
Appeal Decision

Hearing held on 22 November 2016

Site visit made on 22 November 2016

by Daniel Hartley BA Hons MTP MBA MRTPI

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

Decision date: 24 November 2016

Appeal Ref: APP/N2535/W/16/3151711

Land to the north and east of 4 Lancaster Road, Brookenby, Market Rasen LN8 6HD

- 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 R Saldanha against the decision of West Lindsey District Council.
 - The application Ref 133409, dated 17 August 2015, was refused by notice dated 7 December 2015.
 - The development proposed is the construction of 8 dwellings.
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Decision

1. The appeal is allowed and outline planning permission is granted for the construction of 8 dwellings at Land to the north and east of 4 Lancaster Road, Brookenby, Market Rasen LN8 6HD, in accordance with the terms of the application Ref 133409, dated 17 August 2015, subject to the conditions set out in the attached schedule.

Preliminary and Procedural Matters

2. The planning application is submitted in outline with all detailed matters reserved for a subsequent reserved matters application. An indicative layout (drawing No 201419-03 Revision A) accompanies the outline planning application and I have taken this into account in so far as establishing whether or not it would be possible, in principle, to erect eight dwellings on the site.
 3. At the hearing the Council confirmed that the Proposed Submission Central Lincolnshire Local Plan 2012-2036 (LP) had been submitted to the Secretary of State for Examination. Hearing sessions have started and are scheduled to finish in December 2016.
 4. The Council's refusal notice makes reference to Policy RES 3 (Backland and Tandem Development) of the adopted West Lindsey Local Plan First Review 2006 (WLLP). The Council has since confirmed that this was an error and that the policy is not relevant to the appeal case. The appellant also shares this view. Whilst residential development is proposed in part of the garden area of No 4 Lancaster Road, it would likely have its own separate accesses off a different highway. Therefore, I agree that this is not what one would ordinarily consider to be backland or tandem development for the purposes of applying this policy. Therefore, I do not consider that Policy RES 3 of the WLLP is relevant for the purposes of determining this appeal.
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Main Issues

5. The main issues are (i) whether or not the local planning authority can demonstrate a five year supply of deliverable housing sites; (ii) the effect that the proposal would have on the loss of allocated "Important Open Space" and the character and appearance of the area and (iii) whether or not the proposed development would conserve the landscape and scenic beauty of the Lincolnshire Wolds Area of Outstanding Natural Beauty.

Reasons

Site and proposal

6. The appeal site falls within the village of Brookenby and within the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB). It includes a rectangular area of open grassed land designated in the WWLP as "Important Open Space" (IOS) which is about 0.46 of a hectare and an area of land adjacent to No 7 York Road (approximately 0.19 of a hectare) which comprises part of the existing residential curtilage of No 4 Lancaster Road. The latter land includes mature trees and bushes.
7. It is proposed to erect eight detached dwellings on the site: the appellant states that they would be two storey and would be constructed in materials to match dwellings that surround the site. Whilst detailed matters are to be considered by means of a reserved matters planning application, the indicative plan shows detached dwellings within part of the existing curtilage of No 4 Lancaster Road, each of which would have separate garages positioned to the rear and tandem driveways separating each plot. Four larger dwellings are shown on land designated as IOS and with the respective driveways accessed off either York Road or Lancaster Road. Illustrative tree planting is shown where the site fronts existing roads, along the proposed boundary with No 4 Lancaster Road and within the centre of the IOS part of the appeal site.

