



Appeal Decision

Site visit made on 6 February 2018

by Elaine Worthington BA (Hons) MTP MUED MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th March 2018

Appeal Ref: APP/N2535/W/17/3188297

Land at Smithy Lane, Bigby

- 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 Pinney against the decision of West Lindsey District Council.
 - The application Ref 135940, dated 9 March 2017, was refused by notice dated 30 May 2017.
 - The development proposed is the erection of a single dwelling with associated access arrangements, car parking and landscaping.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

3. The appeal site is a paddock accessed via a track from the end of Smithy Lane. It is adjacent to an agricultural building to the east and Low Farm to the south with open fields to the west and north. A public footpath runs along the south and west boundaries of the site and forms part of the Viking Way.
4. Policy LP2 of the Central Lincolnshire Local Plan (Local Plan) designates Bigby as a small village where small scale development of a limited nature in appropriate locations can be accommodated. To qualify as an appropriate location the site would; retain the core shape and form of the settlement; not significantly harm the settlement's character and appearance; and not significantly harm the character and appearance of the surrounding countryside or the rural setting of the settlement.
5. The Council accepts that the proposal would not exceed the growth for Bigby anticipated by Local Plan Policy LP4. However, this also sets out a sequential approach to development which prioritises; (1) brownfield land or infill sites in appropriate locations within the developed footprint of the settlement; (2) brownfield sites at the edge of the settlement in appropriate locations; and (3) greenfield sites at the edge of a settlement in appropriate locations.
6. Local Plan Policy LP2 defines the developed footprint of a settlement (for the purposes of Local Plan Policies LP2 and LP4) as the built up area of the settlement and excludes (amongst other things); (a) individual buildings or

- groups of dispersed buildings which are clearly detached from the continuous built up area of the settlement; and (b) gardens, paddocks and other undeveloped land within the curtilage of buildings on the edge of the settlement where land relates more to the surrounding countryside than to the built up area of the settlement.
7. The appeal site at the end of a track leading from Smithy Lane. There are dwellings to the south in Smithy Lane including at Low Farm which is immediately to the south of the appeal site. However, the character of the surrounding area is overwhelmingly rural rather than urban. The site sits alongside an agricultural building to the east (with further paddocks to the east of that) and relates closely to the open countryside to the north and west where it separated from the adjoining fields by a post and rail fence. As such, the site appears very much as part of the surrounding rural landscape.
 8. This being so, I do not regard the site to be within the developed footprint of the settlement, rather it is a greenfield site at the edge of the settlement and would thus sit within the third tier of development identified by Local Plan Policy SP4. The proposal would be small scale and of a limited nature, but consideration needs to be given as to whether it would represent an appropriate location under the terms of Local Plan Policy LP2.
 9. The proposed house would be positioned in the south east corner of the site and would generally be in line with the existing house and buildings at Low Farm to the south. However, Low Farm is separated from the appeal site by the public footpath which runs to the south of the appeal site. The current extent of the residential development served by Smithy Lane, including that at Low Farm, is to the south of this. Although there is an agricultural building immediately to the east of the appeal site this is of a functional rural appearance that is typical of its countryside location and is itself surrounded by open fields.
 10. The appeal proposal would extend residential development north of the footpath and would protrude into the countryside there well beyond any other dwellings. Rather than rounding off the village envelope as suggested by the appellant, to my mind it would expand residential development into the countryside and represent an unwelcome intrusion that would fail to respect the core shape and form of this part of the settlement. In doing so it would undermine the open nature of the site on the edge of the village. Even though the proposed house is designed to reflect the local character of the area and use of materials nearby, it would encroach into the countryside and, in introducing a dwelling, would detract from its rural character and appearance.
 11. I accept that the proposal would be screened in views from Main Street by the existing agricultural building and would not be visible in views from Smithy Lane due to the intervening buildings and its offset position at the end of the access track. Nevertheless, it would be clearly visible from the adjacent public footpath. It would also be seen from the wider countryside to the north and west. I note the appellant's argument that the proposal would be screened during the summer months by a maize crop in the adjacent field and that it would be seen in some views against the backdrop of the agricultural building and adjacent row of tall conifers. I am also aware that additional hedge and tree planting is proposed to the site boundaries and within the site.

12. That said, the maize would screen the site only partially and for limited periods only and any such new native planting would take some time to establish and would in any case provide only limited screening particularly when it is not in leaf during the winter months. Additionally, views of the house would be possible down the driveway. Thus, overall I am not convinced that these factors would lessen the proposal's unacceptable visual impact to any great extent. In my opinion, it would appear as a prominent and unsympathetic addition to the area that would have an adverse impact on the intrinsic character and beauty of the surrounding countryside which is recognised as an Area of Great Landscape Value (AGLV). Given its location right on the north/west edge of Bigby, it would also serve to undermine the pleasant rural setting of the village to which the appeal site currently makes an important contribution.
13. As such, overall I consider that the proposal would fail to retain the core shape and form of the settlement and would significantly harm the character and appearance of the surrounding countryside and the rural setting of the settlement. Consequently, it would not qualify as an appropriate location for development in Bigby as required by Local Plan Policy LP2.
14. I therefore conclude on this issue that the proposal would be harmful to the character and appearance of the surrounding area. This would be contrary to Local Plan Policies LP2 and LP4. It would also conflict with Local Plan Policy LP17 which indicates that to protect and enhance the intrinsic value of our landscape and townscape, including the setting of settlements, proposals should have particular regard to maintaining and responding positively to any natural and man-made features within the landscape and townscape which positively contribute to the character of the area. Furthermore, it would be at odds with the core planning principle of the National Planning Policy Framework (the Framework) to recognise the intrinsic character and beauty of the countryside and support thriving rural communities within it.

Other matters

15. The Council raises no objections to the proposal in terms of the sustainability of the location or the site's access to services and facilities. Despite the concerns of the Parish Council nor does it object in terms of drainage. There are no other objections from the Parish Council, or from the Ward Councillor or the Public Rights of Way Officer. Nor are there any objections in terms of highway safety, archaeology, ecology, or from members of the public. The absence of harm in these regards counts neither for, nor against the proposal.
16. The appellant owns the land adjacent to the site which is used for keeping horses and would like to live nearby to utilise it fully and to remain in the local area and reduce the need to travel. However, I have seen no substantiated evidence to demonstrate that the appeal proposal is the only way in which these personal benefits to the appellant could be realised. The proposal would also help to support the existing services and facilities in the village and nearby, add to housing land supply, provide ecological enhancements through landscaping and contribute to Council Tax revenues. Although these are all benefits of the scheme, they are limited by the proposal's modest scale for a single dwelling and are insufficient to outweigh the harm I have identified in relation to the main issue in this case.

17. Although I note the appellant's reference to the presumption in favour of sustainable development, I have seen nothing to suggest that the development plan is absent, silent or that the relevant policies are out of date. As such, and given the proposal's conflict with the development plan described, the tilted balance set out at paragraph 14 of the Framework is not engaged in this instance.

Conclusion

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

Elaine Worthington

INSPECTOR