
Appeal Decision

Site visit made on 7 February 2017

by Andrew McCormack BSc (Hons) MRTPI

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

Decision date: 7 March 2017

Appeal Ref: APP/D2510/W/16/3163755

Land south of Te-Anau, Pedlar Lane, South Cockerington LN11 7EX

- 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 & Mrs Needham against the decision of East Lindsey District Council.
 - The application Ref N/158/01271/16, dated 10 June 2016, was refused by notice dated 16 September 2016.
 - The development proposed is erection of a detached house with attached double garage with games room over.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The original description of development stated on the application form has changed to include reference to the construction of a vehicular/pedestrian access. The decision notice describes the proposed development as 'Erection of 1 no. detached house with an attached double garage with games room over and construction of a vehicular/pedestrian access'. This amended description provides a more accurate statement of the proposed development. The Council has referred to it in its assessment of the proposal and so shall I.
3. The relevant policies of the development plan for housing are considered to be out of date due to the Council's inability to demonstrate a five year housing supply. However, there is consistency in the relevant local policies in the overall approach to development with the National Planning Policy Framework (the Framework). Therefore, I have given due weight to those policies in the determination of the appeal.

Main Issues

4. The main issues are:
 - whether the appeal site is in an accessible location, having regard to national and local policies relating to the location of housing development; and
 - the effect of the proposed development on the character and appearance of the surrounding area.
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Reasons

5. The appeal site is located on Pedlar Lane which is on the western edge of the village of South Cockerington. The area has a substantially rural character which is contributed to by the mature trees which line both sides of the lane. To the east there is a variety of residential properties, including a farmhouse and converted outbuildings, identified as non-designated heritage assets. These are adjacent to the appeal site. The nearby properties, although varied in appearance, are predominantly large and detached and positioned on spacious plots. The area of land to the north has an extant planning permission for the erection of a single dwelling for which ground works were being undertaken at the time of the site visit. To the west and south of the site there are open fields and the wider countryside beyond.

Accessible location

6. Policy A3 of the East Lindsay Local Plan 1999 Alteration (the Local Plan) states that South Cockerington is considered to be a 'small village'. In such locations, development will be permitted, subject to other policies and material considerations, provided its location, character, function, scale, design and operation are all consistent with the role, status and character of the settlement. Policy A3 seeks to concentrate major development in larger settlements with new development in smaller settlements to support local needs and services. In this regard, Policy A3 is consistent with the National Planning Policy Framework (the Framework).
7. South Cockerington has very limited services and facilities and I note that the settlement scores 9 points in the evidence gathered for the forthcoming Core Strategy. The Council state that this would give the settlement the classification of a hamlet. From this evidence, I find that the very limited services within South Cockerington would be insufficient to support the basic needs of any new occupiers.
8. The appellant states that the proposed dwelling would assist in sustaining the limited services and facilities in the settlement and those in nearby villages, in a cluster of villages. Notwithstanding this, I find that a single dwelling would have very little material effect on sustaining those services and facilities.
9. Furthermore, I note that the supporting text of Policy A3 in the Local Plan states that new development in small villages such as South Cockerington should, essentially, serve a local need for housing or employment purposes, rather than help to meet a wider demand which would be adequately and more appropriately catered for elsewhere. Whilst the proposal would result in a modest contribution to housing supply across the District, it would be located where substantial travel to services or facilities would be necessary. Employment, education, retail and other services are all located outside of South Cockerington in other settlements. The local primary school is in Grimoldby which is approximately 2.5km from the appeal site. Louth, with a wider range of services and facilities, is about 5.5km from the appeal site.
10. As a result, travel to such services and facilities would be almost entirely dominated by the car. I note that the appellant has provided timetables to demonstrate the bus services that are available to existing residents of South Cockerington. However, these are limited and would not, in my view, provide a realistic or reasonable alternative to journeys by private car. Whilst I

appreciate that a single dwelling would have a limited impact on the amount of trips generated, I find that with such a reliance on car travel to get to services and facilities the scheme would be in conflict with the environmental aims of sustainability, as set out in Paragraph 7 of the Framework.