Five year housing land supply

8. Since the planning application was determined, the Council has published its Housing Land Availability Assessment (September 2016) (HLAA). Such an assessment identifies a land supply of 5.26 years (12,712 dwellings) in the five year period 2016/17 to 2020/21. It includes a 20% buffer for previous housing delivery underperformance. There is no dispute between the main parties about applying a 20% buffer, although the appellant states that the Council's approach is not correct as it should have applied such a buffer to both the shortfall as well as the requirement. I agree with the appellant that the 20% buffer should be applied to both the requirement and the shortfall: this is appropriate as it ensures that the buffer is applied to the full requirement which represents all the need that exists. Consequently, and taking into account the above, I consider that if all the sites referred to by the Council in its HLAA were deliverable, the local planning authority would be able to demonstrate a housing land supply of 5.02 years.
9. Notwithstanding the above, the Council have included a number of housing allocations in the emerging LP to demonstrate a five year housing land supply. I note that the LP is currently at Examination stage. At the hearing, the Council confirmed that housing land supply matters were to be considered at the forthcoming LP hearings and that there had been objections received to the

proposed housing target/requirement. I have no evidence that all of the proposed allocations have been tested to ensure that they meet the National Planning Policy Framework (the Framework) criteria of representing a “*realistic prospect that housing will be delivered on the site within five years*” (paragraph 47, footnote 11) or that development on all of the sites would be viable at the required rates.

10. Given the above, I must take into account paragraph 30 of the Planning Practise Guidance which states that whilst evidence of housing land supply being prepared for emerging local plans should be considered, the weight afforded to such estimates “*should take account of the fact that they have not been tested or moderated against relevant constraints*”. I accept that the LP (and hence proposed allocations) has been the subject of public consultation and in this regard it is a weighty document. However, I cannot be sure that all sites will be allocated as part of the adoption of the LP, or indeed that the Council’s assessment of deliverability and viability are sound. The calculation of housing land supply relies heavily on a number of sites which may be allocated for housing (at the hearing the Council indicated that this represented 41% of the identified housing supply) in the emerging LP, and given this conclusion, and in the absence of any further evidence, the local planning authority cannot demonstrate a deliverable five year supply of housing sites. I am aware that other Inspectors have reached this conclusion in recent times (the appellant has referred to several appeals) including the Inspector who determined appeal reference No APP/N2535/W/16/3150309 on 4 November 2016.
11. Given the above conclusion, it is not necessary for me to comment upon housing deliverability in respect of the six proposed housing allocations (housing site reference numbers CL428, CL525, CL1241, CL3036, CL819 and CL1100) referred to by the appellant in his appeal statement, and discussed at the appeal. In the context of a housing undersupply position, the provision of eight dwellings would make a very positive contribution towards boosting the supply of housing in line with the aims of Paragraph 47 of the Framework. This is a matter to which I attach considerable weight.
12. Paragraph 49 of the Framework states that “*relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable sites*”. Given my finding above, I consider that adopted Policies STRAT 3 (Settlement Hierarchy); STRAT 7 (Windfall and Infill Housing Development in Small Rural Settlements); CORE 9 (Retention of Important Open Spaces/Frontages); NBE9 (The Lincolnshire Wolds Area of Outstanding Natural Beauty) and NBE10 (Protection of Landscape Character in Development Proposals) of the WLLP are policies relevant to the supply of housing and are therefore out of date.
13. At the hearing, the Council agreed that the above policies were relevant to the supply of housing. I therefore afford these out of date policies limited weight for the purposes of determining this appeal, although this does not mean that they are irrelevant or should be disregarded. However, in view of the aforementioned out of date policies, I am required to consider the appeal against paragraph 14 of the Framework which requires that planning permission should be granted without delay unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.

14. In addition to concluding that the local planning authority cannot demonstrate a five year supply of deliverable housing sites, I note that emerging Policy LP4 of the LP states that in principle Brookenby will be permitted to grow by 10% in the number of dwellings over the plan period and that paragraph 3.4.10 to the policy states that development in villages should follow a sequential approach to growth, utilising suitable brownfield and infill sites first. The erection of dwellings on the appeal site would constitute a form of infill development and in this respect would accord with Policy LP4 of the LP.
15. At the hearing, the Council referred to appendix B of Policy LP4 of the LP which states that in Brookenby the remaining projected growth is 6 dwellings since 81% of the growth level has already been reached. However, at the hearing the Council did not raise an objection in principle to the erection of 8 dwellings on the site, and commented that an additional two dwellings would not conflict unacceptably with the emerging spatial strategy for Brookenby. Given that the local planning authority cannot demonstrate a five year supply of deliverable sites for housing, I consider that the need to boost the supply of housing justifies allowing an additional two dwellings over and above that outlined in appendix B of Policy LP4 of the LP. Furthermore, emerging Policy LP2 of the LP defines Brookenby as a "*medium village*" which will accommodate a limited amount of development in order to support its "*function and/or sustainability*" and typically development proposals will be on sites of up to 9 dwellings. The proposal is for eight dwellings, and in this regard the development would accord with Policy LP2 of the LP.

