



Appeal Decision

Site visit made on 1 November 2023

by **C Dillon BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 March 2024

Appeal Ref: APP/N2535/W/23/3322165

Land to east of 2 Rasen Road, Tealby, Market Rasen LN8 3XL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Holdsworth Homes Ltd against the decision of West Lindsey District Council.
 - The application Ref is 145659
 - The development proposed is a 2 bedroom detached dwelling with attached double garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the absence of evidence that a revised description of the proposed development was formally agreed, I have relied upon that cited on the planning application form as that is what the appellant originally sought planning permission for.
3. The Council has adopted the Central Lincolnshire Local Plan (the Local Plan) subsequent to issuing its decision notice and I have necessarily made my determination against that new Plan. The main parties have had the opportunity to make their respective cases in the context of that change to the local policy context.
4. Since the appeal was lodged, a revised National Planning Policy Framework (the Framework) has been published. Although I have made my determination against that updated national policy context, the relevant changes relate to formatting and do not raise any new matters which are determinative to the outcome of this appeal.
5. The appeal site falls within close proximity to several buildings of special interest and value. The submitted evidence indicates that these are Grade I listed 'Church of All Saints' as well as Grade II listed '6-10 Caistor Lane', 'Curate's Cottage', 'The Vicarage', 'Stockhill Cottage' and 'Tealby Vale'. The appeal site is also located within the 'Tealby Conservation Area'. Therefore, in making my decision, I have undertaken my statutory duties in respect of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
6. The appeal site is located within the Lincolnshire Wolds, (the Wolds). Since the appeal was lodged that Area of Outstanding Natural Beauty (AONB) designation has been rebranded to that of a 'National Landscape'. However, that change has no bearing on the application of the relevant policies as part of my assessment.

Main Issues

7. The main issues are:

- the effect of the appeal proposal on the character and appearance of Tealby village
- whether the appeal proposal would preserve or enhance the character or appearance of the Tealby Conservation Area
- whether the appeal proposal would preserve the setting of the nearby Grade I listed 'Church of All Saints' and also Grade II listed '6-10 Caistor Lane', 'Curate's Cottage', 'The Vicarage', 'Stockshill Cottage' and 'Tealby Vale'
- whether or not the appeal proposal is justified in locational terms, with particular regard to the adopted spatial approach to new housing growth; and
- the effect on the scenic qualities of the Wolds as a National Landscape.

Reasons

Character and appearance of village

8. The appeal site is a grassed, rectangular parcel of land located on the edge of Tealby village. The site rises up from its stone boundary wall frontage before levelling out. The Grade I listed Church of All Saints and some of its grounds occupy an elevated position directly opposite the road frontage of the site. The appeal site is elevated above the level of neighbouring Blacksmith's Cottage to one side. Public Footpath Teal/124/1 (the PROW) and a farm track run beyond the mature vegetation that contains the remaining side and rear boundaries of the appeal site. Beyond the PROW lies some raised undeveloped land and then a detached churchyard. These reinforce the undeveloped character of this edge of the village.
9. The intimate, leafy rural character and appearance of Tealby is partly derived from the age and architecture of its buildings. These are clustered around the Church and interspersed with surrounding mature tree cover. Glimpses of the surrounding countryside where it either penetrates or contains parts of the built form of the village also contribute positively to defining the important character and appearance of this settlement. The appeal site is one such part which acts as a reminder of the wider countryside context of this village. The undeveloped nature of the site causes it to relate more to the surrounding countryside than the built form of the settlement. This is a characteristic identified in the Landscape Character Assessment.
10. The proposed dwelling and garage would change the existing undeveloped rural character and appearance of the appeal site. Despite the surrounding mature vegetation and topographical changes, its localised effect would be evident from nearby vantage points within the village. In particular, its presence would be felt on this part of Rasen Road and also from the grounds surrounding the elevated listed Church and on approach in either direction along the PROW.
11. The submitted evidence does not demonstrate to me that the substantial change which would arise would be adequately mitigated through the proposed positioning of the dwelling within the site, its sunken floor levels, simple form,

