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## Appeal Decision

Site visit made on 18 June 2019

by **M Seaton DipTP MRTPI**

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

Decision date: 05 September 2019

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**Appeal Ref: APP/N2535/W/19/3226219**

**Land at Lincoln Road, Ingham, Lincolnshire.**

- 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 Colin Daniels (on behalf of Waddington Developments Ltd) against the decision of West Lindsey District Council.
  - The application Ref 138621, dated 7 November 2018, was refused by notice dated 10 January 2019.
  - The development proposed is for a dwelling and attached garage on land to the west of affordable housing (approved by 134496), along with the relocation of previously approved garages to Plots 1 and 2 of the previously approved layout (134496).
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### Decision

1. The appeal is allowed and planning permission is granted for a dwelling and attached garage on land to the west of affordable housing (approved by 134496), along with the relocation of previously approved garages to Plots 1 and 2 of the previously approved layout (134496) on Land at Lincoln Road, Ingham, Lincolnshire, in accordance with the terms of the application Ref 138621 dated 7 November 2018, and subject to the conditions set out in the Annex.

### Main Issues

2. The main issues are;
  - whether the proposed development would accord with local and national housing policies;
  - the effect of the proposed development on the character and appearance of the street scene and area;
  - whether the proposed dwelling would make adequate provision for the living conditions of future occupiers, having regard to privacy and light; and,
  - whether there are any other material considerations which would weigh in support of the proposed development.

### Reasons

3. The appeal site is set on the eastern side of Lincoln Road towards the southern end of the village of Ingham. The site is comprised of an area of land which is situated within a larger development for 47 dwellings (including 12 affordable units) previously granted planning permission on 12 May 2017 (Ref. 134496),

which has been implemented and at the time of my visit was well advanced. The site is shown on the previously approved plans as being an open area of land set between the rear boundary of a pair of detached dwellings facing on to Lincoln Road, and the neighbouring residential block and associated parking accommodating the affordable units.

### *Housing*

4. The Council's reason for refusal refers me to Policies LP2 and LP4 of the Central Lincolnshire Local Plan 2017 (the Local Plan). These policies address the spatial strategy and settlement hierarchy as well as growth in villages.
5. Policy LP2 identifies Ingham as a Medium Village where, unless promoted via a neighbourhood plan or through the demonstration of clear local community support, only a limited amount of development to support the function and sustainability of the village would be allowed, with sites in appropriate locations being for up to 9 dwellings. Only in exceptional circumstances would proposals of a larger scale of up to 25 dwellings be justified.
6. Policy LP4 highlights that due to the key facilities provided in Ingham, a growth level of 15% is appropriate for the plan period, 2012 – 2036, which is identified as a figure of 65 dwellings. The Council has drawn my attention to its Growth Table from January 2019 which shows Ingham as currently having permissions and development at a figure of 91, comfortably in excess of the growth figure for the village. Policy LP4 indicates that in such a circumstance, further development would require a demonstration of local community support. This term is defined by Policy LP2 as meaning that at the point of submitting a planning application, there should be clear evidence of local community support for the scheme following a pre-application community consultation exercise. The Policy continues to state that if, despite the pre-application consultation exercise, demonstrable evidence of support or objection cannot be determined, then there will be a requirement for support from the applicable Parish or Town Council.
7. In this instance, whilst the proposal would accord with the requirement for development proposals to be on sites of up to 9 dwellings, the existing committed and completed development target set for Ingham within the Local Plan period has already been exceeded. Having regard to the requirements of Policies LP2 and LP4, there is no evidence of a clear demonstration of local community support at the point of submitting the planning application, and I note that Ingham Parish Council have objected to the proposal on the basis of the exceedance of the growth level for the village. Therefore, for these reasons the proposed development would not accord with the spatial housing policies of the Development Plan.

