
Appeal Decision

Site visit made on 18 October 2018

by D Guiver LLB (Hons) Solicitor

an Inspector appointed by the Secretary of State

Decision date: 27 November 2018

Appeal Ref: APP/N2535/W/18/3207425
Land on Barlings Lane, Langworth LN3 5DF

- 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 WPD Holland & Sons Limited against the decision of West Lindsey District Council.
 - The application Ref 137084, dated 28 November 2017, was refused by notice dated 22 January 2018.
 - The development is described as proposed erection of 3no. dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for proposed erection of 3no. dwellings at Land on Barlings Lane, Langworth LN3 5DF in accordance with the terms of the application Ref 137084, dated 28 November 2017, subject to the conditions in the attached Schedule.

Preliminary Matters

2. Since the date of the Council's decision, the National Planning Policy Framework 2018 (the Framework) has been published and has effect. The parties have had the opportunity to make representations on the effect of the Framework on the application and I have taken all comments into consideration in this decision.

Main Issue

3. The main issue is whether the proposal is an appropriate form of development having regard to the policies in the local development plan.

Reasons

4. Policy LP2 of the Central Lincolnshire Local Plan 2017 (the Local Plan) provides a spatial strategy and settlement hierarchy that identifies Langworth as a small village. The Policy seeks to prioritise developments promoted in a neighbourhood plan or where clear local community support is demonstrated. Other small scale proposals of around four dwellings in appropriate locations should be considered on their own merits. Appropriate locations are defined as locations that do not conflict with national or local policies taken as a whole, and where development would retain the core shape and form of the settlement and would not significantly harm the settlement's character and appearance, including its rural setting, or the character and appearance of the surrounding countryside.

5. Policy LP4 of the Local Plan states that in principle Langworth would be permitted to grow by 10%. The Council states that the proposal in combination with other extant permissions and development built since 2012 would result in a 20% increase in housing in the village.
6. The Council's evidence gives details of a number of approved developments where planning permission was given before the Local Plan came into force but little information about approvals since that date. Paragraph 1.1 of the Local Plan clearly states that the period covered by the plan is 20 years from adoption in 2017 to 2036. The 10% growth figure in Policy LP4 should be considered from the date of adoption as earlier developments and approvals would have been factored in when setting the target. I therefore attached little weight to approvals under previous iterations of the local development plan in determining whether the proposed development would impact on the 10% growth figure provided for in the Local Plan.
7. There is no neighbourhood plan in force that could promote the proposed development and limited evidence of demonstrable local community support, although there are no specific objections either. The proposal should therefore be determined in accordance with the remaining criteria in Policy LP2 of the Local Plan.
8. The appeal site comprises an open field located between existing houses and a small cemetery. There are a number of trees on the site including four along the front boundary that are protected by a tree preservation order (TPO). There are further houses on the far side of the cemetery and on the opposite side of the road. Other than the cemetery the area is predominantly residential. The proposal is for the erection of three detached houses on the site, which is large enough to provide plots similar in size to the neighbouring dwellings and would satisfy the requirement of a small scale development. With housing either side of the appeal site the proposal is effectively an infill development and would retain the core shape of the settlement.
9. Surrounding houses are an eclectic mix of two-storey buildings and bungalows with no particular architectural style. Dwellings are predominantly detached or semi-detached. The proposed buildings would be of a relatively conventional design and would sit comfortably in the street scene, and would not cause harm to the character and appearance of the village, its rural setting or the wider countryside beyond the settlement's developed footprint.
10. Therefore the proposal would be in accordance with Policies LP2 and LP4 of the Local Plan.

Other Matters

11. The appellant stated that the Council behaved unreasonably in not pursuing a view from the parish council. The Council notified the parish council of the application and gave it the opportunity to comment, and beyond that there is no specific duty or requirement to pursue a response. I therefore do not consider that the Council acted unreasonably.

Conditions

12. The conditions set out in the accompanying schedule are based on those suggested by the Council. Where necessary I have amended the wording of

these in the interests of precision and clarity in order to comply with the advice in the Planning Practice Guidance.

13. In the interests of proper planning I have imposed the standard condition in respect of the time limit. For certainty I have imposed a condition requiring compliance with the plans. To ensure that the development preserves the character and appearance of the area I have imposed conditions requiring approval of facing materials of all proposed buildings and landscaping, including a condition for the replacement, preservation and protection of trees on the site especially those subject to the TPO. To ensure adequate drainage and prevent the pollution of the water environment I have imposed conditions relating to foul and surface water drainage.
14. The Council's archaeological officer has requested an archaeological investigation and I have therefore imposed conditions for a survey and the recording and preservation of any artefacts found on site. In the interests of highway safety and the convenience of other road users I have imposed a condition requiring completion of driveways before the proposed buildings are occupied.
15. To ensure the amenity of neighbours is not unnecessarily disrupted I have imposed a condition limiting the hours of work on the site. The Council's Environmental Health Team has requested information about possible land contamination. However, the effect of any contamination on the progress of the development can be adequately controlled by condition and I have therefore imposed one.

Conclusion

16. For the reasons given above, and taking into account all other material considerations, I conclude that the appeal should succeed.

D Guiver

INSPECTOR

Schedule

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: LDC1769-01; LDC1769-02A; LDC1769-03; LDC1769-04; LDC1769-05; and LDC1769-06.
- 3) Prior to completion of the damp proof course level details of all external facing materials shall have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved details.
- 4) Prior to completion of the damp proof course level details of a scheme of hard and soft landscaping shall have been submitted to and approved in writing by the local planning authority. The scheme shall include details of the height and materials used for the boundary treatments and the surface material of the parking spaces.
- 5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority.
- 6) The development shall be completed in accordance with the tree protection measures identified in the Tree Constraints and Protection Report prepared by Mark Hudson dated 27th March 2017. The approved protection measures shall be installed prior to commencement and retained in place until the development is completed.
- 7) Development shall not commence until drainage works for foul and surface water shall have been carried out in accordance with details which shall have been submitted to and approved in writing by the local planning authority.
- 8) No development shall take place on the application site until a Written Scheme of Archaeological Investigation shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions and:
 - i) the programme and methodology of site investigation and recording;
 - ii) the programme for post investigation assessment;
 - iii) the provision to be made for analysis of the site investigation and recording;
 - iv) the provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - v) the provision to be made for archive deposition of the analysis and records of the site investigation;
 - vi) the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.

- 9) No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 8.
- 10) The local planning authority shall be notified in writing of the intention to commence the archaeological investigations in accordance with the approved written scheme referred to in condition 8 at least 14 days before the said commencement.
- 11) No dwelling shall be occupied until space has been laid out within the site in accordance with drawing no. LDC1769-02A for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear and that space shall thereafter be kept available at all times for those purposes.
- 12) Demolition or construction works shall take place only between 0800 and 1800 hours on Monday to Friday and between 0800 and 1300 hours on Saturday, and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 13) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.

END OF SCHEDULE