- more limited height and footprint and also the proposed informal treatment of the access, driveway and outdoor space.
12. The appeal proposal would significantly undermine the existing interrelationship between the built form of the village and its countryside context which contributes positively to the important character and appearance of this part of Tealby. This harm could not be adequately addressed through the imposition of planning conditions.
 13. I am satisfied that the appeal proposal would not directly affect any of the surrounding trees so as to harm the positive contribution they make to their rural context. However, the arboricultural evidence demonstrates that many of these trees are in a poor condition. Furthermore, when unclothed the effectiveness of their collective canopies would be weakened. These matters would undermine the future effectiveness of the role of these natural features in screening the appeal proposal in the short to medium term, even with further planting.
 14. For these reasons, the appeal proposal would be harmful to the character and appearance of Tealby village.
 15. Policy S53 of the Local Plan states that all development must achieve high quality sustainable design that contributes positively to local character, landscape and townscape, amongst other things. It sets out the criteria to secure this. The appeal proposal does not accord with all of those criteria in that it would not successfully integrate into the surroundings, it would not contribute positively to the sense of place and would not adequately reflect and enhance existing character and distinctiveness. Therefore, overall the appeal proposal would conflict with this policy.

Heritage Assets

Tealby Conservation Area

16. The appeal site occupies a roadside position within one of the more intimate parts of the Tealby Conservation Area. This important designation comprises a series of individually designed traditional dwellings, public buildings and intervening undeveloped spaces. The village has a relatively compact grain, but its vegetation and undeveloped spaces, including the appeal site, enhance the verdancy and maturity of the area and emphasises its historic rurality within the wider Wolds landscape.
17. The concentrated grouping of these elements contribute positively to the quality and local distinctiveness which is integral to the character and appearance of the Conservation Area. The significance of this important designated heritage asset includes its historic and architectural evolution as a medium sized rural village of medieval origins.
18. The harm that I have identified to the character and appearance of the village would, albeit very localised, translate to the character and appearance of this Conservation Area. It would directly diminish the significance of this site within this historic context. Consequently, the appeal proposal would neither preserve or enhance its character or appearance and, as such, would not accord with the provisions of the Act.

19. In terms of the Framework, by virtue of its nature and scale, the appeal proposal would cause less than substantial harm to this designated heritage asset. I afford considerable importance and weight to that harm. I address whether this harm is justified and the accordance of the scheme or otherwise with the heritage policies of the Local Plan later.

Setting of listed Church

20. The medieval Grade I listed Church of All Saints, is a key historical focal point for the village by virtue of its special interests which are derived mainly from its age, functional, cultural and architectural values. These are recognised as being worthy of the highest grading for listed buildings.
21. The Lincolnshire Historic Record demonstrates that the appeal site has a historical connection with the Church, being once the location of the vicarage of Tealby, which was demolished in the 19th century. The submitted evidence indicates that such an act signifies that it was a building of considerable age which was no longer deemed fit for the requirements or social standing of the Victorian vicars of Tealby. The submitted evidence also reveals that a remaining stone building adjacent to the site may be a surviving part of that former vicarage complex. By virtue of its historical association and function, the appeal site forms an important part of the setting of this listed Church. Contrary to the appellant's stance, the fact that the site is to the rear of the Church does not diminish that standing.
22. Although no longer falling within a single site ownership, by its very nature the appeal proposal would eliminate the ability to understand and experience the remaining historical connection between the Church, the remaining part of the former vicarage's complex and the appeal site itself. The proposed design and siting measures and a planning condition to secure appropriate interpretation would not sufficiently mitigate against such a loss. The proposed change to the setting of the Church would represent less than substantial harm to the historical interests of this Grade I listed building.
23. In having special regard to the desirability of preserving this Grade I listed building and its setting; the resulting harm would fail to preserve that setting and would harm its special interest features. That would not accord with the provisions of the Act. I afford considerable importance and weight to that harm.

Heritage Balance

24. The appeal proposal would not preserve the character or appearance of the Tealby Conservation Area but would harm it. Neither would it preserve the setting of the Grade I listed Church of All Saints. I attach considerable importance and weight to each of those harms. In terms of public benefits, the appeal proposal would provide enhanced planting and management of existing trees. It would also make a limited contribution to the housing land supply of the area. Each of these public benefits carry moderate favourable weight.
25. In the context of the Framework, when weighing each of the identified heritage harms against these public benefits none of these harms would be outweighed. This indicates that the identified adverse heritage effects to both the Conservation Area and the listed Church are unjustified. Consequently, the

appeal proposal does not accord with the approach to the historic environment contained within the Framework.

