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## Appeal Decision

Site visit made on 27 September 2016

**by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC**

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

**Decision date: 14<sup>th</sup> October 2016**

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**Appeal Ref: APP/N2535/W/16/3154229**

**23 High Street, Sturton by Stow, Lincoln, LN1 2AE**

- 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 Bateman against the decision of West Lindsey District Council.
  - The application Ref 132943, dated 20 April 2015, was refused by notice dated 11 February 2016.
  - The development proposed is an outline planning application to erect 3no. 4 bedroom detached dwellings - all matters reserved.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. I have taken the description of the proposal from the Council's decision notice. This more accurately describes the proposals and this is reflected by the appellant on their submitted appeal form.

### Main Issues

3. The main issues are the effect of the proposed development upon the a) character and appearance of the area, b) flood risk and c) highway safety.

### Reasons

#### *Character and Appearance*

4. The appeal site comprises of an open grassed field which is located behind the rear garden of No23 High Street, and separated by a wire fence and gate along its eastern boundary. Boundaries to the north, south and west of the appeal site comprise of mature hedgerows and trees with open fields and paddocks beyond.
  5. Due to the length of the rear garden to No23, the appeal site is located a reasonable distance behind this property. The general area comprises of detached dwellings fronting the High Street as ribbon development, typically set in large plots, with the open countryside beyond. I consider that the appeal site is clearly distinctive from the built up character of the village, and is characterised by its open and rural nature, which positively contributes to the rural landscape setting of Sturton by Stow.
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6. The loss of this area to built development would therefore intensify and consolidate the built form of Sturton by Stow into its surrounding landscape, giving rise to an urbanising effect. The overall impact would be to intrude into and erode the open and rural character of the site, causing harm.
7. The appellant has drawn my attention to recently approved development at No37 High Street, however while I do not have any details of the particulars of this case which led to the approval by the Council, I understand that this development will be located within the garden area of this dwelling, rather than into open fields beyond the residential curtilage.
8. In respect of future development proposals for 50 dwellings adjacent to the appeal site itself, details of this scheme have not been provided to allow for any meaningful analysis. In any case, I have determined this appeal on its planning merits, based on the information before me.
9. Furthermore, I agree that allowing the appeal would make it more difficult for the Council to resist future planning applications for similar developments in the area, which would exacerbate the harm I have identified above.
10. On this matter I therefore conclude that the development would adversely affect the open and rural character of the area. This would be in clear conflict with saved policies STRAT 1, STRAT 12, RES3, NBE10 and NBE20 of the West Lindsey Local Plan First Review 2006 (LP) which, amongst other things, seek to restrict encroachment into the countryside and protect rural landscape character. The proposal also fails to accord with the National Planning Policy Framework (the Framework) which recognises the intrinsic character and beauty of the countryside.

#### *Flood Risk*

11. It is understood that adequate drainage would not be possible to be achieved through conventional means such as soakaways and connections to main drainage. No details of proposed drainage systems have been submitted with the application to allow for the assessment of the effects of such measures.
12. In assessing the principle of the erection of 3 dwellings in this location, I consider that there is a significant degree of uncertainty surrounding the impacts of this locally, given the specific ground conditions of the site and the potential risks involved. I am also mindful that Planning Practice Guidance (PPG) states that “*applications for developments relying on anything other than connection to a public sewage treatment plant should be supported by sufficient information to understand the potential implications for the water environment.*” (Reference ID: 34-020-20140306). I am therefore not persuaded that such details can be conditioned on the grant of consent.
13. Accordingly, I consider that it needs to be clearly demonstrated why development would not have a detrimental effect in respect of drainage and flood risk. The lack of any such information runs counter to saved LP Policy STRAT 1 which seeks to avoid the development of land where there is flood risk.

#### *Highway Safety*

14. The Council refused the proposals on highways grounds in respect of a lack of visibility from users. However, the application is in outline with all matters

reserved and therefore there are no specific details in respect of access into the appeal site.

15. At my site visit, I observed that High Street does bend around a corner in proximity to the appeal site which would limit visibility to the North. However, No23 High Street is set within a reasonably large plot with a wide frontage to the road. I am also mindful that, subject to meeting standard highway requirements in respect of visibility splays and the width of the access, the Highways Authority raised no objection to the application.
16. On this basis, I conclude that the development would not be likely to give rise to material harm to highway safety, subject to details to be assessed at the reserved matters stage in accordance with saved Policies STRAT 1 and RES 1 of the LP in respect of the provision of satisfactory access.

### **Other Matters**

17. There is no evidence in respect of the support of the Council for proposals at pre-application stage, and following the determination of the application. I therefore have no reason to consider that the alleged advice was anything other than informal. In any case, under section 78 of the Town and Country Planning Act 1990, it now falls to me to determine the appeal, and I have done so based upon the submitted evidence and the planning merits of the case.

### **Conclusion**

18. While I have found that highway safety would not likely to be compromised, subject to detailing at the reserved matters stage, this does not outweigh my findings in respect of character and appearance and flood risk. The adverse impacts of the proposal clearly and demonstrably outweigh any benefits of the proposal.
19. For the reasons given above, and taking into account all matters raised, I dismiss the appeal.

*C Searson*  
INSPECTOR