



Planning Committee

Date 28 June 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 Graham Johnson against the decision of West Lindsey District Council to refuse planning permission to demolish existing outbuilding and erect new outbuilding comprising garage and external store 19 East Street, Nettleham.

Appeal Dismissed - See copy letter attached as Appendix Bi.

Officer Decision – Refuse permission

- ii) Appeal by Mr and Mrs A. Parkinson against the decision of West Lindsey District Council to refuse planning permission for erection of 7 no. dwellings with ancillary garages and formation of access at Waltham House, 116 Lincoln Road, Dunholme.

Appeal Dismissed - See copy letter attached as Appendix Bii.

Officer Decision – Refuse permission

- iii) Appeal by Mr Colin Janney against the decision of West Lindsey District Council to refuse planning permission for Loft conversion to create two further bedrooms at Flat A, The Granary, John Street, Market Rasen.

Appeal Dismissed - See copy letter attached as Appendix Biii.

Officer Decision – Refuse permission.

- iv) Appeal by Mrs Picken against the decision of West Lindsey District Council to refuse planning permission for a dwelling and detached garage on land at The Spinney, Main Drive, Sudbrooke.

Appeal Dismissed - See copy letter attached as Appendix Biv.

Officer Decision – Refuse permission.

- v) Appeal by Allison Homes Ltd c/o Robert Doughty Consultancy Ltd against the decision of West Lindsey District Council to refuse planning permission for residential development of 38 dwellings on land at Nettleham Road, Scothern.

Appeal Dismissed - See copy letter attached as Appendix Bv.

Officer Decision – Refuse permission.

- vi) Appeal by Mr Charles Pickering (Zodiak Construction Limited) against the decision of West Lindsey District Council to refuse outline planning permission for the erection of up to 47 dwellings together with public open space and associated access arrangements on land North of Old Gallamore Lane, Middle Rasen.

Appeal Dismissed - See copy letter attached as Appendix Bvi.

Officer Recommendation – Grant permission.

Committee Decision – Refuse Permission

- vii) Appeal by Mr & Mrs K Laing against the decision of West Lindsey District Council to refuse permission for new dwelling adjacent to 94 Lincoln Road, Dunholme.

Appeal Allowed - See copy letter attached as Appendix Bvii.

Officer Decision – Refuse Permission

and

Appeal by Mr & Mrs K Laing against the decision of West Lindsey District Council to refuse permission for new dwelling adjacent to 94 Lincoln Road, Dunholme.

Appeal Dismissed - See copy letter attached as Appendix Bvii.

Officer Decision – Refuse Permission

- viii) Appeal by Mr Mark Robinson for MTR Planning against the decision of West Lindsey District Council to refuse permission for the development of 4 new houses on land rear of Sudbrooke House, Church Lane, Sudbrooke.

Appeal Dismissed - See copy letter attached as Appendix Bviii.

Officer Decision – Refuse Permission

Appeal Decision

Site visit made on 25 April 2017

by Jason Whitfield BA (Hons) DipTP MRTPI

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

Decision date: 25th May 2017

Appeal Ref: APP/N2535/D/16/3164907
19 East Street, Nettleham, Lincoln LN2 2SL

- 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 Mr Graham Johnson against the decision of West Lindsey District Council.
 - The application Ref 134839, dated 10 August 2016, was refused by notice dated 19 October 2016.
 - The development proposed is demolish existing outbuilding and erect new outbuilding comprising garage and external store.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the decision was issued and this appeal submitted, the Council has adopted the Central Lincolnshire Local Plan 2017 (CLLP). The Council has confirmed that this replaces the adopted West Lindsey Local Plan First Review 2006. The appellant takes the view that the CLLP has no material bearing on the appeal and it should be determined on the policies applicable at the time of the original application. However, the Courts have confirmed that the appeal must be determined on the basis of the development plan as it exists at the time of my decision. I have therefore considered the appeal against the relevant development policies contained within the CLLP.

Main Issue

3. The main issue is whether the proposal would preserve or enhance the character or appearance of the Nettleham Conservation Area.

Reasons

4. The appeal site lies within the Nettleham Conservation Area (the CA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. In this respect national policy on heritage assets, which includes conservation areas, is set out in the National Planning Policy Framework (*the Framework*).
 5. The CA is centred on the historic village green of Nettleham and the route of Church Street which leads from the village green to the Parish Church of All Saints which was originally built between the 13th and 15th centuries. The CA is
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characterised mostly by 16th to early 19th century stone buildings focussed around the village green and the streets leading from it.

6. The appeal site lies within a group of old stone cottages and houses which provide an attractive and archetypal introduction to the CA, the significance of which derives largely from the history associated with the village green and the distinctive, vernacular architecture.
7. The appeal relates to a single storey detached outbuilding to the rear of 17-19 East Street which are mid-late 18th century in date. The building is also mid-late 18th century in date and was likely in agricultural use originally in connection with No 17-19 which would have been farm cottages. Whilst there are later additions, the building is constructed from a similar local stone and lime mortar to surrounding buildings.
8. Paragraph 132 of *the Framework* emphasises that great weight should be given to the conservation of heritage assets, with the level of weight to be guided by the importance of the asset. The appellant states that the building itself is not a designated heritage asset and therefore paragraph 132 has no bearing on the appeal. However, the *Framework* is clear that Conservation Areas are designated heritage assets and the appeal site lies within the CA. As such, paragraph 132 is applicable in this instance.
9. It is proposed to demolish the existing building and construct a replacement garage and domestic store in a similar position. It would include re-use of all existing stone, roof tiles, doors, frames and timbers where possible. Rainwater goods would be in the same style and form as the existing.
10. The proposal would result in the total loss of the existing building. Despite the building's condition and need for restoration, it nevertheless appears as a good example of a vernacular pre-industrial agricultural structure and indicative of the settlements agrarian origins. Moreover, whilst visibility of the building is partially restricted by surrounding properties, it largely survives in its original form and as such, makes a positive contribution towards the significance of the CA.
11. I have had regard to the Structural Survey which concludes that the defects to the building are severe to very severe and that the building is beyond the point of economical repair. The survey states that the walls, roof and lintels are in such condition that they can no longer be relied upon to provide long term structural stability without extensive repair works. However, there is no suggestion that such extensive repair works would not be technically feasible.
12. Furthermore, whilst I have been provided with comparative costs for the repair of the building and for the rebuild which suggest that repair would be more expensive, there is no compelling evidence to demonstrate that such repair would be economically unviable.
13. It has not therefore been demonstrated that the barn would be incapable of practical repair. As a consequence, it has not been established that the demolition of the building is justified on the grounds that it is not capable of retention and I find the loss of the building would result in harm to the heritage asset. To that end, great weight is to be given to that harm in line with paragraph 132 of *the Framework*.

14. I conclude, therefore, that the proposal would not preserve or enhance the character or appearance of the Nettleham Conservation Area. As a consequence, it would conflict with Policies LP1, LP17, LP25 and LP26 of the CLLP which set out a presumption in favour of development, seek to protect and enhance the value of the townscape, seek to protect, conserve and seek opportunities to enhance the historic environment and state that all development should seek a high quality of design.
15. It would also conflict with Policy D-6 and Policy E-4 of the Nettleham Neighbourhood Plan 2015 which state that new development should recognise and reinforce the distinctive local character and that within the conservation area development proposals will be expected to preserve or enhance the character of the area
16. In finding harm in respect of the significance of heritage assets, paragraph 134 of *the Framework* sets out that where a view is taken that the harm to the designated heritage asset would be less than substantial, this harm should be weighed against the public benefits of the proposal. In this instance, that harm would be less than substantial and in accordance with paragraph 134 of *the Framework*, it should be weighed against any public benefits of the proposal. I have, however, no evidence to suggest that the proposal would result in any public benefit that would outweigh the harm identified.

Other Matters

17. I note that the application attracted no objections or comments from neighbours or the parish council. However, the lack of objection would not outweigh the great weight afforded to the harm to the heritage asset identified above.

The proposals would have similar proportions to the existing building and would be set in a similar proximity to the Grade II Listed Building of 25 East Street. It would not appear as a dominant or incongruous feature. The proposal would therefore preserve the setting of the listed building.

Conclusion

18. For the reasons given above, I conclude that the appeal should be dismissed.

Jason Whitfield

INSPECTOR

Appeal Decision

Site visit made on 25 April 2017

by Jason Whitfield BA (Hons) DipTP MRTPI

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

Decision date: 25th May 2017

Appeal Ref: APP/N2535/W/17/3167823

Waltham House, 116 Lincoln Road, Dunholme, Lincoln LN2 3QY

- 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 and Mrs A. Parkinson against the decision of West Lindsey District Council.
 - The application Ref 134685, dated 11 July 2016, was refused by notice dated 5 October 2016.
 - The development proposed is erection of 7 no. dwellings with ancillary garages and formation of access.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline with all matters reserved for future consideration. A 1:500 site plan and a 1:200 site plan were submitted with the application. The plans show a site layout for indicative purposes only. I have determined the appeal on that basis.
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 made reference to the West Lindsey Local Plan (First Review) 2006. The Council have since confirmed that relevant policies in that plan have now been superseded by the newly adopted LP. The appellant is aware of the change and therefore no party would be prejudiced by my determining of the appeal against the policies of the LP as the adopted development plan, as well as the National Planning Policy Framework (*the Framework*).

