
Appeal Decision

Site visit made on 14 March 2017

by A Jordan BA Hons MRTPI

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

Decision date: 12 April 2017

Appeal Ref: APP/E2530/W/16/3163867

White House Nursery, 23 The Green, Thurlby, Bourne, Lincs, PE10 0HB

- 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 M Parker and Sons Ltd against the decision of South Kesteven District Council.
 - The application Ref S15/1627, dated 5 June 2015, was refused by notice dated 25 August 2016.
 - The development proposed is demolition of house, outbuilding, and greenhouse and development of 5no residential dwellings including private drive.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of house, outbuilding, and greenhouse and development of 5no residential dwellings including private drive at White House Nursery, 23 The Green, Thurlby, Bourne, Lincs, PE10 0HB in accordance with application ref S15/1627, dated 5 June 2015 and the plans submitted with it and subject to the conditions in the attached annex.

Main Issues

2. The main issue for the appeal is whether the proposal would be in an acceptable location, having regard to Local Plan policies which seek to limit development in the countryside.

Reasons

3. Thurlby is allocated as a Local Service Centre in the Adopted *South Kesteven District Council Core Strategy* (CS). Policies SP1 and SP2 set out a spatial strategy which gives preference to brownfield sites within existing settlements. Policy SAP H1 of the Adopted *Site Allocations and Policy Development Plan Document* (SAP) sets out detailed criteria against which specific sites, including sites in villages should be assessed. Greenfield sites on the edge of towns and villages will not be considered acceptable but small infill sites of less than 10 dwellings will be acceptable provided they comply with a number of requirements. These include that they can be accommodated within the local highway and sewerage network, do not have an adverse effect on local education or health provision, do not have a detrimental impact on quality of life, do not compromise the nature and character of the settlement and comply with other plan policies. In coming to a view it is therefore necessary to consider firstly whether the site can be considered to be infill, and then
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whether it is acceptable in relation to the other requirements listed in the policy.

Infill Development

4. The site comprises a single residential dwelling and garden to the front of the site, and an area to the rear which was previously used as a plant nursery. It has a large greenhouse and an extended area which has previously been laid out as planted beds. The site has a frontage to The Green and is adjoined to the east by the rear of properties on Obthorne Lane. To the west the site is adjoined in part by gardens to properties on The Green and Old School Close. The lower portion of the site is open to the adjoining fields with the previously planted land evident due to its uneven profile and overgrown appearance.
5. The parties dispute whether the site can be considered to be an infill plot due to the open nature of the rear of the site. I agree that if taken in isolation the rear portion of the site would not fall within the definition of infill development due to it being open on two sides. However, regardless of the current or last use of the land, I see no reason why the site should be considered in two parts. It is contiguous with the residential plot to the north and the garden to the dwelling and the area used as a nursery are not clearly distinct. Taken as a whole the majority of the plot is enclosed by existing development, and the portion that is open on 2 sides is immediately adjoined by residential development to the rear. The existence of a built structure within the open area, and the appearance of the land, distinct from the adjoining field, further adds to its appearance as part of the existing developed envelope.
6. Therefore, although I do not dispute the Council's view that the site cannot be considered to be brownfield land, I am nonetheless of the view that the plot sits comfortably within the existing pattern of development and only marginally extends the built envelope. This leads me to the view that the site when considered as a whole should be considered as an infill plot.
7. I have been provided with a number of appeal decisions where the position of a plot and its surrounding character were taken into account in determining whether a site can be described as "infill". I am not aware of all the individual factors in these cases and so I cannot be assured that they are strictly comparable. Nevertheless, for the reasons given above the decisions provided do not alter my view in relation to the facts in this case.

Other Criteria

8. Policy SAP H1 also lists a number of other criteria against which infill development should be judged. The first of these is highway safety, which is also a matter of concern for local residents. The access to the site would lie in close proximity to the existing junction of High Street and Crown Lane, which sits close to the junction with The Green. High Street is the main thoroughfare through the village and bends to the west of the site entrance.
9. The existing access to the site would be altered to improve visibility and would serve all 5 proposed dwellings. I noted during the site visit that the open frontage of the site provided reasonable visibility for traffic approaching around the bend from the west, and that the bend slowed traffic approaching traffic from this direction. Furthermore good visibility was available to the east, as was approaching traffic from The Green and Crown Lane to the north. I also take into account that although the proposed use would increase the use of the access over that of the single existing dwelling, the nursery to the rear would

generate trips to the site if in operation. In this regard the proposed development would not result in a large increase in the use of the access. The highways officer has no objections to the proposal subject to the scheme being able to be accessible by fire appliances with a 15 tonne capacity. This is a matter which could be dealt with by a planning condition. Therefore, although I take into account the concerns of residents, including the juxtaposition of the veterinary surgery opposite, I do not consider that the proposal would be prejudicial to highway safety.

