



Planning Committee

31 May 2017

Subject: Determination of Planning Appeals

Report by:

Chief Operating Officer

Contact Officer:

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Purpose / Summary:

The report contains details of planning applications that had been submitted to appeal and for determination by the Planning Inspectorate.

RECOMMENDATION(S): That the Appeal decisions be noted.

IMPLICATIONS

Legal: None arising from this report.

Financial : None arising from this report.

Staffing : None arising from this report.

Equality and Diversity including Human Rights : The planning applications have been considered against Human Rights implications especially with regard to Article 8 – right to respect for private and family life and Protocol 1, Article 1 – protection of property and balancing the public interest and well-being of the community within these rights.

Risk Assessment : None arising from this report.

Climate Related Risks and Opportunities : None arising from this report.

Title and Location of any Background Papers used in the preparation of this report:
Are detailed in each individual item

Call in and Urgency:

Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

Yes

No

Key Decision:

A matter which affects two or more wards, or has significant financial implications

Yes

No

Appendix A - Summary

- i) Appeal by Mr Paul Smith against the decision of West Lindsey District Council to refuse planning permission for outline application to erect a single 4 bedroom dwelling with additional upper floor home office space on land south of Cheriton, Mill Lane, Osgodby.

Appeal Allowed - See copy letter attached as Appendix Bi.

Officer Decision – Refuse permission

Appeal Decision

Site visit made on 11 April 2017

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11th May 2017

Appeal Ref: APP/N2535/W/17/3168283

Land south of Cheriton, Mill Lane, Osgodby, Market Rasen, LN8 3TB

- 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 Paul Smith against the decision of West Lindsey District Council.
 - The application Ref 135432, dated 6 November 2016, was refused by notice dated 29 December 2016.
 - The development proposed is outline application to erect a single 4 bedroom dwelling with additional upper floor home office space.
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Decision

1. The appeal is allowed and outline planning permission is granted for a single 4 bedroom dwelling with additional upper floor home office space at Land south of Cheriton, Mill Lane, Osgodby, Market Rasen, LN8 3TB in accordance with the terms of the application, Ref 135432, dated 6 November 2016, subject to the following conditions:
 - 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
 - 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
 - 3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
 - 4) No development shall take place until a scheme for the disposal of foul and surface waters have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Procedural Matters

2. The application is in outline with all matters reserved. I have taken the site address as specified in the appeal form and on the Council's decision notice, as this is more precise than the address given in the original application form.
 3. Following the refusal of the original application, the Council formally adopted the Central Lincolnshire Local Plan (LP) on 24 April 2017. In their decision notice the Council quoted Saved Policies STRAT1 and STRAT2 of the West
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Lindsey Local Plan (First Review). The Council have since confirmed that these policies have now been superseded by policies LP2 and LP55 of the newly adopted LP. The appellant is aware of the change and therefore no party is prejudiced by my determining of the appeal against LP policies LP2 and LP55 as the adopted development plan, as well as the National Planning Policy Framework (the Framework).

4. It is understood that a Neighbourhood Plan for Osgodby is in development. However, this is in a very early stage with no specific draft document including policies or sites being published as yet. Accordingly, this limits the weight to which I can attach to this.

Main Issue

5. The main issue is whether the proposal would provide an appropriate location for housing development having regard to national and local policy.

Reasons

6. The appeal site forms part of an open field. To the north are stables and a livery yard. The site is bounded by a mature hedgerow along Mill Lane. There is a substantial oak tree to the south eastern corner of the site, adjacent to an existing field gate which provides access into the site.
7. The surrounding area comprises of open fields and small pockets of residential development. To the north are a number of residential dwellings, including Cheriton and playing fields and a village hall.
8. Policy LP2 of the LP identifies Osgodby as a small village whereby small scale development of a limited nature in appropriate locations. 'Appropriate locations' are defined by the policy as a location which does not conflict with national policy or LP policy and where it would retain the core shape and form of the settlement, would not significantly harm the settlement's character and appearance; and would not significantly harm the character and appearance of the surrounding countryside or the rural setting of the settlement. This policy also identifies the countryside where development is restricted to specific types.
9. The Council considers that the site is separate from the main built footprint of Osgodby and as such is considered to be in a countryside location under LP2. Policy LP55 states that new dwellings within the countryside will only be acceptable where they are essential to the effective operation of rural operations listed in Policy LP2. As a site which would not meet these policy requirements the Council submits that the site is in an unsustainable location where occupants would have a heavy reliance on a car to access employment, shops and other services and facilities.
10. As stated in paragraph 3.2.5 of the supporting text, there are no defined settlement boundaries around any settlements in the LP. Accordingly, the matter hinges on, whether or not the site could reasonably be considered to form part of the settlement, in accordance with LP Policy LP2.
11. The appeal site is located in an area of the village where there is a transition between the settlement core and the more sporadic developments, including Nos 5 & 6 Mill Lane and Field House Farm to the south. It is clear that the appeal site is not within the main built up part of Osgodby, however I find that

- it is located on the edge of the settlement, adjacent to higher density dwellings and structures, which begins at Cheriton, to the north of the appeal site.
12. I also find that the site is in reasonable proximity to services and facilities available within Osgodby, including the village hall and playing fields to the north west of the site and in this regard I do not consider that the site would be isolated.
 13. Furthermore, while the site access would be from a stretch of road which is at the national speed limit, this is restricted to 30mph to the north of the appeal site, approximately in line with the boundary with Cheriton and the playing fields. Mill Lane is also a single track rural road which is lightly trafficked. The conditions are as such that I do not therefore consider that it would restrict future occupants of the dwelling in walking or cycling to these village services.
 14. While services and facilities in Osgodby are limited and there will be some reliance on private car to access facilities within the higher order settlements, small scale development is permitted under Policy LP2, reflecting the rural nature of the District and the need to serve such communities through appropriate levels of growth.
 15. Moreover, I am mindful that the Council does not consider that, subject to appropriate design (including consideration of the height of the dwelling) and tree protection measures, the erection of a dwelling in this location would not have a significant impact on the character and appearance of the open countryside. Thus, I am content that, in principle, the policy tests with regard to the site being located in an 'appropriate location' as defined under Policy LP2, would be satisfied, subject to further deliberation as part of any reserved matters application. Accordingly, Policy LP55 would also not be applicable.
 16. Overall, I consider that the location of the proposed development would constitute sustainable rural development in accordance with LP Policy LP2. I also find no conflict with paragraphs 34 and 55 of the Framework. These seek to maintain the vitality of rural communities while minimising the need to travel, where possible, in rural areas.

Conditions

17. I have attached conditions setting out the requirements for reserved matters approval, in accordance with the requirements of the Act. A condition for the disposal of foul and surface water is necessary to ensure that there are no significant adverse impacts upon the living conditions of local residents. Due to the nature of the work involved, it is essential that this is a pre-commencement condition.
18. I do not, however, consider that conditions or informative in respect of tree protection and noise mitigation are necessary. The imposition of such conditions would be contrary to the flexibility provided by the outline nature of the application with access, appearance and layout as reserved matters and therefore should not be considered at this stage.

Conclusion

19. For the reasons I have given, and taking into account all other matters raised, the appeal should succeed.

C Searson INSPECTOR