it, I have no evidence that these cannot be provided elsewhere.
17. Both proposals carry considerable sustainability credentials, being located close to a bus stop and 15 minutes' walk from the railway station, and less than 2 miles to the centre of Gainsborough. Bat boxes would be provided, and it is intended for either development to be self-sufficient in energy terms, making a net contribution to the grid. These matters attract weight in favour of the proposals. However, given the proposals are both for a single unit only, I attribute them only moderate weight.
18. The proposals would also have a low risk of flooding. However, this is a neutral effect that attracts no weight in favour of or against the proposals.

**Planning Balance and Conclusion**

19. Although I have found no harm to highway safety that would justify dismissing Appeal B, and that the employment aspect of Appeal A carries some weight in its favour, as does the contribution to the housing supply and some sustainability advantages of either proposal, overall I am unable to conclude that these considerations weigh heavily enough to overcome the conflict with the development plan. The proposals each amount to providing housing in an unsuitable location that would result in harm to the character of the area, and accordingly the appeals are both dismissed.

*Laura Renaudon*

INSPECTOR