



PL.07 16/17
Planning Committee
24 August 2016

Subject: Determination of Planning Appeals

Report by:	Chief Operating Officer
Contact Officer:	Mark Sturgess Chief Operating Officer Mark.sturgess@west-lindsey.gov.uk 01427 676687
Purpose / Summary:	The report contains details of planning applications that had been submitted to appeal and for determination by the Planning Inspectorate.

RECOMMENDATION(S): That the Appeal decisions be noted.

IMPLICATIONS

Legal: None arising from this report.

Financial : None arising from this report.

Staffing : None arising from this report.

Equality and Diversity including Human Rights : The planning applications have been considered against Human Rights implications especially with regard to Article 8 – right to respect for private and family life and Protocol 1, Article 1 – protection of property and balancing the public interest and well-being of the community within these rights.

Risk Assessment : None arising from this report.

Climate Related Risks and Opportunities : None arising from this report.

Title and Location of any Background Papers used in the preparation of this report:
Are detailed in each individual item

Call in and Urgency:

Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

Yes

No

Key Decision:

A matter which affects two or more wards, or has significant financial implications

Yes

No

Summary

- i) Appeal by Mr Tom Miller against the decision of West Lindsey District Council to refuse planning permission for the erection of single dwelling on land to the rear of 1 Highfield House, West End, Ingham.

Appeal Dismissed - See copy letter attached as Appendix Bi.

Officer Decision – Refuse permission

- ii) Appeal by Ms Samantha Farrow against the decision of West Lindsey District Council to refuse planning permission for a dropped kerb onto property with a view of creating off road parking at 14 Bridge Road, Gainsborough.

Appeal Dismissed - See copy letter attached as Appendix Bii.

Officer Decision – Refuse permission

- iii) Appeal by Mr D Ward against the decision of West Lindsey District Council to refuse planning permission for a front extension to form a larger lounge at 24 The Granthams, Dunholme.

Appeal Dismissed - See copy letter attached as Appendix Biii.

Officer Decision – Refuse permission

- iv) Appeal by Mr D Ward against the decision of West Lindsey District Council to refuse planning permission for the demolition of the existing porch, laundry, and outhouse at the rear of the property, and construction in their place a glazed link, with laundry and shower room, leading to a new lounge with bedroom above at 25 High Street, Newton on Trent.

Appeal Dismissed - See copy letter attached as Appendix Biv.

Officer Decision – Refuse permission

- vi) Appeal by Mr Robert Addison against the decision of West Lindsey District Council to refuse planning permission for a new exemplar single dwelling, including outbuilding and new access drive on land adjacent to Thorpe Farm, Thorpe Lane, Tealby.

Appeal Allowed - See copy letter attached as Appendix Bv.

Officer Recommendation – Grant permission

Committee Decision - Refuse

Appeal Decision

Site visit made on 21 June 2016

by David Cross BA (Hons), PGDip, MRTPI

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

Decision date: 29 July 2016

Appeal Ref: APP/N2535/W/16/3148098

Land to the rear of 1 Highfield House, West End, Ingham, Lincoln LN1 2XY

- 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 Tom Miller against the decision of West Lindsey District Council.
 - The application Ref 133790, dated 1 December 2015, was refused by notice dated 12 February 2016.
 - The development proposed is erection of single dwelling.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application has been submitted in outline with all matters reserved for future consideration. I have dealt with the appeal on that basis, treating the proposed site layout plan as indicative in line with the Planning, Design and Access Statement
3. The Council has confirmed that the Proposed Submission Central Lincolnshire Local Plan 2016 (CLLP) has entered the examination period with the Examination in Public expected to take place during the autumn of 2016. Whilst I have noted the Council's comments on this matter, I have not been made aware of the extent to which there are unresolved objections to relevant policies of the CLLP. Because of this and the stage of the preparation of the CLLP, I consider that only limited weight can be attached to it having regard to paragraph 216 of the National Planning Policy Framework (the Framework).