Main Issues

4. The main issues are:
 - whether the proposal would be acceptable having regard to development plan policies in relation to the location of new housing; and,
 - the effect of the proposal on the character and appearance of the area.
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Reasons

Location

5. LP Policy LP1 sets out that the overall strategy of the plan is to deliver sustainable growth, in line with *the Framework*. LP Policy LP2 sets out the spatial strategy and provides a settlement hierarchy to direct that sustainable growth. Dunholme is identified as a 'large village' which will be a focus for accommodating an appropriate level of growth. Most of the growth will be through allocated sites. The appeal site is not an allocated site for new housing. Nevertheless, the growth will also be accommodated through appropriate infill, intensification or renewal within the existing 'developed footprint'.
6. The term 'developed footprint' is defined as the continuous built form of the settlement and excludes, inter-alia, gardens, paddocks and other undeveloped land within the curtilage of buildings on the edge of the settlement where the land relates more to the surrounding countryside than to the built up area of the settlement.
7. The appeal site comprises an area of domestic garden on the west side of the detached property of Waltham House. It is adjoined on three sides by a flat and open expanse of agricultural land. To the east of Waltham House is an area of agricultural land which separates it from the continuous built form either side of Lincoln Road. Whilst I recognise the intervening area of agricultural land is an allocated housing site with an extant planning permission and would form the future developed footprint of the settlement, no development exists on that land at present. The appeal site is distinctly disparate from the existing built form of the settlement and relates more to the surrounding countryside. As a result, the appeal site would not constitute appropriate infill, intensification or renewal within the existing developed footprint of Dunholme.
8. LP Policy LP2 does allow for, in 'exceptional circumstances', additional growth on non-allocated sites in 'appropriate locations' outside of, but immediately adjacent to, the developed footprint of large villages. The policy defines 'exceptional circumstances' as a matter for the decision maker but 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.
9. I recognise that the appeal site would be immediately adjacent to the developed footprint of the village once the adjoining land has been built upon. However, whether the site is an appropriate location outside of, but immediately adjacent to the developed footprint is only to be considered if there are exceptional circumstances. In this instance, there is no evidence before me that the proposal would deliver a community facility for which there is an identified need. Nor indeed is there any evidence before me to demonstrate that any exceptional circumstances exist in this case.
10. The proposal would, therefore, fall to be considered as a countryside location. LP Policy LP2 allows for proposals in countryside locations which fall under Policy LP55. Policy LP55 states that new dwellings will only be acceptable where they are essential to the effective operation of rural operations listed in Policy LP2. Those operations are restricted to development which is essential

for agriculture and other rural activities, minerals and waste, and renewable energy. Such operations are not relevant here.

11. LP Policy LP3 sets out the level and distribution of the LP's sustainable growth aims. Dunholme forms part of the Lincoln Strategy Area which is to accommodate around 64% of the total growth with priority for urban regeneration and sustainable urban extensions to Lincoln before growth at settlements which serve and are serviced by Lincoln. As set out above, the appeal site would not be within the existing developed footprint of Dunholme and would not therefore assist with the settlement's contribution towards the growth of the Lincoln Strategy Area – a contribution which includes two allocations for new housing sites in the LP as well as extant permissions for a further 8 houses within the village. Moreover, beyond the Lincoln Strategy Area, Gainsborough and Sleaford, the remainder of growth will be delivered in other areas only in accordance with Policy SP2. Therefore, the proposal would conflict with Policy SP2.
12. The Dunholme Parish Neighbourhood Development Plan December 2016 (NP) was made on 23 January 2017 and now forms part of the development plan. NP Policy 1 seeks to enable the delivery of around 329 new homes within the parish over the plan period, with Dunholme the main focus. The policy reflects the aforementioned LP housing allocations but also permits additional, small scale windfall developments within the existing built form of Dunholme. NP Policy 3 states that planning permission will be supported for small scale infill residential development within the existing built up form of Dunholme village provided it is located within the defined 'built up area' for Dunholme.
13. As with LP Policy LP2, the 'built up area' is defined as the continuous built form of the settlement and excludes, inter alia, gardens, paddocks and other undeveloped land within the curtilage of buildings on the edge of the settlement where the land relates more to the surrounding countryside than to the built up area of the settlement. As set out above, the appeal site is distinctly disparate from the existing, continuous built form of the settlement and relates more to the surrounding countryside. As a result, I find that the proposal would not lie within the existing built form or 'built up area' of Dunholme. It would not therefore accord with NP Policy 3 in that regard.
14. I conclude, therefore, that the proposal would not be acceptable having regard to development plan policies in relation to the location of new housing. It would conflict with LP Policies LP1, LP2, LP3 and LP55. It would also conflict with Policies 1 and 3 of the NP. The Council has made reference to Policy 2 of the NP which relates to housing type and mix and is not relevant in respect of this main issue.

Character and Appearance

15. The appeal site comprises a relatively flat area of grassland associated with the garden area of the detached property, Waltham House. The land is devoid of any notable variations in gradient or topographical features. The boundaries of the site are delineated by hedgerows and trees.
16. The surrounding landscape is characterised by lowland agricultural fields which encompass the village of Dunholme and other settlements in the wider area. The openness and lack of built form is an important feature of the landscape, particularly in sensitive locations on the fringes of urban areas. As the site is

free of built development, its openness positively contributes to the character and appearance of the landscape.

17. I recognise that the visual impact of the proposal would be limited to an extent by the established vegetation around its boundaries, though the built form would nevertheless be readily apparent in medium and long range views in the wider landscape. Such views would materially change to be urban in appearance and the development would, given the location of the site, appear notably detached from the built-up area of the settlement. Although I recognise that the consented development on the adjacent would land would reduce that sense of separation, that development has yet to begin and, at around 275 dwellings, would take a significant time to complete. Thus, there would be adverse visual impacts in the short-medium term.
18. Moreover, whilst low density with the potential for generous gardens and landscaping, the development of 7 detached houses along with associated garages, hard surfacing and domestic paraphernalia would inevitably result in the loss of countryside and urbanise the site. As a result, the proposal would have a harmful effect on the prevailing character of the wider landscape.
19. I conclude, therefore, that the proposal would have a harmful effect on the character and appearance of the area, in conflict with LP Policy LP17 which seeks to protect and enhance the intrinsic value of the landscape as well as Policies 4 and 10 of the NP which state that development should preserve or enhance the village of Dunholme and should take into account the setting of the built up area. In addition, the proposal would conflict with paragraph 56 of *the Framework* which attaches great importance to the design of the built environment.

Other Matters

20. Paragraph 12 of *the Framework* is clear that it does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. I have found that the proposal would conflict with the development plan in this instance. Nevertheless, *the Framework* is an important material consideration
21. The appeal site is within reasonable proximity of shops, services and facilities and I have no reason to disagree with the parties that the proposal would be a suitable location for new housing in terms of providing a choice of sustainable transport modes, in line with paragraph 29 of *the Framework*. I also recognise the proposal would make a modest, but nevertheless important, contribution towards boosting the supply of housing, in line with paragraph 47 of *the Framework*.
22. However, such benefits would be outweighed by the harm in respect of the location of new housing and the effect on the character and appearance of the area, in conflict with paragraph 56 of *the Framework*. The proposal would not fulfil the environmental role of sustainability and would not therefore constitute sustainable development in line with paragraph 7 of *the Framework*.
23. I note that the proposal would not have a harmful effect on highway safety in the area nor would it affect any heritage assets or trees in the area. I also

note the proposal would achieve good levels of natural surveillance, that there is sufficient capacity in existing infrastructure to accommodate the development and that it would not harm the living conditions of nearby residents. However, the lack of harm in those respects would not outweigh the conflict with the development plan and the subsequent harm which I have identified above.

Conclusion

24. For the reasons given above I conclude that the appeal should be dismissed.

Jason Whitfield

INSPECTOR

Appeal Decision

Site visit made on 10 May 2017

by **S J Lee BA(Hons) MA MRTPI**

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

Decision date: 31st May 2017

Appeal Ref: APP/N2535/W/16/3162742

Flat A, The Granary, John Street, Market Rasen LN8 3HH

- 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 Mr Colin Janney against the decision of West Lindsey District Council.
 - The application Ref 134517, dated 23 May 2016, was refused by notice dated 18 August 2016.
 - The development proposed was originally described as "re-submission of planning application 133575 Loft conversion to create two further bedrooms".
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Following the determination of the planning application, the Central Lincolnshire Local Plan (2017)(LP) was adopted. This replaced the West Lindsey Local Plan (2006). I gave both parties the opportunity to comment on this and have had regard to these comments in my decision. As required by planning law¹, I have considered the appeal on the basis of the policies set out in the LP.

Main Issue

3. The main issue is the effect of the development on the character or appearance of the Market Rasen Conservation Area (MRCA) and the setting of nearby listed buildings.

Reasons

4. The appeal site is a two storey building known as The Granary which has been converted into three flats. The Granary is part of a collection of buildings in a small courtyard that is accessed from John Street. To the opposite side is a public car park. The building faces Hannover House and there is a small enclosed garden area between these two buildings.
5. The proposed dormer would extend to almost the full width and height of the roof slope, resulting in a large and bulky addition, which would almost give the appearance of a full third floor to the original property. The overall scale of the dormer and its shallow roof slope would result in an ungainly and unduly

¹ Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990.

dominant alteration to the building. As a result of both the overall scale of the dormer and the number and position of the proposed windows, the roof slope would also appear overly cluttered. The placing of windows would also add an additional degree of asymmetry and imbalance to the principal elevation. Taken together, these factors would significantly detract from the host building's existing simple and traditional form.