Important Open Space / character and appearance

16. A large part of the appeal site would fall within an allocated IOS site in the WLLP and hence saved Policy CORE 9 of the WLLP is relevant. I have carefully considered the WLLP topic paper "Policy CORE 9 – Retention of Important Open Spaces and Frontages" 2004 which was considered as part of the evidence base for the Local Plan Inquiry.
17. Policy CORE 9 was introduced at a time when there was "*an oversupply of housing land when measured against Regional and County level housing figures for the district*". This is in direct contrast to the housing land supply position now. At this time, very few sites were being allocated for housing and the Council were concerned about the potential for a considerable number of planning applications to be submitted for windfall / infill proposals. Consequently, the policy was introduced to control development on a number of IOS sites in the area, but at the hearing the Council confirmed that they had not assessed the appeal site in terms of its overall contribution towards the character and appearance of the area/settlement. However, whilst saved Policy CORE 9 has limited weight for the purposes of determining this appeal (given the housing land supply position), I do conclude that the proposal would nonetheless be in conflict with it in so far that it would lead to the erection of houses in an area of "open character".
18. At the hearing some of the other interested parties were of the view that the IOS part of the site should not be developed because of its historic and cultural RAF significance. However, the site has not been designated as a conservation area, and the Council has not made reference to any relevant local or national conservation planning policies. I acknowledge the evolution of the development in this area, but I do not consider that residential development on

the site would have a harmful impact upon matters of cultural or historic conservation significance.

19. At the hearing, and notwithstanding the statement of common ground, the main parties agreed that Policy LP23 (Local Green Space and Other Important Open Space) of the LP was also relevant to the determination of the appeal. The proposal would not accord with emerging Policy LP23 in so far that the policy seeks to safeguard IOS sites from development (the Council is continuing to allocate the site as such), and because alternative open space is not being provided on a replacement site as required by the policy. Also, I have not been provided with any evidence that there is an over provision of such open space in the community area: this information would be required in order to provide justification for the proposal against the policy.
20. Despite the above conflict with Policy LP23, this is nevertheless an emerging policy and so does not have full weight. It also seeks to place a restriction on the supply of housing when the local planning authority cannot demonstrate a five year supply of deliverable housing sites. In addition, the Council confirmed at the hearing that, in respect of Policy LP23, it had not assessed the appeal site in terms of its contribution towards the character and appearance of the area. Consequently, I am only able to afford Policy LP23 limited weight.
21. In considering further the overall effect of developing the IOS site for residential development upon the character and appearance of the area, I have taken into account the appellant's "Landscape and Visual Appraisal" (LVA) prepared by Barton Willmore. There is no doubt that the open character of the site does provide a spacious break between York Road and Lancaster Road: it also provides an open outlook for the occupiers of residential properties that surround the site, and for those that drive/walk into the immediate area. However, this open aspect is essentially localised. As the site is predominantly surrounded by houses on all sides, the erection of dwellings on it would not be prominent or conspicuous from any of the approaches into the settlement of Brookenby.
22. In conclusion, whilst there would be some conflict with saved Policy CORE 9 of the WLLP and emerging Policy LP23 of the LP, the effect upon the character and appearance of the area would be very much a localised one. Whilst the proposal would result in the loss of open land, the indicative layout demonstrates that, in principle, it would be possible to erect four large dwellings on this land and set within generously proportioned plots. Whilst the erection of dwellings on the land would alter the open appearance of the site, the indicative layout is helpful in so far that it demonstrates that dwellings could be erected on the land in a manner which reflects the predominantly linear and geometric form of the existing development that surrounds it. Furthermore, the illustrative plot sizes are such that a significant amount of land would still remain undeveloped and hence very open.
23. Whilst the proposal would constitute a change to the immediate environment, the erection of dwellings could also contribute positively to the overall character and appearance of the area. Clearly, design and layout matters would be important considerations for any subsequent reserved matters application. On balance, and notwithstanding the aforementioned conflict with saved Policy CORE 9 and emerging Policy LP23, I conclude that the erection of