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

5. The appeal site consists of part of a paddock located on the edge of the village of Ingham, which is defined as a Primary Rural Settlement in policy STRAT3 of the saved policies of the West Lindsey Local Plan First Review 2006 (WLLP). The site is located outside of the defined settlement boundary and is therefore considered to be located within the open countryside. Policy STRAT12 states that planning permission for development in the open countryside will be
-

- refused unless it meets certain criteria, for example if it is essential to meet the needs of agriculture, horticulture or forestry. The proposal would not meet the criteria listed in policy STRAT12 and would therefore conflict with the WLLP. Policy STRAT9 establishes the priority for the release of housing land, with greenfield land (such as the appeal site) being the lowest priority.
6. However, the Council accepts that the spatial strategy of the WLLP is out of date as it does not have sufficient allocations to meet the five year housing land supply in accordance with paragraph 47 of the Framework. The Council has provided further information on land supply in the Central Lincolnshire Five Year Land Supply Report April 2016, but as the Council acknowledge it has not been independently tested I have given this very little weight. Paragraph 49 of the Framework states that in these circumstances relevant policies for the supply of housing should not be considered up to date. The appeal proposal should therefore be considered on the basis of paragraph 14 of the Framework which states that where relevant policies are out of date permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
 7. At my site visit, it was apparent that the site has the characteristics of a field for the grazing of animals rather than an amenity area associated with Ingham. The site is distinctly separate from adjacent residential plots and the wider settlement of Ingham due to well-established hedges and trees along the boundary. Because of this visual separation and the rural character of the paddock the site is clearly associated with the countryside around Ingham rather than the settlement itself.
 8. There are also well established hedges along the southern and western boundaries of the paddock, although the boundary of the appeal site does not extend up to these. Whilst the planting on the boundary affords a degree of screening in views of the site from the surrounding countryside, a dwelling on the site would be visible from the surrounding area including views from a public footpath to the south. It was apparent on my site visit that when viewed from the south the site does not appear against a backdrop of the built form of Ingham but is instead viewed against a screen of green field boundaries and mature trees. The introduction of a dwelling would change the character of the site from a rural paddock to a residential plot which would therefore appear as alien and incongruous development projecting into the countryside rather than a development associated with the built form of Ingham.
 9. The appellants have referred to the Guidelines for Landscape and Visual Assessment 2013 (GLVIA) and stated that the conclusions of the Council should be given limited weight as a GLVIA compliant assessment has not been undertaken. However, whilst the GLVIA may represent best practice, it is normally used for much larger scale development and the lack of such an assessment does not nullify the conclusions of the Council. I have considered the assessment undertaken by the appellant and the identified key viewpoints and this does not overcome the harm identified above.
 10. The appellants have also stated that the site is not agricultural land as referred to in the Council Officer's report and instead consists of amenity grassland. However, I have not been provided with any evidence in relation to the agricultural classification of the site and this matter has not been influential in my decision.

-
11. In relation to benefits arising from the proposal, an additional dwelling in terms of the supply of housing would be a benefit albeit a very modest one. Residents of the dwelling would also have convenient access to the services in Ingham.

Conclusion

12. The proposal would conflict with policies STRAT9 and STRAT12 of the development plan in that it is a greenfield site located outside of the defined settlement limits of Ingham. However, I consider that in the light of the Council's acceptance that the WLLP is out of date these policies for the supply of housing should not be determinative of the outcome of this appeal.
13. Notwithstanding my comments above in relation to policies for the supply of housing, the proposal conflicts with policy STRAT1 of the WLLP which seeks to prevent visual encroachment into the countryside. The proposal also conflicts with Policy NBE20 which states that development will not be permitted on the edge of settlements and which detracts from the rural character of the settlement edge. These policies are broadly consistent with the environmental role of the sustainability objectives of the Framework.
14. When assessed against the development plan and the Framework considered as a whole, on balance, the overriding consideration is that the scheme would fail to contribute to the environmental role of sustainable development in relation to protecting and enhancing the natural and built environment. I have had regard to all other matters raised including the identified benefits, however none of these affect the conclusions I have reached. The appeal is therefore dismissed.