### *Character and appearance*

8. I have noted that the Council has accepted that the proposed development would not encroach into surrounding countryside and despite being set within a locally designated Area of Great Landscape Value, there would be no adverse impact on the landscape due to its location within the context of an existing development.
9. However, in considering the impact of the proposal on character and appearance, I acknowledge that the presence of the existing sub-station

presents a visual difference to the street presence of the proposal within the wider development where development largely either directly addresses Lincoln Road or 'Wessex Way'. Nevertheless, I do not consider that the proposed development would appear harmful in its context particularly where the adjoining affordable units are also set back from the street frontage. Furthermore, the scale of the appeal site would not appear as a departure from other plots previously approved by the 2017 planning permission and the proposed footprint of development would not be uncharacteristic in the context of either the size of plot or the wider development. The proposal would in this respect make an effective and efficient use of land.

10. On this basis, I am not persuaded that the proposal would appear as an over-development of the plot or be visually harmful in the context of the wider development, and I therefore conclude that there would not be an adverse impact on character and appearance of the area. The proposed development would therefore accord with Policy LP26 of the Local Plan which seeks to ensure that all development must achieve high quality sustainable design that contributes positively to local character and townscape and reflect the architectural style of local surroundings.

#### *Living conditions*

11. The proposed dwelling would occupy a location to the rear of Plots 1 and 2 on Lincoln Road, and adjacent to the affordable housing block. The Council has assessed that these 2-storey properties would have the potential to overlook and overshadow the proposed dwelling and its amenity space to the detriment of the living conditions of future occupiers.
12. I have carefully considered the resultant relationships and have noted the identified distances between the boundaries of the curtilage to the proposed dwelling and the rear/side elevations of the neighbouring buildings. However, I disagree with the Council's assessment regarding the impact on living conditions and note that not dissimilar relationships would appear to have been approved to the rear of other dwellings on Lincoln Road and the proposed terraces to the east which are set perpendicular to the frontage dwellings. I am satisfied that distances and the resultant relationships would neither be uncharacteristic of the development as approved nor unexpected in the context of a development of a residential development of this layout and density.
13. The proposed development would make adequate provision for the living conditions of future occupiers, having regard to privacy and light. There would not be conflict with Policy LP26 of the Local Plan which requires all new development to not harm the amenity of existing and future occupants of neighbouring land and buildings, with regards overlooking and overshadowing or loss of light.

#### *Other material considerations*

14. The planning application addresses a proposal for a single dwelling. However, it is evident both from the submissions and my observations on the appeal site that the proposal is effectively an amendment to the previously approved May 2017 planning permission. With regards this earlier decision, it is clear that whilst the resolution to grant planning permission was reported prior to the adoption of the current Local Plan, the Council acknowledged the advanced

stage of the emerging Local Plan and attached substantial weight to it in making its determination.

15. In this respect, the delegated report for the proposal for the 47 dwellings concluded that it did not accord with Policy LP2 due to the scale of the proposed development, and that the resultant development level would exceed the set growth level for Ingham. However, the contribution to meeting an identified affordable housing need in the form of 12 units for Over 55's was afforded significant weight in the overall decision-making.
16. The appeal proposal would clearly read as part of the wider development which has already been assessed in the context of the current Development Plan policies. The overall resultant quantum of development would be for one more dwelling than as originally approved, but no evidence has been adduced to suggest that had an application for 48 rather than 47 dwellings been made that the principle of the development would have been resisted, setting aside the aforementioned concerns over character and appearance and living conditions which I have already addressed.
17. For this reason, whilst I acknowledge the conflict with the Development Plan, neither the Council nor interested parties have set out with any authority compelling reasons why the proposed development and resultant uplift of a single additional dwelling would be harmful in this instance or would not amount to sustainable development in the context of the settlement. I consider this to be a significant and fundamental omission in seeking to justify and resist further development in the context which has been specifically proposed, and I find that the absence of demonstrable harm in this regard would attract significant weight in support of the proposal.
18. The appellant has also drawn my attention to a number of other matters which it is contended provide support for the proposed development.
19. With regards the planned growth of housing for the Local Plan period, it is highlighted that the current requirement for 1540 dwellings per year (1846 with a 5 year buffer) is not being met with reference made to the latest monitoring within the Central Lincolnshire Five Year Land Supply Report (1<sup>st</sup> April 2018 – 31<sup>st</sup> March 2023) published in January 2019, with a slower than anticipated delivery on strategic allocations referred to. In this respect, I would agree that the importance of smaller/windfall sites would be heightened as a means of making a quick and important contribution to delivery, particularly in sustainable locations such as Ingham, and note that paragraph 68 of The National Planning Policy Framework (the Framework) reflects this point. Whilst the proposed additional dwelling would make only a limited contribution in terms of the quantum of development, in this regard it has to be a matter which in the circumstances would provide some moderate support for the proposals.
20. I have noted the appellant's references to the comments of the Examining Inspectors in their Report over the complexity of the application of the approach of Policy LP4 of the Local Plan in the area, particularly as a point of difference to the approach which preceded it. However, whilst the methodology may be complex in providing communities with greater responsibilities in effecting planning outcomes, this does not alter the fact that the Policy is a part of the Development Plan and cannot therefore be ignored.

