



## Appeal Decision

Site visit made on 24 June 2020

**by Sarah Housden BA (Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8 July 2020

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**Appeal Ref: APP/N2535/W/20/3247810**

**Land to north east of Red House, Main Street, Osgodby, Market Rasen  
LN8 3PA**

- 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 Laurence Brown against the decision of West Lindsey District Council.
  - The application Ref 139839, dated 7 August 2019, was refused by notice dated 16 December 2019.
  - The development proposed is 'outline application to erect 2 No. dwellings with all matters reserved'.
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### Decision

1. The appeal is dismissed.

### Application for Costs

2. An application for costs was made by Mr Laurence Brown against West Lindsey District Council. This application is the subject of a separate decision.

### Procedural Matter

3. The planning application was originally submitted for four dwellings but was changed to two dwellings. I have taken the description of the development in the banner heading above from the decision notice and considered the appeal scheme accordingly. The application was submitted in outline with all matters reserved for later approval and I have determined the appeal on that basis.

### Main Issues

4. The main issues in this case are:
  - whether the location and scale of the proposed development would accord with the overall strategy for housing in the development plan; and
  - the effect of the proposed development on the character and appearance of the area.

## Reasons

### *Location and Scale*

5. The Central Lincolnshire Local Plan (2017) (LP) Policy LP2 identifies Osgodby as a 'small village' (tier 6) where small scale development of a limited nature in 'appropriate locations' and limited to around 4 dwellings will be considered on its merits. Whilst not referred to in the first reason for refusal, Osgodby Neighbourhood Plan (NP) Policy 1 is also relevant to this appeal and supports, in principle, proposals for up to four dwellings in primary or secondary locations in the settlement area of Osgodby village. NP Policy 1 operates in conjunction with Diagram 1, which identifies the settlement area in a notation of varying shades of dark brown/orange, the lighter areas representing the edge of the settlement area. The exact colour of the notation covering the appeal site is difficult to establish from Diagram 1, but it is covered by the coloured settlement area notation and is therefore within Osgodby village for the purposes of the NP policies.
6. A 'primary location' is defined in the supporting text to NP Policy 1 as 'a location which is infill or adjacent to the settlement area of Osgodby village and where development frontage directly faces or is in close distance to either side of.....Washdyke Lane'. Secondary locations are those which are 'infill or adjacent to the settlement area of Osgodby village'. NP Policy 1 also sets out a sequential approach to the development of sites according to a hierarchy of categories from a) to h), with proposals for sites lower in the list required to include a clear explanation of why sites are not available or suitable within categories higher up the list.
7. The Parish Council considers that the site is not an appropriate location for development because it is a greenfield site in a secondary location (category h in NP Policy 1) and no justification has been provided as to why sites of a higher priority are not available. The Parish Council indicates that the NP favours sites with a strong relationship between the frontages and the main streets of the village.
8. The proposed dwellings would be located to the rear of, but in close proximity to, Nos 18 and 19 Washdyke Lane. Although the layout and siting of the proposed dwellings are reserved for later approval, given the size and configuration of the appeal site it is likely that their front elevations would face north but they would be in close proximity to Washdyke Lane. Having regard to the definition in the supporting text in NP Policy 1, I consider that the site is in a primary location and as a greenfield site it would fall within category d) of NP Policy 1. The NP does not make clear the threshold used to determine the 'lower' categories, but the officer report concluded that being 'half way up the sequential list' the site was considered to be sequentially preferable and no further justification was needed. There is nothing in the evidence before me to reach a different conclusion.
9. LP Policy LP4 identifies the anticipated growth for Osgodby over the Plan period to 2036 as equivalent to 10% of the number of dwellings present in the settlement as at April 2012. According to the officer report, this equates to 14 new dwellings. Where a proposed development would exceed the identified growth level in conjunction with other development since April 2012, it should be accompanied by clear evidence of appropriate levels of community support or supported by allocations or policies in an adopted Neighbourhood Plan.