David Cross

Inspector

Appeal Decision

Site visit made on 13 July 2016

by M Seaton BSc (Hons) DipTP MRTPI

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

Decision date: 26 July 2016

Appeal Ref: APP/N2535/D/16/3148734

25 High Street, Newton on Trent, Lincoln, LN1 2JS

- 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 Daniel Wade against the decision of West Lindsey District Council.
 - The application Ref 133826, dated 10 December 2015, was refused by notice dated 8 April 2016.
 - The development proposed is for the demolition of the existing porch, laundry, and outhouse at the rear of the property, and construction in their place a glazed link, with laundry and shower room, leading to a new lounge with bedroom above.
-

Procedural Matter

1. I have noted that the Council adopted an alternative description of development to that proposed on the application form by the appellant, with the Council's description stating the works to be a *glazed link and two storey extension to the rear including the removal of existing porch, laundry room, and outhouse*. However, whilst I accept the Council's description of development to be a more concise version of the appellant's, I do not see this as a reason to depart from the description of development included on the planning application forms, which I consider to be an accurate reflection of the proposed development.

Decision

2. The appeal is dismissed.

Main Issue

3. The main issues are;
 - the effect of the proposed development on the character and appearance of the property and the area, with particular reference to the effect on the setting of nearby listed buildings; and,
 - whether the proposed development would safeguard the living conditions of No. 23 High Street, having regard to outlook and light.

Reasons

Listed building and character and appearance

4. The appeal property is a two-storey brick-built end of terrace dwelling set on to High Street, which is the main thoroughfare through the village centre. The
-

property is set slightly back from the main road by virtue of its front garden, with a side access drive to parking at the rear of the dwelling, as well as providing access to a further dwelling to the rear. The property possesses associated outhouses to the rear which include as indicated on the existing plans a laundry linked to the rear of the house by a porch structure, and a larger brick-built outhouse which also bounds the end of the rear garden closest to the dwelling of the neighbouring property, No. 23 High Street. A further area of 'paddock' lawn abuts the rear driveway to the east of the large outhouse.

5. In determining this appeal, I have a statutory duty, under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to consider the impact of the proposal on the special architectural and historic interest of the setting of the nearby listed buildings. Paragraph 132 of the National Planning Policy Framework (the Framework) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. In this regard, I have considered the impact of the proposed development on both the Church of St. Peter, a Grade II* listed building, and White House Farm House, a Grade II listed building immediately to the south of the appeal property.
6. The proposed development would incorporate the demolition of the existing historic outhouses and other structures to the rear of the appeal property, and replacement with a tiled link extension to a two storey rear outbuilding, positioned in a broadly similar location to the existing outhouse. In both instances, the proposed elements of the works would comprise larger footprints of development, and increases in overall height, which in the case of the two-storey outbuilding would be relatively significant. In this respect, on the basis of the submitted plans, I consider both individually and cumulatively that the proposed extensions would represent an uncharacteristic form of development and extension to the existing dwelling. Furthermore, as a consequence of their overall height and bulk, and noting the appellant's contention to the contrary, they would not appear as subservient additions to the dwelling, but as substantial additions to the rear of the cottage, and not reflective of the traditional form of the short terrace of cottages.
7. Turning to the impact of the proposed development on the listed buildings, I consider that the setting of both the Church of St. Peter and White House Farm House is derived from their village location. With this in mind, I accept that the general principle of extending the appeal property would not necessarily detract from the significance of the listed buildings. Whilst the church is set back from the road frontage behind other buildings including the village school and mature trees, the church tower is visible from various points around the village, including from the appeal site. However, I find that the scale, appearance, and use of proposed window and cladding materials would, in the context of the relationship with the cottage, result in an adverse effect due to the proximity and inter-visibility with White House Farm House and the tower of the Church of St. Peter. As a consequence, I am satisfied that the significance of the heritage assets would therefore be diminished by the proposal as it would detract from the setting and the traditional pattern of development, and would therefore conflict with the policies of the Framework which seek to conserve and enhance the historic environment.

