



## Appeal Decision

Site visit made on 15 February 2022

by **Diane Cragg Dip TP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 4 March 2022**

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**Appeal Ref: APP/N2535/W/21/3285181**

**Land to the rear of The Rookery, Scotter, Gainsborough DN21 3FB**

- 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 Cirsh Properties against the decision of West Lindsey District Council.
  - The application Ref 142582, dated 2 March 2021, was refused by notice dated 27 April 2021.
  - The development proposed is outline application for the erection of five two-bedroom bungalows for over-55 occupation. All matters reserved other than access.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. 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 plan shows the access arrangements and indicates how 5 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 plan refers to future reserved matters, I have taken it to be for indicative purposes only.

### Main Issues

3. The appellant has provided a reptile survey as part of the appeal documentation. The Council considers that the survey provides evidence that no reptiles are within the site and therefore reason for refusal No 4 need not be pursued.
4. Therefore, the main issues are:
  - whether the appeal site is an appropriate location for the proposed development having regard to national and local planning policies;
  - whether the proposed development would integrate into the surrounding built environment with particular regard to the proposed access arrangements;
  - the effect of the development on the living conditions of No 3 Bellbutts View.

## Reasons

5. The appeal site comprises land described as a grassed paddock on the periphery of Scotter. The land adjoins paddock land to the south and open countryside to the west. Broadly to the north and east the appeal site borders residential properties facing Bellbutts View, Rooklands and The Rookery. Access to the land is via an existing access track from Bellbutts View.
6. Policy LP1 of the Central Lincolnshire Local Plan April 2017 (CLLP) seeks to deliver sustainable growth. Policy LP2 provides the spatial strategy and settlement hierarchy for Central Lincolnshire during the plan period 2012-2036 and is focussed upon delivering sustainable growth that meets the need for homes and jobs, regenerates places and communities, and supports necessary improvements to facilities, services, and infrastructure.
7. Policy LP2 identifies Scotter as a 'Large Village' where most of the growth, including housing, is intended to be delivered via sites allocated in the plan, or appropriate infill, intensification, or renewal within the existing developed footprint. Policy LP2 states that, in exceptional circumstances, additional growth on non-allocated sites in appropriate locations outside of, but immediately adjacent to, the developed footprint of the large villages might be considered favourably.
8. In accordance with the CLLP the Scotter Neighbourhood Development Plan 2017 – 2036 (NP) allocates two sites for housing development and in addition through Policy H4 supports small scale residential development within the existing built form of the settlement subject to certain criteria related to the character and appearance of Scotter and mix of dwellings (to accord with Policy H3) being satisfied. The text to Policy H4 states that paddocks do not form part of the built form of the settlement where land relates more to the surrounding countryside than the built-up area of the settlement.
9. Policy LP2 of the CLLP and Policy H4 of the NP are generally consistent with the National Planning Policy Framework (the Framework) where it states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services.
10. The appeal site is part of a larger paddock area with further paddock land extending southwards. Although the land is adjacent to residential properties to two of its boundaries, the rear boundaries of these properties are well defined, and the domestic curtilages are clearly distinct in character to the appeal site. The appeal site has a tranquil atmosphere which accords with its rural setting to the south and west. The character of the site relates to the open countryside and is not part of the developed footprint of Scotter in the terms described in Policy LP2 or the NP.
11. The appeal site is not allocated for development and the proposal would conflict with Policy H4 of the NP but in terms of Policy LP2 the parties agree that the proposed development is on land beyond, but immediately adjacent to, the developed footprint of Scotter and is an appropriate location. Therefore, it is necessary to consider whether there are exceptional circumstances for the additional growth.

### *Exceptional circumstances*

12. Policy LP2 defines 'exceptional circumstances' as a matter for the decision maker and gives the example of where the development would deliver a community facility above and beyond what would ordinarily be required and for which a clear need has been identified.
13. The NP allocates sites and sets out policies to meet its requirement to provide 10% growth over the plan period. The NP consultation highlighted, amongst other things, a requirement for bungalows to allow elderly residents to downsize, but the NP also acknowledges a need for small dwellings for first time buyers and housing policies in the NP seek a mix of housing.
14. Although the appellant states that no sites have been found in Scotter to provide bungalows for over 55's there is limited evidence that the spatial strategy, which sets out policies to provide for a mix of dwellings to meet identified need including older people in the CLLP and the NP, is failing to provide adequately for over 55's within the developed footprint of the village or on allocated sites. Thus, there is no indication that the CLLP and NP are not meeting the Framework requirements to identify opportunities (in rural areas) for villages to grow and thrive and provide the size, type and tenure of housing needed for different groups in the community. The provision of bungalows specifically for over 55's is not therefore an exceptional circumstance in this case.
15. The appellant refers to the proximity of services and facilities. Within Policy LP2 large villages such as Scotter are acknowledged as having key services and facilities and therefore are a focus for accommodating an appropriate level of growth. The NP identifies land to meet required growth in Scotter in accordance with its status as a large village under Policy LP2, therefore, the site's proximity to services and facilities is not an exceptional circumstance.
16. The appellant also indicates that the adjacent land within the appellant's ownership would provide allotments for residents and the wider community. However, there is no planning permission in place for allotments on the adjacent land and no means of securing their provision as part of the proposed development before me. I therefore attach little weight to such facilities being provided.
17. Overall, based on the evidence before me, I conclude that 'exceptional circumstances' in the terms of Policy LP2 of the CLLP have not been demonstrated. In the absence of any demonstrable 'exceptional circumstances' to justify development in a location outside the developed footprint of Scotter, the appeal site would not be a suitable location for development having regard to national and local planning policies. The development would conflict with Policy LP2 of the CLLP and Policies H4 and D5 of the NP. It would also conflict with the Framework, where in rural areas it requires planning decisions to be responsive to local circumstances and support housing developments that reflect local needs.