some dwellings on the IOS part of the site would not materially detract from the character and appearance of the area.

24. The remaining part of the appeal site would fall within the curtilage of No 4 Lancaster Avenue. This land fronts York Road, and there are already a number of detached dwellings adjacent to it and arranged in a linear form (Nos 3, 5 and 7 York Road). There is no dispute between the parties that some residential development within the settlement of Brookenby would be acceptable in principle. I acknowledge that some trees and bushes would be lost to facilitate development within the curtilage of No 4 Lancaster Road, but I have no reason to disagree with the appellant's Tree Survey undertaken by JCA Ltd that the trees are of generally low quality (category C trees). It would be possible to put in place some high grade replacement planting. Whilst the submitted layout plan is indicative, I consider that the illustrative position of the dwellings on this part of the site would be reflective of the linear form of dwellings that already exist, and that the indicative plot sizes would suitably reflect those that already exist in this part of York Road.
25. I consider that it would be possible to erect dwellings within the curtilage of No 4 Lancaster Avenue without causing harm to the character and appearance of the area. Whilst this land would not be as open as it is now, I do not consider that the land is fundamentally important to the form and character of the settlement or the street-scene. I therefore conclude, in principle, that residential development within the curtilage of No 4 Lancaster Road would accord with the design and amenity aims of the Framework and saved Policy RES 1 of the WLLP.

Area of Outstanding Natural Beauty

26. The appeal site falls within the AONB. Paragraph 115 of the Framework states that *"great weight should be given to the conserving the landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to landscape and scenic beauty."* As this is not a major development in the AONB, it is not necessary for me to consider paragraph 116 of the Framework which states that *"planning permission should be refused for major developments in these designated areas except in exceptional circumstances"*.
27. I acknowledge that the Council considers that the appeal site makes a positive contribution to the general character and appearance of the area. I have addressed this matter above. However, I do not believe that the Council has provided any compelling evidence to demonstrate why the proposed dwellings would not specifically conserve the landscape and scenic beauty of the AONB.
28. I have carefully considered the information provided in the appellant's LVA. Whilst the proposal would have some minor impact upon the general character and appearance of the area, as outlined above, on the evidence before me, I do not consider that the proposal would conflict with the outstanding AONB qualities and landscape character traits referenced in the Lincolnshire Wolds Management Plan 2013-2018. The proposal would essentially comprise a form of infill development within the existing settlement and would therefore be reflective of the more built up nature of this part of the AONB. Furthermore, the proposal would not affect the more rolling and rural landscape beyond the fringes of the settlement.