8. The appellant has referred to the existing condition of the outhouse and associated outbuildings to the rear, which on the basis of my observations I would agree are in a generally poor state of repair and do not make a particularly positive visual contribution. However, I am not persuaded by the evidence before me that this in itself provides any justification for the extent of the development as proposed. Furthermore, I have taken into account the use of matching materials with regards the proposed red brick and red clay pantiles, but despite uPVC windows having been installed in the cottage and the appellant drawing my attention to their durability and maintenance benefits, I do not regard these considerations as outweighing the visual harm from the proposed uPVC windows.
9. On the basis of the submitted evidence and my observations at the site visit, I would conclude that the proposed development would result in an adverse effect on the character and appearance of the existing property, and would fail to preserve or enhance the setting of the nearby listed buildings. I note that the Council has referred me to saved Policy RES 12 of the West Lindsey Local Plan First Review 2006 (the Local Plan) in the reason for refusal, but as a consequence of its focus on extensions to dwellings in the open countryside, I do not consider this policy to be pertinent in this instance. However, I am satisfied that the proposal would not accord with Policies STRAT 1 and RES 11 of the Local Plan, which state that development must have regard to the impact on character and appearance of neighbouring land, as well as the setting of listed buildings, and that extensions should be well-designed in relation to size, shape and materials, and be subordinate to the building.

Living conditions

10. The proposed extensions immediately abut the private rear garden of the neighbouring property at No. 23 High Street, and would also be close to the rear elevation. The Council has raised concern over the impact of the proposed development on both the outlook and light afforded to neighbouring occupiers.
11. In considering this matter, I have had careful regard to the orientation of the neighbouring property from the proposed development, as well as the existing extent of built form and its impact on existing living conditions. In this respect, there can be no dispute that there would be an increase in the overall height of the proposed extensions in comparison to the existing outhouses, and I am satisfied therefore that the proposals would result in a greater impact on light afforded to the garden and ground floor rear windows of the neighbouring property, to an unacceptable degree. Furthermore, the proposed development would result in a more oppressive outlook from the garden and ground floor windows, particularly in respect of the greater scale of the two-storey element.
12. As a consequence, on the basis of the evidence submitted and my observations on site, I am satisfied that the extent of the proposed works and their orientation from both the neighbouring garden and windows would result in an unacceptable worsening of the availability of light and outlook, as experienced by neighbouring occupiers. The proposals would therefore fail to safeguard the living conditions of the neighbouring occupier of No. 23 High Street, and would not accord with saved Policies STRAT 1 and RES 11 of the Local Plan, which require development to have regard to the impact on neighbouring land and uses, and for extensions to not adversely affect the amenities of neighbouring properties by virtue of over-dominance. Furthermore, the proposal would not

accord with paragraph 17 of the Framework which requires development to always seek a good standard of amenity for all existing occupants of land and buildings.

Other Matters

13. The appellant has indicated that much of the proposals could be undertaken as permitted development, although has not provided any details specifying how this may be achieved or what form such a development should take. Nevertheless, it would be my view that such an extension would be unlikely to be as substantial as the proposal now before me, and in the absence of any further information on the matter it is not my judgement therefore to make.
14. I have also had regard to the lack of objection from neighbouring occupiers, but this is not a decisive matter with regards to the harm which has been identified.

Conclusion

15. For the reasons above, the appeal should be dismissed.

M Seaton

INSPECTOR

Appeal Decision

Site visit made on 1 August 2016

by J A Murray LLB (Hons), Dip.Plan Env, DMS, Solicitor

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

Decision date: 2 August 2016

Appeal Ref: APP/N2535/D/16/3152827

24 The Granthams, Dunholme, Lincoln, LN2 3SP

- 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 D Ward against the decision of West Lindsey District Council.
 - The application Ref 133936, dated 11 January 2016, was refused by notice dated 16 March 2016.
 - The development proposed is a front extension to form a larger lounge.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the hoist dwelling and the area.

