



## Appeal Decision

Hearing Held on 22 October 2019

Site visit made on 22 October 2019

**by Mr M Brooker DipTP MRTPI**

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

**Decision date: 23 January 2020**

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**Appeal Ref: APP/N2535/W/19/3231050**

**Holywell Grange, Moor Road, Snitterby, DN21 4UH**

- 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 Stewart Smith against the decision of West Lindsey District Council.
  - The application Ref 138145, dated 27 July 2018, was refused by notice dated 17 December 2018.
  - The development proposed is described as "change the use of the land for the siting of 84 chalet lodge units, site manager's accommodation, multi functional space and a reception/managers office."
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### Decision

1. The appeal is dismissed.

### Application for costs

2. At the Hearing an application for costs was made by Mr Stewart Smith against West Lindsey District Council. This application is the subject of a separate Decision.

### Preliminary Matters

3. At the hearing it was recognised that the appellant's report 'Financial Viability and Tourism Market Assessment', Hallett Environmental - July 2018 (FVTMA) had not been published on the Council's website and thus had not been made available to members of the public. Interested parties were given the opportunity to comment on this late evidence and their response has been taken into account in my decision.
4. Furthermore, the Council presented a plan and a photograph showing the garage building at Holywell Grange. The appellant was given the opportunity to comment on this late evidence and their response has been taken into account in my decision.

### Main Issues

5. The main issues are:
  - i. Whether or not the appeal site is a suitable location for the proposed development with regards the Development Plan and National Planning Policy Framework (the Framework).

- ii. The effect of the proposed development on the character and appearance of the area.
- iii. The extent to which the proposal would preserve or enhance the setting of Holywell Grange, a Grade II listed building.

### **Reasons**

6. The appeal site is located within a predominately agricultural area approximately 1.25km from Snitterby, a small village. There are a number of residential dwellings in the locality of the appeal site and at the site visit I noted that a number of the adjacent fields were utilised for livestock.
7. The appeal site consists of two fields largely given over to grass but also including a pond, reasonably established trees and is bound by hedgerow. Adjacent to the appeal site is the Grade II listed Holywell Grange, also referred to as Hayes Farmhouse.

#### *Whether or not the appeal site is a suitable location*

8. The Council's approach to the consideration of a 'Sustainable Visitor Economy' is set out in Policy LP7 of the Central Lincolnshire Local Plan April 2017 (CLLP). This policy, amongst other things, indicates that visitor facilities including accommodation should be located within existing settlements, or as part of planned urban extensions, unless it can be demonstrated that such locations are unsuitable for the nature of the proposal and there is an overriding benefit to the local economy and/or community and/or environment for locating away from such built up areas; or it relates to an existing visitor facility which is seeking redevelopment or expansion.
9. It was established at the hearing that it is not at dispute between the parties that the nature of the proposed use is such that it is not suitable to be located within existing settlements or as part of a planned urban extension.
10. The appellant identifies a number of economic, community and environmental benefits of the scheme including the £380,000 Gross Value Added (GVA) that the completed development would make to the economy, as detailed in the Financial Viability and Tourism Market Assessment (FVTMA). It was acknowledged at the hearing that owner occupied units contributed a lower value and that the figure was based on all 84 lodges being developed with 15 being let and the remainder being owner occupied. Nonetheless this is a benefit of the appeal scheme and I attach some weight to it.
11. With regards to community benefits, these appear to largely relate to the creation of local jobs, the support of local businesses, facilities and services by visitors to the site and the use of facilities on the site, such as cycle hire, a minibus and shop, by the local community. Whether these benefits would be realised in their entirety and whether facilities such as the provision of the minibus service, detailed in the Sustainable Tourism Plan and Travel Plan, could be controlled by condition is at dispute between the parties, in particular with regards the enforcement of such a condition. However, I find that the proposed development would create some benefits to the local community, and I attach some weight to these.