29. In addition to the above, I have taken into account information relating to published landscape appraisals. The proposal would not conflict with, and in this regard would therefore conserve the landscape and scenic beauty of the AONB, the key characteristics identified in Natural England's National Character Area Profile 43 'Lincolnshire Wolds' (including rolling chalk hills and a predominantly agricultural landscape) and the West Lindsey District Council Broad Landscape Character D 'The Wolds' within which there is Landscape Character Area 13 'Lincolnshire Wolds'. Brookenby would continue to remain as a small and relatively contained settlement surrounded by open rolling farmland and the proposed dwellings would not be conspicuous or dominant within the landscape when viewed from approaches into the settlement. I acknowledge that the appeal site is in a part of Brookenby which is relatively "peaceful and tranquil", but I do not consider that the erection of eight dwellings would materially change this characteristic.
30. Any very limited glimpses of the proposed dwellings from the wider landscape would not be harmful given the existence of surrounding built development. Visibility of the site is essentially limited to its immediate context given the existence of surrounding development and vegetation. I acknowledge that there is a relatively open gap between Norfolk House and No 15 Lancaster Road, but the trees along the field boundaries, coupled with the topography of the land, minimise any glimpses of this part of the site from the wider countryside.
31. For the above reasons, I conclude that the proposal would conserve the landscape and scenic beauty of the AONB, and it would therefore accord with the environmental and landscape character aims of the Framework, saved Policies NBE9 and NBE10 of the WLLP and Policy LP17 of the LP.

Other Matters

32. I have taken into account all representations made by other interested parties.
33. Comments have been made that the appeal was submitted outside of the six month deadline. The appeal was lodged on 3 June 2016 and the Council's refusal notice is dated 7 December 2015. The appeal was therefore submitted within the sixth month deadline.
34. Notwithstanding saved Policy RES 6 (Affordable Housing) of the WWLP, I afford greater weight to paragraph 31 of the Planning Practise Guidance that accompanies the Framework and which states that contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development "*of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000 sqm (gross internal area)*". It is proposed to erect up to 8 dwellings on the appeal site, and at the hearing the appellant agreed that such dwellings would not have a combined floorspace of more than 1000 square metres of gross internal area. Therefore, an affordable housing contribution is not necessary. The Council concurs with this view.
35. As no affordable housing is being provided, and layout and appearance details are to be considered at reserved matters stage, the main parties agreed at the hearing that, in the event that the appeal were allowed, it would be necessary to impose a planning condition which restricts the number of dwellings to no

more than 8 and a combined gross internal floorspace of no more than 1000 square metres.

36. I acknowledge that the erection of eight dwellings on the appeal site would lead to additional traffic movements in the area. However, I have no reason to disagree with the conclusions reached by the Highway Authority that it would be possible to erect dwellings on the site without significant harm being caused to matters of highway safety. On the site visit, I did notice that York Road was relatively narrow in parts, although it would be possible for vehicles to pass at slow speeds. However, I do consider that it would be necessary to ensure that vehicles could enter and leave each residential plot in forward gear. The Council has suggested a planning condition (accepted by the appellant) which ensures that on site turning facilities are provided for each residential plot. This would represent a far better situation than for a number of existing dwellings on York Road (including dwellings which have recently been built) which have no on site turning facilities.
37. I note the representations made about the historic use of the site, and the fact that it was previously open (no fencing) and included a children's play area. However, the site is not designated public open space and is in private ownership. There is no children's play area on the site now.
38. I have considered comments made about a reduction in property values. The Courts have held that this is not a material planning consideration. In any event, I have no objective evidence before me to demonstrate that the proposal would lead to a reduction in property values. Comments have been made by the occupiers of 12 York Road about loss of privacy. The submitted plans are indicative and layout and appearance is reserved for a subsequent reserved matters application. It would be possible to erect dwellings on the site in such a way that reasonable separation distances were in place and so that an acceptable level of privacy was maintained for the occupiers of this dwelling and the dwellings that surround the site.
39. Whilst the appeal site does not currently include the necessary infrastructure to facilitate the erection of dwellings, I can see no reason why such infrastructure (for example drainage) would not be capable of being put in place as part of the construction of the dwellings. I accept that Brookenby has limited facilities and services (ie a church, community centre and a shop which appears to have closed) for day to day living purposes. However, as part of my site visit, I was able to visit the neighbouring settlement of Binbrook which is close to the appeal site (just over a mile away). This has a reasonable range of day to day services and facilities including a post office, public house, village store, hairdressers, primary school, bowling club and Chinese take-away.
40. Neither the Council nor the appellant were able to provide me with any information relating to bus services from Brookenby to Binbrook. However, at the hearing the other interested parties commented that there were no such bus services to this settlement and that any bus services to larger settlements (for example Grimsby) were infrequent. I have no reason to doubt what the other interested parties have said about bus services.
41. Notwithstanding the above, there is a continuous footpath on the main roads from Brookenby to Binbrook and hence there would be opportunities for most people to utilise facilities and services in Binbrook without always having to use the private motor vehicle. Furthermore, and given the relatively close

