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## Appeal Decision

Site visit made on 21 August 2017

**by David Cross BA (Hons), PGDip, MRTPI**

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

**Decision date: 13 September 2017**

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**Appeal Ref: APP/N2535/W/17/3176400**

**Land at Glendale, Broadholme Road, Saxilby, Lincoln LN1 2NE**

- 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 D Prangnell against the decision of West Lindsey District Council.
  - The application Ref 135764, dated 20 January 2017, was refused by notice dated 18 April 2017.
  - The development proposed is a "proposed dwelling".
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
3. The application has been submitted in outline with approval sought in relation to access, with all other matters reserved for future consideration. I have dealt with the appeal on that basis.
4. This appeal must be determined on the basis of the development plan as it exists at the time of my decision. Subsequent to the date of the refusal of the application, the Council has adopted the Central Lincolnshire Local Plan 2017 (LP). I have also had regard to the Saxilby with Ingleby Neighbourhood Development Plan 2017 (NP) submitted with the Council's Questionnaire. The appellant has had the opportunity to comment on the NP and the adoption of the LP in response to the Questionnaire and the Council's statement. I have therefore considered the appeal against the relevant adopted development plan policies and make no further reference to the previous development plan.

### Main Issues

5. The main issues in this appeal are:
  - Whether, having regard to the location of the appeal site in relation to designated settlements and in conjunction with local and national planning

policy, the proposed development would amount to an appropriate form of development; and

- Whether the proposal would comply with local and national planning policy which seeks to steer new development away from areas at the highest risk of flooding.

## **Reasons**

### *Location and Planning Policy*

6. The Council state that the appeal site is located outside of the undefined settlement boundary of the large village of Saxilby and is therefore considered to be within the open countryside. I saw that although the site is adjacent to a collection of houses and other buildings this appears typical of the small groups of dwellings that can be found within the surrounding open countryside and has a distinctly separate location and character from Saxilby. I therefore agree with the Council's assessment on this matter and consider that the site should be assessed as being within the open countryside.
7. The appellant states that the dwelling is required for his daughter. The appellant's daughter is pursuing a career in equestrian eventing and her horse is one of those stabled at the site. The appellant sets out that his daughter's presence as required at the site due to the specialised and extensive nature of care for horses of the type stabled at the premises.
8. Policy LP55 specifies the types of development acceptable in the countryside. Whilst this includes new dwellings, they will only be acceptable where they are essential to the effective operation of 'rural operations' listed in Policy LP2. The equestrian use of the site would not fall within the criteria listed in Policy LP2. More specifically, the proposal relates to a private equestrian use rather than a recreational use of the site for the wider public benefit and would not represent an 'outdoor recreation' use as referred to in LP2. The proposal is therefore contrary to the policies of the LP in relation to spatial strategy and development in the countryside.
9. In support of the proposal, the appellant contends that the site is in a sustainable location as it has good access to the train station and facilities in Saxilby. I saw that these facilities would be within a reasonable walking distance of the proposed dwelling and would be accessed via a lit designated footway/footpath. However, the route crosses the busy A57 and a significant length of the route is not overlooked and is via a secluded footpath. Notwithstanding this, the accessibility or otherwise of services from the site does not outweigh the conflict with planning policy identified above.
10. Material considerations do not indicate that the proposal should be determined otherwise than in accordance with the development plan and the National Planning Policy Framework (the Framework). The proposal would not represent an appropriate form of development in the open countryside under the terms of the LP and would be contrary to policies LP2 and LP55 in respect of spatial strategy and development in the open countryside.

### *Flood Risk*

11. The appeal site is located within Flood Zone 3 which is defined as an area with a high probability of flooding. Paragraph 100 of the Framework advises that

inappropriate development in areas at risk from flooding should be avoided by directing development away from areas at highest risk. Paragraph 101 goes on to advise that a sequential, risk-based approach must be taken that steers development towards areas of lower risk and that this should be applied in all areas known to be at risk from any form of flooding. The application of a sequential test is also a requirement of Policy LP14 of the LP.

12. The appellant has provided a Flood Risk Assessment (FRA) which has undertaken a sequential test on the basis of available sites within 400m of the stables. I understand that 400m was used as this is typically seen as the maximum living distance away from facilities requiring supervision. However, I am aware that the appellant occupies a dwelling in close proximity to the site and no substantive evidence has been provided to me why this property cannot be used to accommodate his daughter, other than that she wishes to live independently of the family home. Furthermore, the appellant would be an on-site presence and any welfare or security issues could be quickly brought to either his daughter's attention or to the attention of other appropriate parties as necessary. Therefore, whilst I acknowledge that it may be more convenient for the appellant's daughter to be within 400m of the stables for the day to day care of her horses, there is no essential need for her to be resident at the site.
13. Furthermore, as highlighted by the Council, the FRA does not consider sites for the dwelling or existing residential accommodation within the village of Saxilby which is within Flood Zone 1. Although a district-wide search for a site to relocate the manège, stable and dwelling was undertaken with limited results, the criteria in relation to what was considered to be viable has not been provided to me.
14. The requirement for a Sequential Test is clearly set out within the Framework and the PPG. Given the above, I conclude that a robust Sequential Test has not been undertaken and that the proposal would have an unacceptable level of flood risk. I note that the appellant contends that the proposal would meet the Exception Test, but the Framework is clear that this should only be considered following the application of the Sequential Test. Due to the failure to apply the Sequential Test, the proposal would be contrary to Policy LP14 of the LP and paragraph 101 of the Framework.

### **Other Matters**

15. I am mindful of the requirements of the appellant's daughter in relation to her horses stabled at the site. However, these personal circumstances are not sufficient to outweigh the harm and conflict with planning policy that I have identified, particularly as the circumstances of the occupant may change over time whereas the dwelling would be permanent.
16. I have also had regard to the potential benefits arising from the proposal, including energy efficiency, employment during construction and the support for local services. However, due to the scale of the proposal such benefits would be very limited and would not be sufficient to address the harm and conflict with planning policy identified above.
17. The appellant has referred to an appeal<sup>1</sup> where an Inspector concluded that a housing proposal should be allowed where residents may need to rely on the

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<sup>1</sup> Appeal ref: APP/N2535/W/16/3144855

private car to access services. However, I note that there were significant public benefits arising from the scheme, including the provision of up to 130 dwellings, in contrast to the very limited public benefits arising from the current appeal proposal. Therefore, the appeal referred to by the appellant does not lead me to a different conclusion on this matter.

18. I have a statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to consider the effect of the proposal on the nearby Grade II listed building of Saxilby Moor Mill and I am mindful of the content of the Framework in relation to heritage assets. The significance of this property is summarised by the list description. The Council's conservation officer has requested that a heritage statement be submitted to demonstrate how the proposal would relate to the setting of the listed building. However, the application has been submitted in outline and I consider that this issue could be suitably addressed by a condition had I been minded to allow this appeal. Subject to such a condition, I consider that the setting of the listed building and its significance would not be adversely affected. I note that this reflects the Council's conclusion on this matter in the Officer's report.

### **Conclusion**

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

*David Cross*

INSPECTOR