12. Turning to the environment, the proposed development would result in the development of 84 lodges, including hardstanding, access roads and ancillary development on a well screened but currently undeveloped site. The submitted masterplan shows that a substantial proportion of the site would remain as open grass land and trees with additional tree planting and enhancement, including to the edge of the site to further screen the proposed development.
13. Furthermore, I acknowledge that the proposed lodges would be built to a very high environmental standard. As such I attach some weight to these matters. However, many of the environmental benefits of the scheme identified in the submitted documents are, I find, largely in mitigation of the effects of the proposed development rather than clear overriding benefits.
14. Planning permission has previously been granted for the conversion of a barn on site and other development to create holiday lets and the appellant asserts that this is an existing visitor facility that the proposed development would expand. However, whether the planning permission has been lawfully implemented or not is at dispute between the parties. Irrespective of this dispute, on the basis of the evidence before me and my observations on site I find that there is no tourist facility currently operating from the site and therefore for the purposes of CLLP Policy LP7 there is not a facility to be expended or redeveloped.
15. While I have identified some benefits of the scheme above, I find that there is not an overriding benefit to the local economy, community or environment, or an existing visitor facility to expand. Therefore, I find that the proposed development would be contrary to LP Policy LP7.
16. The appeal site is located in a remote position away from any large settlements and while Paragraph 103 of the Framework recognises that opportunities to maximise sustainable transport solutions vary between rural and urban locations, its overall aim is to reduce reliance on the private car as a mode of transport. Given the acknowledged infrequent local bus service and the lack of a lit footpath between the appeal site and the nearest bus stop it would be highly likely that the majority of future occupiers of the proposed chalet lodge units would access services by private car. This would not achieve the social or environmental sustainable development objective set out in the Framework.
17. Paragraph 78 of the Framework promotes sustainable development in rural areas where it will enhance or maintain the vitality of rural communities. I note the appellant's points regarding the economic, community and environmental benefits that the proposed development would potentially provide. However, I find that in the round, these benefits would not outweigh the accessibility issues that I have set out.
18. Consequently, taking into account all of the factors discussed above, I am not satisfied that the appeal site is a suitable location for the scale of the development proposed. I therefore conclude that the proposed development would conflict with LP Policy LP2, LP7 and LP55 and paragraphs 78 and 103 of the Framework which jointly aim to achieve sustainable development and ensure good accessibility to services and facilities.

### *Character and appearance*

19. The area around the appeal site is characterised by open farmland, small villages and outlying farmsteads. The appeal site is well screened from the surrounding area by the existing trees and hedges and indeed is conspicuous because of this planting.
20. The appellant has submitted a Landscape and Visual Impact Assessment - by influence, July 2018, in support of the appeal scheme. The Assessment identifies that the effect of the development would be major/moderate during the construction period of phase 1, reducing to negligible or minor in the longer term. This limited longer term visual impacts is principally as a result of the limited views into the site from the surrounding area. It is proposed that the screening around the site would be enhanced and its future management controlled by a management plan. Based on the evidence before me I find that the landscaping could be controlled by condition.
21. The proposed development would nonetheless result in the formation of access roads, lodge units and other infrastructure within the open countryside and would result in activity associated with the occupation of the lodges, including comings and goings from the site. As a result of the scale of the proposed development, these would result in the loss of the current rural character and appearance of a large portion of the site and a densely developed character would prevail.
22. I therefore find that the proposed development would harm the character and appearance of the surrounding area contrary to CLLP Policies LP7 and LP17 that seek to protect the character and appearance of the area around new development.

*Effect on Grade II listed building*

23. In determining this appeal, I have a statutory duty, under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), to have special regard to the desirability of preserving the building or its setting. I am also mindful that paragraph 193 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset (DHA), great weight should be given to the asset's conservation.
24. Holywell Grange is a Grade II listed building, a DHA. The significance of the DHA lies in its historic value as a stone built 18<sup>th</sup> Century farmhouse with associated buildings, including a two-storey stone barn that is in a state of dereliction, within a rural farmland setting. The appeal site comprises two large fields surrounding the house and the associated gardens to the north, east and west. The boundaries between the DHA and the appeal site generally consist of mature trees as groups and plantations.
25. The appellant's Heritage Impact Assessment submitted in support of the application recognises that the contribution of the setting of a DHA *goes beyond purely visual relationships*. On the basis of the evidence before me and my observations on site, I find that the appeal site is within the setting of the listed building.
26. The boundary around the DHA creates an effective screen and as such, with only a few exceptions, there are limited views of the DHA from the appeal site.

Nonetheless the proposed scheme would introduce built development and activity in close proximity to the DHA, where currently there is none. As a result of the loss of the open farmland setting, the character of the setting of the DHA would be altered, being replaced by development and activity, harming the significance of the DHA.

27. I note the appellant's comments regarding the absence of any harm to any group value of the DHA and associated buildings and the benefits of additional planting. However, I do not consider that the limited visual relationship between the DHA and the proposed development would mitigate the impact of the significant change in the character, appearance and ambiance of the appeal site resulting from the scale of the proposed development, the proximity to the DHA resulting from the proposed development.
28. Paragraph 193 of the Framework advises that when considering the impact on the significance of DHA, great weight should be given to their conservation. The parties agree that the harm to the DHA would be less than substantial and on the basis of the evidence before me I agree. Given the above, I find that the proposed development would fail to preserve or enhance the setting of Holywell Grange, a Grade II listed building. Consequently, I give this harm considerable importance and great weight in the planning balance of the appeal.
29. Under such circumstances, paragraph 196 of the Framework advises that this harm should be weighed against the public benefits of the proposal. The appellant is of the opinion that the proposal will provide, amongst other matters, new tourist accommodation with additional spin-off benefits to the local economy. This includes visitor spend, income from renting the accommodation and employment generation. Furthermore, the proposed development could provide some community and environmental benefits.
30. However, I find that the harm that would be caused to the setting of the DHA outweighs the benefits of the proposed development, particularly when bearing in mind the special attention that should be paid to the desirability of preserving the setting of the DHA. This fails to satisfy the requirements of the Act, paragraph 192 of the Framework and conflicts with CLLP Policy LP25 that seeks to protect the historic environment, including the setting of the DHA.

