
Appeal Decision

Site visit made on 8 November 2016

by Sarah Housden BA (Hons) BPI MRTPI

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

Decision date: 20 January 2017

Appeal A: APP/N2535/W/16/3155760

Land at Abbey Road, Bardney, Lincoln LN3 5XA

- 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 T Wilson against the decision of West Lindsey District Council.
 - The application Ref 134087, dated 24 February 2016, was refused by notice dated 22 April 2016.
 - The development proposed is 'residential development'.
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Appeal B: APP/N2535/W/16/3160148

Land at Abbey Road, Bardney, Lincoln LN3 5XA

- 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 T Wilson against the decision of West Lindsey District Council.
 - The application Ref 134653, dated 29 June 2016, was refused by notice dated 18 August 2016.
 - The development proposed is 'residential development'.
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Decisions

Appeal A: APP/N2535/W/16/3155760

1. The appeal is dismissed.

Appeal B: APP/N2535/W/16/3160148

2. The appeal is dismissed.

Main Issues

3. The main issues in relation to both appeals are:
 - The effect of the proposed development on the character and appearance of the area, including its effect on the setting and thereby the significance of the designated heritage assets of Birch Tree Farmhouse and Bardney Abbey; and
 - Whether or not the development would accord with national and local policies relating to the location of development in the District.
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Procedural Matters

4. As set out above, there are two appeals. Although I have considered each proposal on its individual merits, to avoid duplication I have dealt with the two schemes together except where otherwise indicated.
5. Appeal A was submitted first. Appeal B was made following the refusal of planning permission for a revised scheme on a smaller part of the site. Prior to the determination of both appeals, they were linked and both main parties were advised accordingly.
6. The applications were made in outline with all matters reserved for subsequent approval apart from the means of access. An illustrative layout (Drawing No 64/15/01/A) accompanied the application under Appeal A showing a development of eight dwellings. Whilst not formally part of the scheme, I have treated this as a guide to how the site might be developed if the appeal were to succeed.
7. The Submission Draft Central Lincolnshire Local Plan (CLLP) was submitted to the Secretary of State for examination on 29 June 2016 and the hearing sessions were completed on 14 December 2016. The reasons for refusal in both appeals make reference to CLLP Policies LP25 and LP55. Although the plan is at an advanced stage of preparation, there is no further evidence of the extent of any unresolved objections to those policies. Therefore in accordance with Paragraph 216 of the Framework, only moderate weight can be attached to those policies in coming to my decision.
8. The officer report for Appeal A makes reference to the effect of the proposal on Birch Tree Farmhouse which is a Grade 2* listed building. However, the reasons for refusal refer only to the effect on St Oswalds Monastery (hereafter referred to as Bardney Abbey in this decision). Notwithstanding this, I am mindful of the statutory duty to have special regard to the desirability of preserving a listed building or its setting under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Accordingly, I have considered the effect of the proposals on the significance of both Birch Tree Farmhouse and Bardney Abbey in both appeals.

Reasons

9. The appeal site is located to the north of Bardney, a large village approximately 11 km to the east of Lincoln. It comprises part of a larger grassed field and is approached via a road which runs from the village centre towards Bardney Abbey. A public right of way (PROW) runs from the south-east corner of the site towards Abbey Farm. An engineering workshop accessed off Abbey Road is located adjacent to the south-west corner of the site. Under Appeal A, the developed frontage would extend approximately 130 metres along Abbey Road whilst for Appeal B it would be approximately 80 metres.
10. Bardney is predominantly linear in form and has developed along the road network with more recent development in depth to the rear of frontage properties. The appeal site is outside the settlement boundary and forms part of the open countryside which separates the main built-up area of the village along Abbey Road from the outlying group of farm buildings and houses at Abbey Farm within which Birch Tree Farmhouse is located. To the north, Bardney Abbey is accessed via a track at the end of Abbey Road which

becomes a private access track at the Abbey Farm group. The PROW across the appeal site passes through a group of outbuildings and larger farm buildings before meeting the access track. The Bardney Abbey site is accessible to the public with interpretative boards explaining its historical development and remains.