6. Contrary to the appellant's assertion, the dormer would be a prominent feature from the edge of the public car park, particularly at the point where there is a pay machine and a pedestrian link to the high street. It would be reasonable to assume that there is significant footfall in this location. There are also a number of other properties around this end of the car park from which the dormer would be visible. The incongruous and unsympathetic nature of the alterations would therefore be readily visible to a large number of people from these vantage points. Whilst the car park itself may not contribute to the character of the MRCA to any significant degree, the buildings around it, including the appeal site and others in its immediate vicinity, contribute positively to the traditional market town feel of the area. The prominence of the development would serve only to highlight the harm caused to the host building and detract from the wider character and appearance of the area.
7. The Council has raised concerns over the effect of the development on the setting of the listed Advocate Arms. While I noted there would be glimpsed views of the roof from the pub car park, generally the two buildings would not be viewed in the same context and thus I am not concerned that the development would cause material harm to the setting of the pub. No other listed buildings have been specifically identified by the Council. Nonetheless, this does not alter my view that the development would cause harm to the MRCA by virtue of the unacceptable impact on the host building's appearance and the adverse effect its prominent position would have on the wider area.
8. I find therefore that the development would have an unacceptable adverse impact on the character and appearance of the MRCA. Accordingly, there would conflict with LP policies LP17, LP25 and LP26 which seek, amongst other things, to protect the intrinsic value of local townscape, protect and conserve the historic environment and to achieve high quality design that contributes positively to local character. There would also be conflict with paragraph 131 of the National Planning Policy Framework (the Framework) in terms of the desirability of sustaining and enhancing heritage assets.
9. Paragraph 132 of the Framework states 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. In my view, the extent of the harm caused by the development to the significance of the MRCA would be less than substantial. Paragraph 134 of the Framework states in such circumstances the harm should be weighed against the public benefits of the proposal. This is reflected in LP Policy LP25.
10. In this case, the development would facilitate an increase in the habitable space of the flat. This would result in only private benefits for the occupants. This does not carry significant weight in balancing the harm to the MRCA. No other benefits have been identified by the appellant. As such, the public benefits of the proposal would not outweigh the harm to the heritage asset.

Other Matters

11. The appellant has drawn my attention to other examples of dormer windows in the vicinity of the site. The ones visible from the car park and in the courtyard are on the front and rear of the same building. These are far smaller examples of dormer than that proposed here and are not at the same height. Moreover, they do not dominate the roof slope in the same way as the appeal proposal. Therefore, they are not directly comparable to the proposal before me. Neither these nor other examples highlighted would lead me to conclude that such alterations are sympathetic additions or appropriate features within the MRCA and thus they do not alter my overall conclusion. In any event, I have considered the appeal on its own merits.

Conclusion

12. For the reasons given above I conclude that the appeal should be dismissed.

S J Lee

INSPECTOR

Appeal Decision

Site visit made on 28 March 2017

by Mrs Zoë Hill BA(Hons) Dip Bldg Cons(RICS) MRTPI IHBC

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

Decision date: 31 May 2017

Appeal Ref: APP/N2535/W/16/3164389

Land at The Spinney, Main Drive, Sudbrooke, Lincoln LN2 2QY

- 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 Mrs Picken against the decision of West Lindsey District Council.
 - The application Ref: 134775, dated 27 July 2016, was refused by notice dated 5 October 2016.
 - The development proposed is a dwelling and detached garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - (a) The effect of the proposed development on the character and appearance of the surrounding area;
 - (b) The effect of the proposed development on trees protected by the Tree Preservation (Sudbrooke Park) Order 1950; and,
 - (c) Whether or not the site is acceptable in principle for the development proposed, including having regard to the site's accessibility.

Reasons

Preliminary Matter – recent planning permission

3. The appeal site currently forms part of the garden of The Spinney and has some cattery buildings on the rear part of the land. Planning permission has recently been granted for the reinstatement of a cattery business, including the erection of 2no. wooden structures (8 February 2017 Ref: 135650) on the appeal site.
 4. The appeal proposal application details explain the intention is for a relative (the daughter) of the appellant to move to the site to live in the proposed dwelling and to run the cattery business. I have therefore considered the proposed dwelling and garage in light of the cattery permission on part of the appeal site. I will return to this matter later.
 5. On 24 April 2017, during the appeal process the Council adopted a new policy document titled the Central Lincolnshire Local Plan (CLLP). In so doing the policies of the West Lindsey Local Plan First Review (2006) were superseded
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and they no longer carry weight as policy. As a consequence, the Council has confirmed which policies of the new Local CLLP they rely upon. The appellant has been given an opportunity to comment upon that correspondence. I note that I have to determine the appeal upon the policies which are in force at the time of my Decision.

Character and Appearance

6. The Spinney and a number of other houses are located on the west side of Main Drive, a private access road. Those properties vary in size, height and design. However, a key feature of those properties is that they are situated in spacious grounds with a good degree of either on-site or backdrop planting including mature trees.
7. In the case of the appeal site, much of the area is open with substantial trees at both the rear and northern side of the plot (i.e. away from the host property The Spinney). A conifer hedge transects the site separating the cattery use from a front lawn area. This hedge would be removed as part of the proposals.
8. It is accepted by the Council that the proposed development would not harm the host or neighbouring properties in terms of privacy and light. Moreover reasonable space would exist, even with the cattery business, for day to day needs of the future occupiers. However, the width of the proposed bungalow and the position of the garage would be such that the building development would appear to fill the whole plot width. This combined with the siting and footprint of the existing bungalow and its detached garage would result in a significantly more urban appearance, which would be exacerbated by the closer proximity of the proposed house and garage buildings to Main Drive than the existing bungalow and its garage. In all, this scheme, despite the simple and elegant architectural approach, would have an unacceptable urbanising effect which would be out of keeping with the low density and more rural setting to this parkland area.
9. As such, I find conflict with policy LP26 of the CLLP which requires that new development must achieve high quality design that contributes positively to local character and creates a sense of place. It sets out a series of criteria against which development proposals will be assessed. These include that development relates well to the site and surroundings, particularly in relation to siting, scale, massing and plot widths. The proposal fails in this respect. For these reasons, I also find conflict with the National Planning Policy Framework (the Framework), which requires good design.

Trees

10. The appellant confirms that the trees shown on the application plan have their root protection areas (RPA) accurately identified. On this basis, and having in mind the Tree and Landscape Officer's comments that if the circles on the plans are the RPAs they would not object to the scheme, the trees on the boundaries of the site would be sufficiently distant that the proposed dwelling and the access to it would not harm them. Given the size of the remaining garden area and the position of the boundary trees to the north of the garden, it seems to me that there would be little pressure to have the trees removed due to issues of light. Thus, I am satisfied that the appeal scheme would not result in harm to the TPO trees subject to a condition to ensure that working practices during construction would be suitably controlled.

11. As such, I do not find conflict with CLLP policy LP17 which seeks to maintain natural site features, including trees, which make a valued contribution to the character of the area.

Principle of Development and Accessibility

12. The Council relies on the CLLP allocations to explain that there is a 5 year housing land supply available. There is no substantiated evidence before me to counter that view. I shall, therefore, not consider this matter further given the recent date of the CLLP which makes provision for its housing requirement.
13. The CLLP for this area allocates Sudbrooke as a medium village (category 5) under Policy LP2 with scope for limited development (classed by the policy as typically up to 9 dwellings or 0.25 ha) to support its facilities. Policy LP4 explains it will permit growth of up to 10% during the plan period for this type of settlement. However, in Sudbrooke there is a planning permission for up to 130 dwellings and 25 apartments for retired living which was allowed on appeal¹. These 155 dwellings exceed the 68 dwellings that the Council considers would amount to the 10% growth addition permitted in the CLLP.
14. Policy LP4 sets out that for proposals within or on the edge of a village in categories 5-6 of the settlement hierarchy where any development combined with extant permissions, amongst other things, exceeds that 10% figure, the proposal should be accompanied by demonstrable evidence of clear local community support for the scheme. The policy provides a definition which explains that this evidence should be provided at the application stage and explains how it is to be gathered and considered. Should the evidence not be clear, Parish or Town Council support will be required.
15. The appeal scheme has resulted in a letter of support from the West Lindsey Ward Member for Sudbrooke, no objection from the Parish Council and two further letters of support and a letter of objection. On balance, and bearing in mind the date of this application in respect of the date of adoption of the CLLP with its community support requirement in settlements where the 10% addition has been exceeded by an extant permission, it seems to me likely that this proposal could satisfy the requirements of policy LP4. However, in this case the principle of the proposed development is not the determinative matter for reasons set out above and noting my conclusions below. Thus, in respect of this proposal I have not attached material weight against the scheme on the basis of policy LP4, rather it seems likely that the scheme might well be able to comply in this respect, with the issue being one of timing in seeking the necessary support.
16. Turning to the specific matter of accessibility raised by the Council, the settlement has a modest range of facilities including a village hall and café (the shop has recently closed) and the appeal site is reasonably close to a bus stop providing access to Lincoln which is a few miles away. I agree with the Council that there is a likelihood that future occupiers would have some reliance on a private vehicle because of the limited facilities. However, bearing in mind the settlement's status and the facilities which are available along with the proximity to the bus stop, on balance, I consider this to be of limited weight in the planning balance. This is particularly the case given the CLLP development

¹ APP/N2535/W/16/3144855

hierarchy policies and particularly LP2 and LP4 which indicate the acceptability (or otherwise) in principle for development.

Other Material Considerations

17. The appeal site is accessed via a private drive through gates which are Listed Buildings and past a Lodge House, also a listed building. I am satisfied that the proposed development would be sufficiently separate from those Listed Buildings that the appeal scheme would not adversely affect their significance. Additional access by vehicles to the property would not alter the gateway's sense of arrival or diminish the function of those Listed Buildings. Thus, as the setting and significance of those buildings would be preserved I do not consider that the relationship to those Listed Buildings counts against this scheme.
18. The Definitive Map and Statement shows Definitive Footpath (Sudbrooke) No.160 adjoining the site and forming the principal access to the proposed development. The Rights of Way Officer sets out that there are no recorded public vehicular rights to access the site. Therefore the appellant would need to satisfy herself of the existence of an equivalent private right of way and, in the event of reliance being placed on the applicant's ownership of Main Drive, then a private vehicular right should be conveyed before the intended property is sold. This is therefore a civil law matter and has not been a material consideration in my determination of this appeal.
19. In terms of the reinstatement of the cattery business, the relationship between the proposal and that permission would require further consideration were I to allow the appeal scheme. However, this has not weighed in the balance because I am satisfied that this could be resolved through conditions.
20. The appellant has explained that her daughter, and her family, is needed to run the cattery business. Although the cattery business could be run from the existing house on the site, such that this matter does not attract significant weight in terms of the needs of the business, those personal circumstances might gain the support required by policy LP4.

