



Appeal Decision

Site Visit made on 25 January 2021

by Robert Walker BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 February 2021

Appeal Ref: APP/N2535/W/20/3262629

Land adj to 32 Monson Road, Northorpe DN21 4AE

- 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 Ledgerwood against the decision of West Lindsey District Council.
 - The application Ref 140859, dated 24 March 2020, was refused by notice dated 19 June 2020.
 - The development proposed was originally described as proposed new single storey dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development given on the planning application form and decision notice differ slightly. The description in the header above is taken from the planning application form which accurately describes the proposal.
3. The appellants have provided evidence that an amended plan, Ref PL/A1/002 Rev B, was submitted to the Council prior to the determination in response to the Local Highway Authority's consultation response. I have no substantive evidence that this amended plan was considered by the Council. However, the Council and third parties have had the opportunity to comment on it as part of the appeal process. As such, no party has been prejudiced by its submission as part of the appeal and I have taken the amended plan into consideration.

Main Issues

4. The main issues are whether the site represents an appropriate location for the proposed dwelling, having particular regard to the effect of the proposal on the character and appearance of the surrounding area, highway safety, biodiversity and the housing strategy for the area.

Reasons

Character and appearance

5. Northorpe is a small village with a variety of house types and several examples of ribbon development. Although within the 30mph speed limit of the village, the fields and hedgerows at the bend in the road, including the appeal site, are distinctly rural in character, creating an attractive entrance into the village. In this respect, the appeal site, makes a small, but positive contribution to the character and appearance of the surrounding area.

6. Although there is variety to the housing along this part of Monson Road, there is a broad pattern to the spacing of buildings and the building line which distinguishes this group of ribbon development. The proposed dwelling's position set back into the site and spacing, away from No 32 Monson Road, would be at odds with this prevailing pattern.
7. As such, even though there is variety in the architectural style of properties in the village, the proposed dwelling would appear as an ad-hoc dwelling at the end of the group, appearing as an incongruous addition in its positioning. In this regard, it would jar with the core shape and form of this part of the village.
8. The urbanisation of this part of the field, with the development proposed, would erode the rural qualities of the settlement edge by extending the built form into the countryside and through the partial loss of hedgerow. Additional planting, whilst offering some benefits, would not mitigate these effects.
9. Although there is no underlying landscape designation at the appeal site, at this prominent position, the loss of countryside for the proposed development would significantly harm the character and appearance of the surrounding area.
10. I therefore find that the proposal would conflict with the requirements of Policies LP17 and LP26 of the Central Lincolnshire Local Plan (LP) (2017) insofar as they relate to character and appearance. These policies stipulate, amongst other things, that all development proposals must take into consideration the character and local distinctiveness of the area.
11. The proposal would also conflict with the National Planning Policy Framework (the Framework) which requires developments to be sympathetic to local character and the surrounding built environment and landscape setting, amongst other things.

Highway safety

12. The proposed access would be positioned onto Monson Road where visibility is influenced by the bend in the road and vegetation. The appellants have provided a plan showing that a visibility splay, in accordance with that requested by the Local Highway Authority, can be achieved and I have no reason to question this.
13. Given the speed limit, visibility, and amount of traffic likely to be associated with a single dwelling, I am satisfied that the proposal would not be detrimental to the safety of wider highway users and the network.
14. I therefore find that the proposal would not harm highway safety and the proposal would accord with the requirements of Policy LP13 of the LP and the Framework. These stipulate, amongst other things, that any development that has severe transport implications will not be granted planning permission.

Biodiversity

15. The development of part of the open field and removal of a small section of hedgerow would result in the loss of some habitat. Whilst I have no evidence that the appeal site makes any significant contribution to local biodiversity, equally I have no substantive evidence of the baseline value.

16. Circular 06/2005 and the Planning Practice Guidance stipulate, amongst other things, that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted. Surveys should only be required by a condition on a planning permission in exceptional circumstances.
17. The appellants state that proposed landscaping would involve additional tree and hedge planting and a garden pond. However, there is no firm evidence before me that the proposal would result in an increase in biodiversity habitat and the circumstances, in this instance, are not of such an extraordinary nature as to warrant a different course of action to that outlined in national advice.
18. I cannot therefore be satisfied, that the proposal would not have a harmful effect on biodiversity. The proposal would therefore conflict with the requirements of Policy LP21 of the LP. This stipulates, amongst other things, that all development should protect, manage and enhance the network of habitats.
19. The proposal, in this regard, would also not accord with the Framework, which stipulates, amongst other things, that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Housing strategy