11. The proposal would make a very small contribution towards the overall supply of housing in the area where the Council is unable to demonstrate a five year supply. In addition, the appellant states that the development would have a small but positive impact on local employment in terms of construction jobs. Notwithstanding this, I find that a prevailing need to travel by private car to reach essential services and facilities which would be contrary to the sustainability aims of the Framework. Furthermore, from the evidence before me, I have found no special circumstances which would outweigh this.
12. Consequently, I conclude that the proposed development would be contrary to Policy A3 of the Local Plan and the Framework. Amongst other matters, the policy and guidance seek to ensure that new development is focussed in settlements which are larger and more accessible and have the necessary services and facilities to support it.

Character and appearance

13. The appeal site provides a transition between the properties within the settlement and the open countryside to the west and south. It forms an important element in the setting of the adjacent farmhouse and outbuildings, as non-designated heritage assets. The proposed dwelling would result in the loss of the established rural gap and also a number of mature trees which, cumulatively, make a substantial and positive contribution to the distinctive character and appearance of the area and the setting of the heritage assets. Whilst I appreciate that the appellant has stated that planning conditions could ensure that replacement trees would be planted, it would take several years for the new trees to provide a similar contribution to the character and appearance of the area and the level of visual amenity which the existing trees provide.
14. The appellant states that the proposal draws upon elements set out in the Lincolnshire Design Guide. Whilst I acknowledge this, the design and scale of the proposed dwelling would create a large, dominant dwelling in a prominent and visible position. Furthermore, it would fail to reflect the traditional design features found in the local area. Given its prominent position, the material harm caused would only be exacerbated by the loss of the important gap and the mature trees in this part of the settlement.
15. I appreciate the appellant's points regarding the position of the proposed dwelling on its plot in order to mitigate any adverse impacts on surrounding properties, retain an element of openness on the site and retain views of South View House and its outbuildings in the wider streetscene. Furthermore, I note that within the proposed development, there are some improvements to the public highway adjacent to the site in terms of improved visibility and a pedestrian route. Despite this, I find that such measures would involve the removal of mature trees which make a significant contribution to the character and appearance of the area and the setting of the nearby heritage assets. As a result, these benefits would not be sufficient to outweigh the significant and demonstrable harm which would be caused to the rural character and appearance of this part of the settlement and the setting of the heritage assets.

16. I note the approval of a dwelling on land adjacent and to the north of the appeal site. Whilst I have had due regard to this and other proposals referred to by the Council and appellant, I must assess the proposal before me on its own merits. Notwithstanding this, I find that the presence of the dwelling would only strengthen the need for and importance of a gap in the local streetscene between the established built form of the settlement and the open countryside to the south and west to maintain an area of transition.
17. Consequently, I conclude that the proposal would be contrary to Policies A4, A5, H10 and H12 of the Local Plan and the Framework. Amongst other matters these policies and guidance seek to ensure that development makes a positive contribution to local character and distinctiveness, does not detract from the distinctive character of the local area and protects it from inappropriate infill development by considering siting, layout, density and design.

Other Matters

18. The Council and appellant have referred to several planning applications and appeal decisions, some of which relate to schemes in South Cockerington. However, the full details of these schemes are not before me and I therefore cannot be certain that they provide direct comparisons to the appeal proposal. In any event, I must deal with the appeal on its own merits. Accordingly, I give these other cases only limited weight.
19. I note the appellant's submissions regarding how, in their view, the Council has dealt with these other proposals inconsistently. Notwithstanding this, these matters would be for the parties to consider outside of the appeal process. Furthermore, the appellant refers to the support which the proposed dwelling has from local residents and the Parish Council. Whilst this support is noted and given due consideration in my assessment of the appeal, this does not necessarily or automatically lead to an approval of planning permission.
20. From what I have seen and read, and having considered the above, I find that none of these other matters would lead me to a different conclusion.

Conclusion

21. I conclude that the appeal scheme would not be in an accessible location for essential services and facilities. Furthermore, it would have a significant adverse effect on the character and appearance of the surrounding area. Having had regard to all of the above, I conclude that the adverse impacts of granting planning permission I have identified would significantly and demonstrably outweigh the benefits of the proposal, including improvements to the public highway.
22. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Andrew McCormack

INSPECTOR