



---

## 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: 6<sup>th</sup> March 2018**

---

**Appeal Ref: APP/N2535/W/17/3187890**

**Church Farm, Waddington Road, South Kelsey, Market Rasen, Lincolnshire, LN7 6PN**

- 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 Douglas Hill against the decision of West Lindsey District Council.
  - The application Ref 135494, dated 15 November 2016, was refused by notice dated 27 April 2017.
  - The development proposed is described as 'the proposal is for a total of 12 detached dwellings with the addition of 3 affordable dwellings. The site also includes a large open space to act as a buffer between the development and St Mary's church.'
- 

### Decision

1. The appeal is dismissed.

### Background

2. The appeal site forms part of a site that has previously been granted planning permission for residential development. It was allocated for housing in the West Lindsey Local Plan 1998 and in the subsequent West Lindsey Local Plan First Review 2006. Most recently outline planning permission<sup>1</sup> for 9 dwellings and 3 affordable dwellings (total of 12 dwellings) was granted in 2012. I understand that these were intended to be developed as individual open market plots. The central access road and other infrastructure works have been completed and one detached house has been built on the western part of the wider site. This is occupied and is excluded from the appeal site.
3. There is disagreement between the parties as to how many affordable homes are proposed. The application form indicates 3, but the Council considers that amendments were made during its consideration of the application to increase this number to 4. However, the appellant confirms that 3 affordable units are proposed and the submitted planning obligation reflects this. Accordingly, I confirm that I have considered the appeal on this basis.

### Main Issue

4. The main issue is whether the proposal would provide a suitable site for development having regard to local policies which seek to achieve sustainable patterns of development and protect the character and appearance of the area.

---

<sup>1</sup> Reference 127235

## Reasons

5. The appeal site is a former farmyard. It is accessed from Waddingham Road via an existing access to the side of St Mary's Church (a Grade II listed building). The site adjoins the rear gardens of the properties fronting Brigg Road to the east and open countryside to the west. The proposal is for a total of 15 dwellings.
6. Policy LP2 of the Central Lincolnshire Local Plan (Local Plan) sets out the spatial strategy for the District. It focuses on delivering sustainable growth and concentrating growth on the main urban areas and in settlements that support their roles. It identifies South Kelsey as a small village where, unless otherwise promoted via a Neighbourhood Plan or through the demonstration of clear community support, small scale development of a limited nature in appropriate locations will be accommodated and will be limited to around 4 dwellings.
7. Local Plan Policy LP2 clarifies that appropriate locations means a location which does not conflict, when taken as a whole with national policy or policies in the Local Plan (such as, but not exclusively, Policy LP26). In addition, to qualify as an appropriate location the site if developed 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.
8. Whilst the Council accepts that the site is suitable for housing, the proposal would represent a significantly larger development than that anticipated by Local Plan Policy LP2 (which sets a limit at 4 units). Although the appellant refers to an emerging Neighbourhood Plan, I understand that this at a very early stage of preparation and have seen nothing to suggest that it promotes the appeal site for development. Nor have I seen any demonstration of clear local community support for the scheme. As such, the proposal is at odds with Local Plan Policy LP2 and the spatial strategy for the District.
9. Local Plan Policy LP4 indicates that South Kelsey will be permitted to grow by 10% in the number of dwellings over the plan period. The appellant considers this equates to 17 or 21 dwellings over the plan period to 2036. The Council confirms that the village has a remaining growth of 18 dwellings. Although Local Plan Policy LP4 sets the % growth for small villages, I am mindful that this is within the context of Local Plan Policy LP2 and the small scale development of a limited nature that this envisages.
10. The appellant has undertaken a sequential search which finds only one potentially suitable alternative site in the village (which is in any case unavailable and would only provide 2 dwellings). Other potential sites are also identified but considered to be unsuitable. The Council does not dispute these findings. I note the appellant's view that only one dwelling has been delivered so far in the village with little evidence of housing sites to meet future need (other than the appeal site). However, I am mindful that the remaining growth for the settlement is to be delivered over the relatively long term period of the Local Plan (some 18 years). Whilst the appellant considers it to be preferable for development to come from a planned estate (such as the appeal site) rather than in an ad-hoc manner, the Local Plan encourages only small scale development of a limited nature in villages such as South Kelsey.

