
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: 17th October 2016

Appeal Ref: APP/M2515/W/16/3152450

Land at 6 Rivermead Close, Lincoln, LN6 8FD

- 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 M Langtry against the decision of City of Lincoln Council.
 - The application Ref 2016/0089/O, dated 3 February 2016, was refused by notice dated 4 April 2016.
 - The development proposed is two dwellings.
 - The application is in outline with approval sought for access and all other matters reserved.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. In their Decision Notice and appeal statement the Council refers to policies in the emerging Central Lincolnshire Local Plan. However, while I understand that this document is at submission stage of its consultation process, it remains unexamined and un-adopted and as such, this limits the weight I can attach to its policies. I have determined the appeal on the basis of saved policies within the adopted development plan which is the City of Lincoln Local Plan 1998 (LP).

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the surrounding area having particular regard to the location of the site within the Witham Valley Green Wedge.

Reasons

4. The appeal site comprises of part of an open grassed paddock and garden land located to the rear of Nos 4 and 6 Rivermead Close. Beyond the site boundary are open fields which lead down towards the River Witham to the east. Allotments are located to the northern boundary, separated by a tall hedgerow and trees. To the south are open paddocks.
 5. The site is located within the Witham Valley Green Wedge, this is a long corridor of open space which follows the River Witham into the City. It provides an important green finger linking the open countryside into the heart of the City.
 6. To the west of the site is a modern housing development, whereby dwellings face away from the River. This forms a strong urban edge which is markedly
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distinct from the open and verdant character of the Green Wedge. While I accept that the appeal site is in proximity to residential dwellings, given that it is a grassed and open site, I consider that it forms an important part of the of the landscape character of the Green Wedge.

7. The application is in outline and I have no details of the proposal in terms of the scale, massing and design of the proposed dwellings. However, in principle, the change from open land for the development of two dwellings, would have an urbanising effect, extending the built form beyond the existing built development, and encroaching into the Green Wedge. Accordingly, the effect would be to dilute and diminish the contrast and legibility between urban and rural in this location, causing harm.
8. I note the current consent for an outbuilding and toilet block in connection with the sites permitted use for touring caravans. I am not in possession of the detailed facts which led to the approval of planning permission, but I consider that the scale of such buildings is unlikely to be comparable with the development of the site for two new dwellings which would include boundary fencing and other associated domestic paraphernalia. Moreover, in terms of the use of the site, I am mindful that the numbers or touring caravans and frequency of occupation of the site by such vehicles would fluctuate, whereas the proposals would represent a permanent and fixed development.
9. Saved Policy 43 in the adopted LP is clear that permission will not be granted in the Green Wedge unless the development can be carried out without harm to the contribution the land makes to the landscape character and setting of the City. I acknowledge that the size of the appeal site forms a very tiny percentage of the size of the Green Wedge overall. However, I have identified that the appeal site makes a positive contribution to the overall open character of the landscape and Green Wedge. Therefore, while the policy does not preclude any development, on the basis of the harm I have identified the proposals before me do not benefit from any particular policy support.
10. Furthermore, I agree that allowing this appeal would make it more difficult for the Council to resist similar future planning applications within the Green Wedge. While I accept that each application and appeal must be treated on its individual merits, however the Council's concern is not a generalised fear of precedent, but a realistic concern. Due to the length and nature of the Green Wedge, I consider it to be highly likely that there would be many opportunities to develop in a similar manner. In my view, the cumulative effect of such incremental change would exacerbate the harm I have identified above and could irrevocably alter the character of the area and undermine the purpose of the Green Wedge designation.
11. The presence of allotments and a farm close to the site does not, in my view, justify the erection of dwellings. I saw that the allotments contain small scale structures such as sheds and greenhouses, but overall, this area remains open and its use is complementary to the character of the Green Wedge. In respect of the farm to the south, the use of the land for agriculture, and associated buildings, is compatible to the form and function of the Green Wedge.
12. As a non-allocated site, the contribution of 2no dwellings as windfall development would make only a minimal contribution to housing land supply in the area, regardless of the current status of this. I recognise the benefits of the proposal in respect of lack of flood risk, and its location close to public

transport. Overall I consider that these benefits would not outweigh the harm I have identified upon the character and appearance of the area. This would significantly and demonstrably outweigh the benefits of the scheme.

13. I therefore conclude that the development of open land within the Green Wedge would cause harm to the character and appearance of the area, in conflict with saved Policy 43 of the LP.

Conclusion

14. For the reasons given above, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

C Searson
INSPECTOR