Character and appearance – Appeals A and B

11. The appellant has not supplied any details of the significance of the designated heritage assets. However, based on the evidence before me and from what I saw at my site visit, the significance of Bardney Abbey as a scheduled monument derives from its historic interest as the remains of a Benedictine monastery located on the site of an earlier seventh Century monastery. Its location in a tranquil and rural setting provides a historic connection with the reasons that the monastic community chose the location. Birch Tree Farmhouse is a thatched roof cottage which originally belonged to Bardney Abbey and contains 15th century fabric.
12. As part of my site visit I walked to and from Bardney Abbey on the PROW across the appeal site and also along the access track through Abbey Farm. The site of the Abbey is experienced within the wider agricultural landscape to the north and west of the village. When looking from Bardney Abbey to the south, the view is dominated by the intervening group of buildings at Abbey Farm within which Birch Tree Farmhouse is located. This group which includes Silver Birch House and Abbeydels separates the site of the Abbey from the main built-up area of the village along Abbey Road. There is no intervisibility between the appeal site and Bardney Abbey and Birch Tree Farmhouse. Whilst the site forms part of the approach to the designated heritage assets, it does not fall within their immediate setting.
13. As such, whilst acknowledging the views of Historic England, I concur with the appellant's view that the proposed development would not cause harm to the setting of Bardney Abbey and Birch Tree Farmhouse. As such, their significance would not be harmed and there would be no conflict with CCLP Policy LP25 which permits development where it would not harm the significance of a designated heritage asset and/or its setting. Nor would there be conflict with the Framework's advice to take into account the desirability of sustaining and enhancing the significance of heritage assets in determining development proposals.
14. The dwelling opposite the appeal site is set within a large plot and forms a transition between the main built-up area of the village to the east of Abbey Road and the open countryside to the north. When approaching along Abbey Road from the north and south, the undeveloped gap between the engineering workshop and Silver Birch House separates the village from the outlying group of buildings at Abbey Farm. This open space makes a positive contribution to the rural character and appearance of the village and its setting within the landscape. Whilst the engineering workshop is relatively prominent, it has the appearance of an agricultural building that is commonly seen in the countryside.
15. The form of development proposed in both Appeals A and B would reflect the linear form of the frontage development along Abbey Road. However, it would extend the built-up area into the undeveloped gap between the engineering workshop and Silver Birch House and would create the impression of the village

merging with the group of buildings at Abbey Farm. The loss of this space would be detrimental to the openness and rural character and appearance of the area which derives from the physical separation between the built-up area of the village and the outlying group of agricultural and other buildings around Abbey Farm. When viewed from vantage points to the east including PROW Bard217/3, the two storey form of the dwellings proposed under Appeal A would be prominent and conspicuous and would cause material harm to the rural character and appearance of the village and its setting within the landscape.

16. The scheme proposed under Appeal B would leave an undeveloped gap of approximately 60 metres between the proposed development and the boundary of the garden to Silver Birch House to the north. The northern boundary of the proposed site appears somewhat arbitrary as it is not delineated by any natural or other boundary feature on the site. The restricted size of the undeveloped gap would not maintain the visual separation between the built-up area of the village and the outlying group at Abbey Farm. I conclude that the scheme under Appeal B would not overcome the harm to the character and appearance of the village identified above.
17. I conclude in relation to the first main issue in this case that both Appeals A and B would be contrary to the aims of Policy STRAT 12 of the West Lindsey District First Plan Review (2006) (WLP) which seeks to ensure that development does not cause permanent damage to the countryside. There would also be conflict with the Framework's core planning principle to recognise the intrinsic character and beauty of the countryside and its advice that new development should add to the overall quality of an area.