Planning Balance and Conclusions

21. The size and positioning of the proposed development would harm the character and appearance of the area and conflict with development plan policies as well as policies of the Framework. Whilst it is possible that the development might gain the community support needed by policy LP4 because the development threshold has been exceeded for Sudbrooke, the harm to character and appearance is such that, for the reasons set out above, and having had regard to all other matters raised including the personal circumstances relating to the cattery business, the appeal fails.

Zoë Hill

Inspector

Appeal Decision

Hearing held on 22 March 2017

Site visit made on 22 March 2017

by Amanda Blicq BSc (Hons) MA CMLI

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

Decision date: 31 May 2017

Appeal Ref: APP/N2535/W/16/3160047

Land at Nettleham Road, Scothern, Lincoln, Lincolnshire LN2 2TY

- 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 Allison Homes Ltd c/o Robert Doughty Consultancy Ltd against the decision of West Lindsey District Council.
 - The application Ref 134295, dated 8 April 2016, was refused by notice dated 22 June 2016.
 - The development proposed is planning application for residential development of 38 no. dwellings – resubmission of 133190.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. For clarity I have used the description of the development given on the appeal form.
3. I visited the village unaccompanied before the hearing, and made an accompanied site visit after the hearing.
4. The Council has advised that the Central Lincolnshire Local Plan was adopted on 24 April 2017. Consequently I give the policies within that plan and the Inspector's Report, full weight in my deliberations.
5. It was confirmed at the hearing that the Scothern Neighbourhood Plan (NP) was formally adopted on 23 January 2017. The appellant noted that the Written Ministerial Statement¹, which outlines the weight to be given to NPs in situations where councils are unable to demonstrate sufficient five year housing land supply (HLS), is to be challenged later this year. However, I am obliged to determine this appeal in accordance with legislation and guidance relevant at the point of determination, and therefore I give this upcoming legal challenge little weight.
6. A letter forwarded from the appellant's solicitor which accompanied the Unilateral Undertaking submitted after the hearing², states that a draft Section 106 agreement was shown to me at the hearing. This was not the case. I queried the status of the Section 106 agreement referred to in the evidence at

¹ 12 December 2016

² Shakespeare Martineau, 30 March 2017

the start of the hearing and was advised it had been signed by the Council but remained incomplete.

Main Issues

7. The main issues are:

- whether the Council can demonstrate a five year housing land supply; and,
- whether, in the context of local and national policies, the proposals would represent sustainable development with particular regard to location.

Reasons

Five year housing land supply

8. The development plan policies relevant to this appeal comprise saved Policies STRAT3, 9 and 12 of the Local Plan³ (LP), the NP, and Policies LP2, LP3 and LP4 of the emerging CLLP. These are policies which restrict housing supply.
9. The Inspector's Report states that the Inspectors are satisfied that there is a good prospect that there will be an up-to-date supply of specific deliverable sites sufficient enough to provide five years' worth of housing against the requirements of the plan upon adoption⁴. The appellant has provided further comment⁵ suggesting that the Council's figures are flawed and it is argued that notwithstanding the adoption of the CLLP, the extant housing supply figure is less than that provided by the Council for the Local Plan. Nonetheless, the appellant concludes that even accounting for a diminished windfall supply, increased lapse rate and the application of the Liverpool method of adjustments to accommodate the shortfall, the existing housing supply as represented by the Local Plan, falls to 5.3 years. As such, this supports my reasoning that the Council can demonstrate a five year housing land supply (HLS) and that the policies cited by the Council should be given full weight.
10. The appellant has also drawn my attention to previous appeals in the district where Inspectors have concluded that the Council does not have sufficient HLS. However, these decisions predate the Inspector's Report and as such I give their conclusions in respect of HLS no weight.
11. As I give full weight to the Inspector's Report in respect of HLS, I conclude that the policies restricting the supply of housing in the saved LP and NP should be considered up to date and afforded full weight as set out in Paragraph 49 of the National Planning Policy Framework (the Framework). I also give full weight to the restrictive policies in the CLLP.

Sustainable location

12. The appeal site is a greenfield site, situated to the south-west of the small settlement of Scothern. Scothern is classified as a Medium Village⁶ of 345 households in CLLP Policy LP2, which sets out the settlement strategy and hierarchy for the plan area. The village appears to have grown organically from its centre, and this is reflected in the diverse mix of housing styles and

³ West Lindsey Local Plan, June 2006

⁴ Inspector's Report, Clause 251

⁵ Robert Doughty Consultancy, 21 April 2017

⁶ Figure given in Neighbourhood Plan

- associated variations in density and plot size. The evidence before me indicates its facilities comprise a village hall, garden centre, public house and primary school.
13. Saved LP Policies STRAT3, STRAT9 and STRAT12 taken together impose restrictions on development in the open countryside, (that is, outside designated settlements) and seek to encourage development of previously developed land. These policies are consistent with the core planning principles of Paragraph 17 of the Framework.
 14. The Council confirmed during the hearing that the categorisation of settlements in CLLP Policy LP2 was informed by their size and access to amenities. This policy states that Medium Villages will accommodate a limited amount of development in order to support their function and/or sustainability. There are to be no allocated housing sites except where they are already committed to development. Typically development proposals are expected to be on sites of up to 9 dwellings, or up to 25 dwellings in exceptional circumstances. The supporting text in the CLLP notes that this strategy will deliver growth to where it is most needed, and this approach is confirmed in the Inspector's Report. However, the scale of the development before me would considerably exceed that set out in the CLLP for a Medium Village, and represent an intensification of development well beyond that considered sustainable in relevant local policies.
 15. Furthermore, given the scale of extant permissions approved since the base date of the CLLP, the appeal before me would increase dwellings in Scothern by some 30 per cent. This figure does not take account of another development at Weir Farm⁷ which is still being determined, and which would add a further 30 dwellings.
 16. The appellant argues that LP Policy STRAT3 identified Scothern as a primary rural settlement suitable for residential development. The supporting text to that policy states that in categorising settlements, their size, facilities, public transport provision and proximity to Lincoln were taken into account. However, it was confirmed during the hearing that CLLP Policy LP2 used similar criteria when determining the settlement hierarchy. I have no evidence before me to enable a direct comparison between the levels of public transport and facilities pertaining at the time of the respective LP and CLLP assessments, but the Council has now concluded that Scothern should have limited growth. Furthermore, the Inspector's Report recognises that services can vary over time, and that the number of dwellings in a settlement is a reasonable way to decide its position in the overall hierarchy⁸.
 17. Moreover, a comparison of the primary rural settlements listed in LP Policy STRAT3 and the Large Villages⁹ listed in CLLP LP2 indicates that less than half of the settlements listed in LP Policy STRAT3 are now considered suitable for a higher level of growth. As such, whilst I appreciate that Scothern was previously identified as a rural growth point in the past, I conclude that the former level of public transport provision and amenities has diminished to a level where further growth is considered inappropriate.

⁷ APP/N2535/W/16/3152022

⁸ Inspector's Report, Clause 78

⁹ Villages listed as being key service centres

18. I appreciate that a previous appeal decision for Weir Farm¹⁰ indicated that Scothern would be a suitable location for housing, having regard to the availability of local services, and it was this decision that prompted resubmission of this application. However, this decision was issued in February 2016 when the CLLP was at an earlier stage. Whilst I can appreciate that the Inspector gave CLLP Policy LP4 limited weight, the CLLP has now been adopted. As such, I give this decision limited weight in my reasoning.
19. Furthermore, the evidence before me indicates that subsequent to that decision a development of 130 dwellings and 25 apartments has been permitted at Sudbrooke¹¹, which is some 0.8 miles from Scothern. This is a settlement whose residents share many of Scothern's limited amenities. I concur with the parish council that the appeal before me would put additional pressure on Scothern to an extent not taken into account by the Inspector for that Weir Farm decision.
20. The appellant argues that the 10 per cent growth figure set out in CLLP Policy LP4 is a random and arbitrary figure¹². However, it is entirely reasonable that a Council should direct growth to particular settlements commensurate with their size and amenities. As noted above, the principle of this approach has been supported by the CLLP Inspectors. Whilst I appreciate that growth ceilings should not be overly prescriptive, the scale of the appeal before me is considerable in the context of the original settlement size and extant permissions. As such, I give this argument little weight.
21. The appellant carried out a community consultation exercise in respect of the development¹³ and feedback suggested a local need for smaller and single storey homes suitable for older people. The consultation's report accepts this general preference and states that the development's design was subsequently informed by this feedback. Nonetheless, I note that out of the 38 proposed dwellings, only seven are bungalows and 30 dwellings would have four or more bedrooms. This suggests that the provision for locally identified housing need would be rather limited.
22. With regard to the socio-economic report¹⁴, I am not satisfied that the report demonstrates that there would be positive social or cultural effects for the residents of Scothern. In particular, the report highlights that residents have to travel by car to do their shopping and although there is a local aspiration for a community shop, and references to other infrastructure requirements¹⁵ there is nothing to suggest that developer contributions would benefit the village other than through a commensurate capacity increase at the local primary school. In any case, addressing the increased demand for local school places would have a neutral effect on Scothern.
23. Furthermore, apart from the provision of 4 off-site affordable homes within a 5 mile radius of Scothern, and the primary school contribution, the identified social benefits for Scothern appear to comprise tree planting and the drainage pond associated with the site's landscape works, as well as reference to the site's location within 20 minutes walking distance of the village centre. Given

¹⁰ APP/N2535/W/15/3138200

¹¹ Representation from parish council

¹² Increased to 15 per cent in the Main Modifications

¹³ Statement of Community Involvement, Robert Doughty Consultancy, June 2015

¹⁴ Zeta Economics, 2016

¹⁵ Sewage, medical facilities

that the areas of tree planting and open space shown on the layout plan are largely limited to narrow peripheral buffers and associated with a need to provide swales and a pond for sustainable drainage, I give references to the site's proposed green infrastructure and opportunities for physical activity, little weight.