21. I have had regard to the appellant's contention that concerns expressed by the Examining Inspectors about the approach being untried and untested are now emerging, and that the 'arbitrary standards' set are stifling the delivery of sustainable development in some villages whilst others are struggling to accommodate any development. However, even allowing for the absence of any conclusive evidence in support of this contention, the appropriate means of reviewing the effectiveness of the Development Plan policies would be through a full and thorough review of the Development Plan itself, rather than on individual development proposals. I have not therefore attributed any significant weight to this matter.
22. I have also been directed by the appellant to the contention that there is inconsistency in the application of the growth target in decision-making, both by an Inspector on a decision elsewhere in West Lindsey (*Appeal Ref. APP/N2535/W/18/3207425*), and also by the Council in their approach to development in other *Medium Villages*.
23. In respect of the other appeal decision, I do not have the benefit of the evidence placed before the Inspector in that instance in order to understand the rationale for the conclusions reached. However, whilst paragraph 1.1.1 of the Local Plan does state that *it (the Local Plan) contains planning policies and allocations for the growth and regeneration of Central Lincolnshire over the next 20 years*, I am not persuaded that it dictates an approach which would override the explicit reference to monitoring of growth of settlements as set out in Policy LP4, and which in the context of the Development Plan as a whole was found to be sound by the Examining Inspectors.
24. Turning to the reference to development in Swinderby, another 'Medium Village', there is an undoubted similarity in the allowance of development which would result in an exceedance of the target growth for the settlement. Nevertheless, there were clearly different circumstances related to the redevelopment of previously developed land, the re-provision of employment floorspace as part of a mixed use development, potential for a community shop, access to a train station, and the undertaking of pre-application engagement with the community, which, whilst not leading to full community support, did lead to support from the Parish Council.
25. In this regard, there are clear differences in the circumstances between the two proposals, albeit that despite the conflict with the spatial policies of the Development Plan, a detailed weighting exercise of the proposal in the context of other material considerations was undertaken by the Council as part of its assessment. No such exercise has been undertaken in this instance, or any response provided to the appellant's detailed and extensive submissions setting out contended material considerations as part of the appeal, which I find to be a fundamental deficiency of the Council's decision-making.
26. The appellant has raised other matters in support of the proposed development under the three overarching objectives of sustainable development as set out in the Framework. With regards economic objectives, the addition of a further dwelling would provide some limited support for existing services and facilities within Ingham, as well as short-term benefits during the construction period.
27. I have already referred to the weight to be attached to the provision of an additional dwelling in the village. However, other social benefits in the form of the provision of a fully accessible house achieving a higher standard for

accessibility than part M4(2) of the Building Regulations, and the provision of a family-sized dwelling as a potential means of contributing towards meeting the shortfall in pupils in the local school, would also attract some limited weight in support of the proposals.

28. Finally, the sustainable location of the proposed development has already been addressed, as has the efficient use of land in the context of the appeal site being located within the boundary of an existing approved development, both of which would attract a moderate amount of weight in this context.

