

Appeal Decision

Site visit made on 5 May 2016

by M Seaton BSc (Hons) DipTP MRTPI

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

Decision date: 22 November 2016

Appeal Ref: APP/D2510/W/15/3140638

Glebe Cottage, Main Road, Covenham St. Mary, Lincolnshire, LN11 0PG

- 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 Crimmins against the decision of East Lindsey District Council.
 - The application Ref N038/01145/15, dated 16 June 2015, was refused by notice dated 14 August 2015.
 - The development proposed is for the erection of a dwelling.
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Procedural Matters

1. The application has been submitted in outline with all matters to be reserved at this stage. I have dealt with the appeal on this basis and treated the submitted layout plan as indicative only.
2. In reaching my decision, I have had regard to the Court of Appeal judgement of 11 May 2016 in respect of Secretary of State for Communities and Local Government v West Berkshire District Council and Reading Borough Council [2016] EWCA Civ 441, which addressed the specific circumstances where contributions for affordable housing and tariff-style planning obligations should be sought. I am satisfied that in respect of this scheme, that the judgement has no material effect on the proposal given that it would only be for a single dwelling. I note that the Council and appellant have also concurred with this view.

Decision

3. The appeal is allowed and outline planning permission is granted for the erection of a dwelling at Glebe Cottage, Main Road, Covenham St. Mary, Lincolnshire, LN11 0PG, in accordance with the terms of the application Ref N038/01145/15, dated 16 June 2015, and subject to the conditions as set out within the annex.

Main Issues

4. The Council identified two reasons for refusal in their determination of the planning application, addressing issues related to the impact of the development on the character and appearance of the area, and the absence of any evidence that there would not be an adverse impact on biodiversity, and in particular protected species. The appellant has subsequently provided a Protected Species Survey with their appeal submissions which addresses the habitats and species found on the appeal site, and provides recommendations.
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5. The report has identified that a bat survey would be required if works are needed to the boundary trees, and that any security lighting on the site is placed as far from the boundary hedges as possible and incorporates appropriate specification to minimise intrusion to bats. No constraints are identified on site in respect of badgers or amphibians including Great Crested Newts. However, it is advised that as a consequence of birds clearly using boundary planting and hedgerows for nesting, any future redevelopment should avoid the active nesting season. In light of these conclusions, the Council has advised that it does not wish to pursue the matters related to biodiversity set out in its reason for refusal. On this basis, and being mindful of the submitted evidence, I have no reason to dispute the conclusions of the Protected Species Survey.
6. As a consequence, the main issues are;
 - the effect of the proposed development on the character and appearance of the area; and,
 - whether, having regard to local and national planning policy, the proposal would amount to a sustainable form of development.

Reasons

Character and appearance

7. The appeal site comprises a broadly rectangular area of open paddock land to the west of the rear of Glebe Cottage, and towards the southern end of Covenham St. Mary, which is designated within the saved East Lindsey Local Plan 1999 (the Local Plan) as a medium-sized village. The site boundaries were defined by a comparatively low hedgerow along the southern boundary, with a more substantial hedgerow along the northern boundary, within which are located several trees with Tree Preservation Orders (TPOs). The land beyond the site to the west is open countryside whilst the land to the north and south appeared to be in domestic use.
8. The Council has highlighted that, whilst acknowledging the submitted plans to be in an indicative format only, the appeal site would represent an uncharacteristic tandem-style of development set behind Glebe Cottage, which it is contended would be at odds with the generally linear form of the remainder of the settlement. In this respect, my attention has been drawn to saved Policy H10 of the Local Plan, which accepts in principle the sub-division of residential plots within medium-sized villages, provided it does not add to or intensify ribbon development into the countryside.
9. On the basis of my observations of Covenham St. Mary, I would not disagree with the Council that the village is comprised of a generally linear form, albeit that there are clearly some limited areas of non-linear development set within the village in small clusters. However, despite acknowledging these clusters of non-linear development, there is no evidence that the tandem-style form as proposed in this instance could be regarded as a distinctive or prevailing characteristic of the village's layout. I accept in principle that the development of the appeal site itself for a single dwelling would not have a significant visual impact due to the nature of its location and surrounding landscape screening. However, I agree with the Council that the proposal would represent an

incongruous and undesirable form of development in the vicinity where linear development is clearly the prevailing form of existing development.

10. I have had regard to the appellant's submissions drawing my attention to other residential development and planning permissions recently granted for such development within the village. However, whilst I accept that these decisions are capable of being material considerations, I am satisfied that the context within which these developments are set and their form is sufficiently different so that I do not consider these sites to be directly comparable to the position and setting of the development as proposed indicatively on the appeal site.
11. On the basis of the submitted evidence and my own observations of the appeal site, I conclude that the proposed tandem-style of development would not accord with the prevailing linear form of development within the village. Whilst the site would not be particularly visible from the public realm, this incongruous form of development would result in a moderate adverse effect on the character of the village. As a consequence, the proposals would not accord with saved policies H10, H12 and A5 of the Local Plan, as the development would not reflect the locally distinctive character of the settlement.