### *Built environment*

18. The existing grassed track between 3 and 4 Bellbutts View provides access to the appeal site. The width of the initial section of the access is constrained and high hedges are immediately adjacent to it. The existing track takes a 90

degree turn next to a two-storey building to the rear of 3 Bellbutts View and proceeds on an incline to the site.

19. The development would be served via an extended section of private access road on the line of the existing track. The access would be enclosed and of a limited width for the initial straight section from Bellbutts View. After the bend, the access would be a long section of road on an incline sited between rear gardens and open countryside. The access would be a circuitous route, with no active frontage and there would be no alternative pedestrian or cycle linkages to adjacent residential sites.
20. The width of the initial section of the access from Bellbutts View is not sufficient for two vehicles to pass and visibility would be restricted because of the 90-degree bend. Vehicles may be forced to reverse due to the single width of the access and the limited forward visibility. There would also be limited visibility of pedestrians where vehicles emerge on to Bellbutts View because of the height of existing hedges at the access point, particularly if vehicles are reversing. Even if traffic speeds are low here, pedestrians and cyclists would be deterred from using the route because of the limited refuge space and potential conflict with vehicle movements.
21. After the bend, the length of the access, its incline, and the lack of connection with the adjacent built environment would deter walkers and cyclists from using it. Consequently, the site does not establish good walking and cycling routes to facilities and would not encourage patterns of movement that reduce reliance on the car.
22. The Council may underestimate the physical capabilities of over-55's but the appellant is proposing bungalows for older residents, aimed at those looking to downsize. It is not an unreasonable assumption that future residents may be preparing for a time when there are some restrictions to their physical capabilities. As the proposal is to restrict occupation to older residents the proposed access arrangements should provide for their future needs.
23. I appreciate that a separate footpath could be provided over part of the access route at the rear of the site, but access is not a reserved matter, and this is not the proposal before me. In any case, the provision of a footpath would not overcome the concerns I have set out above.
24. Overall, I conclude that the proposed development would not integrate into the surrounding built environment with particular regard to the proposed access arrangements and would conflict with Policies LP2 and LP26 of the CLLP and Policies H4, D5 and T8 of the NP where these policies seek, among other things, that development is designed to maximise pedestrian permeability and avoid barriers to movement through careful consideration of street layouts and access routes and prioritise pedestrian movements. It would also conflict with the Framework where it seeks to ensure that developments create places that are safe, inclusive and accessible.
25. Although reference is made to Policy H3 of the NP in the reason for refusal, I find no specific conflict in respect of this main issue with Policy H3 which is relevant to major developments.

### *Living conditions*

26. No 3 Bellbutts View is a detached property in a large plot. It has a detached garage which has annexed living accommodation above and a conservatory to the side elevation. The garage building sits on the boundary with the proposed access route at the point where it bends through 90 degrees. The access would be close to the rear garden space and manoeuvring of vehicles would be likely to occur close to the property due to the road alignment and width. In addition, vehicles travelling along the access at night would illuminate the rear area of No 3, because of the limited other light sources. The conservatory, outside patio and rear windows in the annex and the main house would all experience additional noise and disturbance due to the close proximity of the access road to the property.
27. Given the length, construction, and proximity of the access to No 3 the development would detract from the living conditions of the occupiers of that property. In this regard, the development would conflict with Policy LP26 of the CLLP and Policies H4 and D5 of the NP where these require development to respect its immediate surroundings and the amenities of existing occupants of neighbouring land and buildings.
28. As per the previous main issue there is no specific conflict with Policy H3 of the NP which relates to major development.

### **Other Matters**

29. I acknowledge that Lincolnshire Fire and Rescue considers their concerns may be overcome by the appellant providing an automatic sprinkler system at their own expense, however, given my assessment above I have not found it necessary to resolve whether such a system would be suitable or could be sought by an appropriately worded condition.
30. I note that the appellant proposes to construct the dwellings to high environmental standards but in the absence of the site being well related to the existing built environment and the likely reliance on car use, I attach little weight to this matter.

### **Conclusion**

31. The proposal would conflict with the CLLP and the NP in respect of the location of the proposed development, the integration of the development into the built environment and the living conditions of No 3 Bellbutts View. I attach substantial weight to these conflicts.
32. As the NP and the CLLP provide allocations and a strategy for meeting its housing needs within Scotter, I attach limited weight to the benefits of providing housing for over 55's. In addition, the social and economic benefits would be small.
33. Overall, for the reasons given above, I conclude that the proposal would conflict with the development plan and there are no material considerations, including the Framework, that would outweigh that conflict. Therefore, the appeal is dismissed.

*Diane Cragg*, INSPECTOR