26. My attention has been drawn to earlier comments from the Conservation Officer which the appellant considers were favourable in terms of the development potential of the appeal site. However, my assessment is based on the specific scheme before me. I have set out my findings and those comments do not cause me to deviate from them.
27. The submitted evidence does not demonstrate any further heritage harm to the other nearby listed buildings identified earlier. Given the unjustified harm to the Grade I listed Church, it serves no favourable purpose to the appellant in me making any further individual assessments on the effect on the setting of those.
28. In overall conclusion, the appeal proposal would not preserve or enhance the character and appearance of the Tealby Conservation Area and would not preserve the setting of Grade I listed Church of All Saints but would harm each of them. There are no compelling public benefits which would outweigh those harms.
29. Policy S53 of the Local Plan requires, amongst other things, that the design of all development integrates into the surroundings, responds to local history, culture and heritage and enhances existing character and distinctiveness. Policy S57 of that plan states that developments must protect, conserve and seek opportunities to enhance the historic environment. It states that significant weight will be given to the protection and enhancement of conservation areas. Amongst other things, where a development would result in less than substantial harm to a designated heritage asset, planning permission will only be granted where the public benefits outweigh the harm. In view of my heritage findings, the appeal proposal conflicts with both of these local policies.

Spatial approach

30. Policy S1 of the Local Plan seeks to deliver sustainable growth for the area through a hierarchy of settlements according to their sustainability credentials and ability to support new development. That settlement hierarchy defines Tealby as a 5th category 'medium village'. That plan recognises that limited growth may be appropriate in such locations and unallocated development is limited to that which accords with Policy S4.
31. Crucially, within that policy context an 'appropriate' location' is defined as one which does not conflict, when taken as a whole, with national or local policies. It requires that the site, if developed, retains the core shape and form of the settlement and does not significantly harm the character and appearance of the settlement, its rural setting or the surrounding countryside.
32. The appeal proposal relates to the erection of an additional dwelling within an unallocated undeveloped land parcel located on the edge of Tealby. The proposal would fall well within the 10-unit threshold of Policy S4. Furthermore, the appeal proposal would be accessible on foot to some local services and facilities and by public transport to others further afield. These would be capable of supporting the daily needs of the prospective occupants of the proposed dwelling. However, the site has the credentials of a small paddock. I disagree that it relates more to the built up area than the surrounding

countryside. Therefore, it does not meet the definition of what constitutes the 'developed footprint' of Tealby set out in the Plan.

33. In view of the harms that I have identified to the character and appearance of the village and its heritage interests, the appeal proposal would not meet the explicit definition of an 'appropriate location' contained within the Plan. Neither would it accord with those other criteria of Policy S4 which seek to preserve or enhance the character and appearance of the settlement; not significantly harm the character and appearance of the surrounding countryside or the rural setting of the village; and be consistent with other policies in the development plan. The appeal proposal would not constitute one of the exceptions cited in Policy S4 which support residential development on unallocated land immediately adjacent to the 'developed footprint'.
34. Consequently, the appeal proposal would not be justified in locational terms, with particular regard to the adopted spatial approach to new housing growth. As such, it would conflict with Policy S1 and S4 of the Local Plan.

National Landscape

35. The rural landscape of this part of Central Lincolnshire is a highly valued asset. It contributes greatly to the local distinctiveness and attractiveness of the Wolds as a National Landscape. The key aims of its Management Plan includes sustaining and enhancing the natural beauty of the Wolds and its landscape character, as well as sustaining its farming and land management as the primary activities in maintaining its character, landscape and biodiversity. It also seeks to protect and enhance local character and distinctiveness through the highest quality of design in new development, including making space for biodiversity and tackling climate change.
36. The appeal site and wider village form part of that important National Landscape designation. The Council has not adequately substantiated the extent to which this harm would translate to the scenic qualities of the Wolds. Despite the appellant's landscape evidence, I have found harm to the character and appearance of the local area which is integral to that National Landscape designation. Even if I were to conclude that its effect would be very negligible in diluting the perceptual qualities of the Wolds because of the very localised effects, such a finding would not be determinative to the outcome of this appeal given the other harms and conflicts with the development plan that I have identified.

Planning Balance

37. I recognise that the appeal proposal accords with some of the relevant development plan policies. However, the harms that I have found to the character and appearance of the village, the Tealby Conservation Area and the setting of the Grade I listed Church are of a nature and scale that cause the appeal proposal to conflict with the development plan taken as a whole. Crucially, the matters identified as weighing in favour of the appeal proposal do not outweigh the conflict with the development plan.

Conclusion

38. For the reasons given, and having had regard to all matters raised, I conclude that the appeal should be dismissed.

C Dillon

INSPECTOR