
Appeal Decision

Site visit made on 20 December 2016

by David Cross BA (Hons), PGDip, MRTPI

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

Decision date: 26 January 2017

Appeal Ref: APP/D2510/W/16/3160438

Land South of Upper Garth, Salmonby Road, Tetford, Horncastle, Lincs LN9 6PY

- 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 B Todd of Brian Todd Homes against the decision of East Lindsey District Council.
 - The application Ref S/177/01047/16, dated 9 May 2016, was refused by notice dated 5 July 2016.
 - The development proposed is outline erection of dwellings.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The application has been submitted in outline with all matters reserved for future consideration. I have dealt with the appeal on that basis, treating the layout of the proposed dwellings as depicted on the site plan as being indicative.

Main Issue

3. The main issue in this appeal is whether the proposed development would provide a suitable site for housing, having regard to the character and appearance of the area and having particular regard to the location of the site in the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB).

Reasons

4. The Council accepts that it does not have an identified and deliverable 5 year supply of housing land. Paragraph 49 of the National Planning Policy Framework (the Framework) states that in these circumstances relevant policies for the supply of housing should not be considered up to date. The appeal proposal should therefore be considered on the basis of paragraph 14 of the National Planning Policy Framework (the Framework) which states that where relevant policies are out of date permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
 5. The appeal site is part of an extensive agricultural field located adjacent to Salmonby Road, which is one of the main roads leading to the village. It was
-

apparent at my site visit that the area to the east of Salmonby Road opposite the appeal site is characterised by an established and contiguous length of ribbon development extending to the south, primarily consisting of residential development. In comparison, development located to the west of Salmonby Road has a more sporadic character. In particular, the appeal site represents a significant visual break between the main body of Tetford to the north and the more limited development located some distance to the south.

6. Based on the boundary of the proposal and my site visit, it is apparent that the proposal would represent an extension and consolidation of the existing unsympathetic linear form of development rather than infill within the settlement. Furthermore, the development would remove the view of the wider landscape in views from Salmonby Road and West Road when entering or leaving the village. Although the existing hedge provides a degree of screening from Salmonby Road, I saw that there are views across the site from the adjacent highway junction and that the site is prominent when leaving Tetford due to its location on the brow of a gentle slope. In any case, the proposal is likely to affect the agricultural character of the field boundary adjacent to Salmonby Road and therefore detract from the countryside character of the area.
7. I note that there is some disagreement between the Council and the appellant about the need to provide a footway to the front of the development and the retention of the existing hedge. However, even if a footpath was not provided and the hedge was retained, I consider that the development would be readily apparent in views along Salmonby Road to the detriment of the rural setting of the village within the AONB.
8. The appellant has referred to the potential for landscape planting to ameliorate views of the rear of the site. However, such planting would take time to establish and in any case I am not persuaded that it would be entirely successful in screening views of the site from the surrounding area.
9. Taking the above matters into consideration, I conclude that the appeal proposal would cause significant harm to the rural character and appearance of the area as well as the AONB which has the highest status of protection when it comes to landscape and scenic beauty. The proposal is therefore contrary to Policies A5 and H12 of the East Lindsey Local Plan Alteration 1999 (LP) which state, amongst other things, that development should not detract from the distinctive character of the locality and should integrate into its surroundings. The proposal would also conflict with Policy C11 of the LP which seeks to protect the natural beauty of the AONB. These policies are broadly consistent with the Framework in relation to protecting the natural and built environment and which gives great weight to conserving landscape and scenic beauty in AONBs.
10. In relation to benefits arising from the proposal, the appellant has stated that up to 7 dwellings could be provided on the site which in terms of the supply of housing would be a benefit, albeit a modest one. Residents of the dwellings would also have convenient access to the services in Tetford, which is classed by Policy A3 of the East Lindsey Local Plan Alteration 1999 (LP) as a 'Main Village' providing a limited but valuable range of services. I also note that the appellant proposes to build high quality dwellings of a design representative of this rural area, although this issue would be subject to future consideration as

part of a reserved matters application. However, I consider that the benefits of the proposal would not outweigh the identified harm. The proposal is contrary to the LP and material considerations do not indicate that the proposal should be determined other than in accordance with the development plan.

Other Matters

11. The appellant has referred to other housing developments which have been permitted in the area. However, I do not have full details of the circumstances that led to these proposals being accepted and so cannot be sure that they represent a direct parallel to the appeal proposal. In any case, I have determined the appeal on its own merits.
12. My attention has also been drawn to a newspaper article which refers to the development of up to 50 dwellings in Tetford as part of a Local Plan. The appellant has also stated that the appeal proposal would enable the Council to keep the protected core of the village free from development. However, I have not been provided with details of the source of these housing figures or whether development is proposed in the village core. I also note that the Council refers to the draft East Lindsey Settlement Proposals Development Plan Document (ELSP) which advises that no allocations for housing are proposed in Tetford due to accessibility issues for the village and because of its location in the AONB. Whilst I have not been provided with details of this document, I note that it is currently out to consultation. Because of the stage of preparation of the ELSP, I consider that only very limited weight can be attached to this matter having regard to paragraph 216 of the Framework.
13. I have taken into account the objections raised locally, including concerns in relation to highways and design issues. I also note that Tetford & Salmonby Parish Council do not object to the principle of residential development on the site, subject to the provision of affordable housing. However, consideration of these matters has not led me to a different conclusion on this appeal.

Conclusion

14. For the above reasons and taking into account all other matters raised, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR