

Appeal Decision

Site visit made on 21 September 2016

by M Seaton BSc (Hons) DipTP MRTPI

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

Decision date: 26 January 2017

Appeal Ref: APP/N2535/W/16/3149211

Rose Cottage, Main Street, Osgodby, LN8 3PA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr John Regulski against the decision of West Lindsey District Council.
 - The application Ref 133981, dated 1 February 2016, was refused by notice dated 8 April 2016.
 - The development proposed is a change of use to a residential let
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Procedural Matter

1. The appellant identified the appeal site address as 'Ivy House' on the planning application forms, and in error an address in Earley near Reading on the Appeal Forms, but has subsequently identified the premises as being 'Rose Cottage'. I note that the Council has also identified the appeal site as 'Rose Cottage' and I am satisfied to proceed on this basis.

Decision

2. The appeal is dismissed.

Main Issues

3. The main issues are;
 - whether, the development would be suitably located with regards to access to services and facilities;
 - whether the proposal would provide a satisfactory level of external amenity space to safeguard the living conditions of future occupiers; and,
 - whether the use of the access and the proposed parking area would safeguard the living conditions of the neighbouring occupiers of Summerfield House, having regard to noise and disturbance.

Reasons

Access to services and facilities

4. The appeal site occupies a location to the rear of Ivy House within Osgodby, and is identified as having been a garage which was previously used as a holiday cottage before becoming an annexe to Ivy House. The modest-sized building is of a comparatively simple construction formed of a painted block work finish, partially clad in timber, and with a pantile roof. A small paved area
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was evident to the south of the building as part of an external amenity area linked to the building with a large paddock beyond. The existing shared vehicular access to the site is taken from Main Street and follows a comparatively circuitous route round the curtilage and garden of Ivy House to a small parking area identified immediately in front of Rose Cottage.

5. Osgodby is identified as being a Subsidiary Rural Settlement in the West Lindsey Local Plan Review 2006 (the Local Plan). The village provides a comparatively small range of day to day facilities including a primary school, childcare centre, church, post office, village hall and playing field, and a public house. There is also a relatively infrequent bus service linking the village to Market Rasen, provided by CallConnect.
6. As a consequence of the limited level of existing services and facilities, it is clear that residents would commonly need to travel to workplaces, secondary schools and other frequently-used facilities such as shops. In this respect, the appeal site is located within a village which does not occupy a particularly sustainable location and for which there is no realistic alternative in terms of public transport, or walking and cycling routes. This conclusion I note to be consistent with those reached on previous appeals for residential development within the village, and where reliance would be placed upon private car use.
7. I have had regard to the appellant's submission that Osgodby is like the majority of rural areas in the UK which do not have access to an extensive public transport system, and that there is a consequent need for private car use. I accept that development in rural areas should not be precluded on the basis of the use of a private car, but I must also have regard to the National Planning Policy Framework (the Framework), which is clear that the planning system should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and by focussing development in locations which are or can be made sustainable.
8. As a consequence, the proposed dwelling would not be suitably located with regards to access to services and facilities, and would not promote opportunities to maximise the use of sustainable transport. The Council has not directed me to a policy within the Development Plan which addresses the locational aspects of the site, so I have therefore assessed the proposals against the Framework. In this respect, I have found conflict with Chapter 4 of the Framework as the proposals would not promote and maximise the use of sustainable transport rather than use of the private car, and for which there is not a realistic alternative.

Living conditions – future occupiers

9. The Council has highlighted that saved Policy STRAT 1 of the Local Plan requires development to reflect the need to safeguard and improve the quality of life of residents. In this respect particular concern has been expressed over the relatively limited external amenity area which would be available, with it contended that the level proposed would compromise the residential amenity of future occupiers.
10. I have had regard to the Council's submissions and accept that the overall level of external amenity space provided would be comparatively limited in the context of that available for surrounding properties. However, on the basis of my observations, I consider that it would be proportionate in size given the

limited scale of the accommodation, and that it would not preclude the undertaking of a normal range of external activities associated with residential occupation.

11. As a consequence, I am satisfied that the living conditions of future occupiers would be safeguarded in respect of the provision of external amenity space. The proposals would not therefore conflict with saved Policies STRAT 1 and RES 1 of the Local Plan, which seek to ensure that proposals are satisfactory with regard to their layout and in the need to safeguard and improve the quality of life of residents. Furthermore, I am satisfied that the proposals would be in accordance with paragraph 17 of the Framework which seeks to secure a good standard of amenity for all future occupants of land and buildings.

