



## Appeal Decision

Site visit made on 29 November 2022

by **C McDonagh BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20<sup>th</sup> December 2022

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**Appeal Ref: APP/N2535/W/22/3300208**

**Land adjacent Manor Cottage, Cliff Road, Saxby, Market Rasen LN8 2DQ**

- 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 J Neave (Saxby Ltd) against the decision of West Lindsey District Council.
  - The application Ref 143957, dated 4 November 2021, was refused by notice dated 28 April 2022.
  - The development proposed is the erection of a detached house and creation of vehicle access.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are as follows:
  - Whether the appeal site represents a suitable location for the proposed development;
  - The effects of the proposal on the character and appearance of the area; and
  - The effects of the proposal on the setting of heritage assets.

### Reasons

#### *Whether Suitable Location*

3. Policy LP2 of the Central Lincolnshire Local Plan (LP) (adopted April 2017) seeks to guide the sustainable growth of the Plan area with the aid of a settlement hierarchy. Part 7 of Policy LP2 defines a hamlet as a settlement not listed elsewhere in this policy and with dwellings clearly clustered together to form a single developed footprint. Such a hamlet must have at least 15 units (as it was on April 2012). Within such hamlets, single dwelling infill developments (i.e. within the developed footprint of the village and within an otherwise continuous built up frontage of dwellings) in appropriate locations will be supported in principle.
4. I note there is no dispute between the parties as to whether Saxby has at least 15 dwellings, although there is disagreement regarding whether it has a single developed footprint. Even if I was to concur that the settlement should be considered a hamlet, the proposed single dwelling would not constitute an infill

development. Although it would align with a dwelling to one side, to the other side there is an access lane serving farm buildings and a significant gap to the next property, Manor Farmhouse. This distance is given as 80 metres (m) in the Assessment of Significance and Heritage Impact Assessment (HIA - Austin Heritage Consultants – November 2021) and goes on to advise that the extensive gardens to the west of the farmhouse form a substantial buffer zone between the study area and the house. Therefore, based on the evidence before me and my own observations on the site visit, the proposal would not meet the definition of infill as per Policy LP2.

5. My attention is drawn to a development approved by the Council in the village of Heapham<sup>1</sup>. However, I have very limited information on this matter before me. Although the layouts of the villages are ostensibly similar, and that proposal was determined to be infill, this does not convince me the proposal before me should be allowed on that basis. Each proposal is assessed on its own merits, and I have done so with regards to the appeal scheme.
6. Based on the above, the proposal would not constitute a suitable location for residential development, contrary to Policy LP2 of the LP which seeks to guide sustainable development in the Plan area by means of a settlement hierarchy.

#### *Character and Appearance*

7. The appeal site comprises a parcel of grassland located in the centre of the small settlement of Saxby. The site is bound by a stone wall to two sides, lining both Saxby Cliff Road and a farm access track, as well as a low stone wall adjacent Manor Cottage. Saxby has a somewhat sporadic grain of development, including several dwellings set around a collection of farm buildings on the south side of the road while to the north side, buildings are generally set back a generous distance from the road. Overall, the settlement has many areas of verdant and undeveloped space between its buildings contributing to a spacious, tranquil and overwhelmingly rural character. Its buildings are of an agricultural character, built of stone with pantile roofs and traditionally proportioned fenestration.
8. The proposed dwelling would erode part of this open character within the centre of Saxby in a prominent location that I observed was readily visible along the road and from nearby dwellings. Although the design approach of the dwelling entails constructing a building with the appearance of a barn, as the appellant concedes this would be of a modern barn interpretation, which would be contrary to the traditional and established vernacular of Saxby overall. This incongruity would be compounded by the large expanses of glazing to the front elevation which would jar with the more traditional use of fenestration locally.
9. I acknowledge that design steps have been considered to integrate the dwelling successfully. This includes aligning the building with the front elevation of Manor Cottage and using the existing farm track for vehicular access. However, this does not lessen the overall harm that I have identified. Although it is claimed the area of land is brownfield in that it was previously a pigsty, the National Planning Policy Framework (the Framework) is clear in Annex 2 that previously developed land does not include land that is or was last occupied by agricultural or forestry buildings. Regardless, even if I was to accept that the land should be classified as brownfield, the change from agricultural to

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<sup>1</sup> Planning Application Reference 142812

residential would alter its character. Based on my findings above, this change would be harmful.