Location – Appeals A and B

18. The Central Lincolnshire Five Year Land Supply Report (September 2016) indicates that there is a 5.26 year supply of housing sites in the Central Lincolnshire Plan Area. The supply includes allocations in the CCLP and there is nothing in the evidence to indicate the extent of any unresolved objections to those sites. Hence there is considerable uncertainty as to whether or not the CCLP sites will contribute to the five year land supply as anticipated. Notwithstanding the appellant's view that a five year supply of housing sites cannot be demonstrated, there is insufficient evidence before me to make an accurate conclusion on the matter. In any case, the existence of a five year supply of housing land is not a ceiling or limit on further development.
19. For the purposes of planning policy the site is in the open countryside where WLP Policy STRAT 12 restricts development to that which is essential for agriculture, horticulture, forestry, mineral extraction or other land use appropriate to a rural area which requires a countryside location, or meets an objective supported by other Plan policies. This aspect of the policy is broadly consistent with the advice in paragraph 55 of the Framework to avoid new isolated homes in the countryside unless there are special circumstances, none of which are relevant to the appeal case.
20. However, the WLP pre-dates the Framework which indicates at paragraph 215 that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. A blanket restriction on development outside settlement boundaries is not consistent with the advice in paragraph 55 that to promote sustainable development in rural areas, housing

should be located where it will enhance or maintain the vitality of rural communities. In these circumstances, the weight to be given to Policy STRAT12 is reduced and the location of the site outside the settlement boundary is not determinative in these cases.

21. The appeals should be considered in the context of the presumption in favour of sustainable development, bearing in mind the Framework's requirement to boost significantly the supply of housing. For decision making this means that where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. There are three dimensions to sustainable development – economic, social and environmental which must be sought jointly and simultaneously through the planning system.
22. The proposed developments would boost the supply of housing in a settlement which is identified as a primary rural settlement in WLP Policy STRAT 3 and is therefore a sustainable location for new development. The village has a good range of services and facilities within walking and cycling distance of the site and public transport links to larger centres including Lincoln. Residents would have a choice of sustainable modes of transport to meet daily needs and would not necessarily be dependent on the use of a private car.
23. Spending by new residents would be likely to support local services and facilities. This together with the jobs created during construction and New Homes Bonus would contribute to the economic role of sustainable development. The appellant indicates that the provision of new housing would help to retain younger residents in the village and whilst there is no specific provision for affordable housing, new residents would help to support social networks thereby contributing to village life.
24. Whilst the benefits arising from Appeal A could be expected to be marginally greater due the increased number of dwellings, I attach moderate weight to the economic and social benefits arising from both appeals commensurate with their modest scale.
25. The Code for Sustainable Homes referred to by the appellant has been withdrawn, but I am satisfied that the dwellings could be constructed to high standards of energy efficiency and specification. Although I have concluded that the setting and thereby the significance of Bardney Abbey and Birch Tree Farmhouse would not be harmed, there would be harm to the rural character and appearance of the area and the environmental dimension of sustainable development would not be fully met. The harm arising to the rural character and appearance of the village and its setting within the wider landscape weighs heavily against both appeal schemes.

Other matters

26. The appellant has referred to the permission granted for six dwellings¹ on land to the south of the engineering workshop and appeal site which was also located outside the settlement boundary. Whilst I have no details of the approved scheme, the officer report indicates that the site was considered to be in close proximity to the settlement boundary with a row of residential

¹ Ref 133108

properties opposite. Whilst there is one dwelling opposite the appeal site, I have indicated above that it is within a large plot and forms a transition between the built-up area of the village and the countryside beyond. The location of the appeal site and its relationship with existing development is not comparable with the approved scheme. The particular planning circumstances of all cases will be different requiring a judgement to be made in accordance with the evidence and I have determined these appeals based on the circumstances of the site and the evidence before me.

27. Representations have been made about the effect of the proposals on highway safety, drainage and the PROW across the site. Had either of the appeals been allowed it would have been necessary to deal with these matters in more details but as they are being dismissed for other reasons there is no need for me to comment further.

Planning balance and conclusion

28. To conclude, both Appeals A and B would extend the built-up area of Bardney into the open countryside to the north of the village and would be harmful to its rural character and appearance and its setting within the landscape, contrary to WLP Policy STRAT 12. The harm that would be caused to the environmental dimension of sustainable development would significantly and demonstrably outweigh the moderate weight in favour arising from the economic and social aspects of the development. As such, the proposal would not comprise sustainable development when assessed against the Framework read as a whole. In these circumstances, there are no material considerations to justify making a decision other than in accordance with the development plan.
29. For the reasons outlined above, and having had regard to all of the other matters raised, I conclude that both appeals should be dismissed.

Sarah Housden

INSPECTOR