### **Other Matters**

#### *Neighbour's privacy*

31. Representations were made to the effect that the rights of a neighbouring occupier, Mr and Mrs Day, under the Human Rights Act 1998, Article 8 of the First Protocol, would be violated if the appeal were allowed. At the site visit, I saw the relationship between the appeal site and the neighbour's dwelling and while there are some views from the appeal site to the dwelling I do not find that the proposed development would result in a significant harm to the living conditions, with particular regards to privacy, of the occupiers of that dwelling. Therefore, the degree of interference that would be caused would be insufficient to give rise to a violation of rights under Article 8 of the First Protocol.

#### *Appeal decision*

32. My attention has been drawn to an appeal decision<sup>1</sup> for a *30 unit sustainable tourism exemplar leisure lodge park* at Kirton in Lindsey. The appellant has sought to draw parallels between the location of the development and the use of conditions relating to a Sustainable Tourism Plan and a Travel Plan. However, that decision related to a significantly smaller development on a site that was found to be easily accessible on foot from the town centre and a bus stop.
33. Accordingly, I find that the circumstances of the referenced appeal decision are not directly comparable with those which apply here. I have, in any case, reached my own conclusions on the appeal proposal on the basis of the evidence before me.

#### *Travel Plan, Sustainable Tourism Plan & Landscape Management Plan*

34. The appellant has submitted a number of supporting plans to mitigate some of the impacts of the appeal scheme and to demonstrate and secure some of the benefits of the scheme. Many of the actions detailed in the plans are aspirational. Nonetheless I agree that the proposed arrangements could be secured by the imposition of a suitably worded condition and could include many of the matters referred to by the appellant. These plans could realise some benefits of the scheme and consequently, this is a matter that weighs in favour of the appeal scheme. I therefore give them some weight.

#### *Highways*

35. A number of local residents raised concerns as to the suitability of the surrounding road network for the traffic generated by the scheme, including cyclists and pedestrians. At the site visit I noted that the roads in the area were generally narrow with grassed verges, but at time of site visit the roads were quiet and the vehicle speeds that I observed did not appear high. I noted however that there was a lack of a footpath or lighting which may dissuade some pedestrians and cyclists from using the road to access services and facilities. I note that the Local Highway Authority has not objected to the scheme and based on the evidence before me I agree.

#### *Split decision*

36. At the hearing the appellant requested that consideration be given to a split decision to grant consent for less development, specifically fewer lodges, than has been applied for. However, while I acknowledge that the appeal scheme is identified as a phased development, I am not satisfied that the proposed development is clearly severable in functional and physical terms.
37. Therefore, while fewer lodges may reduce the harm resulting from the proposed development and therefore the conflict with the policies of the LP a split decision is not appropriate in this instance.

#### **Conclusion**

38. I have found that the proposed development is not in a suitable location for the proposed development with regards the Development Plan and National Planning Policy Framework (the Framework), would harm the character and

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<sup>1</sup> APP/Y2003/A/13/2209104 24 April 2014

appearance of the area, and would not preserve or enhance the setting of Holywell Grange, a Grade II listed building.

39. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

*Mark Brooker*

INSPECTOR

## **APPEARANCES**

### FOR THE APPELLANT:

Chris May LLB LARTPI	Partner at Howes Percival LLP
Neil Boughey BA, DipTP, LLB, MRTPI,	Executive Director at Acorn Planning Ltd
Kate Hiseman MSc, MCIEEM, MCIEMA,	CEO of the Sustainable Land Trust
Andrew Roberts BA, Dip.LP, CMLI,	Director at Geoplan Limited
Stewart Smith	Appellant

### FOR THE LOCAL PLANNING AUTHORITY:

Mr George Backovic  
Mrs Liz Mayle  
Mrs Carol Slingsby

### INTERESTED PERSONS:

Mrs Laura Bartle, J H Walter LLP  
Cllr Summers, West Lindsey Council  
Mr Day  
Mrs Bedford  
Mrs Aston  
Mrs Spindley  
Mr Richardson

### DOCUMENTS SUBMITTED AT THE HEARING

1. Financial Viability and Tourism Market Assessment', Halletc Environmental - July 2018.
2. Plan and photographic image of garage building.