Sustainable development

12. Paragraph 6 of the Framework indicates that the policies in paragraphs 18 to 219, taken as a whole, constitute the Government's view of what sustainable development means for the planning system. It further points out at paragraph 7 that there are three dimensions to sustainable development: economic, social and environmental.
13. Economic growth contributes to the building of a strong and competitive economy, which leads to prosperity. The development would have the potential to provide only a limited amount of new investment and long term spending in the local area, as well as in respect of the creation of local jobs in the construction industry and business for and jobs in the building supply industry. This would support sustainable economic development to deliver the homes, business and infrastructure that the country needs, and which is emphasised particularly in paragraphs 17 and 18 of the Framework. In this respect, the limited contribution that the proposed dwelling would have towards house building and economic development should attract some limited weight.
14. The Council's submissions acknowledge that it is unable to demonstrate a five year supply of deliverable housing sites with the submitted evidence indicating a supply figure of only 3.75 years. On the basis of the evidence placed before me, I have no reason to dispute that conclusion. In this respect, the provision of even a single dwelling would make a positive contribution to the supply of housing within the Borough, which would weigh in favour of the proposal.
15. In considering the accessibility of the appeal site, I have had regard to the representations of the Parish Council in respect of the availability of services and facilities within the village. However, I am mindful of the classification of the village within the Council's own Village Facilities Survey from January 2015 as medium-sized, by virtue of the access to services and facilities, albeit defined as Covenhams rather than just Covenham St. Mary. In this respect, whilst it is clear that Covenham St. Mary in itself possesses relatively limited services and facilities even allowing for the possibility of the retention of the Plough Inn as a public house, paragraph 55 of the Framework highlights as

acceptable the principle of services in a cluster of villages supporting development in one village. Whilst I have had regard to the Parish Council's and Council's submissions, I am satisfied that that the proposal would have access to a limited selection of services and facilities, and that the proposal would not therefore result in harm due to the accessibility of the location.

16. I accept that the proposed development would have the potential to alter the outlook across the open land currently enjoyed by neighbouring occupiers. However, whilst I am mindful that the proposals have been submitted in outline with all details reserved for future consideration, on the basis of my observations of the site and the surrounding land and properties, I am satisfied that it would be possible to develop the site in an appropriate manner which would retain acceptable living conditions for neighbouring occupiers. In this respect, I have had regard to the condition requiring the future scale of the dwelling to be limited to single-storey.
17. Turning finally to the environmental role, I have already concluded that the proposed development would have an adverse effect on the character of the village through the form of the development. However, I am satisfied that it would be possible to accommodate a single dwelling on the appeal site without any adverse impact on retained TPO trees, and that matters related to biodiversity have been satisfactorily addressed.
18. In respect of the access to the appeal site and highway impacts, I have had regard to the concerns of the Parish Council in this respect, but note that this would be dealt with as a reserved matter. Nevertheless, I note that no objection has been raised to the possibility of an access point serving this appeal site by the Council, and I have no technical basis upon which to conclude that an appropriate access to the site could not be achieved without causing adverse highway impacts.

Conclusion

19. In reaching my conclusion, I have been mindful of the Council's inability to demonstrate a five year supply of deliverable housing sites, and therefore, having regard to paragraph 49 of the Framework, that policies related to housing supply should be considered to be out-of-date. In this respect, I recognise that paragraph 14 of the Framework advises that where a development plan is absent, silent or relevant policies are out-of-date, that permission should be granted for development proposals unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
20. Given the current position with regard to the absence of a five year supply of deliverable housing sites, moderate weight in support must be afforded to the provision of even a single new dwelling to meet housing needs within the area and the country. I also consider that the proposals would provide some limited economic benefit as a result of the creation of employment from the construction of the dwellings, and support to existing local services and the economy.
21. The appeal site is situated with reasonable accessibility to a range of services and facilities and I am also satisfied that the proposal would not result in an unacceptable impact on ecological interest or protected trees on the appeal site. However, by virtue of the tandem-style form of the proposed

development, I consider that the proposal would have a moderate adverse impact on the character and form of the village.

22. Nevertheless, having regard to all other matters raised and the economic, social and environmental dimensions of sustainable development set out in paragraph 7 of the Framework, I am satisfied on balance that the harm that would be caused by the proposal would not significantly and demonstrably outweigh the development's benefits. I conclude that the scheme therefore represents sustainable development.
23. For the reasons given above, and having regard to the conditions and all other matters raised, the appeal should be allowed.

Conditions

24. The Council has suggested a series of conditions should the appeal be allowed. In addition to conditions addressing the need for the submission of reserved matters, the timing for this submission and a commencement of development, the Council has also sought to clarify the requirements in respect of the future content of the reserved matters submissions. Specifically, the Council has sought to define the scale of the development as single-storey only, with further information to be provided in respect of site-levels and floor levels of the building, and that the access be incorporated within the existing access to a minimum width, and supported by a full tree survey. I am satisfied that whilst these conditions address matters which will ultimately be considered in detail at the reserved matters stage, they appropriately and reasonably set out the guiding principles and information requirements for the future development.

M Seaton

INSPECTOR

Annex

Conditions

- 1) The development hereby approved shall commence before whichever is the later of the following dates:
 - (a) within three years of the date of this permission, or
 - (b) within two years of approval of the last of the reserved matters to be approved.
- 2) Plans and particulars of the reserved matters relating to the; Access, Layout, Scale, Appearance (including a schedule of external materials to be used) and Landscaping shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
- 3) Application for approval of reserved matters shall be made within three years of the date of this permission.
- 4) The development hereby permitted shall proceed in accordance with the details outlined in the Protected Species Report dated November 2015 by Ecology & Forestry Ltd.
- 5) As part of an application for 'scale' as required by Condition 2, the dwelling hereby permitted shall be single storey only. Furthermore, full details of existing and proposed site levels and proposed floor levels of buildings and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the details so approved.
- 6) When an application is made to the Local Planning Authority for the reserved matter of 'Access' as required by Condition 2, the proposed new access shall be incorporated into the existing access and the access shall be a minimum of 4.1m in width. It will also be necessary for a full tree survey along the route of the access to be submitted with the application, including an Arboricultural Report.