
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: 17th June 2020

Appeal Ref: APP/N2535/W/20/3246075

Land at Station Road, Knaith Park, Gainsborough DN21 5EZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Lea Lincs Properties Ltd against West Lindsey District Council.
 - The application Ref 140361 is dated 5 December 2019.
 - The development proposed is the erection of 4no dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

1. The planning application was submitted in outline with all matters reserved for future consideration, although a site layout plan was provided this is illustrative and I have determined the appeal on this basis.
2. The Council has indicated that had it come to a decision, planning permission would have been refused for three reasons;
 - The proposal is deemed an inappropriate location for housing as it would be detrimental to the character and appearance of Knaith Park altering the core shape and form of the village and adversely affecting the Area of Great Natural Beauty in which the development would be located. The Lea Neighbourhood Plan focuses growth within the core of the village of which this site lies outside. The proposal is therefore contrary to policy 2 of the Lea Neighbourhood Plan, policies LP2, LP4, LP17 and LP26 of the Central Lincolnshire Local Plan and the provisions of the NPPF.
 - The proposal requires the provision of affordable housing. There is no mechanism provided within the application to secure the required provision. The proposal is therefore contrary to policy LP3 of the Lea Neighbourhood Plan and the provisions of the NPPF.
 - Insufficient information has been provided to adequately assess the impact of this development on ecology and biodiversity. The proposal is therefore contrary to the policy LP21 of the Central Lincolnshire Local Plan and the provisions of the NPPF.

Main Issues

3. From the evidence before me I consider the main issues in this case are;
- The effect on the character and appearance of the area, with particular regard to the shape and form of the village;
 - Whether the site is a suitable site for housing having regard to local and national planning policy;
 - Whether or not the proposed development would make adequate provision for affordable housing; and
 - Whether the scheme would have an adverse effect on local ecology and biodiversity.

Reasons

Character and Appearance

4. The appeal site is a parcel of land to the north and west of a pair of bungalows on the northern side of Station Road. Currently it is part of a field to the west of the main body of the village and the railway line but extends beyond the pair of bungalows on this side of the road. Set behind a native hedgerow it is screened from the road which fronts the site. As such it has a rural character and contributes positively to the sense of place, providing a rural and verdant setting to this location.
5. The main body of the village is to the east of the railway line, with the largely linear development focused around the two roads, Station Road which serves the site and Willingham Road. The railway line forms a strong physical and visual barrier to the western edge of the village, with the small number of properties beyond it appearing a somewhat small isolated cluster.
6. The rural character beyond the railway and the pair of bungalows adjacent the site is further emphasised by the change in the road beyond these properties to a single-track rural lane with passing places.
7. The development of just under a hectare of land on the northern side of the road for four dwellings would represent a significant encroachment into the countryside, both extending the built form of the village to the west, but also to the north beyond the frontage properties on Station Road. This would neither respect or complement the existing form and shape of the village in this location. As the layout plan is only illustrative at this stage, I do not find the applicant's argument, that this would limit the amount of ribbon development beyond the current properties to be a persuasive one.
8. Consequently, I consider this would harm the agricultural and rural character of the site. As such the development would represent an incongruous intrusion into the countryside that would harm the character and appearance of the countryside and be in conflict with policies LP2 and LP17 of the Central Lincolnshire Local Plan (LP) (2017) which aim amongst other things to respect the shape and form of the villages, protect the landscape and retain the character of the area.

Suitable Location

9. Policy LP2 in setting criteria against which sites for future growth should be assessed defines what could be regarded as an appropriate location for such development. To comply the development should retain the core shape and form of the settlement, and not significantly harm either the character and appearance of the settlement, the rural setting or the countryside.
10. The LP policies set out a methodology for housing delivery within a hierarchy of settlements which makes clear this site would be classed as countryside in policy terms. This development would not meet any of the exceptions for new residential development in such a location. In fact, to allow this development would be in direct conflict with the LP as the proposal would neither retain the core shape and form of the settlement and would harm the character and appearance of the countryside.
11. Furthermore the Lea Neighbourhood Plan (2018) (LNP) covers this site as despite being physically adjacent to the settlement of Knaith Park it is within the parish of Lea. Policy 2 supports residential development on infill and redevelopment sites – this is neither of these, nor would it satisfy the tests within the policy as being within the built-up area of the village.
12. Much of the argument presented by the appellant focuses on the ongoing need for the supply of houses, and the difficulty that is envisaged in delivering that future supply to meet the objectives of the LP. There is no suggestion however, that there is not a 5-year supply as required by the National Planning Policy Framework (the Framework).
13. I therefore conclude the proposal is not located in a suitable location and would be in conflict with the council housing strategy as set out in policies LP2 and LP4 of the LP and policy 2 of the LNP.

Affordable Housing

14. The Framework and Local Plan require the provision of affordable housing when a major development is proposed, this scheme however, relates to only 4 dwellings. The LNP was adopted in early 2018 and Policy 3 (Not LNP 3 as referred to by the Council) has a requirement for the provision of affordable housing on developments of 4 or more dwellings 'where relevant'. It is clear from the evidence within the LNP and the LP there is a significant need for affordable housing, but there has been no evidence presented by either party of the relevance in this particular case of applying a much more stringent threshold than that required by both national and local policy.
15. The appellant has indicated that they would be willing to 'adhere to the requirements of the LPA', however, have not provided any mechanism that would deliver affordable housing.
16. As it is not clear from what has been presented that the scheme is policy compliant or a mechanism to deliver affordable housing is in place. Even taking the Framework's lesser requirement as a material consideration, to which, I give significant weight, the decision should be made in line with the development plan.
17. It is clear that the need for affordable housing is substantial within the council area with 17,400 affordable homes required to be provided over the plan

period. As such without evidence before me to the contrary that the more stringent requirement within the LNP should not apply, I conclude that as the scheme would not provide for affordable housing it would be in conflict with Policy 3 of the LNP.

Ecology

18. In order to be able to make a properly informed decision the decision maker must have information in respect of ecological and biodiversity factors which apply to a site and development at the time the decision is to be made. It is not generally appropriate for this principle concern to be left to the reserved matters stage.
19. While the site has not been designated as having any specific ecological sensitivity, proposals need to ensure that they contribute to and enhance the natural and local environment as expected by the Framework. The LP also makes clear that developers will be expected to submit an ecological survey where there is a reasonable likelihood of the presence of important habitat or species.
20. As the site would no longer appear to be in arable production, is in close proximity to a pond to the north, connected via field side hedges, it is reasonable to assume there may be important species or habitat present. In the absence of a survey indicating otherwise, I consider the application would not protect or enhance the ecology or biodiversity of the area and would be contrary to the provisions of policy LP21 of the LP.

Other Matters

21. Various other matters have been raised by third parties including, drainage, inadequate water pressure, the potential of noise from the railway, and inadequacy of the access road. As I have found harm in considering the main issues these other factors do not need to be considered further.

Conclusions

22. I recognise the scheme could bring forward 4 dwellings and add to the housing stock, nevertheless this would not outweigh the harm I have identified and therefore I conclude that the appeal should be dismissed.

Edwin Maund

INSPECTOR