Reasons

3. The appeal site lies within an established housing estate. The Granthams itself is a cul-de-sac of detached dwellings, including bungalows, chalet bungalows and, at its far end, 2-storey houses. They all appear to be of the same era and, whilst some have been altered and the differing dwelling types provide some variety, the development on this road has a coherent and harmonious appearance.
 4. The appeal property lies in a row of similar, modest, gable-fronted bungalows and it shares a consistent building line with Nos 23 and 25 on either side. Whilst the front elevation of No 22 is stepped back, this merely follows the bend in the road and appears entirely natural. The properties opposite the appeal site are of a different design, but they too share a common front building line.
 5. The proposal would not alter the appearance of the host property's front elevation, but would bring it forward some 2.9m, including the roof. On entering the cul-de-sac, the appeal property and its adjoining neighbours are the first houses encountered on the left of the road. The proposal would significantly breach the established building line. Whilst variety can add interest, this proposal would give the host property undue prominence, extending the unrelieved brickwork of the flank elevation clearly into view and introducing a discordant note into an otherwise harmonious layout. It is no answer to this to say that the neighbours would have the same opportunity to extend their properties; there can be no obligation on them to do so.
-

6. I note that No 11 The Granthams has a front extension which brings it forward of the front elevation of No 10. However, that extension brings No 11 broadly in line with Nos 12 and 13, which are already stepped forward. Furthermore, the separation between the main front elevations of No 11 and its immediate neighbours is greater than in the case of the appeal property and its neighbours. There is also more variety in the design of properties in this part of the cul-de-sac, where 2-storey houses are introduced around the turning circle. All these factors make the extension at No 11 much less incongruous than the appeal proposal would be.
7. The appellant also drew my attention to front extensions at Nos 46 and 51 Merleswen, on the same estate. The extension at No 46 only extends half the width of the front elevation and the separation distances between it and its neighbours are greater than in the case before me. Furthermore, the neighbouring property at No 44 is of a different design to Nos 46 – 54 (even) and the front building line at Nos 48 – 50 is stepped. Similarly, the design of No 51 differs from that of its neighbour at No 53 and the separation distances on both sides are greater than in this case. In addition, none of these developments can be seen together with the appeal property. In all these circumstances, the other schemes referred to are not truly comparable to the appeal proposal and do not indicate that it should be allowed.
8. For all the reasons given, I conclude on the main issue that the proposal would unacceptably harm the character and appearance of the host dwelling and the area, contrary to saved Policies STRAT 1 and RES 11 of the West Lindsey Local Plan First Review, adopted 2006. These seek to protect local character and encourage good design, in line with the National Planning Policy Framework. The Framework attaches great importance to good design, which is a key aspect of sustainable development and indivisible from good planning. It also indicates that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way that it functions.
9. Having regard to my conclusion on the main issue and all other matters raised, including the fact that the proposal would make greater use of urban land, I am satisfied that the appeal should be dismissed.

J A Murray

INSPECTOR

Appeal Decision

Site visit made on 29 June 2016

by John Morrison BA (Hons) MSc MRTPI

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

Decision date: 1 Aug 2016

Appeal Ref: APP/N2535/D/16/3150197

14 Bridge Road, Gainsborough, Lincolnshire DN21 1JU

- 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 Ms Samantha Farrow against the decision of West Lindsey District Council.
 - The application Ref 134102, dated 29 February 2016, was refused by notice dated 11 May 2016.
 - The development proposed is a dropped kerb onto property with a view of creating off road parking.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on highway safety.

