



## Appeal Decision

Site visit made on 18 January 2022

by **Diane Cragg Dip TP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 07 February 2022**

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**Appeal Ref: APP/N2535/W/21/3276638**

**Land on west side of Scothern Road, Nettleham, Lincoln**

- 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 Musson (UKSD Developments Limited) against the decision of West Lindsey District Council.
  - The application Ref: 142449, dated 23 February 2021, was refused by notice dated 21 April 2021.
  - The development proposed is outline planning application to erect 7 no. dwellings with access to be considered and not reserved for subsequent applications.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. I have used the description on the application form in the banner heading above as there is no agreement to its change. However, the appeal documentation clarifies that the proposal is for entry-level homes, and I have considered the appeal accordingly.
3. The appeal scheme is an outline proposal, with access to be considered at this stage, and with all other matters reserved. I have considered the appeal on this basis. The proposed site block plan shows the access arrangements and indicates how 7 dwellings could be accommodated on the site. I have taken this drawing into account in so far as it relates to the access arrangements. Where the block plan refers to future reserved matters, I have taken it to be for indicative purposes only.
4. The revised National Planning Policy Framework (the Framework) was published on 20 July 2021, and I have had regard to it in reaching my decision.

### Main Issues

5. The main issues are (i) the effect of the proposed entry-level exception site on the character and appearance of the area, and (ii) whether the submitted Section 106 Agreement would secure the provision of entry-level homes.

### Reasons

#### *Planning policy*

6. The Framework states that Local Planning Authorities should support entry-level exceptions sites, suitable for first time buyers or those looking to rent their first home unless the need is already being met within the authority's

area. Paragraph 72 of the Framework states that sites should be on land that is not already allocated for housing and sets out two further criteria that should be met (paragraph 72 a) and b)). The Council is not satisfied that the development would meet the requirements of paragraph 72 b) that developments should comply with the local design policies and standards.

7. As the Central Lincolnshire Local Plan 2017 (CLLP) and the Nettleham Neighbourhood Plan 2015 (NNP) were adopted prior to the provisions for entry-level exception sites being first set out in the 2018 revision of the Framework, there are no development plan policies relating to such sites. The relevant policies to design are Policies LP17 and LP26 of the CLLP and Policy D-5 of the NNP.

#### *Character and appearance*

8. The appeal site comprises 0.54ha of land with a frontage to Scothern Road. It is part of a large arable field on the edge of Nettleham. Adjacent to the appeal site Scothern Road is characterised by a variety of house types and designs which face towards, but are set back from, the road frontage behind landscaped front gardens.
9. The appeal site is bounded by mature native hedging along Scothern Road. On its southern side, the appeal site boundary is defined by well-maintained hedges and fencing. This attractive and substantial boundary separates the built form of the village from its wider countryside setting. The native hedging and verges along the road frontage, together with the undeveloped fields, including the appeal site, provide an attractive landscape with an open, rural character and appearance that affords long distance views over the countryside.
10. The indicative layout illustrates how seven detached dwellings facing Scothern Road accessed via three shared driveways, each approximately 5 metres wide, could be placed on the land. The development is designed to extend the existing frontage development. However, the proposed built form would encroach into an open undeveloped flat field and the removal of sections of hedging to provide access would reduce the attractiveness of the continuous front boundary hedge within the landscape. The development would have an urbanising effect on the appearance of the Lane. It would result in a prominent encroachment of built development into the open countryside that would detract from the traditional rural character and appearance of the area and the open rural route into and out of Nettleham.
11. Proposed landscaping to the rear and side boundaries may filter some views of the built form but the landscaping would cut across the open field, altering the established field pattern, considerably extending the village, and detracting the shape and form of the settlement. Consequently, the development would harm the pleasant open character of the village edge, detracting from the setting of the village and the character and appearance of the settlement.
12. Therefore, the proposed entry-level exception site would harm the character and appearance of the area in conflict with Policies LP17 and LP26 of the CLLP and Policy D-5 of the NNP. These policies require amongst other things that all development must consider the character and local distinctiveness of the area. The development would also conflict with Paragraph 72 b) of the Framework

where entry-level exceptions sites are required to comply with local design policies and standards.

### *Section 106 Agreement*

13. There is no dispute between the parties that there is a need for affordable rented and shared ownership units in Central Lincolnshire, and that the appeal site could provide entry-level homes that would be on a size of site that would accord with footnote 35 of the Framework. However, the indicative layout shows large, detached houses that do not reflect the housing need set out on the housing register, and there is no clarification on this matter.
14. Whilst I have a limited draft section 106 agreement its provisions are not complete, and the agreement is not signed by either party. Therefore, there is currently no mechanism to secure the provision of entry-level homes suitable for first time buyers before me and the development cannot meet the requirements of Paragraph 72 a) of the Framework where entry-level exceptions sites suitable for first time buyers are required to provide affordable housing as defined in Annex 2 of the Framework.

### **Other Matters**

15. The Council can demonstrate more than a 5-year housing land supply. Although this does not prevent entry-level housing from coming forward, in the absence of a mechanism to secure this, the entry-level housing contribution is a neutral factor in my assessment.
16. The proposed development would be well related to village facilities, however, not all such sites will be suitable for development.
17. The appellant proposes a new section of public footpath which is said to be sought by the community and an aspiration of the NNP. It is suggested that the requirement to provide a footpath could be conditioned, but the Council considers that the footpath would need to be secured via a section 106 agreement. In either case, I have little detail of the proposed footpath and without this I attached limited weight to the benefits it may bring to the community.
18. I acknowledge the reference to pre-application advice, however, this advice related to a different proposal for general housing and pre-dates later appeal decisions. I therefore attach little significance to the advice provided.
19. The absence of harm in relation to neighbouring amenity, highways and flood risk is a neutral matter in this appeal.

### **Conclusion**

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

*Diane Cragg*

INSPECTOR