



## Appeal Decision

Site visit made on 24 April 2018

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

**an Inspector appointed by the Secretary of State**

**Decision date: 9<sup>th</sup> May 2018**

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**Appeal Ref: APP/N2535/W/18/3195173**

**Land off Manor Lane, Aisthorpe LN2 1GS**

- 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 J Lockwood against the decision of West Lindsey District Council.
  - The application Ref 136888, dated 11 October 2017, was refused by notice dated 6 December 2017.
  - The development proposed is a planning application to erect 1no. dwelling.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The description of development set out in the banner heading above is taken from the decision notice as the appeal form confirms it has changed to this revised wording from what was stated on the planning application form.
3. I have dealt with the Council's reasons for refusal together as the issue of whether or not the proposal would constitute infill development in the settlement is related to the effect on the character and appearance of the area.

### Main Issue

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

### Reasons

5. The appeal site comprises an area of cleared land which forms a frontage onto Manor Lane on the edge of this small settlement. The site is abutted on 2 sides by a large expansive field. The boundaries with this field are defined by rows of recent planting. A public right of way (PROW) runs through the field immediately adjacent to the site. The field is typical of the prevailing character of land around the settlement which is a predominantly of an open arable landscape and countryside. The site is also found next to the village hall and this boundary is delineated by more mature vegetation. On the opposite side of Manor Lane are semi-detached residential properties. Beyond the corner on the road, just passed the site, the pattern of development changes as a continuous built form is found on both sides of the road.

6. For the purposes of Policy LP2 of the Central Lincolnshire Local Plan 2012-2036 (2017) (Local Plan), Aisthorpe is a hamlet where single dwelling infill developments (i.e. within the developed footprint of the village and within an otherwise continuous built up frontage of dwellings) in appropriate locations will be supported in principle. Under the policy, developed footprint is defined as the continuous built up form of the settlement, with specified exclusions, and appropriate locations includes the consideration of character and appearance matters.
7. When the site's undeveloped form, its proximity to the open field on 2 sides and its location on the edge of this modest sized settlement are taken together, its character is informed appreciably by the open countryside. This aspect of the character would be significantly reduced under the proposal because of the substantial footprint and built form of the proposed dwelling. The proposal would represent a marked incursion into the countryside on the edge of the settlement, and this feature of the site and its contribution to the rural character would be unduly lost.
8. The proposed dwelling would also be of a notably larger scale than the nearest properties and appear dominant in the streetscene as approached along Manor Lane. As such, it would appear uncomfortable with its location on the edge of the settlement and this would further detract from the character. This would not be satisfactorily addressed by the use of different building heights on parts of the proposed dwelling, because its overall scale would be in significant contrast with its immediate surroundings.
9. As regards to whether the proposal would constitute infill, whilst it would be located next to existing built development on the side of the village hall, on the opposite side it would be next to the field. The next property is beyond this part of the field, around the corner on the road. The proposal would be on land that relates more to the surrounding countryside than to the built up area of the settlement.
10. For the purposes of Policy LP2, the proposal would not, therefore, constitute infill. It would not be within the continuous built form of the settlement, and so it would not be within the developed footprint of the village. None of the related exclusions under Policy LP2 are of particular relevance to the site although this does not diminish from that it would not accord with the policy. It would also not be in an otherwise continuous built up frontage of dwellings. As a consequence, it would not respect the existing pattern of development in the part of the settlement where the site is found and, with the significant harm that would arise to the character and appearance of the area, nor would it be an appropriate location.
11. The Council's Conservation Officer did not object to the planning application, although I consider this is of more relevance to the consideration of the effect on the setting of a listed building, rather than on infill and the character and appearance of the area.
12. I conclude the proposal would have a significant and unacceptable harmful effect on the character and appearance of the area. As such, it would not comply with Policy LP2 as regards infill development in a hamlet, nor with Policies LP17 and LP26 of the Local Plan which seek to protect and enhance the intrinsic value of the landscape, including the setting of settlements, and state that all development must achieve high quality sustainable design that

contributes positively to local character and landscape, and must take into consideration the character and local distinctiveness. I attach significant weight to the conflict with these policies as they are of relevance to the main issue and the related concerns set out in the reasons for refusal.

13. In coming to my conclusions on Policy LP17, I have had regard to that the policy does provide for the overriding benefits of the development to demonstrably outweigh the significant harm. The proposal would make a contribution to the housing supply and mix, albeit this would be limited to one additional unit. Hence, this would not constitute an overriding benefit that would demonstrably outweigh the significant harm.
14. The proposal would not constitute a new isolated home in the countryside under paragraph 55 of the National Planning Policy Framework (Framework), and would accord with its policy guidance in relation to supporting rural services, and the associated advice in the Planning Practice Guidance. However, this does not address the conflict by way of the effect of the proposal on the character and appearance of the area, as the Framework recognises the intrinsic character and beauty of the countryside, and the need to respond to local character and distinctiveness.

### **Other Matters**

15. Manor Cottages are grade II listed properties related to a former farmhouse building. They lie beyond the corner of the road and are separated from the site by a number of other properties. With the intervening built form and boundary enclosure, and as they form a distinct building on their plots, the proposal would not impinge on their qualities. Accordingly, it would preserve the setting of the listed building and accord with the statutory duty under Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
16. As the proposal would be well separated from the nearest residential properties, it would protect the living conditions of their occupiers. It would also not be unacceptable with regard to highway safety, with the likely traffic generation, and with regard to drainage and the effects on the PROW. However, these matters are neutral and do not address the unacceptable harm that would arise concerning the effect on the character and appearance of the area.

### **Conclusion**

17. For the reasons set out above and having regard to all matters raised, the appeal should be dismissed.

*Darren Hendley*

INSPECTOR