Reasons

3. The proposed development would create two off street parking spaces on the front garden of the existing dwelling. Bridge Road is a single carriageway road; the section on which the existing dwelling is located runs between the Lea Road and Bridge Street junction to the west and the roundabout at the foot of the Thorndike Way dual carriageway to the east.
 4. The front garden of the existing dwelling is of limited depth and whilst it would evidently be capable of accommodating an average sized parked vehicle clear of the pavement, I am not persuaded that there would be sufficient space to turn within the residential curtilage and exit forwards. A vehicle entering or exiting the proposed off street parking space would therefore either have to reverse onto the front garden or into the highway. In either case this would involve a manoeuvre within the highway which would cause obstruction and a potential danger to both vehicular and pedestrian users.
 5. As a result the proposed development would be detrimental to highway safety and would therefore be contrary to Policy STRAT 1 of the West Lindsey Local Plan First Review 2006 which seeks to ensure that, inter alia, all development must be satisfactory with regard to the provision of adequate and safe access to the road network to prevent the creation or aggravation of highway problems.
-

6. The proposed development would also be contrary to the National Planning Policy Framework which seeks to ensure that, with specific regards to paragraph 35, development should be located and designed, where practical to create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians.

Other Matters

7. The appellant states the intention for the occupiers of Number 16 Bridge Road to apply for planning permission for the same development and thus provide an off street parking area between the two gardens which would allow a vehicle to turn and exit forwards. Aside from not having such a proposal before me, I am not persuaded that in the event both gardens were opened up for off street parking, a turning manoeuvre clear of the public highway would be practical as it would have to be reliant on there being no other parked vehicles on either garden.
8. I acknowledge the other examples of parked vehicles on front gardens elsewhere in the surrounding area which have been provided. I further note that most do not allow for turning within them and in some cases result in parked vehicles overhanging the pavement. I have no evidence before me to suggest however that these examples are all lawful in planning terms and in any event, the hazards that these examples have created are not a justification to allow the appeal. I therefore afford them limited weight in my findings.
9. Whilst the provision of off street parking would prevent cars parking on the highway, the proximity of the proposed drop kerb to the existing pedestrian crossing and double yellow lines would prevent this in any event. I also acknowledge that visibility from the front garden onto Bridge Road would be sufficient. However, this is neither a contentious issue in the determination of the appeal nor sufficient to outweigh the harm that I have identified above.
10. I note the appellant's further comments that the addition of off street parking would have a favourable effect on the value of the property and that in the past vehicles have been subject to vandalism.
11. Since planning decisions are concerned with land use in the public interest, the effect of them on the value of private interests such as property value, either positively or negatively, can be afforded very limited weight. In addition, I have no compelling evidence before me that parking within the residential curtilage would be a sufficient deterrent to vandalism. Indeed, the appellant points out that they currently rent a garage, which arguably is a more secure option in any event. I can therefore afford this matter only limited weight in my findings.

Conclusion

12. For the above reasons therefore, and having regard to all other matters raised, the appeal is dismissed.

John Morrison

INSPECTOR

Appeal Decision

Site visit made on 26 July 2016

by Helen Hockenhull BA(Hons) B.PI MRTPI

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

Decision date: 10 August 2016

Appeal Ref: APP/N2535/W/16/3149772

Land adjacent to Thorpe Farm, Thorpe Lane, Tealby, Market Rasen LN8 3XJ

- 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 Robert Addison against the decision of West Lindsey District Council.
 - The application Ref 133466, dated 7 September 2015, was refused by notice dated 11 March 2016.
 - The development proposed is a new exemplar single dwelling, including outbuilding and new access drive.
-

Decision

1. The appeal is allowed and planning permission is granted for a new exemplar single dwelling, including outbuilding and new access drive, on land adjacent to Thorpe Farm, Thorpe Lane, Tealby, Market Rasen LN8 3XJ in accordance with the terms of the application, Ref 133466, dated 7 September 2015, subject to the conditions in the attached schedule.

Main Issue

2. The main issue raised in this case is whether there are special circumstances to justify making an exception to the national and local planning policies of restraint on isolated residential development in the countryside.

