
Appeal Decision

Site visit made on 4 October 2016

by **S J Lee BA(Hons) MA MRTPI**

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

Decision date: 12th October 2016

Appeal Ref: APP/D2510/W/16/3154390

Land to the West of Pennygate, Middlesykes Lane, Grimoldby, Lincolnshire LN11 8TE

- 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 Mrs Helen Craggs against the decision of East Lindsey District Council.
 - The application Ref N/067/02441/15, dated 14 December 2015, was refused by notice dated 16 May 2016.
 - The development proposed is the erection of 3 no dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 3 no dwellings at Land to the West of Pennygate, Middlesykes Lane, Grimoldby, Lincolnshire LN11 8TE in accordance with the terms of the application, Ref N/067/02441/15, dated 14 December 2015, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are (i) the effect of the development on the character and appearance of the area and (ii) whether the development would represent sustainable development in light of local and national policies on new housing in the countryside.

Reasons

Character and appearance

3. Saved policy A3 of the East Lindsey Local Plan Alteration (1999)(ELLP) identifies Grimoldby, along with nearby Manby, as a 'Main Village'. The plan states that main villages provide a limited but valuable range of services for surrounding smaller settlements. The appeal site forms part of an open field outside the defined settlement boundary of the village. The site is also identified as a protected frontage under policy ENV24 of the ELLP. This states that permission will only be granted where there would not be significant harm to the character and appearance of a frontage or to one of a list of roles such locations may play.
 4. The Council have confirmed that they cannot identify a five year supply of deliverable housing sites. Therefore, the ELLP's policies relating to housing land supply are considered out-of-date. In these circumstances, the presumption in favour of development, as set out in the National Planning
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Policy Framework (the Framework), requires planning permission to be granted unless the impacts of doing so would significantly and demonstrably outweigh the benefits when considered against the policies in the Framework as a whole.

5. The appeal site forms part of a large open field inset between the bungalows of 'Mi Casa' and 'Pennygate' and their respective curtilages. An uninterrupted hedgerow and drainage ditch separate the site from the roadside. The field opens up and stretches back beyond the rear edge of the site to intersect with Northgate Lane. The existing hedgerow limits the views through the site from Middlesykes Lane, but where gaps exist, there are views across to sporadically located dwellings on Northgate Lane and of the trees and landscaping which line the road and field boundaries. The dwellings and boundary treatments of the houses either side of the site are also in evidence as they protrude into the field.
6. This part of the village is characterised predominantly by bungalows set back from the road in relatively spacious plots. 'Mi Casa' stands alone to the west of the site in a narrow plot, the other side of which is another gap in the frontage of the same field as the appeal site. 'Pennygate', which is to the east of the appeal site, forms the start of a row of dwellings which stretch away from the main core of the village. On the opposite side of the road is a row of bungalows which form a continuous frontage of housing from Tinkle Street, which is the main road running through the village. These continue beyond the extent of the appeal site to a point further along Middlesykes Lane.
7. This part of the lane is well related to the edge of the defined settlement and, with housing prominent on both sides of the road, it provides something of a sense of transition between the more built-up part of the village and the open countryside beyond. The fact that the backdrop to the site includes a number of other dwellings in the vicinity of the village also helps to confirm that this area is neither distant nor disconnected from the built form of the settlement.
8. The field clearly provides an attractive open setting to the village and the hedgerow and mature landscaping help to further reinforce its rural character. The closing of the gap, and the restriction of the views that do exist, would inevitably change the open and undeveloped character of the site. The impact of this will be mitigated to an extent by the retention of the majority of the hedgerow to the front of the site. However, the creation of the access points and driveways, laying out of the passing place and all of the domestic paraphernalia associated with the housing, would result in some change to the nature of the street scene along this frontage.
9. However, change does not always equate to harm. As already noted, this is an area of transition between the 'core' of the village and the open countryside. The development would not lead to any expansion of the ribbon of development that already extends along the street into the open countryside. Rather, it would constitute the infill of a gap in an existing frontage of dwellings. While I recognise that there is only one dwelling before the appeal site, this still establishes a residential character on the northern side of the road which, importantly, continues beyond the gap.
10. The design of the dwellings would be in-keeping with the character and appearance of the area. They would be sympathetic to the style and scale of others in the area and would be similarly set back from the street. Furthermore, they would be of a similar plot size and density to the other

houses in the immediate area. Therefore, the development would not appear incongruous or unduly prominent in the street scene when considered in the context of other nearby housing. In this respect, it would also not cause any harm to the role this area has in terms of the rural setting and character of the village.