24. Moreover, a large proportion of the proposed tree planting is sited on garden boundaries and notwithstanding that they are species unlikely to reach a considerable size, it is also likely they will be subject to pruning to prevent overshadowing. Consequently, I conclude that there is limited supporting evidence to suggest the development would have a positive effect on social cohesion, environmental or community benefits. Whilst this would not be sufficient on its own to warrant dismissal of the appeal, it supports my reasoning in respect of the cumulative effect of this development.
25. The parish council drew my attention to the provision of play facilities within the village. Having reviewed the plans, as noted above, although there are open spaces indicated on the layout¹⁶ these appear to be largely associated with the drainage strategy or filling in awkwardly shaped spaces on the boundary. I am unable to identify any designated formal or informal play area and although this is not determinative in my reasoning, it reinforces my concern that the scale of the development would be disproportionate to the local community infrastructure, particularly given the number of large family homes proposed.
26. Concerns were also raised at the hearing with regard to highway safety and capacity, and drainage. The evidence before me indicates that neither the highways authority nor the drainage officers raised concerns in respect of the development that could not be addressed by mitigation and I see no reason to disagree with those conclusions. However, I noted that the approach road from the A46 is insufficiently wide to take two running lanes of vehicles, and Nettleham Road did not appear wide enough to allow two wide vehicles to pass without mounting the soft highway verge. Again, whilst not determinative to my reasoning, these observations reinforce my concern that the growth of Scothern should be limited in accordance with the guidelines set out in the emerging CLLP and other relevant local policies.
27. The socio-economic report outlines the district-wide employment and economic benefits from the construction phase of the development, and notes that expenditure from future occupiers could provide some limited additional revenue for the pub and the community hall. However, I am not satisfied that significant economic benefits of the development would necessarily be felt in Scothern, which is already undergoing significant expansion in the context of what appears to be a gradual diminution of local amenities and connectivity to services, since the adoption of the LP.
28. Given the scale of the appeal before me, together with the cumulative effect of recent developments of similar size, I conclude that future occupiers would be largely dependent on amenities and services in other settlements. I appreciate the appellant's argument that Paragraph 55 of the Framework states that development in one rural village may support services in another nearby. However, having concluded above that Scothern has the potential to exceed the level of growth set out in the CLLP by a considerable margin, I am not

¹⁶ SK-02

satisfied that the provisions of Paragraph 55 should be used to justify levels of growth that significantly exceed local growth strategies, particularly where local facilities are as limited as in this case.

29. I appreciate that the Council's policies identify Scothern as a sustainable location for growth, but it remains that together with other permissions, the village would exceed its growth ceiling by some considerable margin if this appeal was allowed. The appellant argues that developer contributions could address the Council's concerns in respect of affordable housing and education, but I have outlined above why I consider such a contribution would have limited benefit if the appeal was allowed. In any case, interested parties have raised other concerns, as outlined above.
30. As such, I conclude that the proposals would result in the excessive growth of Scothern and that this would not represent sustainable development with regards to location. Therefore, the development would be contrary to emerging CLLP Policies LP2, LP3 and LP4, the NP and saved LP Policies STRAT3, 9 and 12, which taken together, seek to direct growth to sustainable locations.

Other matters

31. At the hearing the appellant stated that the Council had signed a planning agreement. In the event, a Unilateral Undertaking (UU) was submitted after the hearing and a subsequent communication from the Council advised that the Council considered it no longer met the necessary tests for planning obligations. However, as I have found harm in relation to the main issue it is not necessary for me to consider the UU further, except in relation to its contribution to affordable housing which I have addressed in the planning balance below.
32. The appellant also argues that the delegated report states that the development would not prejudice the wider setting of the settlement. I agree that it would be seen in the context of other housing, and would not significantly intrude into views of, or from, the surrounding countryside. However, there is little evidence before me to indicate there have been objections on the grounds of character and appearance, and although I acknowledge that the appeal site's location has a degree of suitability for housing, this is not a determinative factor in my reasoning.
33. It is noted by the appellant that the Inspector's Report was placed on the Council's website without public notification. Nonetheless, the appellant was invited to comment when the Council advised it had been issued. The appellant also argues in a recent communication that this appeal should have been considered long ago. However, I have to determine the appeal before me in the context of legislation pertaining at the date of the decision.
34. The appellant argues that although there is an extant permission for Dunholme Road, the site is currently being marketed. Whilst I appreciate the appellant's point that there may be a delay in the implementation of building works on this site, there is nothing before me to indicate that the site will not be developed in accordance with that permission.

Planning Balance

35. Balanced against the harm I have identified above, the development would make a moderate contribution to the supply of housing as well as providing

four affordable homes in the wider area. However, the NP indicates that the immediate local need for affordable housing has been addressed.

Consequently, I am not satisfied that the benefits accrued from a limited number of affordable homes elsewhere, would outweigh the harm identified above with regard to the overall scale of residential development proposed in the context of this village.

36. In the light of the above, although I recognise that there would be benefit from the supply of housing, I am not satisfied that the three strands of sustainable development, as outlined in Paragraph 7 of the Framework, would be met if the appeal was allowed.

Conclusion

37. For the reasons given above and taking all matters into account, I conclude that the development would be contrary to the relevant policies of the Council's Local Plan and there are no material considerations of such weight as to warrant a decision other than in accordance with the aforementioned Local Plan. Consequently, the appeal should be dismissed.

Amanda Blicq

INSPECTOR

APPEARANCES

FOR THE APPELLANT

Michael Braithwaite

Robert Doughty Consultancy Ltd

FOR THE LOCAL PLANNING AUTHORITY

Rachel Woollass

West Lindsey District Council

Richard Green

West Lindsey District Council

INTERESTED PARTIES

John Fotheringham

Catherine Nicoll

Scothern Parish Council

John Nicoll

Melanie Tointon

Scothern Parish Council

ANNEX 1

Documents submitted at the Hearing (by agreement)

1. Appeal decisions APP/N2535/W/16/3156035; APP/N2535/W/16/3142445; APP/N2535/W/16/3154773
2. Five Year Land Supply Local Plan Examination Note, 15 December 2016

Documents submitted after the Hearing

1. Unilateral Undertaking

Appeal Decision

Hearing held on 4 May 2017

Site visit made on 4 May 2017

by Beverley Doward BSc BTP MRTPI

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

Decision date: 31 May 2017

Appeal Ref: APP/N2535/W/16/3162281

Land North of Old Gallamore Lane, Middle Rasen, Lincolnshire

- 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 Charles Pickering (Zodiak Construction Limited) against the decision of West Lindsey District Council.
 - The application Ref 134578, dated 13 June 2016, was refused by notice dated 21 October 2016.
 - The development proposed is the erection of up to 47 dwellings together with public open space and associated access arrangements. All other matters are reserved.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The planning application was submitted in outline form with all matters other than access reserved for future consideration. I have considered the appeal on this basis treating the submitted masterplan indicating a possible layout for 47 dwellings, the provision of public open space and grazing paddocks as being for indicative purposes only.
 3. The Council's decision notice refers to policies of the West Lindsey Local Plan (First Review) 2006 (WLLP) and the submitted Central Lincolnshire Local Plan April 2016. The Central Lincolnshire Local Plan (CLLP) was adopted on 24 April 2017 and replaced the WLLP. The parties agree that the CLLP now forms the relevant development plan for the area and that the relevant policies should be given full weight. I have dealt with the appeal on this basis.
 4. Following the issue of the Inspectors' Report on the examination of the CLLP dated 10 April 2017 the appellant indicated that he accepted that the matter of housing land supply had been robustly tested through the CLLP examination and that the Inspectors' Report had concluded that there is a good prospect that there will be an up-to-date supply of deliverable sites sufficient enough to provide five years' worth of housing against the requirements of the plan upon adoption. At the Hearing the appellant confirmed that he did not seek to contest the matter of housing land supply albeit my attention was drawn to the fact that the CLLP does not allocate sites to meet the full housing requirement and that there was therefore a reliance on windfall sites coming forward over the plan period to meet housing needs. It was agreed that the calculations for
-

the purposes of the five-year supply¹ include a windfall allowance of 748 dwellings which comprises 300 dwellings for the City of Lincoln and 448 dwellings for the rural area which includes Middle Rasen.

5. An application for costs by Mr Charles Pickering against West Lindsey District Council was submitted with the appeal documentation. However, this was subsequently withdrawn before the start of the Hearing.
6. My accompanied site visit included walking around the site, walking the public right of way across the site and some of those in the wider area. I also viewed the site from the rear garden of 6 Mayfield Crescent.
7. At the Hearing reference was made by an interested party to the number of housing sites with planning permission in Middle Rasen. The Council was unable to provide the detailed figures to substantiate the evidence provided at the Hearing therefore I gave the Council the opportunity to provide the details in writing after the Hearing session. The Council submitted the information within the timescales set and the appellant was provided the opportunity to comment upon it in writing.

Main Issues

8. The main issues in this case are:
 - whether the proposal would be acceptable with reference to the spatial strategy of the area, having particular regard to the scale of the proposed development;
 - the effect of the proposed development on the character and appearance of the area, with particular regard to the Green Wedge; and
 - the effect of the proposed development on the living conditions of the occupiers of neighbouring dwellings.