20. Policy LP2 of the LP stipulates, amongst other things, that unless otherwise promoted via a neighbourhood plan or through the demonstration of clear local community support, small villages, such as Northorpe, will accommodate small scale development of a limited nature in appropriate locations.
21. Whilst the application was submitted with letters of support, no firm details were provided regarding the scope of community engagement. Although the Covid pandemic would have restricted the scope of engagement, there are no firm details before me as to who was, or was not, consulted. Based on the evidence before me, I am unable to conclude that a thorough, proportionate, pre-application consultation exercise was undertaken as required by Policy LP2.
22. Whilst there is local support, objections were also received during the application and the Parish Council did not specifically support the proposal. Given the mixed representations, and my findings on the scope of the community engagement, I cannot be satisfied that clear local community support exists.
23. Although approved applications may not have been implemented, an extant permission still forms part of the met growth allocation for the village, as defined in Policy LP4. I have no substantive evidence that these permissions will not be implemented despite the appellants assumptions. As such, even though the proposal would be a small scale development of a limited nature, the growth allocation for the village has been met by existing permissions.
24. Although I have been referred to sequential test exercises undertaken at previous applications, none are before me as part of this appeal. Whether a site is deemed an 'appropriate location' is specifically defined in Policy LP2. This includes, amongst other things, a location which does not conflict, when taken as a whole, with national policy or policies in the LP.

25. I have concluded that the proposed development would erode the countryside, not retain the core shape and form of this part of the settlement and would result in significant harm to the character and appearance of the surrounding area. Moreover, I have previously identified conflict with other policies of the LP. As such, the appeal site would not constitute an appropriate location having regard to the criteria in Policy LP2.
26. Although there are no other properties in the village for sale that meet the appellants needs, personal circumstances will seldom outweigh more general planning concerns. Nonetheless, the appellants are committed to deliver the dwelling, and the government does place considerable importance on boosting the supply of housing. The appeal site is within walking distance to the small number of facilities within the village and future occupiers would contribute to the vitality of the local rural community. However, overall, given the scale of development proposed, the associated benefits would be limited and would not, in my view, amount to exceptional circumstances.
27. Drawing the above together, the appeal site does not represent an appropriate location for the proposed dwelling, having particular regard to the housing strategy for the area. The proposal would therefore conflict with the requirements of Policies LP1, LP2, LP3 and LP4 of the LP and the Framework. These broadly, amongst other things, promote sustainable rural development whilst recognising the intrinsic character and beauty of the countryside.

Other Matters

28. There is no dispute whether the Council can currently demonstrate a 5-year supply of housing. As such, the most important policies are not out-of-date and the so called 'tilted balance' is not engaged in this case.
29. My attention has been drawn to other permissions granted by the Council. However, I have not been provided with the plans approved and so cannot make direct comparisons. Moreover, I do not have the full details of the circumstances that led to those proposals being accepted.
30. From the evidence before me, the 4 houses approved (Ref 138792 and 138535) in Northorpe have housing to the north and west. Whilst the single dwelling approved (Ref 139155) has housing to the north and opposite. The appeal site, however, is bordered by housing on one side, along Monson Road, and the proposed dwelling would be positioned in a manner that would not harmonise with the pattern of that housing.
31. Whilst the Council have granted consents for housing elsewhere on the edge of other settlements, my concerns do not relate to the principle of development on the edge of settlements. Each case has its own unique circumstances in terms of the proposal submitted, and the relationship between the respective site and settlement. I have subsequently reached my own conclusion of the effects of the proposal in this particular location based on the plans and evidence before me.
32. Concerns regarding the processing of the application are not issues that I can assess as part of this appeal, and do not affect the planning merits or effects of the proposal before me. Although the appellants were willing to make changes to the development with the view to finding a solution, I must determine the appeal based on the merits of the scheme before me.

Conclusion

33. In conclusion, although I have found that the proposal would not have a harmful effect on highway safety, the site does not represent an appropriate location for the proposed dwelling, having particular regard to the effect of the proposal on the character and appearance of the surrounding area, biodiversity and the housing strategy for the area.
34. I conclude that the proposal would conflict with the development plan when read as a whole and there are no material considerations that would indicate that the appeal decision should be taken other than in accordance with it.
35. For the reasons given above, the appeal is dismissed.

Robert Walker

INSPECTOR