10. To conclude on this main issue, the proposal would harm the character and appearance of the area. This would be contrary to Policies LP17 and LP26 of the LP, which seek, among other things, to ensure that all development proposals must take into consideration the character and local distinctiveness of the area (and enhance or reinforce it, as appropriate). The proposal would also be contrary to paragraph 130 of the Framework, which advises developments should be sympathetic to local character and history.

#### *Setting of Listed Buildings*

11. The appeal site is located circa 115m from the Church of St. Helen, a Grade I Listed Building, and 80m from Manor Farmhouse, which is Grade II Listed. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires, in considering whether to grant permission for development which affects a listed building or its setting, that special regard should be had to the desirability of preserving the building or its setting.
12. The Church of St. Helen derives part of its significance from its historic association with the development of the area, where it would have served the local rural community as a place of worship. As a Grade I Listed Building, it is a heritage asset of the highest importance. In addition, the church has been sited to be seen from wide ranging views and from my observations, the church was visible from a long distance along Saxby Cliff Road to the west and several viewpoints within Saxby itself. Accordingly, the setting of the church makes a considerable contribution to its significance.
13. However, intervisibility between the appeal site and the church is limited, while there is a significant distance between the two elements. The main views from which the church would be experienced are to the west along Saxby Cliff Road and the farmlands to the south where the church would be a commanding and prominent local landmark set amongst the agricultural buildings adjacent. The appeal site would not be visible from these local viewpoints and as such would not compete with the church nor harm its historic interpretation, thereby preserving the setting of the heritage asset.
14. The significance of Manor Farmhouse is also due in part to its association with the historical development of the area, where it would have served the larger farming operation which is still apparent today in the local area. Evidently, the appeal site was formerly a pigsty before being cleared and associated with Manor Cottage. Today, although it makes a positive contribution to the area in terms of its open space and verdant appearance, there is little agricultural character remaining following its changes in use as outlined in the HIA. Moreover, the distance between the appeal site and farmhouse is significant and as such inversibility between the two elements is somewhat limited. As such, the appeal site makes a limited contribution to the setting of the Listed Building.
15. To conclude on this main issue, the proposal would preserve the significance of the identified Listed Buildings, in accordance with Policy LP25 of the LP which states that development proposals that affect the setting of a Listed Building will be supported where they preserve or better reveal the significance of the Listed Building. The proposal would also comply with the requirements of the

Framework, which advises in paragraph 199 that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

### **Planning Balance and Conclusion**

16. The Framework generally seeks to boost the supply of housing nationwide, among other things. The proposal would add one dwelling to the Council's existing stock. Regardless of whether the occupiers would be related to the appellant, this is worthy of some positive weight in favour of the scheme. However, the Council can evidently demonstrate a five-year supply of housing land. I agree that this is not a ceiling to further approvals, although the weight to attribute to one dwelling in this scenario would be limited.
17. The creation of jobs during the construction phase and increased council revenue would be of some economic benefit. Saxby has a church, which is previously discussed in this report, but I have not been made aware of any other services or facilities in the same settlement. Whether the church would be utilised by future occupiers of the property is unclear. The village of Normanby-by-Spital is located circa 1.5 miles from Saxby and includes a limited range of services and facilities, including a pub, primary school and post office. Walking along a narrow and unlit country road to access these would be unlikely and while paragraph 79 of the Framework is supportive of development in one village which may support services in a village nearby, this economic boost would be offset somewhat by the likely need to travel there by private vehicle. Moreover, the addition of one dwelling would invariably equate to a modest boost in trade to these services. These considerations are worthy of some additional, albeit limited, weight in favour.
18. There are no objections from consultees relating to highway safety, flood risk or ecology, while there was no harm identified to the living conditions of occupiers of neighbouring dwellings. Be that as it may, a lack of harm would be neutral in the planning balance rather than weighing in favour.
19. Conversely, I have found that the proposal would not be in a suitable location with regards to the spatial strategy for the development plan area and would cause harm to the character and appearance of the local area. The proposal conflicts with Policies LP2, LP17 and LP26 in these respects. These policies are consistent with the Framework in achieving well-designed places and therefore, this conflict is attributed substantial weight against the proposal in this balance.
20. As a result, the proposal would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. For the reasons given, I conclude that the appeal should be dismissed.

*C McDonagh*

INSPECTOR