11. The appellant argues that the appeal site has always been part of the developed footprint of the settlement and is an infill site that is in part previously developed land. As such he considers it would fall within Category 1 of the sites for release in Local Plan Policy LP4 (brownfield land or infill sites in appropriate locations within the developed footprint of the settlement). Although the Council does not dispute these matters, I am conscious that even sites in Category 1 are required under the terms of Local Plan Policy LP4 to be in appropriate locations (as defined in LP2).
12. Turning to the matter of appropriate locations, the wider site has in part been developed with the introduction of the single dwelling and the access. The proposal would generally retain the core shape and form of the settlement and the Council raises no objections on this ground. However, the appeal site adjoins open countryside to the west and the proposal would introduce further residential development adjacent to this on the rural edge of the village. The existing house is a large detached dwelling within a generous plot and is set well back from its western boundary with the fields beyond.
13. In contrast, the appeal proposal would introduce detached houses which would for the most part fill the widths of their much more modest plots. In particular, it seems to me that the houses on Plots 9, 10, and 11 would be positioned tightly together with very little space between them. They would also be sited in rather close proximity to the site's boundary with the countryside. The rear of the house on Plot 9 would be located almost hard up to the site's western boundary and those on Plots 10 and 11 would have very shallow rear gardens.
14. This being so, the proposal would introduce a substantial pocket of densely built up development that would be very near to the countryside. Despite the proposed native hedgerow and tree planting on the site's western boundary, this high density development would appear as an abrupt and prominent feature that would be in stark contrast to the open fields to the west. The short rear gardens and lack of space around the dwellings on the western side of the site would fail to provide any sense of transition between the settlement and the adjacent countryside. As such, overall the proposal would be appreciated as an unsympathetic overdevelopment of the site that would seriously undermine the rural edge of the village and detract from the character of the settlement there.
15. Whilst I recognise the site's planning history and the support afforded to it by the previous development plan, the proposal would nevertheless be of a higher density than the development previously approved or allocated there (a maximum of 12 dwellings). Taking all these factors into account, I am not convinced that the proposal would relate well to the site or its surroundings, or that it would be at a density and scale appropriate to its context.
16. The appellant regards the appeal site to be a building site and I have had regard to his argument that its completion would improve the character and appearance of the site and the surrounding area and enhance the setting of the adjacent listed building at St Mary's Church. The proposal includes an area of open space in the southern part of the site adjacent to its boundary with the church and the Council raises no objections as to the proposal's impact on the setting of that heritage asset.

17. That said, I am not persuaded that the site's current condition detracts unduly from the character and appearance of the area or that it adversely affects the setting of the church to any great extent. Since I have found the proposal would be harmful to the character and appearance of the surrounding area, I am not convinced that it would represent an improvement over and above the current situation. Besides, it seems to me that these benefits of completing the development of the site could be realised via a less substantial scheme more akin to those previously intended there.
18. The appellant advises that the completion of the previously approved development on the wider site was suspended due to economic conditions but that the intention was always to complete the development. He also mentions that a lower amount of development on the site would not be viable. However I have seen no substantiated evidence in this regard or information to demonstrate why the completion of the site could only be achieved by a scheme for 15 houses. I have also had regard to the appellant's argument that if it remains undeveloped the site may become overgrown and detract further from the visual amenity of the area. However, I am not convinced that in practical terms this fallback position would be more harmful than the appeal proposal.
19. Bringing matters together, notwithstanding the site's planning history, the scale of the development proposed (for which there is no clear community or Neighbourhood Plan support) is contrary to Local Plan Policy LP2 and so would undermine the Council's spatial strategy and settlement hierarchy. Furthermore, since it would cause significant harm to the character and appearance of the settlement and its rural setting, it would not be an appropriate location under the terms of Local Plan Policy LP2. It would also fail to support the aims of Local Plan Policy LP26 which requires development to achieve high quality sustainable design that contributes positively to local character, landscape and townscape, and to take into consideration the character and local distinctiveness of the area and create a sense of place, and to demonstrate that it respects the existing topography, landscape character and identity and relates well to the site and surroundings, particularly in relation to siting, height, scale, massing form and plot widths (c).
20. I therefore conclude on the main issue that the proposal would fail to provide a suitable site for development having regard to local policies which seek to achieve sustainable patterns of development and protect the character and appearance of the area and would be contrary to Local Plan Policies LP2 and LP26. It would also fail to support the core planning principle of the National Planning Policy Framework (the Framework) to secure high quality design.

#### *Other matters*

21. The proposal would contribute to housing land supply and would provide three affordable units in line with Local Plan Policy LP11 and the requirements set out in the Strategic Housing Market Assessment. A planning obligation has been provided in this regard and I appreciate that affordable housing may not be required on alternative smaller schemes in the village. The proposal would also bring new residents to the village and support the services and facilities there including those at the Church. This would help to enhance and maintain the vitality of the rural community in South Kelsey. These are all benefits of the proposal which count in its favour.

22. However, even taken together these benefits are insufficient to outweigh the harm I have identified in relation to the main issue in this case. As such, I confirm that it has not been necessary for me to consider the details of the submitted planning obligation further or in the light of the tests set out at paragraph 204 of the Framework.
23. The Council does not dispute that the site is in a sustainable location with suitable access to services, facilities and public transport. Despite the concerns of local residents, the Council considers that adequate separation distances to nearby dwellings are achieved and raises no objections to the proposal in terms of its impact on the living conditions of nearby occupiers. Subject to the imposition of conditions, nor does the Council object to the proposal in terms of flood risk or drainage. Additionally there are no objections from statutory consultees. I have seen nothing that would lead me to a different view on any of these matters. However, the absence of harm in these regards counts neither for, nor against the proposal.
24. The appellant considers that it is unreasonable (in terms of residential amenity) to expect the occupier of the existing house to live on an uncompleted development marooned in a building site. However, whilst I am not aware of the circumstances that led to only a single dwelling being completed on the wider site, I am not convinced that the state of the appeal site as things stand causes any undue harm to the living conditions of the occupiers of that property. For the reasons set out above, I am also conscious that the completion of the wider site via an alternative scheme cannot be ruled out.
25. The appellant refers to an application for 20 dwellings at a site in Brigg where a single dwelling had been built and the Council permitted the other dwellings in order to complete the development. I am not aware of the full circumstances that led to that decision so cannot be sure that they are the same as in the case before me. I confirm in any event that I have considered the appeal on its individual planning merits and made my own assessment as to its potential impacts.

### **Conclusion**

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

*Elaine Worthington*

INSPECTOR