proximity of the settlement of Binbrook to Brookenby, some occupiers of the proposed dwellings could, at times, cycle to this settlement. At the hearing, I also heard that there was a school bus service which stopped in Brookenby and took school children to the primary school in Binbrook. This would also reduce the reliance on the private motor vehicle for school pick up and drop off purposes. For the above collective reasons, I therefore conclude that the site is sustainable in terms of its proximity to day to day facilities and services and that there would not be an over reliance on the private motor vehicle.

42. I have considered comments made about wildlife on the site and the appellant's Preliminary Ecological Appraisal and Presence/ Absence Bat Survey (prepared by KJ Ecology). Based on the evidence before me, I conclude that the proposal would not cause harm to wildlife or matters of biodiversity.
43. I am aware that in recent years there have already been some houses built and allowed in Brookenby. I acknowledge that some of the other interested parties feel that the 10% growth in the number of dwellings in the village, as outlined in emerging Policy LP4 of the LP, has already occurred. Appendix B to Policy LP4 provides some additional clarity in respect of this matter, and, as outlined earlier in this decision, the Council has raised no objection in numerical terms to the erection of eight dwellings on the site. Furthermore, paragraph 3.4.8 to the policy states "*Policy LP4 does not limit development absolutely, but clarifies the anticipated level of growth for each settlement*". In any event, I have found that the Council cannot demonstrate a deliverable five year supply of housing sites, and residential development on this infill site would positively contribute towards boosting the supply of housing in accordance with paragraph 47 of the Framework.
44. A number of other interested parties have raised concerns about the erection of the fencing around the site and use of CCTV. These are matters which are separately being investigated by the Council's enforcement service. My overall conclusions on the main issues would have been the same had the fencing / CCTV not existed on the site.
45. Finally, I am aware that there are some inaccuracies in some of the professional reports submitted by the appellant. However, these are relatively minor matters and, in any event, I have been able to consider the appeal against all of the representations made by other interested parties and consultees, relevant local and national planning policies and taking into account what I was able to see as part of my site visit.
46. None of the other matters raised outweigh my overall conclusion on the main issues.

Conditions

47. The conditions set out in the accompanying schedule are based on those suggested by the Council and as discussed at the hearing. Where necessary I have amended the wording of the suggested conditions, in the interests of precision and clarity, and in order to comply with advice in the Planning Practice Guidance.
48. Planning permission is granted subject to the standard reserved matters conditions. Otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the

approved plan, for the avoidance of doubt and to clearly identify the site. I have therefore imposed a condition to this effect.

49. In the interests of the living conditions of the occupiers of the proposed dwellings and the existing surrounding properties, planning conditions are necessary relating to foul/surface water scheme details and land contamination. At the hearing the main parties agreed that a pre-commencement type condition was not necessary in respect of foul/surface water drainage. I have therefore amended the wording of this suggested condition so that it refers to such details being submitted prior to the erection of any dwellings on the site.
50. In the interests of highway safety, and to inform the reserved matters application(s), a planning condition is necessary which requires details that show that vehicles can enter and leave each residential site in forward gear.
51. In order for the Local Planning Authority to maintain control in respect of affordable housing provision, a planning condition is necessary which restricts the scope of the outline planning permission to no more than 8 dwellings and no more than 1000 square metres of combined internal gross floorspace.

