



Appeal Decision

Site visit made on 18 December 2019

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th January 2020

Appeal Ref: APP/N2535/W/19/3237540

Land to south of South Street, North Kelsey, Market Rasen LN7 6EU

- 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 & Mrs Waghorn against the decision of West Lindsey District Council.
 - The application Ref: 139558 dated 6 June 2019, was refused by notice dated 22 August 2019.
 - The development proposed is the erection of 1no. dwelling with detached garage.
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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 area, in particular whether or not it would retain the core shape and form of the settlement.

Reasons

3. The appeal site consists of land that is found well to the rear of residential properties on the south side of South Street. It was formerly used for quarrying activities and parts of the former rock faces are apparent around its boundaries. Overall, though, it has a restored appearance of grassed land with occasional tree planting. The land to the sides and rear of the site is agricultural in use or woodland and, along with the site, is distinctly countryside in its qualities. Gated access is taken by way of a long grassed track that leads into the site from South Street and between residential properties and their rear gardens.
4. North Kelsey is designated as a medium village under Policy LP2 of the Central Lincolnshire Local Plan 2012-2036 (2017) (Local Plan). The main parties disagree over whether or not the proposal would be in an 'appropriate location' for the purposes of the policy. To qualify as such a location, the site, if developed, is to retain the core shape and form of the settlement, amongst other considerations.
5. Policy LP55 of the Local Plan concerns development in the countryside. If a site is to be deemed in such a location, then new dwellings will only be acceptable where they are essential to the effective operation of rural operations listed in Policy LP2. None of these operations apply in this case.

6. South Street forms a distinct southern edge to the village with its linear pattern of development. Most of the dwellings are located towards their site frontages. The majority of the rest of the development in the village lies to the north. This forms its core shape, in broad terms. In contrast, the proposed dwelling would be located well to the rear of much of the existing development on South Street and would markedly project into the countryside surroundings. It would be at odds with the core shape and form of the village. It would appear, in effect, as an outlier of residential development, beyond the edge of the village and into the countryside.
7. The former quarry has effectively blended back into the landscape. It sits comfortably with its countryside environs of fields and woodland. Accordingly, that the proposal would not extend any further back into the rural landscape than the former quarry would not adequately address the harm that would be caused by the incursion of the proposed dwelling onto this part of the site.
8. My attention has been drawn to 'backland' development on South Street. The associated dwellings do not project as far back as would result from the proposal. They are also located towards the end of this road, where there is more of a clustered arrangement of development near to where a number of roads join. I am satisfied that the circumstances are sufficiently different so as to not alter my conclusion on this issue.
9. In respect of the reason for refusal referring to extending the built footprint of North Kelsey, this simply seems to be describing the effect of the development in these terms. This is of relevance in considering whether or not the proposal accords with Policy LP2, including the effect on the core shape and form of the settlement.
10. The appellant has pointed to an archaeology related consultation response that refers to the site lying in the historic core of the village. To interpret this statement in the context of Policy LP2, though, goes beyond what the response is reasonably intended to inform. It relates to the historic environment, where the Council do not raise objections, not the settlement hierarchy and the appropriate location approach to development that Policy LP2 is concerned with. Hence, it has a limited bearing on my deliberations.
11. I conclude that the proposal would have an unacceptable effect on the character and appearance of the area as it would not retain the core shape and form of the settlement. As such, it would not comply with Policy LP2 because it would not be in an appropriate location. Nor would it comply with Policy LP55, as it would constitute a new dwelling in the countryside that would not be permitted under this policy.
12. Policies LP2 and LP55 are also consistent with the National Planning Policy Framework (Framework) which itself sets out to manage rural housing and for development to be sympathetic to local character. The Framework also makes it clear that existing policies should not be considered out-of-date simply because they were adopted prior to its publication. The policies attract full weight in my decision.

Other Matters

13. The proposal would be in a location that would be accessible to local services, and have economic benefits during construction and by way of the future spend

of its occupiers. It would also support the local community and rural vitality, as well as adding to the housing stock. These benefits would, however, be on a minor scale and would not outweigh the harm that would arise. Heritage, flood risk and other environmental considerations which have been raised and are not in dispute attract neutral weight.

14. The appellant considers that the site is previously developed land and cites support for development on such land under the Framework. Still, this support is not unqualified, and includes the matters where harm arises and which is decisive in this case. The same applies in relation to the growth which is permitted in North Kelsey under Policy LP4 of the Local Plan, when Policies LP2 and LP55 are also considered.
15. I am mindful that there were a number of letters of support submitted during the planning application. My decision depends on the planning merits of the case, where I find harm related to character and appearance of the area. Where Policy LP2 refers to the clear demonstration of community support, this seems predicated on pre-application consultation and neither main party has placed great emphasis on this matter in their appeal submissions.
16. The appeal decision¹ that I have been referred to in North Kelsey was for a considerably larger development and there were a broader number of planning considerations that came into play. As a consequence, it attracts limited weight in my decision.

Conclusion

17. For the reasons set out above and having regard to all matters that have been raised, the appeal should be dismissed.

Darren Hendley

INSPECTOR

¹ Appeal ref: APP/N2535/W/19/3233236