10. NP Policy 1 also sets out growth levels for Osgodby and is relevant to this appeal. It requires that proposals for residential development that fulfil the requirements of the policy and that alone or in combination with other extant permissions or developments built since 1 April 2015 would increase the number of new dwellings delivered in Osgodby Parish by more than 25, need to be accompanied by demonstrable evidence of clear local community support for the scheme.
11. The officer report indicates that at 30 April 2019 there was a remaining capacity for 3 additional dwellings in Osgodby against the growth level set out under NP Policy 1. However, during the course of determining the application, two other applications for residential development were under consideration which taken in conjunction with the development subject to this appeal would bring the total to four, in excess of the remaining growth allocation set out in the NP. Although the Council's statement of case indicates that the growth levels against the LP and NP are now both zero, I have no further evidence or details of how that figure has been arrived at.
12. In the circumstances, I am unable to reach a conclusion about whether the growth levels for Osgodby set out in either the LP or NP have been reached or would be exceeded if the proposed development went ahead. Based on the Council's evidence, the level set out in the NP would be exceeded by 2 dwellings. Facilities in Osgodby include a primary school, post office and village hall and playing fields. Furthermore, LP Policy LP2 identifies the village for small scale development of a limited nature and it is not clear from the evidence before me why two additional dwellings would 'tip the scales', rendering the development unsustainable.
13. My conclusion on the first main issue is that the location and scale of the proposed development would not conflict with the overall strategy for housing in the development plan, including LP Policy LP2 in so far as it seeks to secure small scale development of a limited nature in small villages and it would not undermine the aim of LP Policy LP1 which seeks to deliver sustainable patterns of growth. At the time that the planning application was considered, the scale of development proposed would not have triggered the requirement for clear local community support for the scheme and the proposal would accord with the broad approach set out in NP Policy 1. However, to be considered as an 'appropriate location' under the terms of LP Policy LP2, a development must retain the core shape and form of the settlement, not significantly harm its character and appearance nor that of the surrounding countryside or harm the rural setting of the settlement and I deal with these matters next.

#### *Character and appearance*

14. In addition to the requirements of LP Policy LP2, Policy LP26 states that development should contribute positively to local character, landscape and townscape and whilst not referred to in the decision notice, is relevant to the determination of this appeal. NP Policy 4 requires new development to complement the established character of the village, as described in the Design Character Appraisal, taking particular account of the impact of new buildings on important views in and out of the village and on its setting within the wider landscape. Whilst I have not been supplied with a copy of the Design Character Appraisal, at my site visit I was able to see the village's prevailing form and character.

15. Osgodby has a predominantly linear settlement form. The core of the village is along Low Road/Main Street and comprises a mixture of traditional and more modern dwellings and agricultural and other outbuildings. The more modern dwellings and some outbuildings are set further back from the road resulting in a staggered building line. Washdyke Lane extends to the north of Main Street with frontage dwellings to the west and east of the lane.
16. The appeal site comprises a small grazing area to the rear of the dwellings at the northern end of Washdyke Lane and includes a small part of the rear garden area of Laburnum House which fronts onto Main Street. Although it is enclosed by a mixture of post and wire fencing and mature hedging, the appeal site is contiguous with and seen in conjunction with the larger grassed fields to the west and north of the dwellings on Washdyke Lane and forms part of the open countryside running up to the built up edge of the village. The contrast between the built-up area of the village and the open countryside beyond contributes to the rural setting of Osgodby.
17. From Washdyke Lane, the proposed dwellings would be visible in the gap between Nos 18 and 19 Washdyke Lane. Overall, the proposed form of development in depth would be at odds with the strongly linear form of development of this part of the village. It would consolidate development at the edge of the village and extend into the open countryside around it. The new access road would introduce a hard and engineered feature at the edge of the village which would be detrimental to its rural character and setting.
18. I conclude, therefore, that the proposed development would cause material harm to the distinctive form and character and rural setting of Osgodby. The proposal would therefore conflict with LP Policy LP26, NP Policy 4 and LP Policy LP2 in so far as they seek to ensure that new development does not harm the character and appearance of a settlement or its rural setting. There would be further conflict with the National Planning Policy Framework which states that development should be sympathetic to local character and history, including the surrounding built environment and landscape setting.
19. My attention has been drawn to the development 'in depth' that has been permitted to the rear of Orchard House on Main Street<sup>1</sup>. However, I saw at my site visit that the Orchard House site relates more closely to Main Street which is characterised by a more irregular building line. Furthermore, there is an existing building on this site. Overall, I conclude that the circumstances of that site are not comparable with the case before me.

### **Other Matters**

20. Local residents and the Parish Council have raised a number of other issues in relation to highway safety, drainage and flooding and the impact of the proposed development on the amenity of adjoining occupiers. The application is in outline only with detailed matters reserved for later approval and no further details of those matters have been provided. I have therefore afforded them little weight in my consideration of this appeal.

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<sup>1</sup> Application Reference 135514

*Planning Balance and Conclusion*

21. Whilst I have found that the location and scale of the proposed development would accord with the strategy for housing in the LP and the policies in the NP, it would cause material harm to the character and appearance of the area and to the rural setting of Osgodby and would conflict with the development plan, read as a whole. There are no material considerations to justify a decision other than in accordance with the development plan.
22. Having had regard to all other matters raised, I conclude that the appeal should be dismissed.

*Sarah Housden*

INSPECTOR