
Appeal Decision

Site visit made on 21 March 2017

by Siobhan Watson BA(Hons) MCD MRTPI

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

Decision date: 4 April 2017

Appeal Ref: APP/R2520/W/16/3164636

Land off Thorpe Lane, Eagle, Lincoln

- 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 C O'Boyle (Quaybronze Ltd) against the decision of North Kesteven District Council.
 - The application Ref 16/0727/FUL, dated 20 June 2016, was refused by notice dated 30 September 2016.
 - The development proposed is the erection of 9 detached dwellings (including affordable housing), 2 ancillary garages and formation of access with private carriageway.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposed development upon (i) the character and appearance of the countryside and surrounding area; and (ii) bats.

Reasons

Character and Appearance

3. The site is outside of, but adjacent to, the settlement boundary of Eagle as identified in the North Kesteven Local Plan (LP). It is surrounded by fields to both sides and to the rear, with playing fields opposite. There are also dwellings next to the front portion of the site. Given that the site is currently a field, mainly surrounded by other fields, and outside of the development boundary, it falls within the open countryside.
 4. Developing the land for housing would extend the developed area into the countryside. By extending the linear development along Thorpe Lane, and by developing deep into the field, beyond the rear of the adjacent dwellings, this part of the settlement would take on a more suburban appearance. There would be a significant loss of open and rural landscape which tree planting could not overcome.
 5. The proposed houses would be large, detached and very different in style to the nearest dwellings on Thorpe Lane. However, the proposed and existing houses would be separated by a deep band of hedgerow and would read as 2 separate pockets of development. Therefore, I do not consider that the
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proposed dwellings would look out of place within the street-scene. However, this factor does not outweigh the loss of landscape.

6. The loss of landscape would harm the character and appearance of the countryside. The proposal would therefore be contrary to LP Policies C2 and C18 which seek to protect the character and appearance of the area, including the countryside. It would also conflict with Policy LP 17 of the emerging Central Lincolnshire Local Plan (CLLP) which seeks to protect the intrinsic value of the landscape. I also find conflict with CLLP LP 26 which indicates that development should not extend existing linear features of a settlement and should retain, where appropriate, a tight village nucleus. I give this emerging plan some weight as it has been subject to public hearings and the Proposed Main Modifications consultation period is now closed. The proposal would also conflict with Paragraph 17 of the National Planning Policy Framework which says that planning should recognise the intrinsic character and beauty of the countryside.

Bats

7. Bats have been reported in the area and the submitted ecology report says that the tall hedgerows have good potential for use by commuting and foraging bats. The sections of hedgerow that would be lost for the provision of access are not tall and therefore I do not consider that the development would lead to a material loss of habitat for the bats. In any event, there is substantial hedgerow around the site that would provide for commuting and foraging and the proposal includes additional planting too.
8. I therefore conclude that the proposal would not have a harmful effect upon bats. Consequently, I find no conflict with LP Policy LW8 or with Policy LP21 of the emerging CCLP which seek to ensure that protected species and their habitats will not be adversely affected by development.

Other Matters

9. The appellant says that the Council cannot demonstrate an up to date five year housing land supply (HLS). However, the Council has provided the Central Lincolnshire Five Year Land Supply Report, dated September 2016. By using the Sedgefield method, this demonstrates a 5.26 year supply or a 6.4 year supply if using the Liverpool method. I appreciate that some of the sites do not yet have planning permission and are identified in the emerging CLLP. However, the appellant has not provided any evidence on what he considers the current HLS to be and has not said why any of the Council's identified sites would not be deliverable. On this basis, I accept the Council's evidence that there is an up to date HLS and therefore, LP Policy C2 is up to date.
10. I have also had regard to the appellant's reference to Policy L2 of the CLLP which identifies Eagle as a "Medium Village" which should accommodate a limited amount of development – typically on sites of up to 9 dwellings. However, the site is not within the defined settlement and Appendix 2 makes it clear that just because a village has yet to reach its growth level, this does not mean that all proposals will be appropriate and that planning applications should be tested against the policies of the CLLP. I have found that the proposal would conflict with both LP and CLLP policies. I note the appellant's comments that the developer of the appeal site already has funding in place but I have no convincing evidence that the developer is any more likely to

deliver the development than the developer of the site elsewhere in the village which already has outline permission.

11. The appellant refers to another appeal decision for residential development in Eagle¹ but apart from that appeal being dismissed, the Council had considered that visual amenity would not be harmed by that particular development which makes the case very different to the one before me. I accept that the Inspector in that appeal concluded that the Council could not demonstrate an up to date HLS but as that decision was issued in February 2015, the Inspector could not have had regard to the Council's September 2016 HLS evidence that I have before me.
12. I note the intention to provide three affordable houses within the development but no mechanism to secure their provision is before me. The Planning Practice Guidance advises against the use of conditions in such circumstances² and so I afford this offer limited weight. In any event, the provision of affordable housing would not outweigh the harm I have identified. I have had regard to all other matters raised, but none outweigh the conclusions I have reached.

Conclusion

13. For the above reasons, although I find no harm to bats, I find substantial harm to the character and appearance of the area, and consequent conflict with development plan policies. I therefore dismiss the appeal.

Siobhan Watson

INSPECTOR

¹ APP/R2520/A/14/2219593

² Paragraph: 010 Reference ID: 21a-010-20140306