



## Appeal Decision

Site visit made on 8 August 2017

**by Darren Hendley BA(Hons) MA MRTPI**

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

**Decision date: 22<sup>nd</sup> August 2017**

---

**Appeal Ref: APP/N2535/W/17/3174266**

**Land on North Kelsey Road, Caistor**

- 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 Sodha against the decision of West Lindsey District Council.
  - The application Ref 135142, dated 26 October 2016, was refused by notice dated 23 December 2016.
  - The development proposed is two residential units.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The application is in outline form with all matters reserved for future consideration. I have determined the appeal on that basis. I have had regard to the drawings as far as they indicate the site location and the site boundary, which were amended during the planning application.
3. Since the Council determined the planning application the Central Lincolnshire Local Plan (2017) (Local Plan) has been adopted. It has replaced the West Lindsey Local Plan First Review (2006). I am bound by the statutory duty under Section 38 (6) of the Planning and Compulsory Purchase Act 2004 to consider the policies in the development plan relevant to the main issues. As such, I have considered the appeal on the basis of the policies contained within the Local Plan.

### Main Issues

4. The main issues are (i) whether the proposal would provide a suitable location for housing with regard to the accessibility of services; (ii) the effect on the character and appearance of the area; and (iii) the potential effect on trees.

### Reasons

#### *Accessibility of Services*

5. The appeal site is located amongst a dispersed pattern of development along North Kelsey Road, which comprises of agricultural uses, rural related businesses and dwellings which are isolated, or well separated by intervening land. There is not an appreciable clustering, or row, of development. The nearest local service is a public house which is approximately 1.5km away from

the site, towards North Kelsey. The nearest settlement is Caistor, which lies approximately 1.5km from the site, with its town centre services around another 1km away. There are no footways from the site to access services and nor are there bus stops nearby, although a demand responsive bus service is available.

6. Policy LP2 of the Local Plan sets out a settlement hierarchy. As the site lies outside of any settlement or clear clustering of development, I consider it is 'countryside', the lowest level on the hierarchy. The type of development proposed does not fall into those which are permitted under Policies LP2 or LP55.
7. The lack of services near the site would result in the occupants of the proposal having to travel to Caistor in order to access a reasonable level of local services. Given the distances involved, and the lack of a footway from the site, there would be a reliance on the use of a car. The demand responsive bus service requires booking and does not provide the convenience of a regular bus service. Although there are more regular bus services in Caistor itself, they do not pass close to the site. The limited accessibility to services is also reflected in the site's position on the settlement hierarchy as countryside under Policy LP2, which in part is derived from accessibility.
8. In respect of the distance guidelines from the Institution of Highways and Transportation (2000)<sup>1</sup> cited by the appellant, these considerably predate the Local Plan and the distance to the majority of services in Caistor would be in excess of the 2km distance. Walking would also not be practical given the absence of a footway. The use of the internet would also not adequately provide for services to the extent that it would prevent a reliance on the use of the car.
9. I conclude that the proposal, due to its lack of accessibility to services, would not provide a suitable location for housing and, accordingly, it would not comply with Policies LP2 and LP55 of the Local Plan.
10. Similarly, I also conclude the proposal would not comply with paragraph 55 of the National Planning Policy Framework (Framework), because the lack of proximity to shops and services would not enhance or maintain the vitality of rural communities. With the distances involved, it would not appreciably support services in a village nearby, and would be functionally isolated. This would also result in the proposal constituting an isolated home in the countryside and none of the special circumstances to justify it cited in paragraph 55 would apply.

#### *Character and Appearance*

11. The site comprises grassed areas and a substantial tree belt frontage onto North Kelsey Road. To the rear of the site, land is in equine use. To the east of the site is Woodlands, a residential property with a stables building to its rear, and to the west is Auckland House, a further residential property. More broadly, as the area comprises of open countryside interspersed with occasional development, it is pleasingly rural in character.
12. The site contributes to this character because it presents an area of land free from built development, as a gap, between Woodlands and Avondale House,

---

<sup>1</sup> Institution of Highways and Transportation (2000) Guidelines for Providing for Journeys on Foot.

which is part of the dispersed pattern of development. The proposal would serve to infill this gap, and would thus erode its role in maintaining the character of the countryside.

