



# Appeal Decision

Site visit made on 12 May 2022

**by William Cooper BA (Hons) MA CMLI**

**an Inspector appointed by the Secretary of State**

**Decision date: 27 May 2022**

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**Appeal Ref: APP/N2535/W/21/3287616**

**Coulson The Bungalow, Saxby Road, Owmbly-By-Spital, Market Rasen LN8 2DA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
  - The appeal is made by Mr Gavin Widdison against the decision of West Lindsey District Council.
  - The application Ref: 142815, dated 7 April 2021, was refused by notice dated 18 June 2021.
  - The development proposed is described as demolition of existing dwelling along with associated outbuildings and erect replacement dwelling with attached garage.
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## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. Since the Council's decision, a new version of the National Planning Policy Framework (the Framework) has been published. The parties have had opportunity to comment on the engagement of this new policy document in relation to the appeal, and so will not be disadvantaged by my consideration of it.

## Main Issue

3. The main issue in this case is whether the proposal would be a suitable replacement dwelling in the countryside, having regard to a) its effect on the character and appearance of the area, and b) the development plan's spatial strategy and rural development policies, with particular regard to size of replacement dwellings in the countryside.

## Reasons

4. The appeal site comprises a bungalow, its garden areas, outbuildings and a Nissen Hut. The bungalow's accommodation includes two bedrooms, a bathroom with toilet, kitchen, dining room, lounge and hall. The site is located in countryside beyond the village of Owmbly-By-Spital.
5. From what I saw during my site visit, the landscape visible from much of the site's perimeter is open fields. Also, intervening rural fields, hedges and trees together contribute to a prevailing sense of separation between the village and appeal site, and to the rural character of the locality. The cessation of the pavement from the village at the corner of Fen Road and Saxby Road, together with the site's location beyond the village's name and

- speed limit signage further intensifies the rural character of the area of countryside in which the site is located.
6. As such, notwithstanding some diluting influence on local countryside character of the Crowes Yard workshop/office units development to the east, the appeal site reads on the ground as part of the countryside setting of the south-eastern part of the village.
  7. A prevailing characteristic of this area of countryside setting is its less developed nature, with a predominantly verdant and spacious character, and a relative lack of buildings. These features of the local landscape contribute positively to its rural character. The mainly verdant character of the green burial site (GBS), the entrance to which is opposite the appeal site, helps the GBS blend in with this.
  8. The existing red brick and tiled roof, twentieth century bungalow on the appeal site is relatively plain, functional and modest in scale and appearance. This relative modesty of scale and appearance, together with its established nature goes some way to help the bungalow visually fit into its setting.
  9. I appreciate the appellant's intention to create an aesthetic statement of presence with the proposed house. Such a dwelling may be in harmony with its environs, in terms of form and materials, were it to be located in the village. Also, the developed character of the neighbouring Crowes Yard units to the east would have a modestly diluting influence on the visual impact of the proposed dwelling. The neighbouring group of trees to the north would provide some visual containment of the proposal, along part of one side of the appeal site.
  10. However, the proposed four bedroom detached house with a ground floor and first floor level, and integral double garage would constitute a substantial step up in size and scale of house on the site. Width-wise, the house would stretch across much of the garden's width. The relative modesty of residential building scale and appearance would be lost from the site. In combination with its mass, the house's expanses of 'buttermilk' coloured rendered walls with red brick quoins, red brick chimney stack, variety of roofing profiles, and extensive front and rear fenestration would draw the eye. This combination of factors would result in a substantial house of conspicuous appearance, in its countryside location.
  11. Within the predominantly verdant and spacious countryside setting outside the village, these factors would emphasise the proposed dwelling's presence, and result in a visually jarring intrusion of conspicuous built form within the countryside setting of the village. This would erode, and so fail to respond positively to, the area's predominantly verdant and spacious rural landscape character.
  12. These adverse impacts would be noticeable from a combination of viewpoints on farmland, on Saxby Road and within the site.
  13. Given the conspicuous scale and appearance of the proposed new house, and potential limitation in the screening effectiveness of tree and hedge planting on the site, with seasonal leaf fall and/or pruning, the visually softening effect of landscaping on the proposed development would be limited.