11. The rear of the site would be visible across the field from Northgate Lane but the roofs of the bungalows on the opposite side of the road are a more prominent feature from this vantage point. The boundary treatments and glimpsed views of the dwellings either side of the appeal site are also visible. From this location, the gap between the dwellings does not contribute significantly to the setting of the village or character of the area. With appropriate landscaping and boundary treatment to the rear of the site, as indicated on the submitted plans, the development would be seen in largely the same context as the existing dwellings. The approximate 'squaring off' of the field boundary would also not appear as a significant encroachment into the countryside.
12. Therefore, while the nature of the site and frontage would change as a result of the development, the site is well related to the main part of the settlement and the filling of the gap in the frontage would be in-keeping with the transitional character and appearance of this part of the village. Accordingly, the development would not represent a harmful encroachment into the countryside or cause significant harm to the rural character and appearance of the site or wider area. Therefore, I see no conflict with ELLP policy A5 which, amongst other things, seek to resist development which detracts from the distinctive character of an area.
13. There would be some conflict with policy ENV24 in terms of a reduction in the role of the frontage in providing visual relief and being an important element of the street scene. While the protection of the character and appearance of the area is consistent with the objectives of the Framework, the designation of the frontage would serve to control the location of housing and thus would be considered out-of-date. The definition of the frontage has therefore carried a reduced weight in my decision. However, I am satisfied that the harm associated with the development would not be significant and the overriding impact on the character and appearance of the area would be acceptable. In the context of paragraph 14 of the Framework, these issues would not outweigh the benefits of the proposal. This is addressed in more detail below.

Sustainable development

14. The Council have argued that the development would not be sustainable as it would conflict with paragraph 55 of the Framework. This states that housing in rural areas should be located where it can help to enhance or maintain services and facilities within settlements. It also states that isolated homes in the countryside should be avoided unless there are special circumstances. There is no suggestion that these circumstances apply in this case.
15. I understand that Grimoldy contains a reasonably good level of service provision. The Council's officer report confirms that the village contains a number of key services. Detailed evidence on the relationship between the appeal site and services within the village has not been provided. Nevertheless, I am satisfied that the development would be capable of meeting the requirements of paragraph 55 insofar as future occupants would be able to

access and provide economic support to facilities within the village. While it would be reasonable to assume that the development would lead to some increase in car use, this would not be unusual in a rural location and the increase in trips is unlikely to be significant. Furthermore, as the village is capable of meeting many day to day needs, the journey lengths need only be short. Therefore, the development would not be 'isolated' in the context of the Framework. As such, the special circumstances set out in paragraph 55 are not necessary.

16. Notwithstanding this, in terms of determining whether the development constitutes sustainable development, the Framework requires all three dimensions of sustainability, namely economic, social and environmental, to be considered. The relatively good access to key facilities provides both social and economic benefits. There would also be short term economic benefits in relation to the construction of the dwellings.
17. From a social perspective, the development would provide a small contribution to the overall housing land supply. This is an important factor when considering the lack of a five year supply and the Framework's objectives of boosting the delivery of housing.
18. I have also found that there would be no material harm to the character and appearance of the area, thus the environmental dimension of the sustainability is satisfied. While there would be some conflict with policy ENV24, the harm associated with this is not significant in the context of my conclusions on the character and appearance of the area. As such, I do not consider the impact of the development would outweigh the benefits identified. Accordingly, the development would be considered as a sustainable development and the presumption in favour set out in paragraph 14 of the Framework would apply.

Other matters

19. Concerns have been raised by third parties relating to highway and pedestrian safety. I have not been provided with any evidence relating to the incidence of accidents in the area and note that the highway authority has raised no concerns, subject to the imposition of suitable conditions. I acknowledge that the carriageway outside the site is narrow but I observed a reasonable level of visibility in both directions and the provision of a passing place will provide some mitigation to any potential problems associated with vehicles meeting along the street. There are a number of existing vehicular accesses in the area already. Therefore, two additional points of access, along with the marginal increase in traffic associated with the dwellings, is unlikely to have any material effect on either driver or pedestrian safety.
20. I do not consider that the proposal would have any material impact on the living conditions of neighbouring residents and any disturbance during construction would only be temporary in nature. This would not outweigh my conclusions on the acceptability of the development.
21. The site is in Flood Zone 1 but the County Council have highlighted potential issues with surface water drainage. Interested parties have raised associated concerns with the maintenance of the drainage ditch and its ability to accommodate any discharge from the site. The appellant's evidence suggests they do not consider this to be an issue and have set out a range of measures to address surface and foul water drainage. The Council have concluded that

this can be adequately addressed through a planning condition and I have seen nothing to suggest I should disagree with this conclusion.

