



## Appeal Decision

Site visit made on 18 May 2021

by **Diane Cragg DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 01 June 2021

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**Appeal Ref: APP/N2535/W/21/3267705**

**95 Brigg Road, Caistor, Market Rasen LN7 6RX**

- 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 Barry Cox against the decision of West Lindsey District Council.
  - The application Ref 141150, dated 1 June 2020, was refused by notice dated 4 August 2020.
  - The development proposed is outline planning application to erect 1no. dwelling and detached garage with access to be considered and not reserved for subsequent applications.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. I have taken the description of the development from the appeal form as this describes the development succinctly. The points raised in the description on the application form regarding the previous use of the site and the access arrangements are noted.
3. The application is in outline with all matters apart from access reserved for future consideration. I have considered the appeal accordingly and had regard to the indicative block plan only in so far as it describes the development.

### Main Issue

4. The main issue is whether the appeal site is an appropriate location for the development having regard to local and national planning policies and access to services and facilities.

### Reasons

5. The development plan for the district is the Central Lincolnshire Local Plan (April 2017) (the CLLP) and the Caistor Neighbourhood Plan adopted in March 2016. Policy LP2 of the CLLP sets out the spatial strategy and settlement hierarchy for the district.
6. The appeal site is located on Brigg Road to the north of Caistor, one of the market towns falling under the third level of the settlement hierarchy in Policy LP2, which is expected to take significant, but proportionate, growth in housing

and other development. Most of this growth will be through sites allocated in the local plan, or appropriate infill, intensification or renewal on non-allocated sites within the existing 'developed footprint' along with non-allocated sites in 'appropriate locations' outside of, but immediately adjacent to, the 'developed footprint'.

7. An 'appropriate location' is defined as a location which does not conflict, when taken as a whole, with national policy or policies in the CLLP, and where the development would retain the settlement's core shape and form; not significantly harm its character and appearance or that of the surrounding countryside; or the settlement's rural setting. The term 'developed footprint' is defined as the continuous built form of the settlement and excludes individual buildings or groups of dispersed buildings which are clearly detached from the continuous built-up area. It also excludes gardens and paddocks and other undeveloped land within the curtilage of buildings on the settlement's edge where land relates more to the surrounding countryside than the built-up area.
8. The appeal site is part of a larger paddock. It is separated from 95 Brigg Lane by a permissive footpath and extensive landscaping. The paddock is enclosed by hedging to its southern and eastern boundaries and has an attractive rural character. I note the appellant's land use assessment on which the appeal site and surrounding paddock are regarded as part of the associated amenity space to No 95. However, I consider the paddock to have a separate rural character to No 95. Next to the paddock there is open agricultural land before the Caistor playing fields. The appeal site is clearly separate from the developed footprint of Caistor and is not adjacent to it.
9. To the east side of Brigg Road there is a grassed field to the road frontage beyond the allocated housing site. Further north the dispersed properties are clearly detached from the continuous built up area of Caistor. Even if there is a tenuous connection identified on the appellant's land use assessment between the garden of one of these properties and the allocation to the south, the open land either side of Brigg Road creates a clear break from the developed footprint of Caistor and is part of Caistor's rural setting.
10. Overall, the appeal site is not part of, or immediately adjacent to, the developed footprint of Caistor and would not amount to an appropriate location for development under Part 3 of Policy LP2. Rather, it is in the open countryside, to which Part 8 of Policy LP2 and Policy LP55 are applicable. Both policies permit specific forms of development in the countryside. The proposal for a market dwelling would not meet any of the exceptions set out under these policies and the proposal would thus conflict with the overall spatial strategy set out under Policy LP2.
11. I accept that the appeal site is within walking distance of Caistor's services and facilities via a public footpath along a lit route and that there are other services and facilities within the group of buildings of which No 95 Brigg Road is part. The permissive footpath that runs along the northern edge of the appeal site also provides a recreational route into Caistor. In accordance with Policy LP13 the need to travel can be minimised.
12. Paragraph 78 of the National Planning Policy Framework (the Framework) promotes sustainable development in rural areas, locating housing where it will enhance or maintain the vitality of rural communities. In accordance with the Framework the proposal would also contribute towards boosting the supply of

housing and housing on small to medium sites. However, the Framework also seeks to protect the intrinsic character and beauty of the countryside and confirms that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.

13. Notwithstanding that Caistor is a town with services and facilities, the appeal site is in the countryside for the purposes of the development plan. The Council has established a coherent policy approach to assessing development proposals and I have not been provided with any evidence that the current approach to housing provision is failing to provide enough dwellings to meet the housing requirements for the area.
14. The appeal site is part of a larger open paddock that is separated from 95 Brigg Road by a permissive footpath. Although it is currently well screened from Brigg Road by hedges and trees it is visible at the access point. The proposed dwelling would introduce development on to an undeveloped site with a distinctly rural quality. The construction of a dwelling would be highly visible from the footpath and the road and contrary to the appeal site's intrinsic countryside character.
15. The appellant refers to several other local authority and appeal decisions. The decision at Tealby<sup>1</sup> was determined before the CLLP although reference was made to it, the decision was made in a different policy context and the adopted development plan was considered out of date. In the case of the Nettleton and the Whitegate Hill decisions<sup>2</sup> there had been a previous permission for a dwelling on both these sites that influenced the assessment about the suitability of the location. The policy context in the appeal decision at Osgodby<sup>3</sup> is similar, however, the spatial strategy in the CLLP relies on an analysis of the particular site circumstances and in this respect each site must be considered on its own merits. Therefore, these other decisions do not lead me to a different conclusion in respect of the appeal proposal.
16. Overall, I have no evidence to suggest that adequate provision has not been made within a sustainable and co-ordinated growth strategy in the Council's development plan to meet the housing requirements for the area. Therefore, I can attach very limited weight to the provision of a single dwelling where such development is not supported by an up to date development plan document.
17. Consequently, although accessible to services and facilities, the proposal would not be an appropriate location for the development having regard to local and national planning policies and would conflict with Policies LP2 and LP55 of the CLLP.
18. Policy No 2 of the Caistor Neighbourhood Plan addresses the type, scale, and location of development. The policy refers to a number of criteria that apply to major new development as defined in national policy and advice. As a single dwelling could not be described as a major development, I consider that this policy is not relevant to the determination of the appeal. My attention has not been drawn by either party to any other policies within the Neighbourhood Plan that are applicable to the proposal.

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<sup>1</sup> Local authority reference 134552

<sup>2</sup> Local authority references 139244 and 140071 respectively

<sup>3</sup> APP/N2535/W/17/3168283

### **Other Matters**

19. The Council indicates that the dispersed development adjacent to the appeal site could be considered a separate hamlet. However, the CLLP does not indicate that any part of Caistor is a hamlet and for the purposes of Policy LP2 and I agree with the appellant that reference to hamlet is irrelevant to the assessment of the appeal proposal.

### **Conclusion**

20. For the reasons given above, the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict. Therefore, the appeal is dismissed.

*Diane Cragg*

INSPECTOR