



Appeal Decision

Site visit made on 4 June 2018

by **Susan Ashworth BA (Hons) BPL MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8th June 2018

Appeal Ref: APP/N2535/W/17/3191418

Land adjacent to St. Helens View, High Street, Willingham by Stow, Gainsborough DN21 5FE

- 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 John Bingham against the decision of West Lindsey District Council.
 - The application Ref 136083, dated 6 April 2017, was refused by notice dated 14 June 2017.
 - The development proposed is outline planning application for three detached dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application was submitted in outline with all matters reserved for subsequent approval. I have dealt with the appeal on that basis.

Main Issue

3. The main issues in this case are:
 1. The impact of the development on the character and appearance of the area.
 2. The impact of the development on the settings of the nearby grade II listed buildings: Willingham House, the Church of St Helen, Grange Farmhouse and 1 & 3 Stow Road.

Reasons

Character and Appearance

4. The appeal site is an area of grassed land located on the edge of the settlement of Willingham by Stow adjacent to a small group of dwellings at St Helens View. The site is located in a prominent location on one of the main routes into the settlement and occupies a corner position on a sharp bend. Visually, the site, which is bounded by a mix of hedgerows, mature trees and simple fencing, forms a continuous part of the open countryside to the north.
 5. The layout submitted with the application for indicative purposes, shows three dwellings fronting Gainsborough Road, with a shared access off High Street leading to garages.
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6. Policy LP2 of the Central Lincolnshire Local Plan 2017 (the Local Plan) identifies the Council's approach to sustainable growth, including housing development, setting out a hierarchical approach that focusses growth on Lincoln and the main towns of Sleaford and Gainsborough with some significant but proportionate growth in market towns, and less growth in large and medium villages. Willingham by Stow is categorised in Policy LP2 as a 'small village' where, generally, any new development would be small scale, of a limited nature, in an appropriate location.
7. To be considered an appropriate location, in addition to a development being consistent with local and national policy, Policy LP2 requires that it must 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. Policy LP4 sets out the percentage growth that may be permitted within a village during the plan period, to 2036. There is no dispute between the parties that under this policy there is still some limited capacity for development in the village. However, the Council can currently demonstrate a five year supply of housing land within the district.
9. The settlement has a relatively compact shape and form, bounded on the north side by properties fronting, or accessed off High Street. Given that there is development on the opposite side of High Street, the proposal could retain the core shape and form of the settlement. However, there is no precedent for houses facing Gainsborough Road and it seems to me that whilst it might obscure the back of No 1 St Helens View, the indicative layout would turn its back on the settlement and as such be an unsatisfactory form. Nevertheless I acknowledge that the layout is indicative only.
10. The site, which is currently free from development, makes a positive contribution to the rural character and setting of the village partly because of its open appearance and its agricultural character, and also because of the views it affords of the settlement's historic core, including the listed building Willingham House, when approaching from the north. This building, which is obscured in longer range views by existing buildings and vegetation, is revealed closer to the bend. Views of it and the church beyond, enhance the experience of arriving at the village.
11. The development would have an urbanising effect on a greenfield site that would significantly alter its rural character and appearance and would affect views of the historic core of the settlement. Consequently, the development would harm the setting of the settlement. As such the site is not an appropriate location for development as defined in Policy LP2 above.
12. My attention has been drawn to other appeal decisions for development in this settlement and others. No details of these cases have been provided but I note from the Council's comments that they are not all comparable with the appeal proposal either in terms of the policy background or the site circumstances. Similarly the appeal proposal in Osgodby¹ was for a single dwelling and is not therefore a directly comparable scheme.

¹ Appeal Ref: APP/N2535/W/17/3168283

13. For these reasons the proposal would be contrary to Policies LP2 and LP4 of the Local Plan as well as Policy LP17 which seeks to protect landscape, townscape and views, including the setting of settlements.

Setting of the Listed Buildings

14. Under section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 I am obliged to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest. The National Planning Policy Framework (the Framework) advises that 'significance derives not only from the asset's physical presence but also from its setting'.
15. Policy LP25 of the Local Plan requires an applicant to describe and assess the significance of the heritage asset, including its setting, to determine its architectural, historical or archaeological interest, to identify the impact of the proposed works on the significance and special character of the asset and to provide clear justification for the works, especially if these would harm the significance of the asset or its setting. This is consistent with the requirements of Section 128 of the Framework.
16. The appellant accepts that the site lies within the setting of the heritage assets but the Heritage Impact Assessment accompanying the application makes no assessment of the significance of the setting of the listed buildings or the impact of the development on that setting.
17. The way in which a heritage asset is experienced does not relate only to views of it but includes, amongst other things, an understanding of the historic relationship between places. It seems to me that all of the listed buildings identified, had a historic relationship with the agricultural land around the settlement whether in terms of their position, design or function. In addition it seems likely that the site resembled the setting of the buildings at the time they were originally constructed. It therefore contributes particularly strongly to their significance as heritage assets.
18. I acknowledge that the development at St Helens View already intrudes into the setting of the assets. However, the Planning Practice Guidance advises the implications of cumulative change need to be considered in the assessment of a proposal. It seems to me that cumulatively, an extension of development further along High Street, and the further erosion of the landscape around this part of the settlement, would have a significant cumulative effect on the significance of the setting of the farmhouse and the houses and church individually and as a group.
19. My attention has been drawn to examples of approved applications for development close to the listed buildings. I do not have the details of these proposals before me and cannot be sure of the level of detail submitted with them, or the context, in which they were approved. As such they have no bearing on this case, which in any event it is my duty to determine on its merits.
20. Consequently, on the basis of the evidence before me, the proposal would be contrary to the requirements of Policy LP25 of the Local Plan which seeks to protect, conserve and look for opportunities to enhance the historic

environment. Moreover on the basis of the evidence before me the proposal would not meet the statutory duty set out above.

Other Matters

21. I have taken into consideration the concerns of the occupiers of the neighbouring properties regarding the impact of the proposal on living conditions with particular regard to outlook and disturbance from noise.
22. The indicative layout shows the dwellings sited at least 25m back from the rear or side elevations of these properties and I am therefore satisfied that there would be no loss of privacy. However, the garage to Plot 1 is shown in close proximity to the rear of 1a St Helens View which contains the principal windows of the dwelling, including a conservatory which is not shown on the plan. It seems to me that a garage in this position would cause some harm to outlook from that property and therefore adversely affect the living conditions of the residents.
23. I recognise that the proposed access drive would be located close to the boundary to 1 St Helens View but am satisfied that given the limited number of dwellings it would serve, and the opportunity for landscaping to soften its impact, any increase in disturbance would be minimal.
24. Notwithstanding that, I acknowledge that all matters are reserved for subsequent approval.

Conclusion

25. For the reasons set out above, and taking into account all other matters raised, the appeal is dismissed.

S Ashworth

INSPECTOR