



Appeal Decision

Site visit made on 2 May 2019

by David Storrie DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 October 2019

Appeal Ref: APP/N2535/W/19/3222792

Land south of Pingley Vale, Bigby High Road, Brigg, DN20 9HE

- 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 Harry Thorpe against the decision of West Lindsey District Council.
 - The application Ref 138046, dated 6 July 2018, was refused by notice dated 31 August 2018.
 - The development proposed is an outline planning application to erect 1no. dwelling with detached garage – access to be considered and not reserved for subsequent applications.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. I have taken the description of the proposed development from the Appeal Form as this more accurately reflects the proposal.

Main Issue

3. The main issue in the appeal is whether the proposed development would be in an appropriate location having regard to existing development limits and the open countryside.

Reasons

4. The appeal site is a piece of open land set some distance back from Bigby High Road with the boundary of a residential development immediately to the north, an unmade access road to its southern boundary with open land beyond that and open land to the eastern and western boundaries. The site does not fall within an identified settlement in the Council's development plan. Access to the site would be from an existing track off Bigby High Road.
5. The appeal site was originally part of a much larger site, incorporating the land to the north, that was formerly a prisoner of war camp. From the planning history, planning permission was granted in 2008 on the larger parcel of land to the north of the appeal site for a mixed use (ref: 119946). This excluded the appeal site. Subsequent planning permissions have been granted for development on the land immediately to the north of the site with the latest

- being for 13 dwellings. These were under construction at the time of my site visit.
6. The appeal site was part of a mixed use allocation in the West Lindsey District Local Plan (2006). This development plan has now been replaced by the Central Lincolnshire Local Plan (2017) (CLLP). The site has no specific designation or allocation in the CLLP and lies outside the settlement boundary of nearby Brigg.
 7. From the above, and from what I saw on site, the appeal site is unrelated to the development taking place on the adjoining site to the north. From my site visit it was an overgrown field adjacent to agricultural fields to the east west and south of it. Given this I saw it as open countryside.
 8. Policy LP2 of the CLLP sets out the strategy and hierarchy for new development in the district and, amongst other things, seeks to resist development in the countryside to that which is demonstrably essential to the effective operation of agriculture, horticulture, forestry, outdoor recreation, transport or utility services or renewable energy generation. None of these are applicable to the appeal site. CLLP Policy LP55 deals specifically with development in the countryside and supports Policy LP2 stating that new dwellings will only be acceptable where they are essential to the effective operation of rural operations listed in policy LP2. No evidence has been submitted to demonstrate that the development is essential to the effective operation of rural operations.
 9. The appellant has presented a case that the appeal site forms part of a hamlet where CLLP Policy LP2 acknowledges that infill development may be acceptable. The policy provides a useful definition of a hamlet as a settlement not listed elsewhere in the policy and with dwellings clearly clustered together to form a single developed footprint. Such a hamlet must have a dwelling base of at least 15 units (as at April 2012). *"Within such hamlets, single dwelling infill developments (i.e. within the developed footprint of the village and within an otherwise continuous built up frontage of dwellings) in appropriate locations will be supported in principle."*
 10. From my site visit where I viewed the site and surrounding area, I am not convinced that the appeal site falls within a hamlet. It does not sit within an otherwise continuous built up frontage of dwellings nor is it within a developed footprint or clustered development. There are no dwellings either side of it. I therefore conclude that the site conflicts with CLLP Policies LP2 and LP55.
 11. All matters were reserved apart from access. Whilst the access would be down a lengthy track from the main road, passing places would be provided to reduce any conflict with vehicles. There were no objections from the Highway Authority, and I could see no reason to disagree with this. Passing places and sight line improvements could be dealt with by appropriate planning conditions. Notwithstanding the acceptability of the access to the site, it would not overcome the concerns I have regarding the principle of development of the site that I have set out above.

The planning balance and conclusion

12. The site lies just outside the settlement of Brigg and would be accessible by foot and other modes of transport to Brigg. As such it could be considered to be in a sustainable location. However, notwithstanding this, for the reasons

given above, the proposed development would represent a clear incursion into the countryside that would conflict with CLLP Policies LP2 and LP55. It would be physically separate from the adjoining development immediately to the north with no integration by foot or vehicles. This lack of permeability through existing development would also be contrary to CLLP LP26 that, amongst other things, seek to create a sense of place and integration. This adds further weight to my decision.

13. I note that the appellant had supportive pre-application advice from the Council in 2017. This advice was based upon the earlier development plan where the site fell within the boundary of a mixed use allocation. Whilst reference was made to the emerging development plan, appropriate weight was not given to the emerging policies. Notwithstanding this pre-application advice, I must determine the appeal in accordance with the prevailing development plan and have found it would be an unacceptable incursion into the open countryside for the reasons I have given and would be contrary to the development plan policies identified above.
14. Consequently I dismiss the appeal.

David Storrie

INSPECTOR