Reasons

3. The appeal site is set in an existing area of woodland on the edge of a paddock forming part of Thorpe Farm, a Grade II Listed building. The site is located within an Area of Great Landscape Value, close to the Lincolnshire Wolds Area of Outstanding Natural Beauty and on the edge of the Tealby Thorpe Conservation Area.
4. The site lies in the open countryside. Saved Policy STRAT 12 of the West Lindsey Local Plan First Review 2006 states that planning permission will not be granted for development in the open countryside unless it is essential to meet the needs of agriculture, horticulture, forestry, mineral extraction or other land use which necessarily requires a countryside location. This policy pre dates the National Planning Policy Framework (the Framework) and it is this latter document that carries greater weight in this case.
5. The Framework in paragraph 55 promotes sustainable development in rural areas and states that isolated new homes in the countryside should be avoided

- unless there are special circumstances. One of these circumstances is the exceptional quality or innovative nature of the design of the dwelling. Such a design should meet four criteria.
6. The first of these is that the design should be truly outstanding or innovative, helping to raise standards of design more generally in rural areas and secondly that it should reflect the highest standards in architecture. The proposed dwelling would be contemporary in style and would take the form of three cylinders of varying heights and scale with a rectangular single storey element to the rear. The building would provide living space and two bedrooms to the ground floor and three bedrooms to the first floor. The dwelling would be clad in vertical timber lats at first floor and the ground floor would be glazed. The roof would be sedum and would incorporate photovoltaic panels.
 7. I have had regard to the Design and Access Statement submitted with the original planning application which outlines the design principles of the proposal and the views of the Opun Design Review Panel. The dwelling has been designed to take account of its woodland context and to link to the natural environment. The use of larch cladding reflects the trees surrounding the site and the silo elements acknowledge the agricultural structures of a rural area. The ground floor glazing would be chamfered like a leaf again reflecting the woodland setting. First floor terraces are concealed by the timber lats as are the first floor windows overcoming the visual impact of fenestration.
 8. The building would be constructed to a high level of energy efficiency incorporating many sustainable construction features including high standards of thermal insulation, rainwater harvesting, air source heating, photovoltaic panels and low energy lighting. I consider that the dwelling is of a very high standard of architecture, includes a number of innovative features, and would raise the standards of design more generally in rural areas.
 9. The other two criteria of paragraph 55 are that the development should significantly enhance its immediate setting and be sensitive to the defining characteristics of the area. The development is proposed to be sited on the edge of existing woodland in a position where it would have minimal visual impact. I acknowledge that a number of trees would need to be removed to allow the development to take place. An appropriate landscape scheme would assist to mitigate the impact of their removal. In addition I note that the woodland would be managed, letting in more light which would increase the biodiversity of the site. The dwelling would be accessed by a new drive from Sandy Lane which would follow the line of the field boundary. The drive would be constructed of a paving grid with a grassed surface to retain a green appearance and blend into the landscape of the area.
 10. The Council has argued that the proposal would drastically change the edge of the settlement and result in the loss of the soft entrance to the village. It is further argues that a modern dwelling would seem incongruous in this sensitive landscape setting. The developments sensitive siting, form, scale, woodland setting and use of natural materials would in my view result in a dwelling responding sensitively to the characteristics of the site and surrounding area. The development would therefore not stand out in its context. I consider that the proposed dwelling would not form a dominant or incongruous structure which would adversely affect the character, appearance or enjoyment of the Area of Great Landscape Value or the nearby AONB.

-
11. In conclusion I consider that the proposed dwelling would be of a highly sustainable and innovative design, would enhance its setting and would be sensitive to the defining characteristics of the area. It would therefore meet the special circumstances criteria outlined in paragraph 55 of the Framework. The proposal would also be in compliance with saved Policies STRAT 1 and RES1 of the West Lindsey Local Plan First Review 2006 which aim to achieve a high quality environment and design and saved Policies NBE10 and NBE20 of the same document which aim to protect the character of the landscape and Areas of Great Landscape Value.