Living conditions – neighbouring occupiers

12. Lincolnshire County Council Highways have indicated their general satisfaction with the suitability of the access to the appeal site, and on the basis of my observations I see no reason to disagree with this conclusion. However, I note that concern has been raised over the impact that the turning of vehicles would have on the living conditions of the neighbouring occupiers of Summerfield House, having regard to noise and disturbance from manoeuvring vehicles, and the nuisance that stationary vehicles parking on the access would create.
13. I have carefully considered the submissions in respect of these matters and I accept that the manoeuvring of vehicles in and out of the indicated parking area would be likely to lead to some noise and disturbance being experienced by the neighbouring occupiers. However, whilst I would acknowledge that the turning area indicated on the submitted plans for manoeuvring within the site and access is fairly constrained, I am satisfied on the basis of my observations that it would be feasible and operable for its proposed use. Furthermore, I do not consider that either the frequency of occurrence or magnitude of noise and disturbance would either be unexpected between neighbouring residential properties, or so significant as to result in an unacceptable impact on the living conditions of the neighbouring occupiers.
14. Turning to whether the extent and characteristics of the parking area would be likely to lead to parking on the access, whilst I observed several parts of the access where it is conceivable that *ad hoc* parking could occur, I am not persuaded that future occupiers would view this as a preferable option to parking within their own defined space. I do not consider that either the Council or interested parties have provided any compelling evidence in this respect, or evidence that such a situation has previously arisen when the building was occupied independently as a holiday let.
15. I am therefore satisfied that the proposed change of use would not lead to an adverse impact on the living conditions of neighbouring occupiers, having regard to either noise and disturbance or nuisance from car parking. The proposal would therefore accord with saved policy STRAT1 of the Local Plan, which requires development to take full account of the impact on neighbouring uses. The proposals would also accord with paragraph 17 of the Framework which seeks to secure a good standard of amenity for all existing occupants of land and buildings.

Other Matters

Housing land supply & emerging Local Plan

16. During the course of the appeal, the Council has made submissions in respect of updated policy documents in the form of the emerging Central Lincolnshire Local Plan - Proposed Submission, dated April 2016, and the Central Lincolnshire Five Year Land Supply Report 1 April 2017 – 31 March 2022 & Errata Report, dated September 2016.
17. The Housing Land Supply report indicates that it would be possible to demonstrate a 5.26 year supply across the Central Lincolnshire authorities. However, the Council has conceded that as a consequence of its inability to currently demonstrate sufficient allocations within the spatial strategy of the current Local Plan to meet supply, and reliance upon draft allocations within the emerging Local Plan, its existing housing supply policies should be considered to be out of date. It is unclear from the submissions as to the extent of any shortfall, although I note that a previous referred to September 2014 assessment could only demonstrate a 3.5 year supply of deliverable housing land, which would represent a substantial deficiency. In such circumstances, I consider that the housing policies should attract only very limited weight. The proposals should therefore be assessed against the presumption in favour of sustainable development set out at paragraph 14 of the Framework, which states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of development.
18. In addition to the above, the Council has drawn my attention to Policies LP2 and LP4 of the emerging Central Lincolnshire Local Plan. These policies identify Osgodby to be able to accommodate small scale development of a limited nature, with proposals considered on their own merits, and with a growth level of up to 10% (equating to 14 dwellings) for the village. It is indicated that the Council is affording reasonable weight to these policies on the basis that they contribute towards the strategic growth position which has been set out in the emerging plan. As a consequence, the Council has now indicated the overall principle of the development of an additional dwelling to be acceptable.
19. I have carefully considered the Council's position. Whilst I acknowledge the level of weight which the Council has afforded to the emerging policies, I do not consider that even though the examination of the Local Plan has now taken place that any more than limited weight should be attached to the emerging policies in advance of the Inspector's report having been published, due to the unresolved position of the Council's positive growth agenda and the promotion of additional development within rural villages.

Interested parties

20. Interested parties have raised other concerns over the impact of the proposed development, including the effect on the privacy of the neighbouring property, the potential for the devaluation of the neighbouring property, and the effect of the ownership of the access.
21. In respect of the privacy of the neighbouring property, whilst I observed the relationship between the appeal property and Summerhill House, I agree with the Council's assessment that the proposed change of use and occupation of

the building would not give rise to a direct and unacceptable impact on the living conditions of the neighbouring occupiers due to the angle between the facing habitable windows. Furthermore, whilst I accept that there would be some overlooking of neighbouring land, I do not consider this to be either an unusual or unacceptable situation within a village setting.

22. I have noted the reference to the potential devaluation of property but there is no substantive evidence to indicate that the use of the building in the manner proposed would have the claimed adverse effect on property values. Furthermore, whilst I have had regard to the references to the actual ownership of the access, this is a private matter and not an issue which would be determinative with regards to the decision-making for the planning appeal.

Planning Balance and Conclusion

23. The Council has indicated that it is unable to currently demonstrate sufficient allocations within the spatial strategy of the current Local Plan to meet supply. In these circumstances, paragraph 49 of the Framework highlights that relevant policies for the supply of housing should not be considered to be up-to-date and that housing applications should therefore be considered in the context of sustainable development.
24. I have concluded above that the proposal would not be in an accessible location, and that this would be contrary to the Framework as the proposals would not result in a development which would promote and maximise the use of sustainable transport rather than the private car. I attach substantial weight to this harm. Balanced against this is the limited contribution that a single additional permanent dwelling would have towards meeting the shortfall in the supply of housing, to which I have given some limited weight. The proposal would also result in some limited economic benefit related to the future occupation and support to existing local services.
25. Nevertheless, taking everything into account, I consider that the adverse impact of granting planning permission would still significantly and demonstrably outweigh the benefits. As a result, the application of paragraph 14 of the Framework does not indicate that permission should be granted and the proposal would not represent sustainable development.
26. For the reasons given above, the appeal is dismissed.

M Seaton

INSPECTOR