22. The Parish Council have raised a concern about precedent. My attention was drawn to a number of permissions that have been granted in the area and I noted that there were other open fields in the vicinity of the site. However, each application and appeal must be considered on its own merits and this concern does not justify withholding permission in this case.
23. Reference has been made to the site not appearing as a suitable site in other Council planning documents and that there are other opportunities for development within the village which would be more appropriate. However, I have not been provided with details of these and thus these issues have not had a significant bearing on my decision.

Conditions

24. I have considered the suggested conditions from the local planning and highway authorities in accordance with the guidance contained in the Government's Planning Practice Guidance (PPG). In addition to the standard condition which limits the lifespan of the planning permission, I have imposed conditions specifying the relevant drawings as this provides certainty.
25. Conditions requiring the approval of materials and the nature of the landscaping scheme prior to commencement are necessary in the interests of protecting the character and appearance of the area. For the same reason, a condition is required to maintain and protect the retained elements of the existing hedgerow. I have amended the suggested wording to make reference to the approved plans in the interests of precision.
26. Conditions relating to the agreement of drainage details prior to commencement of the scheme are also necessary to ensure adequate drainage of the site and in the interests of the living conditions of future occupants. Similarly, a condition relating to foul water is necessary. Here I note the Council's suggested condition is for discharge into the public sewer. The appellant's evidence indicates that this would be their preference, subject to feasibility. However, an alternative solution has also been suggested should this not be possible. As I have insufficient evidence that the Council's suggested wording could be achieved, I have amended the Council's condition to require the details of the solution to be agreed and implemented prior to occupation.
27. In the interests of highway safety it is necessary to impose conditions relating to the implementation of the passing place, access points and turning and parking areas associated with the development to be carried out prior to the occupation of the scheme. It has not been made clear as to why suggested condition 6 is required prior to the commencement of development. As the PPG indicates such conditions should only be applied in exceptional circumstances, I have amended this to be required prior to the occupation of the development. In any case, it is unlikely to be necessary prior to this time as there would be no traffic associated with development.
28. The County Council have indicated that there may be the remains of medieval earthworks in the vicinity of the site. Accordingly a condition has been

imposed to ensure that any potential archaeology is properly investigated and recorded.

Conclusions

29. For the reasons given above I conclude that the appeal should be allowed.

S J Lee

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby approved shall not be carried out otherwise than in accordance with the plans numbered LDC1304-01B, LDC1304-2D, LDC1304-3D, LDC1304-04, LDC1304-5B and LDC1304-6B other than as required by conditions 3, 4, 5 and 8.
- 3) Before the commencement of the development hereby permitted a schedule of external materials of construction of buildings and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. Samples shall be provided as may be required by the Local Planning Authority of the materials in the schedule and the use of such samples shall be approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the schedule and samples so approved.
- 4) Before the commencement of the development hereby granted, full details of the means of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented in full before the development hereby permitted is first brought into use.
- 5) None of the dwellings hereby permitted shall be occupied until works for the disposal of foul water shall have been provided on the site to serve the development hereby permitted, in accordance with details that have first been submitted to and approved in writing by the local planning authority.
- 6) Before the dwellings are occupied, the access and turning spaces and new passing bay shall be completed in accordance with the approved plan drawing number LDC1304-02D dated 9th March 2016 and retained for that use thereafter.
- 7) None of the dwellings hereby permitted shall be occupied until the works to improve the public highway (by means of a passing place) have been certified complete by the Local Planning Authority.
- 8) Before the commencement of the development hereby permitted, the approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post-planting maintenance. Such scheme as is approved by the Local Planning Authority shall be carried out in its entirety within a period of 6 months beginning with the date on which development is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary, unless the Local Planning Authority gives written consent to any variation.
- 9) The existing roadside hedge along the southern boundary of the site shall not be removed other than is necessary to facilitate the provision of the means of access to the site in accordance with the approved plan

LDC1304-02D. In the event of the existing hedge being removed or dying, it shall be replaced to a specification that shall first have been approved in writing by the Local Planning Authority and maintained by the owners of the land for the period of 5 years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary, unless otherwise agreed in writing by the Local Planning Authority.

- 10) No development shall take place until a written scheme of archaeological investigation has been submitted to and approved by the Local Planning Authority. This scheme should include the following:
1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
 2. A methodology and timetable of site investigation and recording
 3. Provision for site analysis
 4. Provision for publication and dissemination of analysis and records
 5. Provision for archive deposition
 6. Nomination of a competent person/organisation to undertake the work

The scheme of archaeological investigation must only be undertaken in accordance with the approved details.