Other matters

12. The Council have raised concern that the proposed dwelling would have a detrimental impact on the significance of Thorpe Farm, a Grade II Listed farmhouse located within the Tealby Thorpe Conservation Area.
13. The Framework in paragraph 132 requires great weight to be given to the conservation of designated heritage assets, which include listed buildings and conservation areas. The proposed dwelling would be approximately 57 metres from Thorpe Farm. I noted on my site visit that the farmhouse is set in its own grounds with an established garden and is separated from the appeal site by a paddock and intervening hedgerow and trees. It is my view that whilst the proposed dwelling would be able to be seen from Thorpe Farm it would be sufficiently far away not to affect its setting. I therefore consider that the appeal proposal would not cause harm to the significance of this heritage asset.
14. The boundary of the Tealby Thorpe Conservation Areas runs along the edge of Thorpe Farm. The proposed dwelling would not be able to be viewed from the village due to the topography and trees in the landscape and therefore would not cause harm to the setting or views towards the conservation area.
15. I note from the Councils evidence that Tealby Thorpe is a dark skies settlement and there is concern that light pollution from the proposed dwelling would cause harm to the character of the area. I note that the proposed building has been designed to minimise light pollution with the ground floor set back under the first floor creating shadow and reducing uplighting. In addition the first floor windows would in effect be baffled by the position of the larch lats. I therefore consider that the proposal would be acceptable in this regard.

Conditions

16. I have had regard to the conditions suggested by the Council which I have considered against the requirements of the national Planning Practice Guidance and the Framework. In addition to the standard timeframe condition I consider it necessary for the avoidance of doubt that the development should be carried out in accordance with the approved plans. I also consider it necessary to impose conditions regarding materials, the provision and maintenance of landscaping and lighting in order to ensure a high quality development and protect the character and appearance of the area. I have also imposed a condition requiring the submission of the details of the access in the interests of highway safety.
17. The Council has also requested that permitted development rights be removed for the erection of extensions, alterations, satellite dishes, the insertion of windows and buildings or structures in the curtilage of the dwelling. I consider

this to be necessary to maintain the architectural quality of the building and protect the character and appearance of the area.

18. Where necessary I have amended the wording of the conditions so that they better reflect the guidance.

Conclusion

19. I have found that the proposal would be of exceptional quality and innovative design which would provide the special circumstances required by paragraph 55 of the Framework to allow a new home in the countryside as an exception to national and local plan policies.
20. For the reasons given above and having regard to all other matters raised, I allow this appeal.

Helen Hockenhull

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: TT_001 Rev 02 Sketch Scheme Site Plan, TT_100 Sketch Scheme Plans, TT_101 Sketch Scheme Elevations, TT_102 Sketch Scheme Elevations, TT_103 Sketch Scheme Outbuilding.
- 3) No development shall commence until details of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted, including the width of the larch lats, the colour and profile of the aluminium frames and plinth, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall commence until details of the vehicular access to the public highway and the access track, including materials, method of protecting tree roots, final surface, specification of works and construction method have been submitted to the local planning authority for approval in writing. Development shall be carried out in accordance with the approved details before the dwelling is first brought in to use. The access shall be retained thereafter.
- 5) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include details of the size, species and position or density of all trees and shrubs to be planted, any fencing and walling, details of the trees to be removed including self-sown trees and measures for the protection of trees to be retained. The scheme shall

- also include a timetable for the implementation of the landscaping and a methodology for its future maintenance including the existing woodland.
- 6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
 - 7) No works shall take place involving the loss of any hedgerow, tree or shrub between 1st March and 31st August in any year until a detailed survey shall be undertaken to check for the existence of nesting birds. Where nests are found, a 4 metre exclusion zone shall be created around the nests until breeding is completed. Completion of nesting shall be confirmed by a suitably qualified person and a report submitted to and approved in writing by the local planning authority before any works involving the removal of the hedgerow, tree or shrub take place.
 - 8) No development shall take place until details of any external lighting to include type, position and light intensity has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and thereafter retained.
 - 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the dwelling hereby permitted shall not be altered or extended, no satellite dishes shall be affixed to the dwelling, no new windows shall be inserted and no buildings or other structures shall be erected within the curtilage of the dwelling [other than those expressly authorised by this permission].