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## Appeal Decision

Site visit made on 26 May 2020

**by Edwin Maund BA (Hons) MSc Dip UP MRTPI**

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

**Decision date: 30<sup>th</sup> June 2020**

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**Appeal Ref: APP/N2535/W/20/3244288**

**Brown Cow Inn, Lincoln Road, Nettleham, Lincolnshire LN2 2NE**

- 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 Rob Wilkinson against the decision of West Lindsey District Council.
  - The application Ref 139626, dated 19 June 2019, was refused by notice dated 31 July 2019.
  - The development proposed is change of use of existing public house to 3 no. 1 bed dwellings, demolition of various flat roof extensions to the rear of the existing property. Construction of 4 no. 3 bed dwellings to the rear of the existing building. External works including 12 space car park, boundary walls and fencing.
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### Decision

1. The appeal is dismissed.

### Preliminary Issue

2. Originally the planning application was refused by the council for four reasons. The council have confirmed that since the submission of additional information by the appellant, in respect of archaeology and minerals safeguarding, they do not wish to defend either the third or fourth reasons for refusal, I have therefore considered the main issues of dispute between the parties as set out below.
3. The site has been the subject of a previous appeal<sup>1</sup> decided in February this year. This scheme has sought to respond to the Council's previous refusal; however, the Council has introduced new reasons for refusal not previously relied upon, which I address in the main issues.

### Main Issues

4. The main issues are:
  - The effect of the proposed development on the character and appearance of the area with particular regard to the effect on the function of the Green Wedge and landscape impact; and
  - The effect on the living conditions of future occupiers of the proposed dwellings with particular regard to privacy and outlook.

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<sup>1</sup> APP/N2535/W/19/3240712

## Reasons

### *Character and Appearance*

5. The appeal site is located on the eastern side of the A46 Lincoln Road, a busy principal route. The built development here is characterised by properties set in spacious plots with green spaces creating a semi-rural setting. The public house sits on the road frontage as part of a predominantly linear extension to the south of the main body of the village of Nettleham.
6. The public house is framed within an open setting with the current property clearly visible from the main road, with fields dropping away to the east, then rising again beyond the Nettleham Beck. With the car park and play area to the south, a significant gap is formed in the frontage allowing views through to the 'Green Wedge' designated in the Central Lincolnshire Local Plan 2017 (the Local Plan).
7. To the north of the green wedge, three new large detached residential properties have been constructed, all of which are clearly visible from the rear of the public house and this forms a clear edge to this open area, creating a strong boundary to the edge of the village.
8. Policy LP2 sets out a series of criteria against which new development must be judged. Nettleham being identified as a large village has a role to provide housing and other services and facilities. It is not disputed by the main parties that the development would be within the developed footprint of the settlement, as such I agree with the appellant it is not necessary to demonstrate in respect of this policy that exceptional circumstances are required to justify the development.
9. Being previously developed land and currently forming part of the car park to the former public house, I agree with the appellant this development would be an appropriate development in this respect.
10. Policy LP22 of the Local Plan has four main aims for areas designated as Green Wedges. To prevent the merging of settlements, to preserve the identity, local and historic character of those settlements; to create a green lung to link to the countryside; to provide an accessible recreational resource; and to conserve and enhance local wildlife and protection of links between wildlife sites to support wildlife corridors.
11. The development proposed would improve the appearance of the area by the removal of a series of extensions to the public house, reducing the size of the current property, and in this respect this would contribute positively to the space about the site thus reducing the built form in the locality.
12. The council do not oppose the conversion of the public house to 3 new dwellings and nor was this element considered controversial in the appeal decision to which I have been referred. Nothing which I have seen would lead me to disagree with these conclusions.
13. Counter to that is the concern raised by the addition of the new terrace of four properties located to the rear of the site. This has been redesigned to more closely reflect the design of the public house and been reduced in scale in response to the criticisms made to the previous scheme.

14. The Council have sought to argue that the proposal would have an adverse effect on the landscape and views from the village or from the public footpath. I consider the effect would be modest but being located at the top of a drop in the ground with no space to assimilate it into the countryside this would emphasise the visual effect in this location and overall would have a negative effect on the appearance of the landscape and Green Wedge.
15. The development would create a parallel building, which while largely in line with the current public house and thus shielded to a large extent from the main road, extends beyond it. This encroachment would be more apparent when moving beyond a position directly in front of the site where the new building would result in a visual encroachment into the Green Wedge.
16. Development proposals within the Green Wedge 'need to retain the open and undeveloped character of the Green Wedge' and by constructing the terrace of 4 properties to the rear of the current public house a degree of the open and undeveloped character would be lost.
17. I recognise that this would be modest, particularly when taking the removal of the extensions into consideration, nevertheless it would have an adverse effect on the character and appearance of the area with particular regard to the effect on the function of the Green Wedge and the landscape setting of the settlement. As such I do not consider the scheme accords with policies LP22, LP17 of the Local Plan or policy E1 of the Neighbourhood Plan which seek to protect both the green wedge and the landscape and retain the open and undeveloped character of the area.

#### *Living Conditions*

18. The proposal would create two banks of terraced properties separated by around 15m. The rear (north west elevation) of the new block of four houses, would have a series of habitable rooms both at ground and first floor level. Even with intervening fencing defining the gardens of the properties as shown on the submitted drawings, there would be significant overlooking of the rear gardens and ground floor habitable rooms of the properties formed from the pub conversion.
19. The suggestion of the introduction of a condition to require obscure glazing and or fixed windows would not resolve the issue satisfactorily as it would create a different problem for the occupiers of the new dwellings by creating bedrooms without a suitable outlook. This would not therefore overcome the concern identified, nor would it remove the perception of overlooking with the properties being as close as proposed.
20. Despite the Council not referring to this issue previously, I am obliged to consider the concern raised. With a separation of only around 15m, overlooking and consequent loss of privacy from first floor windows at this distance does not achieve suitable living conditions for future occupiers and as such I consider this would be in conflict with policy LP26 of the Local Plan which amongst other things seeks to ensure new development achieves suitable amenity standards for existing and future occupiers.

#### **Conclusion**

21. I recognise the scheme could provide benefits, through the development of a brownfield site and provision of additional housing, nevertheless this does not

outweigh the harm I have identified from the impact upon the function of the Green Wedge, the landscape or the unsatisfactory living conditions that would result. I conclude that the appeal should be dismissed.

*Edwin Maund*

INSPECTOR