Reasons

Spatial strategy

9. Policy LP2 of the CLLP indicates that the spatial strategy will focus on delivering growth for Central Lincolnshire that meets the needs for homes and jobs, regenerates places and communities and supports necessary improvements to facilities, services and infrastructure. It also indicates that decisions on the location and scale of development will be assisted by a Central Lincolnshire Settlement Hierarchy.
10. The settlement hierarchy is set out in policy LP2 of the CLLP and Middle Rasen is identified as a large village. The policy indicates that to maintain and enhance their role as large villages which provide housing, employment, retail and key services and facilities for the local area the identified settlements will be a focus for accommodating an appropriate level of growth. It indicates that most of this growth will be via sites allocated in the plan or appropriate infill, intensification or renewal within the existing developed footprint. However, it also indicates that in exceptional circumstances additional growth on non-allocated sites in appropriate locations outside of, but immediately adjacent to, the developed footprint of these large villages might be considered

¹ Central Lincolnshire Five year Land Supply Report 1 April 2017 to 31 March 2022 (Published September 2016)

favourably, though these are unlikely to be of a scale over 25 dwellings /1 ha per site (whichever is the smaller).

11. The appeal site is not allocated for residential development in the CLLP and the proposed development would not comprise infill, intensification or renewal within the existing developed footprint. Having regard to my findings below in relation to the second main issue, the site, if developed, could be considered to be in an 'appropriate location' immediately adjacent to the developed footprint of Middle Rasen as defined by the policy. However, the scale of the development being proposed is significantly more than 25 dwellings and whilst I appreciate that the policy wording provides some flexibility by the use of the word 'unlikely', a development of up to 47 dwellings, as is the case here, would be almost double the scale of development indicated in the policy as appropriate for a large village such as Middle Rasen.
12. In any event I am not persuaded that in this particular case any exceptional circumstances exist to justify approval of the proposed development given that the absence of any residential allocations in the CLLP within Middle Rasen and the reliance on windfall sites coming forward over the plan period to contribute towards meeting the overall housing requirement were clearly factors known to the Inspectors that examined the CLLP and found it to be sound on this basis as recently as 10 April 2017.
13. Accordingly, I consider that the appeal proposal would not be acceptable with reference to the spatial strategy of the area, having particular regard to the scale of the proposed development and would be contrary to policy LP2 of the CLLP.

Character and Appearance/Green Wedge

14. The appeal site forms part of an area defined as a 'Green Wedge' in the CLLP. Policy LP22 of the CLLP indicates that the Green Wedges have been identified to fulfil one or more functions and policy aims. It goes on to indicate that within Green Wedges planning permission will not be granted for any form of development including changes of use, unless it can be demonstrated that the development is not contrary or detrimental to their identified functions and aims or that it is essential for the proposed development to be located within the Green Wedge, and the benefits of which override the potential impact on the Green Wedge.
15. It is no part of the appellant's case that it is essential for the proposed development to be located within the Green Wedge. The Council refers to the supporting text to policy CLLP and indicates that residential development is not included within the types of development that the supporting text indicates may be acceptable, so long as they are not detrimental to the character, role and function of the Green Wedge within which they are situated. Whilst this may be the case, from my reading of the supporting text it seems to me that the list of acceptable types of development is not exclusive but rather specifies some examples that may be included in this category. Accordingly, it is necessary to consider whether the proposed development would be contrary or detrimental to the relevant functions and aims of the Green Wedge which, having regard to the Central Lincolnshire Green Wedge and Settlement Breaks Review April 2016, in this case seem to me to be primarily to prevent the merging of Market Rasen and Middle Rasen and preserve their separate identity and character.

16. The appeal site comprises a number of fields, largely grazed by horses on the north-east edge of the built-up area of Middle Rasen. There is also a small garden centre/nursery on part of the site. The Inspector in a recent appeal decision² for residential development on the site described the site as not unattractive, being part of the open countryside setting of Middle Rasen, but also unremarkable in, and indistinct from, both its local and wider rural landscape context. From what I observed on my site visit I agree with this description.
17. The character of the appeal site is defined by the land use, largely grazed paddocks and a small garden centre/nursery, and its association with the settlement edge and the River Rase. The western half of the site has a semi-rural character with urban influence to the west and south from the adjacent properties. The urban influence gradually reduces towards the eastern end of the site giving it a more rural character with the river corridor being more evident and views being afforded towards the Lincolnshire Wolds.
18. In relation to this main issue, although the Council acknowledges the findings of the Inspector on the previous appeal proposal for residential development on the site it specifically contends that the proposed development would encroach into the countryside having an urbanising and harmful impact on the character of Old Gallamore Lane and on the footpath running through the site.
19. Whilst there would be some views of the development from Old Gallamore Lane, I saw from my site visit that there are already houses visible along the lane. Furthermore, having regard to the Landscape and Visual Assessment submitted with the planning application and the indicative masterplan, it would be possible to achieve a layout for the proposed development which, with the retention of much of the existing hedge along Old Gallamore Lane, would not lead to a stark change to its character.
20. In relation to the effect of the proposed development on the footpath running through the site I am particularly mindful of the findings of the previous Inspector on this matter. The footpath is relatively short, being a link between two lanes, rather than traversing the full width of the countryside within the Green Wedge between Middle Rasen and Market Rasen. The footpath would be retained on its original alignment and whilst there would inevitably be views of the development from the footpath it would run through the retained paddock at the western end and maintain an open and semi-rural outlook with views to the Lincolnshire Wolds Area of Outstanding Natural Beauty in the distance. Accordingly, I am not persuaded that the proposed development would unduly urbanise the footpath.
21. As with the previous Inspector who considered a similar, albeit slightly larger scale, residential development proposal on the site, I consider that, in so far as the proposed development would be situated in the Green Wedge it could not fail to reduce physically the gap between Middle Rasen and Market Rasen. However, its impact on the character and appearance of the Green Wedge would be limited and there would not be any actual or perceived sense of coalescence between the two settlements. Accordingly, the separate identity and character of the settlements would be preserved. The proposed development therefore would not be detrimental to the function and policy aims of this particular Green Wedge.

² APP/N2535/W/15/3139041

22. To conclude on this main issue therefore, the proposed development would not materially harm the character and appearance of the area, with particular regard to the Green Wedge. Accordingly, it would comply with policy LP22 of the CLLP.

Living conditions

23. As indicated above the planning application subject to this appeal was accompanied by a masterplan indicating how 47 dwellings could be accommodated on the site. The appellant indicates that the masterplan seeks to address the concerns raised by the previous Inspector in relation to this main issue in his consideration of the earlier appeal proposal on the site which was for the erection of up to 53 dwellings.
24. A number of the existing dwellings in Mayfield Crescent and Meadowfield on the western/south western boundary of the site have open or sparse, low boundaries with the appeal site and the rear gardens to the dwellings are, in some cases, very short. In addition, in the case of No 6 Mayfield Crescent and Nos 4 and 5 Meadowfield, the dwellings are in close proximity to the site boundary. However, from the evidence I am satisfied that it would be possible at the reserved matters stage to achieve a layout for the proposed development that would provide a suitable separation distance between these existing dwellings on the site's western/south western boundary and the proposed dwellings to prevent overlooking and ensure that their outlook, both actual and perceived, was not significantly compromised or that there was no significant adverse loss of light. The appellant has indicated that he would be agreeable to a condition limiting the dwellings on the western/south western boundary of the site to a single storey in height and given that the dwellings on Mayfield Crescent and Meadowfield are bungalows the imposition of such a condition would further mitigate against the development having any adverse impact in these respects.
25. In relation to the other properties on the western boundary of the site, namely The Old Vicarage and Nintirri, I am satisfied from the evidence that it would be possible in the consideration of the reserved matters of layout and landscaping to achieve a scheme which was reflective of that indicated in the masterplan and that such a scheme would ensure that satisfactory living conditions would be provided for the occupiers of these neighbouring dwellings with particular regard to privacy, outlook and light. In this respect the masterplan indicates that the field adjacent to Nintirri and The Old Vicarage would be retained as a private paddock and that additional planting, albeit set away from the boundary, would provide screening from the public footpath across the paddock.
26. In the case of the existing dwellings, known as Bel Mar and The Cherries on the southern boundary of the site these properties are set well back from the boundary with the site and have lengthy rear gardens. Therefore, I am satisfied that given the intervening distance the proposed development would not compromise the living conditions of the occupiers of these properties with respect to privacy, outlook and light.
27. The daily activities of the occupiers of the proposed residential development would be likely to generate some noise. However, I see no reason why the noise levels associated with these activities should be such as to be so intrusive

so as to cause material harm to the living conditions of the occupiers of neighbouring dwellings with regard to noise and disturbance.

28. To conclude on this main issue therefore, I am satisfied that the appeal proposal would not cause material harm to the living conditions of the occupiers of neighbouring dwellings. It would therefore comply with policy LP26 of the CLLP which sets out, amongst other things the amenity considerations which all development proposals should demonstrate. This policy is the most relevant of the CLLP policies indicated by the Council as having replaced the previous WLLP policies referred to on the decision notice in relation to this issue. Policy LP1 of the CLLP relates to the presumption in favour of sustainable development as set out in the National Planning Policy Framework (the Framework).