13. More broadly, the proposal would result in the encroachment of built development into the countryside, along this stretch of North Kelsey Road. It would increase linear development, detracting from the interspersed pattern of development, regardless of the eventual size and scale of the two dwellings. The contribution of the undeveloped character of the site to the countryside would be lost.
14. As the site is given over to grassed areas and trees, does not visually form a dedicated garden associated with Woodlands and with the stables building lying outside of the site boundary, I am not persuaded the site constitutes previously developed land. However, this is not central to my decision with the site's contribution, regardless of whether or not it is previously developed land, to the character of the countryside. Similarly, the agricultural grade of the land would not outweigh the harm that would arise.
15. I conclude the proposal would cause significant harm to the character and appearance of the area. It would not comply with Policy LP17 of the Local Plan which provides for the protection and enhancement of features which positively contribute to the character of the area.

#### *Trees*

16. The tree belt across the frontage of the site contains a large and extensive group of trees, including most notably oaks and conifers. The tree group is protected by TPO Nettleton 1950. Beyond the area of protection, and up to the grassed area, there are a significant number of other trees on site.
17. Having regard to the site boundaries, and the appellant and the Council's submissions, I consider it is reasonable to assume that access would need to be taken for the two dwellings through the tree belt. From my site visit, there were no obvious gaps that could provide a direct access, with the number and proximity of trees, without some degree of intervention being required. The extent of the coverage in the tree belt is as such that I do not consider there can be any confidence, in the absence of a tree survey, that the two dwellings could be accessed without the potential to cause damage to the protected trees.
18. Whilst the lack of a tree survey may on its own may not be decisive in respect of the trees which lie outside of the protected group, as they are not protected or have an identifiable particular biodiversity interest, they do add to the potential for damage to what, overall, are a significant number of trees. These trees do appreciably add to the character of the area, along with the trees in the protected area, and so if the loss of tree cover would result, this would further contribute to the significant harm to the character and appearance of the area.
19. In the absence of any degree of confidence that the results of a tree survey would not substantially alter the proposal, it would not be reasonable to apply a planning condition requiring the subsequent submission of a tree survey, nor methods of construction to avoid tree damage or replacement tree planting. Whilst I note comments about whether or not a tree survey was to be provided

during the application, this is not a matter for me to comment on in this appeal. Nor is it appropriate for me to request that such a survey is now provided as that what is considered at an appeal is essentially what was considered by the Council, and on which interested parties views were sought.

20. Without a tree survey, I cannot conclude that the proposal would not have an unacceptable effect on the protected trees on the site and which, in combination with the trees that are not protected, add to the overall character of the site. Accordingly, I cannot conclude the proposal would comply with Policy LP17 of the Local Plan, which provides for the protection and enhancement of trees and woodland as features which positively contribute to the character of the area, or with paragraph 17 of the Framework which states that planning should contribute to conserving and enhancing the natural environment.

### **Other Matters**

21. In respect of the roles of sustainable development under paragraph 7 of the Framework, the economic benefits arising from the construction or occupation of two dwellings would be slight. The proposal would conflict with the social role because, whilst it would make a limited contribution to the housing stock, it would not be providing housing in a suitable location. It would also conflict with the environmental role because it would not contribute to protecting and enhancing the natural environment with the harm that would arise to character and appearance, and with its reliance on the private car for accessibility, it would not mitigate and adapt to climate change.
22. The Caistor Neighbourhood Plan (2016) does not have any additional bearing on the main issues, over and above what I have set out. Whilst reference has been made to other planning approvals along North Kelsey Road, no details have been provided, so I cannot consider this further. In respect of the planning approvals on Riby Road (Council planning refs: 132759, 135934), the dwelling is sited within a cluster of existing development and as such I am satisfied the circumstances are materially different to the proposal.

### **Conclusion**

23. For the reasons set out above, I conclude the appeal should be dismissed.

*Darren Hendley*

INSPECTOR