14. As such, the proposal would harm the character and appearance of the area. This would conflict with Policies LP17 and LP26 of the Central Lincolnshire Local Plan (LP), which together seek to ensure that development complements local character, including the setting of settlements.
15. The Central Lincolnshire spatial strategy seeks to concentrate growth on the main urban areas of Lincoln, Gainsborough and Sleaford and in settlements that support their roles, with remaining growth elsewhere in Central Lincolnshire to support the function of other sustainable settlements and help meet local needs<sup>1</sup>. As part of this approach, Spatial Strategy and Settlement Hierarchy Policy LP2 of the LP requires that development in the countryside will be restricted to, among other things, proposals falling under policy LP55 of the LP. Criterion d of Policy LP55 Part B requires a replacement dwelling in the countryside to be of 'similar size and scale to the original dwelling'.
16. Together LP Policies LP2 and Policy LP55 Part B align with the aim of ensuring that development in the countryside is sustainable, proportionate and appropriate to its setting<sup>2</sup>. In requiring replacement dwellings in the countryside to be of similar size and scale to the original dwelling, even without specifying a maximum percentage increase, criterion d of Policy LP55 Part B strikes a reasonable balance between specificity and flexibility. This is reflected in its engagement in various other decisions cited in this appeal case, free from substantive demonstration of a lack of policy clarity. As such, the development plan and its policies have appropriately clear purpose and phrasing for it to be evident how a decision maker should react to the development proposal, and are consistent with the Framework.
17. Policy LP55 makes no mention of including existing detached outbuildings in the criterion d calculation. Given this, and their separation from the bungalow, I consider that the existing outbuildings and Nissen Hut on the appeal site do not qualify for inclusion in calculation of whether the replacement dwelling in the countryside would be of similar size and scale to the original dwelling.
18. The proposal would entail replacement of the relatively modest bungalow with a large four bedroom detached house with a ground floor and first floor level, and integral double garage. Compared to the existing bungalow, the proposed building would be more than double the footprint and width, and have an additional floor and greater ridge height.
19. As such, the proposal would result in a replacement dwelling in the countryside that would substantially exceed the size and scale of the existing bungalow. This would fail to meet the requirement of Part B criterion d of Policy LP55 for replacement dwellings in the countryside to be of similar size and scale to the original dwelling. In so conflicting with Policy LP55, the proposal would also not accord with Policy LP2 of the LP.
20. I therefore conclude that the proposal would not be a suitable replacement dwelling in the countryside, in terms of a) its effect on the character and appearance of the area, and b) the development plan's spatial strategy and rural development policies, with particular regard to size of replacement dwellings in the countryside. This would conflict with Policies LP2, LP17, LP26 and LP55 of the LP, as described above.

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<sup>1</sup> As per supporting text paragraph 3.2.1 of the LP.

<sup>2</sup> As set out in supporting text 10.3.1 of the LP.

## **Other Matters**

21. The appellant's appeal statement states that the dwelling would be a self-build. However, the description of development does not include self-build and I have no certainty that it would be such.
22. Various other replacement dwellings are cited by the appellant. These differ from the appeal proposal in that they are either on a different site in a different setting, were deemed of similar scale and size to the original dwelling, have a different planning history, were deemed acceptable in character and appearance terms, or a combination of these factors. This limits the other schemes' equivalence to the appeal scheme. Furthermore, the current appeal proposal has its own setting and circumstances and, as such I shall determine it on its own merits.

## **Planning Balance and Conclusion**

23. The bungalow appears to be in generally well-kept condition, albeit with some evidence of dampness. Given the absence of a detailed timber survey before me, and the concealed nature of some of its timbers I have no certainty of the full extent of reported timber decay at the bungalow. That said, I recognise the proposal would provide a new dwelling, with less likely shorter term need for repair than the older dwelling. Albeit the proposed house would have more property fabric to maintain in the future.
24. The proposal would provide more spacious accommodation, and modern insulation, layout and fixtures for the comfort of occupants, with associated efficient use of land. With its increased ground floor level and additional floor level, it would improve refuge for occupants in the event of flooding. The proposal may entail removal of asbestos<sup>3</sup>. Planting of trees of native species would add to the biodiversity of the site. Also, the new house would appear to some people as more aesthetically pleasing than the older, plain bungalow and its outbuildings. Albeit, this consideration is tempered by the identified conspicuousness of the proposal and harm to the area's character and appearance.
25. The proposed house would also contribute additional family residential accommodation to the area's housing supply, in the form of a larger dwelling on the site, with two more bedrooms than the existing bungalow. Albeit with the loss of a smaller, more affordable type of rural dwelling.
26. However, the benefits are limited by the scale of proposed development, and would not outweigh the totality of the identified harm and the conflict with the development plan.
27. I therefore conclude that the proposal would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal is dismissed.

*William Cooper*

INSPECTOR

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<sup>3</sup> As indicated in section 4.6 of the appellant's Appeal Statement of Case.