

Appeal Decision

Site visit made on 23 May 2017

by Mike Worden BA (Hons) DipTP MRTPI

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

Decision date: 30th June 2017

Appeal Ref: APP/N2535/W/17/3167930

Land to the rear of The Meadows, Highbrook, Southrey, Lincoln LN3 5TB

- 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 Mrs V. Wright and Mr S. Davies against the decision of West Lindsey District Council.
 - The application Ref 134728, dated 14 July 2016, was refused by notice dated 19 October 2016.
 - The development proposed is outline application for two bungalows and two chalet dwellings with detached garages and new private drive.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Central Lincolnshire Local Plan 2017 (the CLLP) was adopted on 24 April 2017, which was subsequent to the issuing of the decision notice by the Council. The Council has confirmed that the CLLP formally replaces the West Lindsey Local Plan 2006. Consequently I have not had regard to the West Lindsey Local Plan 2006 in reaching my decision.

Main Issues

3. The main issues are the effect of the proposed development on a) the character and appearance of the area and b) the living conditions of the occupiers of neighbouring properties with respect to noise and disturbance.

Reasons

Character and appearance

4. The appeal site lies in the central part of the village between Highbrook and Low Thorpe and to the rear of Ferry Road. It is part of an area of long paddocks and fields behind houses on those three roads. The distinctive field pattern was historically associated with smallholdings behind crofts.
 5. The settlement pattern of the village, with Highbrook, Low Thorpe and Westfield Road all lying to the western side of, and tangential to, Ferry Road, gives the village a distinctive character. There is no housing development on the eastern side of Ferry Road, which runs down to the former ferry crossing point on the River Witham and a disused railway line.
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6. The proposed development would be accessed from Highthorpe between two modern detached houses, The Barn and The Meadows, which sit behind the line of houses along Highthorpe. The proposed development would primarily be contained within two large paddocks behind those two properties and the houses on Ferry Road.
7. The proposed development would cover a significant area within the gap between Highthorpe and Low Thorpe immediately to the rear of the houses on Ferry Road. It would introduce a form of backland development, generally alien to the established character of the village which is primarily ribbon pattern in nature, and it would erode the open gap and established field pattern of this part of Southrey.
8. The Meadows itself is a form of backland development but constitutes one house off its own drive. The proposed development would significantly intensify that form of development extending it into the two large paddocks behind it and The Barn, introducing built form in this otherwise open area.
9. Although the proposed development would not be highly visible from the local roads or public viewpoints, and is proposed to comprise bungalows and chalet type dwellings, it would be likely to be seen in gaps between houses along those roads, most notably Ferry Road. It would also be visible from the private realm of these properties.
10. In any event, the open nature of this area, its shape and historical association are important elements of the character and form of the village and which contribute to making Southrey's settlement pattern distinctive. Its ribbon pattern with the open spaces behind the houses along the roads, provides form to the village and its character does not rely upon such open areas being prominent in public views.
11. Policy LP2 of the CLLP, which identifies the settlement hierarchy in the CLLP area, lists Southrey as a small village. However, it is not one of the small villages given a specific growth target in Policy LP4 which defines growth levels in the villages. Consequently, in accordance with Policy LP2, unless supported by a neighbourhood plan or evidence of community support, development proposals would be limited to around 4 dwellings in appropriate locations and would be considered on their merits.
12. Policy LP2 provides criteria as to what constitutes appropriate locations in this regard and this includes locations which retain the core shape and form of the settlement and which do not significantly harm the settlement's character and appearance.
13. I consider that there have been material changes to both Policy LP2 and LP4 between the Proposed Submission version and the adopted version of the CLLP. Specifically, the adopted version of Policy LP2 makes reference to and defines 'appropriate locations' and Policy LP4 no longer lists, nor gives a specific growth target for Southrey.
14. For all of the reasons above I conclude that the proposed development would not retain the core shape and form of the settlement and would be harmful to the character and appearance of the area and would therefore be contrary to Policy LP2 of the CLLP.

15. The proposed development would also be contrary to Policy LP17 of the CLLP which seeks to protect the distinctive character of settlements and the design considerations of Policy LP26 of the CLLP which seek to ensure that new developments are well designed and respect local character.
16. I also consider that the proposed development would be contrary to the core planning principles set out in paragraph 17 of the National Planning Policy Framework.

Living conditions

17. The proposed development would be accessed via the existing drive which serves The Meadows. This drive, bordered by high fencing, has the appearance of a relatively minor access when viewed from Highthorpe. It formerly served both The Meadows and The Barn, but the latter house now has its own access onto Highthorpe.
18. The drive bends to the left to access The Meadows which sits directly behind a property on Highthorpe and then is proposed to bend sharply to the right and go between houses at The Meadows and The Barn to access the land at the back.
19. The access road would serve 4 additional properties to the one it currently serves. Whilst in outline only, the illustrative plans submitted with the application show a double garage at each of the properties and the plots are large enough to accommodate family dwellings where two cars could be expected.
20. This would lead to an intensification of the use of the drive through additional traffic movements with vehicles passing between The Barn and The Meadows and the houses next to the drive entrance on Highthorpe.
21. Whilst there is the possibility of a vehicle having to reverse as it meets another vehicle at the bend in the drive, I consider that such occasions would be infrequent given the relatively low number of vehicles which would use the drive. Consequently I consider that the potential for noise disturbance to the occupiers of the three houses as a result of vehicle movements is low.
22. There are no windows on the side elevations of either The Barn or The Meadows which would face the drive, and The Barn is separated from the route of the proposed drive by a high wall to its rear and a fence to the front. The house which fronts on to Highthorpe next to the drive does not have any primary windows on the side elevation and is separated from the drive by suitable boundary treatment.
23. If the appeal were to be allowed, a condition could be imposed to secure suitable boundary treatment to protect the living conditions of the occupiers of The Meadows.
24. As a consequence, I consider that there would not be a harmful effect on the living conditions of the occupiers of neighbouring properties as a result of the proposed development. Therefore, I conclude that the proposed development would accord with the amenity considerations set out in Policy LP26 of the CLLP which seek to protect residential amenity.

Planning Balance and Conclusion

25. Whilst I have found that the proposed development would not be harmful to the living conditions of the occupiers of the neighbouring properties, I do not consider that this outweighs the significant harm to the character and appearance of the area which would result.
26. I recognise that the 5 year supply of housing land in the CLLP area is partially dependent upon windfall provision during the plan period and that the appellant considers that the appeal site is the most suitable for such provision in the village.
27. I have had regard to these matters, and to the benefits of the provision of additional living accommodation in the village, but these do not outweigh the significant harm to the character and appearance of the area which I conclude would result from the proposed development.
28. For the reasons given above I conclude that the appeal should be dismissed.

Mike Worden

INSPECTOR