Other matters

29. There are three listed buildings in proximity to the site, the Grade II listed Watermill, Grade II listed Old Vicarage (formerly Laretto) and Grade II* listed Church of St Peter and St Paul. The Council has not raised any objections to the effect of the proposed development on the designated heritage assets and from my observations on site I consider that the appeal proposal would preserve the setting of the listed buildings. Accordingly, it would comply with the principle of the Framework of conserving and enhancing the historic environment.
30. Interested parties raised a number of concerns in relation to highway safety, flooding and human rights. However, as I am dismissing the appeal for other reasons. It is not necessary for me to address these matters further.
31. A certified copy of a section 106 Agreement relating to the provision of open space and contributions towards the maintenance of the open space, affordable housing, education facilities, and health care facilities was submitted with the appeal documentation. Whilst the obligation in relation to affordable housing would have benefits the provisions of the section 106 Agreement would not overcome the harm that I have found arising from the proposal. Therefore, they have not had a significant bearing on my decision.

Conclusion

32. To conclude therefore, I have found that the appeal proposal would not materially harm the character and appearance of the area, with particular regard to the Green Wedge and would not cause material harm to the living conditions of the occupiers of neighbouring dwellings. In these respects therefore, it would comply with policies LP22 and LP26 of the CLLP. However, it would not be acceptable with reference to the spatial strategy of the area, having particular regard to the scale of the proposed development and would therefore be contrary to policy LP2 of the CLLP. Overall therefore, the appeal proposal would be contrary to the development plan as a whole.
33. I have found no material considerations which would warrant making a decision other than in accordance with the development plan. Therefore, for the reasons set out above and having regard to all other matters raised, the appeal should be dismissed.

Beverley Doward INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Thomas Smith MRTPI
Brian Duckett MLA

Hankinson Duckett Associates

FOR THE LOCAL PLANNING AUTHORITY:

Cllr Thomas Smith
George Backovic

West Lindsey District Council
West Lindsey District Council

INTERESTED PERSONS:

Mrs Lesley Bailey
Mrs Marie Feetham
Mr John Williamson
Mrs Christine Williamson
Mrs Sharon Law
Mrs Wendy Codd

DOCUMENTS SUBMITTED AT THE HEARING SESSION

Email from West Lindsey District Council dated 3 May 2017 confirming that policies LP1 and LP26 of the CLLP have replaced policies STRAT1 and RES1 of the WLLP and detailing text of policies LP1 and LP26 of the CLLP.

List of suggested conditions

Additional statement of West Lindsey District Council in respect of CIL Regulation compliance of S106 agreement

Extracts from Policies Map for CLLP relating to Middle Rasen and Market Rasen

DOCUMENTS SUBMITTED AFTER THE HEARING SESSION

Email from West Lindsey District Council dated 5 May 2017 attaching details of the housing sites referred to by an interested party.

Email from Appellant's Agent providing comments on details provided by West Lindsey District Council the housing sites referred to by an interested party.

Email from West Lindsey District Council dated 8 May 2017 confirming the number of dwelling units permitted on site 133601 in Middle Rasen.

Appeal Decisions

Site visit made on 22 May 2017

by **B Bowker Mplan MRTPI**

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

Decision date: 2 June 2017

Appeal A Ref: APP/N2535/W/17/3169001 **94 Lincoln Road, Dunholme, Lincoln LN2 3QY**

- 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 Mr & Mrs K Laing against the decision of West Lindsey District Council.
 - The application Ref 134655, dated 2 July 2016, was refused by notice dated 25 August 2016.
 - The development proposed is new dwelling adjacent to 94 Lincoln Road, Dunholme, LN2 3QY.
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Appeal Ref B: APP/N2535/W/17/3169002 **94 Lincoln Road, Dunholme, Lincoln LN2 3QY**

- 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 Mr & Mrs Keiran Laing against the decision of West Lindsey District Council.
 - The application Ref 135127, dated 17 October 2016, was refused by notice dated 12 December 2016.
 - The development proposed is new dwelling adjacent to 94, Lincoln Road, Dunholme, Lincoln LN2 3QY.
-

Decisions

Appeal A

1. The appeal is allowed and planning permission is granted for a new dwelling adjacent to 94 Lincoln Road, at 94 Lincoln Road, Dunholme, Lincoln LN2 3QY, in accordance with the terms of the application Ref 134655, dated 2 July 2016, subject to the conditions in the attached schedule.

Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. Since the determination of both applications, the Council confirm in their Statement of Case that the Central Lincolnshire Local Plan (LP) and Dunholme Neighbourhood Plan (NP) have been adopted. No comments have been submitted by the appellant in response and the appeals have been determined taking into account the LP and NP.
-

Main Issues

4. The Council refused planning permission for Appeals A and B based on matters relating to the character and appearance of the surrounding area. Appeal B includes an additional reason for refusal relating to the living conditions of neighbours at 94 Lincoln Road. Accordingly, the main issues are:
 - The effect of the proposals on the character and appearance of the surrounding area; and,
 - The effect of the proposal on the living conditions of neighbours residing at 94 Lincoln Road, with particular reference to light, outlook and privacy.

Reasons

Character and Appearance

5. The appeal site forms part of the side and rear garden area of 94 Lincoln Road. No 94 forms a semi-detached dwelling with No 92 and is located in an area predominantly residential in use. Nos 92-94 sit amongst a line of six semi-detached properties similar in appearance that have frontages onto Lincoln Road. Dwellings in the wider area are mostly detached, varied in design and are sited closer together than the semi-detached group of properties. Surrounding properties are characterised by similar separation distances from their front elevation and Lincoln Road. This attribute gives the area a relatively ordered appearance. Outline planning permission has been granted for residential development at the field to the rear of the site.
6. A large side extension at No 92 has reduced the gap between Nos 90 and 92 and imbalanced the host semi-detached pair. Consequently the level of symmetry between the adjacent semi-detached properties has been reduced. In this respect, the appeal proposal A would not appear incongruous amongst the adjacent semi-detached properties. Furthermore, the backdrop of development to the rear of the site would reduce the gap as perceived between the semi-detached properties.
7. Moreover, having viewed the site from vantage points along Lincoln Road, appeal proposal A would be seen amongst detached properties in the wider area. Properties in the wider area are sited closer to one another than is the case with the semi-detached pairs. In this context, appeal proposal A would be an inconspicuous entity in the street scene, utilising a sympathetic scale, design and external construction materials. Therefore I conclude that Appeal A would not have a harmful effect on the character and appearance of the surrounding area.
8. Turning to Appeal B, I share the Council's concern regarding the extent of the front elevation setback from Lincoln Road. A common characteristic of properties in the surrounding area is a relatively consistent set back from Lincoln Road, evident from Nos 102 to 88. Appeal B proposes a dwelling with a front elevation close to the rear elevation of No 94. The extent of this setback would appear inconsistent in its immediate context and would unduly harm the ordered appearance of the surrounding area. The sympathetic scale and materials chosen would not mitigate the incongruous layout proposed. Consequently I conclude that Appeal B would have a harmful effect on the character and appearance of the surrounding area.

9. The policies of most relevance to this matter are saved West Lindsey Local Plan (WLLP) policies STRAT 1, 6, and RES 1, LP policies LP17 and LP 26, and NP policies 3 and 4. Appeal A would meet the requirement of these policies and Appeal B would not. Combined these policies require development to achieve a high quality sustainable design, layout and external appearance that contributes positively to the surrounding street scene and the local character of Dunholme village.

Living Conditions

10. The Council's concern in this respect relates to Appeal B only. Two first floor windows are at the rear elevation of No 94; one serving a bedroom, and the other (the closest to the proposed dwelling) serving a bathroom/a non-habitable room. Taking into account the first floor height, the siting of the bedroom window, and the remaining open aspect to the north, neighbours would retain a sufficient outlook and receive adequate levels of light at the bedroom.
11. The ground floor rear elevation window at No 94 serves a non-habitable room which is already enclosed by a single storey outbuilding, wooden panel fence and garden shed. Consequently the proposal would not harm the outlook or the level of light for neighbours looking out of this window. However, the two storey height and depth of the proposed dwelling would be in close proximity to the rear garden at No 94. Consequently, views from a large proportion of the adjacent garden area would be dominated by a two storey side elevation. This particularly oppressive outlook would unacceptably harm the living conditions of neighbours when spending time in the garden area.
12. The openness to the rear of No 92 would ensure sufficient levels of light reach the garden at No 94. However, this factor would not reduce the visual dominance of the proposal when viewed from the garden at No 94. As a greater separation distance is involved, neighbours at No 92 would retain adequate levels of light and outlook, and thus no harm to their living conditions in these respects. In addition, as the proposed side elevation does not contain any first floor habitable room windows, neighbouring privacy would also be preserved. However the harmful impact to the outlook of neighbours at No 94 described above would remain.
13. Therefore the proposal (Appeal B) would have a harmful effect on the living conditions of neighbours residing at 94 Lincoln Road, with particular reference to outlook. Consequently the proposal would be contrary to the requirements of WLLP policies STRAT 1, 6, and RES 1 and NP policy 3 which are of most relevance to this matter. Combined these policies seek to ensure development does not result in an unacceptable impact on the amenities of neighbouring uses.

Other Matters

14. Whilst raised as a consideration in the Council's Officer Report, I have not been provided with any up to date information or evidence regarding the Council's ability to demonstrate a five year supply of housing land.
15. However, even if I were to conclude that there is a shortfall in 5 year supply and that the relevant policies for the supply of housing should not be considered up-to-date, the adverse impacts of granting permission for Appeal B

identified above would significantly and demonstrably outweigh its modest benefits, which include its contribution to housing supply and access to public transport and facilities within the village.

16. Concern is raised by neighbours at No 92 regarding the effect of Appeal A on their living conditions, with reference to privacy and light. However, as appeal proposal A would be mostly tucked away to the side of No 94 with a sufficient separation distance from No 92, no harm would occur in these respects.