Conclusion and sustainable development

52. Whilst there would be some conflict with saved Policy CORE 9 of the WWLP and emerging Policy LP23 of the LP, such policies are either out of date or not yet adopted. I therefore afford such policies, and hence the conflict with them, limited weight. In any event, whilst the proposal would have some impact upon the open character of the IOS part of the site, I am satisfied that it would be possible to erect dwellings on this site in a manner which would be reflective of the pattern of development that surrounds it. Therefore, whilst the proposal would change the IOS area, I do not consider that it would do so in a manner which, in principle, would have a significantly detrimental impact upon the character and appearance of the area. In addition, I can see no compelling reason why, in principle, some dwellings should not be allowed on land within the curtilage of No 4 Lancaster Road. However, I do acknowledge that any reserved matters application(s) would need to be carefully considered in respect of the spacing between dwellings and the extent and position of landscaping.
53. Any conflicts with the aforementioned policies need to be weighed against the fact that the local planning authority cannot demonstrate a deliverable five year supply of housing sites. The contribution that eight dwellings would make to the supply of housing in the area is a social matter to which I afford considerable weight. Furthermore, there would be construction employment arising out of the erection of the dwellings, and I have no doubt the occupiers of the proposed dwellings would also seek to spend money in the local area. I afford these economic matters some positive weight. I acknowledge that the residents that occupy the existing houses that surround the appeal site will be used to an open outlook. However, the Council raises no objection in principle to some development being allowed in Brookenby, and houses could be built on the site without significant environmental harm being caused to the character and appearance of the area or to the living conditions of the occupiers of surrounding residential properties.

54. Emerging Policy LP2 would allow modest housing growth in the settlement of Brookenby and in the context of Paragraph 55 of the Framework the proposed dwellings would not be isolated, either in physical terms, or in respect of locational accessibility to other nearby settlements such as Binbrook (just over a mile from the appeal site). There is no dispute between the main parties that the proposal would enhance and maintain the vitality of Brookenby and the neighbouring village, in line with the economic aims of the Paragraph 55. In addition, I have found that the proposal would conserve the landscape and scenic beauty of the AONB.
55. In the context of paragraph 14 of the Framework and for the reasons outlined above, I therefore conclude that any conflict with adopted and emerging planning policies would be minor, and that overall the proposal would deliver sustainable development. Any adverse impacts from the development arising out of the conflict with the identified policies would be significantly and demonstrably outweighed by the above identified benefits. Therefore, on balance, and taking into account all other matters raised, I conclude that the appeal should be allowed.

Daniel Hartley

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plan: Location Plan "Scale 1:1250 @ A3- Rev A".
- 2) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 3) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 4) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 5) Prior to the erection of any dwellings on the site, a scheme for the disposal of foul and surface waters shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to the first occupation of the dwellings, and shall be retained and maintained as approved thereafter.
- 6) When an application is made for approval of "the reserved matters", that application shall show details of arrangements to enable a motor vehicle to turn within each residential site so that it can enter and leave the highway in a forward gear.
- 7) If during the course of development, contamination is found to be present on the site, then no further development shall be carried out until a method statement detailing how and when the contamination is to be dealt with has been submitted to and approved in writing by the local planning authority. The contamination shall then be dealt with in accordance with the approved details.
- 8) No more than eight dwellings shall be erected on the site. There shall be no more than 1000 square metres of combined gross internal floorspace on the site.

APPEARANCES

FOR THE APPELLANT:

Chris Atkinson (Senior Planner) – Barton Willmore

FOR THE LOCAL PLANNING AUTHORITY:

Rachel Woollass (Senior Planner) – West Lindsey District Council

Ian Elliott (Senior Planner) – West Lindsey District Council

INTERESTED PERSONS:

Paul Taylor – local resident

Christopher Bowles – local resident

Ann Spencer – local resident

Rowena Purdy – local resident

DOCUMENTS SUBMITTED AT THE HEARING

Doc 1: Appeal decision APP/N2535/W/16/3150309 dated 4 November 2016.

Doc 2: Appendix B to Policy LP4 of the Central Lincolnshire Proposed Submission Local Plan 2012-2036.

Doc 3: Representation from Mr Paul Taylor of Woodland House, Lancaster Road, Brookenby.