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# Appeal Decision

Site visit made on 11 July 2017

**by Rachael A Bust BSc (Hons) MA MSc LLM MEnvSci MInstLM MCI MRTPI**

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

**Decision date: 10 August 2017**

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**Appeal Ref: APP/N2535/W/17/3170442**

**37 High Street, Sturton by Stow, Lincoln LN1 2AE**

- 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 Denzil Gelder against the decision of West Lindsey District Council.
  - The application Ref 135613, dated 20 December 2016, was refused by notice dated 8 February 2017.
  - The development proposed is described as "2 No. New Houses to the rear of 37, High Street, Sturton by Stow, Lincoln."
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## Decision

1. The appeal is dismissed.

## Preliminary and Procedural Matters

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 The policies contained within the West Lindsey Local Plan First Review (WLLPFR) June 2006 were superseded. I am required to determine this appeal on the basis of the development plan which is in force at the time of my decision. Consequently, I have had regard to the relevant policies of the CLLP. As the Council has not submitted a statement specifically relating to this appeal, but instead relied upon the Officer Report at the time of decision, it was necessary to seek clarification as to which policies in the CLLP the parties consider relevant to my determination. The Council has confirmed that they rely upon policies LP1, LP2 and LP26 of the CLLP. The appellant has been given the opportunity to make final comments on the use of these policies.
3. Planning permission was granted for a single dwelling within the appeal site in March 2016.<sup>1</sup> I have had regard to this permission; however I note that the adoption of the CLLP has introduced a different development plan against which the current appeal proposal must be determined. Consequently I have determined this appeal on its own merits.

## Main Issue

4. The main issue is the effect of the proposal on the character of the area.

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<sup>1</sup> Planning permission reference 133743

## Reasons

5. The appeal site lies behind 37 High Street. High Street represents the western edge of Sturton by Stow. The majority of built development, together with a limited range of services and facilities is located to the eastern side of High Street. The western side of High Street, including the appeal site, feels less developed. It is characterised by linear development of one and two storey dwellings set back from the road. The appeal site comprises garden land behind No 37. Although it is functionally part of No 37, it is visually separated from High Street by existing trees and planting. This character is reinforced by the irregular gaps in the road frontage providing views between dwellings to the fields, hedges and trees beyond.
6. The West Lindsey Landscape Character Assessment (1999) makes reference to the wider setting of the Till Vale, which includes Sturton by Stow, as “an agricultural landscape with large flat fields.” The pattern of development in the Till Vale is formed by a string of small nucleated settlements with gaps in between outlying farmsteads. It goes on to suggest that new development should be sited and designed to respect the existing development patterns.
7. The depth of development on High Street is predominantly one dwelling on the road frontage and occasionally there is another dwelling behind. Where another dwelling has been sited behind the frontage dwelling, the overall plot depth has not been increased.
8. The main parties agree that the proposal would benefit from good screening and would not have an adverse visual impact. On the evidence before me, I see no reason to disagree. However, the appeal proposal would introduce 2 detached dwellings at right angles to each other on land behind No 37. This would be in stark contrast to the linear character of this part of the settlement. Moreover, the proposal would significantly extend the plot depth of No 37 and the built footprint of the village into the surrounding countryside. As a result, the proposed siting and orientation of the 2 dwellings would introduce a pattern of built development that would be discordant to, and have an adverse effect on, both the immediate surroundings and the wider landscape character.
9. The appellant argues that the site is brownfield land. Indeed it does contain an existing building used by the appellant in connection with their ground maintenance business. Nevertheless, the building is heavily screened and at the time of my site visit the character of the land was one of an area of transition between the formal gardens of No 37 and the wider countryside beyond.
10. I have considered the Council’s argument that this proposal would set a precedent for similar developments along this side of High Street. Whilst each application and appeal must be treated on its individual merits, I can appreciate the Council’s concern that approval of this proposal could be used in support of such similar schemes. I consider that this is not a generalised fear of precedent, but a realistic and specific concern, as there are other opportunities available to create accesses from High Street to the land to the rear of the existing frontage properties. In addition, other land could be developed directly from the access which forms part of this appeal proposal.

11. Allowing this appeal would make it more difficult to resist further planning applications for similar developments, and I consider that their cumulative effect would exacerbate the harm which I have described above.
12. I conclude, therefore, that the appeal proposal would harm the character of the surrounding area. This would be contrary to Policy LP26 of the CLLP which seeks to ensure that development positively contributes to the character of the area. Consequently the appeal proposal would not be a sustainable form of development, contrary to Policy LP1 of the CLLP and the National Planning Policy Framework.

#### *Other Matters*

13. The proposal would share the same access as No 37. I am aware from third party representations that concerns exist regarding the potential increased number of vehicle movements and likelihood of accidents. Whilst this is acknowledged, the risk of accidents is reduced where sufficient visibility can be obtained. The plans indicate that the access is 4.2 metres wide; from my site visit I saw that there is sufficient space to increase the width to ensure compliance with Highway Authority requirements. I note that the Highway Authority have raised no concerns providing the access is widened to 4.5 metres. Had I been minded to allow this appeal the access improvements could have been secured through the imposition of a planning condition.
14. The issues of flooding and drainage have been drawn to my attention. The Council's Environmental Protection Officer identifies that Sturton by Stow does experience some problems. Had I been minded to allow this appeal I note that the Council's Environmental Protection Officer had suggested that these issues could have been dealt with through a planning condition. Nevertheless, the lack of harm in respect of highway safety, flooding and drainage would not outweigh the harm I have identified in respect of the character of the area.
15. Sturton by Stow is identified as a 'Medium Village' in Policy LP2 of the CLLP. As such it is a location where a limited amount of new development can be acceptable in principle. Although the appeal proposal would contribute to the supply of housing, this does not outweigh the harm to the character of the area for the reasons given above.

#### **Conclusion**

16. Taking all matters into consideration, the proposal would conflict with relevant local and national planning policies and the development plan as a whole. Consequently the appeal is dismissed.

*Rachael A. Bust*

INSPECTOR