



Appeal Decision

Site visit made on 18 April 2018

by **Elaine Gray MA(Hons) MSc IHBC**

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

Decision date: 16 May 2018

Appeal Ref: APP/N2535/W/18/3195111

Corner House Farm, Main Road, Linwood, Market Rasen LN8 3QG

- 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 J Blakey against the decision of West Lindsey District Council.
 - The application Ref 136292, dated 26 May 2017, was refused by notice dated 4 August 2017.
 - The development proposed is described as '2 custom-build houses and accessed via an upgraded existing driveway'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the site is, in principle, an appropriate location for the proposed development.

Reasons

3. There is no dispute between the main parties that Linwood is defined as a hamlet. Policy LP2 of the Central Lincolnshire Local Plan (LP) defines hamlets as settlements with dwellings clearly clustered together to form a single developed footprint. Within such settlements, single dwelling infill developments in appropriate locations will be supported in principle. However, infill developments must be within the developed footprint, and within an otherwise continuous built up frontage of dwellings.
4. The term 'appropriate location' means a location which does not conflict, when taken as a whole, with national policy or the policies in the LP. Furthermore, to qualify as an 'appropriate location', a site, if developed, should: 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 contends that the appeal site is a defined gap within the hamlet, and is not suitable for infill development. LP Policy LP2 clarifies that the term 'developed footprint' of a settlement is defined as the continuous built form of the settlement and excludes, amongst other things, 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.

6. On one side of the appeal site is a terrace of dwellings and on the other is Corner House Farm, with its associated barn. The site, which the appellant describes as marginal, and historically used for fruit trees, is an area of rough grass bounded by an informal, well-maintained hedge. Whilst not part of the agricultural holding, the appearance of the site is akin to the adjacent rural land. As such, I consider that it relates more to the surrounding countryside than to the built up area of the settlement.
7. That being the case, I conclude that the site falls within the definition of the types of land that are excluded from the developed footprint of the settlement, as described in LP Policy LP2. As it is excluded from the developed footprint, the site would not meet the criteria for infill development. The presence of the buildings on either side would not alter this conclusion.
8. Drawing these factors together, I conclude that the appeal site would not, in principle, be an appropriate location for the proposed development. In the absence of any compelling case to depart from the development plan, I therefore find that the development would unacceptably fail to comply with the spatial strategy and settlement hierarchy set out by LP Policy LP2.
9. Even if I were to find that the site met the conditions for infill development, LP Policy LP2 allows only for the development of single dwellings within such sites. As the proposal would create two new dwellings, it would conflict with the policy in this regard in any case. I agree that broad frontages, such as that of Linwood Manor, are often characteristic, and that it is not untypical to find access tracks to agricultural land in gaps between dwellings in rural locations. However, these matters would not outweigh the policy conflict I have identified, or lead me to the view that the Council's definition of the term 'infill' is too restrictive.
10. I have had regard to an extant permission (ref: 132740) for the conversion of the adjacent agricultural building for use as a single dwelling. The appellant confirms that they have subsequently received approval for three dwellings on this site (ref: 137295). I acknowledge the appellant's willingness to forego the development of the barn on the basis that the appeal scheme for two dwellings would be more appropriate. However, as I have found that the appeal site would not be an appropriate location for the proposal, I can attach little weight to this fallback position. My attention has been drawn to a recent court case¹ and also two appeal decisions² within West Lindsay. However, the details of these cases are not before me, and so I can give them limited weight in my consideration.
11. In terms of sustainability, Linwood lies approximately a mile from the edge of Market Rasen, which offers a number of services and facilities. The appellant argues that this proximity would mitigate the lack of services within Linwood itself. However, there is little cogent evidence before me to show that future occupants would regularly use sustainable modes of transport to access the facilities in Market Rasen. Reference is made to timetabled and hopper bus services, but I have not been provided with any details of these, and so I can attach little weight to them.

¹ Mansell v Tonbridge and Malling Borough Council [2017] EWCA Civ 1314

² APP/N2535/W/16/3156035 & APP/N2535/W/16/3142624

12. Whilst a mile would be a reasonable walking distance, the route along the main road would be unlit for the most part, and would not be suitable for regular journeys on foot to access day-to-day services. Similarly, although there is a national cycle network from Linwood, I am not convinced that cycling would be an attractive option throughout the year, and in various weathers, for regular and sustained trips to access employment and other facilities. I am therefore satisfied that the site would not be a sustainable location for the development, as defined in the National Planning Policy Framework.

Other Matters

13. I note the appellant's contention that the application was made on the basis that one dwelling might be permitted under the 'hamlet' policy, and the other as self-build. However, this distinction would not overcome my concerns regarding the overall acceptability of the scheme. The development of two properties, as opposed to one, could be regarded as making more efficient use of the land. Nonetheless, this aim would not strike an acceptable balance with the unacceptable policy conflicts that I have identified.

14. The appellant states that the development would offer the opportunity to address a long-standing foul drainage problem relating to the adjacent cottages. However, this problem may be able to be addressed independently of the appeal scheme, and so I can afford the matter little weight in planning terms.

15. Whilst the development would be designed to resemble a grouping of agricultural buildings, and would conceal the adjacent modern barn building, these factors would not make the scheme acceptable in terms of the requirements of LP Policy LP2. Whilst sustainable and efficient modes of construction would be used, this would be insufficient to tip the planning balance in favour of the proposal.

16. I have had regard to the representation that has been received in support of the proposal development. However, this has not led me to a different conclusion. The appellant raises issues in respect of the Council's administration of the self-build register. However, this is a matter for the relevant parties to resolve between themselves, and has not formed part of my consideration.

Conclusion

17. For the reasons above, I conclude that the appeal should be dismissed.

Elaine Gray

INSPECTOR