Conditions

17. The conditions set out in the accompanying schedule are based on those suggested by the Council. Where necessary I have amended the wording of them in the interests of precision and clarity in order to comply with advice given in the Planning Practice Guidance.
18. I have imposed a condition specifying the relevant drawings as this provides certainty. A condition relating to materials is necessary to protect the character and appearance of the area.
19. To limit disturbance to occupiers of surrounding dwellings, the Council's suggested condition relating to construction times is included. A condition relating to hardstanding details is necessary to ensure that the site is adequately drained.
20. As foul and surface water matters are dealt with by other regulatory regimes, this condition is not necessary.

Conclusion

21. For the reasons given above, and having taken all matters raised into account, I conclude that appeal B should be dismissed, and that appeal A should be allowed subject to the attached schedule of conditions.

B Bowker

INSPECTOR

Appeal A: Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 763-A3-001, 763-A3-002B, 763-A3-003A, 763-A3-004, 763-A3-005, 763-A3-006, 763-A3-007A, 763-A3-008A, 763-A3-009A, 763-A3-010A, 763-A3-011.
- 3) The materials used in the development shall match those stated on the application form and drawings: 763-A3-007A, 763-A3-008A, 763-A3-009A, 763-A3-010A dated June 2016.
- 4) Demolition or construction works shall take place only between 08.00 – 18.00 hours on Mondays to Fridays and 09.00 – 13.00 hours Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 5) Any new hardstanding shall be constructed from a porous material or shall be appropriately drained within the site and shall be retained as such thereafter.
- 6) Before the dwelling is occupied, the access and turning space shall be completed in accordance with Drawing No. 763-A3-011 and retained for that use thereafter.

- End of Schedule -

Appeal Decision

Site visit made on 22 May 2017

by **B Bowker Mplan MRTPI**

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

Decision date: 5 June 2017

Appeal Ref: APP/N2535/W/17/3169586

Land rear of Sudbrooke House, Church Lane, Sudbrooke, Lincoln LN2 2QH

- 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 Mark Robinson for MTR Planning against the decision of West Lindsey District Council.
 - The application Ref 135044, dated 22 September 2016, was refused by notice dated 29 November 2016.
 - The development proposed is the development of 4 new houses.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal as submitted is for outline planning permission with all matters reserved apart from access. Appearance, landscaping, layout and scale are reserved for later consideration and the appeal has been determined on this basis.
3. As the red site line in the submitted drawings was inaccurate, amended drawings were submitted by the appellant. As the amended drawings are for clarification purposes, I do not believe that any party would be unfairly prejudiced by my determining of the appeal with regard to them and I have done so on this basis.
4. Since the determination of the application, the Council confirm in their Statement of Case that the Central Lincolnshire Local Plan (LP) has been adopted. I also note that the Council's comments on the appellant's grounds of appeal in their Statement of Case refer to LP policies only. An opportunity to comment on the adoption of the LP was available to the appellant at the final comments stage. Accordingly, the appeal has been determined based on policies of the LP.

Main Issues

5. The main issues are:
 - whether the proposal would accord with development plan policy regarding housing delivery; and
 - the effect of the proposal on the character and appearance of the surrounding area.
-

Reasons

Local Housing Delivery Policies

6. The appeal site is located on the western edge of the village of Sudbrooke and forms part of a rear garden that serves Sudbrooke House. In May 2014, the Council granted planning permission for five dwellings on land to the immediate east of the site.
7. The appellant asserts that the Council cannot demonstrate a five year deliverable supply of housing land. However, no substantive evidence is before me to underpin this assertion. The Council in its Officer Report state it can demonstrate a five year housing land supply as of September 2016, but accepted that the LP examination was ongoing at the time. As the Council have since adopted the LP, it is reasonable to assume that that the Examining Inspector considered the matter of housing land supply and concluded that the LP was sound.
8. Whilst the LP does not include any housing allocations beyond existing commitments, it prescribes growth levels for villages. Consequently, in the absence of any substantive evidence to the contrary and taking into account the recent adoption date of the LP, I have no reason to doubt the Council's ability to demonstrate a five year supply of housing land. Therefore, LP policies relevant to housing supply are considered up to date and thus full weight is afforded to them.
9. LP Policy LP2 identifies Sudbrooke as a 'medium village' that will accommodate a limited amount of development in order to support its function and sustainability. It goes on to state that typical development proposals will be on sites of up to 9 dwellings. In this respect, the proposal is in accordance with LP Policy LP2. LP Policy LP3 outlines the level and distribution of growth over the plan period and anticipates that development will be mostly focussed within the Lincoln Strategy Area. Of relevance, at part d) it refers development elsewhere to the requirements of LP Policy LP4.
10. LP Policy LP4 states that the number of dwellings within settlements such as medium villages will be permitted to grow by 10% unless an alternative growth level is identified. No alternative growth level is identified for Sudbrooke. Appendix B of the LP provides further guidance on this matter and the Council calculate (uncontested) that the 10% growth level for Sudbrooke equates to 68 dwellings over the plan period. Taking into account recent development at Sudbrooke Park, this figure has been exceeded. The appellant asserts that the permission at Sudbrooke Park could be unviable based on its large scale. However, no substantive evidence is before me to doubt its delivery.
11. Should the relevant growth level be exceeded, LP Policy LP4 states that proposals on the edge of a medium village should be accompanied by demonstrable evidence of clear community support generated by a thorough and proportionate pre-application consultation exercise. No evidence is before me to demonstrate that the proposal complies with this requirement. In addition, the site has not been allocated for development by a Neighbourhood Plan.
12. LP Policy LP4 also requires a sequential assessment to be applied to new development, with an initial priority given to suitable brownfield land or infill

sites within the development footprint of a settlement, then secondly to brownfield sites at the edge of the settlement, and thirdly to greenfield sites at the edge of the settlement. No evidence is before me to demonstrate that the proposal complies with this requirement. In addition, despite its vegetated boundaries, the site relates more to the countryside when viewed from the west. Consequently, the site is not within the development footprint of the village. Therefore the proposal would be contrary to LP Policy LP4.

13. In summary, I have identified that the scale of the proposal would be below the 9 dwellings threshold suggested by LP Policy LP2. However, this matter would be outweighed by the proposal's conflict with LP Policies LP3 and LP4.
14. Therefore the proposal would not accord with development plan policy regarding housing delivery, the requirements of which are outlined above.

Character and Appearance

15. During my site visit I observed the site from Scothern Lane and from Church Lane to the immediate west of the site. I also saw that the site is enclosed by extensive vegetation on its east, south and western boundaries.
16. The site is not an undeveloped gap between settlements. However, the adjoining section of Church Lane has an attractive verdant and rural character. Sudbrooke House and the property 'Two Corners' mark the visual transition from this pleasant verdant and rural character to the built form and development footprint of the village.
17. The parties disagree on whether the trees along part of the western side of the site are subject to a Tree Preservation Order. Nonetheless, the access would create an opening at the site's vegetated western boundary with Church Lane. The proposal would also require the removal of a number of large trees, which irrespective of their status, are visible from this vantage point and contribute to the verdant and rural character along this section of Church Lane.
18. Despite the right turn design of the access and the use of additional planting, I have concerns that it would take a significant period of time for vegetation to be of a sufficient height and extent to fully screen views of the proposal from Church Lane. I note that the appellant's Landscape and Arboricultural Statement acknowledges there will be a short term loss of tree coverage and amenity value at the site. Moreover, future occupants are highly likely to reduce or remove vegetation along the western boundary to ensure adequate levels of light and open views.
19. Whilst design is a reserved matter, the submitted plans illustrate four detached houses of similar footprint, layout and plot size to that permitted on the adjoining site. However, in contrast to the adjacent development, the proposal would be located directly opposite Church Lane and involve an access point off it. In this respect, unlike the adjoining development, the proposal would be a visually intrusive form of development when viewed from Church Lane.
20. It is put to me that irrespective of the outcome of the appeal, owing to their high density, the trees at the site will require removal in order to preserve neighbouring specimens and the levels of light reaching the garden. However, such works would not lead to views of residential properties directly opposite this section of Church Lane.

21. Vegetation along the southern boundary of the site gives the village a pleasant verdant edge when viewed from Scothern Lane. However, the proposal would be mostly screened by the adjoining development when constructed. Even if reduced in height by future occupants, the southern boundary of the site would be read as part of the development permitted at the adjoining site. I also agree with the appellant that the proposal would have a negligible to minor effect when viewed from the wider landscape.
22. However, the absence of visual harm when viewed from vantage points to the east and wider area would not remove the harm of the proposal identified to the verdant and rural character along this section of Church Lane. In my view, based on the evidence before me, this is not a matter that could be satisfactorily dealt with at the reserved matters stage.
23. Therefore the proposal would have a harmful effect on the character and appearance of the surrounding area. Consequently the proposal would be contrary to LP policies LP17 and LP26 and paragraph 17 bullet point 5 of the Framework. Combined these policies require development to protect and enhance local character, natural features, the setting of settlements and the intrinsic character and beauty of the countryside.

Other Matters

24. A number of benefits are associated with the proposal which includes its provision of energy efficient family dwellings, its support to local services and construction employment, generation of CIL revenue and its ability to be delivered quickly. Public transport services and local facilities are also available in the surrounding area. However, these modest benefits combined would be outweighed by the harm identified in relation to the two main issues above.
25. I have also considered the larger scale development granted permission at Sudbrooke Park. However, the proposal before me is located in an area with a different character and involves different policy requirements owing to the recent adoption of the LP. Consequently, I afford this matter limited weight only.
26. As stated above, based on the evidence before me, I have no reason to question the Council's ability to demonstrate a five year supply of housing land. However, even if I were to conclude that there is a shortfall in 5 year supply as suggested by the appellant and that policies relevant for the supply of housing should not be considered up-to-date, the adverse impacts of granting permission identified in the second main issue above would significantly and demonstrably outweigh the modest benefits arising from the proposal.

Conclusion

27. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

B Bowker

INSPECTOR