### **Other Matters**

29. The proposed dwelling would incorporate a pair of small dormer roof windows within the northern roof slope to serve Bedroom 2, and facing towards the boundary with the adjacent Medical Practice. Whilst not explicitly addressed within the reasons for refusal, concerns have been raised regarding the potential for an adverse impact on the privacy of patients within consulting rooms on the south-side of the main practice building.
30. On the basis of my observations of the relationship, I note that the Medical Practice is set at a lower ground level than the appeal site, but that the existing boundary treatment is relatively substantial and given the separation between the proposed windows and the boundary would provide a reasonable level of screening. However, even though I have noted that the closest windows of the affordable housing do allow some overlooking of the windows within the southern elevation of the Medical Practice, I also noted from my visit that the affected windows already possess internal blinds which I am content would allow consultations to be undertaken in privacy where so desired. I do not consider that the proposed development would therefore result in unacceptable conditions for patients of the neighbouring Medical Practice.
31. I have also noted the continued concerns over the impact of the wider development in respect of parking provision and the desire that the appeal site be designated as additional car parking to serve the demand. However, I am mindful that there is no objection by the Highway Authority to the appeal proposals with regards parking provision, and issues related to parking for the planning permission for the 47 residential units would have already been addressed at the time of the assessment of the earlier scheme. Irrespective of the desire for any alternative use of the appeal site, such a scheme is not before me as part of the appeal proposal and I do not give these concerns any significant weight.

### **Conditions**

32. In addition to conditions addressing the timing of development and ensuring accordance with approved plans and documents, a condition guiding the provision of a scheme for the disposal of foul and surface waters would be required in order to allow the appropriate drainage of the proposed development. A condition to secure details of the treatment of all boundaries including fencing, walling, hedgerows and other means of enclosure would be necessary to both safeguard the character and appearance of the development and the living conditions of existing and future occupiers of the proposed and neighbouring development. The agreement of details of all external and roofing materials would also be secured by condition in the interests of the character and appearance of the development.

33. The Council has also suggested a condition to secure obscure glazing for the first floor windows of the proposed development on the elevation facing towards the neighbouring Medical Practice. However, for the reasons which I have already set out, I do not consider such controls to be necessary in the context of the proposed development, and I have therefore omitted this suggested condition.

### **Planning Balance and Conclusion**

34. I have found the proposed development to not accord with the spatial housing policies of the Local Plan, given that the proposal would result in further development beyond the identified target growth for the settlement of Ingham. However, I have found there to be an absence of harm from the development with regards the effect on character and appearance and the provision of adequate living conditions for future occupiers. In addition, no conclusive details of harm related to an adverse impact on Ingham have been adduced from the resultant uplift of a single dwelling over the previously approved development of 47 dwellings, which is of considerable significance in supporting the proposal as sustainable development.
35. As a smaller/windfall site, the proposal would attract a further moderate level of support and weight in making a contribution towards addressing the slower than anticipated delivery of strategic allocations. Furthermore, the provision of an additional dwelling to the housing stock of the area and potential support for the shortfall in pupils at the local school would both attract some limited support, as would the high standard of accessible accommodation proposed. The provision of further support for local services and facilities through additional expenditure and benefits during the construction period would weigh with some limited weight in support of the proposed development, with the sustainable location and efficient use of land attracting a moderate level of weight in support of the proposal.
36. In this respect, despite the conflict with the spatial strategy I find that the above benefits of the proposed development, when taken cumulatively, would outweigh the identified harm and that the proposal would amount to sustainable development.
37. Therefore, for the reasons given above, and subject to the conditions listed, the appeal is allowed.

*M Seaton*

INSPECTOR

## **Annex**

### **Conditions**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. Unless as otherwise required by the conditions below, the development hereby permitted shall be carried out in accordance with the following approved plans:  
Drawing Nos. 1413W/15/461b Proposed Elevations/Floor Plans and 1413W/15/246 Site Location Plan.
3. No development shall take place until a scheme for the disposal of foul and surface waters have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.
4. No development shall commence until full details of the treatment of all boundaries of the site, including where appropriate, fencing, walling, hedgerows to be retained, or other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the dwelling being first occupied and retained thereafter.
5. No development shall take place until details of all external and roofing materials to be used have been submitted to and approved in writing by the Local Planning Authority and the development shall only be carried out using the agreed materials.