10. Policy SAP H1 also requires that infill development should not have an adverse effect on the waste water and sewerage network and I take this to also relate to the risk of flooding, which was a particular concern of residents, and a reason for refusal of the proposal. The site lies within Flood Zone 1, however, I am advised that localised flooding occurs in the village, and as such the main parties agree that the development should not increase surface water runoff from the site.
11. As part of the proposal the appellant has produced a flood risk assessment which indicates that the site is not at risk of flooding, and that subject to implementation of a sustainable urban drainage system (SUDS), which could be secured by means of a planning condition, would ensure the development did not give rise to flooding elsewhere. Having regard to the proposed layout, I see no reason why such a scheme could not be successfully employed on site. Furthermore, taking account of the Pre-Planning Assessment Report from Anglian Water, I am satisfied that foul drainage from the site can be accommodated within the Bourne Water Recycling Centre and that the public foul sewerage network in the area also has capacity. I am therefore satisfied that the proposal would not have an adverse effect on the waste water or sewerage network, and would not give rise to or exacerbate flooding.
12. With regard to the effect of the proposal on local education and health provision, I have no convincing evidence that the proposal, which would provide 4 additional dwellings, would have significant effects in this regard, and therefore find no conflict with this part of the policy.
13. With regard to the effect of the proposal on the nature and character of the settlement. The site is adjoined on 2 sides at the front by existing residential dwellings and the dwelling on plot 1 would be visible in the existing streetscape. Taking into account the wide range of architectural styles in the locality, with dwellings of differing ages and sizes sitting on plots of disparate size, I am satisfied that the existing street scene has some capacity for variation and that the front facing property would sit comfortably within it. Towards the rear, in views into the site from open land, the properties would be seen against the backdrop of the rear of existing dwellings along Obthorne Lane and so would not appear as obtrusive additions in wider ranging views. The removal of existing vegetation, including a small number of trees would not alter this. Therefore, although the proposal would increase built form, it would sit comfortably within the existing fabric of the village and would not have a significantly harmful effect on its existing character.
14. With regard to the effect of the proposal on the quality of life of adjacent residents and properties, I have considered the comments of neighbours in relation to potential overlooking to existing properties, including gardens. The proposed development would comprise 5 single storey bungalows where any

potential overlooking from the ground floor windows could be ameliorated with appropriate boundary treatment. I am also satisfied that the position of roof windows to plots 2 and 5 would not directly overlook any existing properties. Taking these factors into account, along with the relative position of existing dwellings to the proposal, I do not consider that the layout would lead to overlooking. The height of the proposed garages would also not have a significant overbearing effect on adjoining occupiers. Furthermore, taking into account that the access would serve 4 additional dwellings and previously served a plant nursery, I am satisfied that any increase in activity from vehicles entering the site would not give rise to significant levels of increased noise and disturbance.

15. I therefore conclude that the proposal would comprise an acceptable form of development within a Local Service Village and so would not conflict with policy SAP H1 of the *Site Allocations and Policy Development Plan Document*. It would also not conflict with Policies SP1 and SP2 Adopted *South Kesteven District Council Core Strategy* and would also comply with guidance in the *National Planning Policy Framework*, which seeks to locate new development in rural areas where it will enhance and maintain the vitality of rural communities.

Other Matters

16. The proposal would lead to the development of land which could otherwise have been put to agricultural use. However, taking into account the amount of land in question, I do not consider this to be a significantly harmful effect.
17. The Parish Council has raised concerns regarding arrangements for refuse collection. A bin store is proposed close to the site entrance and residents would be required to transport their rubbish to the front of the site for collection. Whilst this would be some distance, residents would be aware of this requirement prior to occupation and although it would be an inconvenience for some residents, I do not consider it would represent a major impediment for most occupiers.
18. I note the comments of some adjoining occupiers regarding the stability of the proposed access road, and its potential effect of the development on existing structures within adjoining gardens. I am satisfied that the access road could be constructed to an appropriate standard and that this could be ensured with an appropriate condition. With regard to potential damage to private property, this is a private legal matter which falls outside the remit of this appeal.
19. Lastly, whilst I note the comments of some residents with regard to the accuracy of the proposed plans, I am mindful that the Council have raised no concerns in this regard and so I have no firm basis for concluding that the plans contain significant errors that would preclude the granting of permission in this case.

Conclusion

20. The proposal would comprise an acceptable form of development in an existing village and I therefore conclude that the appeal be allowed.
21. The Council have recommended a number of conditions which I have considered in relation to the guidance in *Planning Practice Guidance*. In addition to conditions relating to the period of implementation and details of the approved plans, it is necessary to require conditions relating to materials,

external surfaces and landscaping, in order to ensure a satisfactory appearance for the development. In order to ensure the site is appropriately drained and serviced, and to prevent the risk of flooding elsewhere, it is necessary to impose conditions relating to drainage, including sustainable urban drainage (SUDS). To protect the living conditions of nearby occupiers approval of levels on site and of boundary treatment are also necessary and reasonable, as is a restrictive condition preventing the insertion of additional windows including dormers and roof windows. In order to ensure acceptable access arrangements for all vehicles a condition relating to street management and adoption and the retention of an adequate visibility splay at the entrance is reasonable and necessary.

22. Taking into account the relatively close proximity of the proposed dwellings and the shallow rear gardens, a condition restricting permitted development rights for future enlargement is necessary in order for the Council to assess such proposals on their merits. Finally, although I have been provided with a position for the proposed bin store, the submitted plans show no details of its appearance. It is therefore necessary for these details to be submitted and approved by the Council prior to commencement.

Anne Jordan

INSPECTOR

Conditions

- 1 The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the following list of approved plans unless otherwise required by another condition of this permission.
 - 1:1250 Location Plan
 - SD14-046/6
 - Blencathra
 - Stour Chalet
 - Stour H
 - Stour
 - Stour Chalet DG2
 - Stour Chalet DG1
 - Garages A and B
 - SD14-046/5
- 3 Before any part of the development hereby permitted is commenced a surface water drainage scheme for the site (including any necessary associated maintenance scheme) shall be submitted to and approved in writing by the Local Planning Authority. Before any part of the development hereby permitted is occupied/brought into use, the works to provide the surface water drainage scheme shall have been completed in accordance with the approved details. The surface water drainage scheme shall thereafter be maintained in accordance with an approved maintenance plan.
- 4 No development shall commence until the proposed ground levels for each plot together with ground levels on adjacent sites have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved levels.
- 5 No works on the construction of the external elevations of the proposed dwellings shall take place on the site until samples of any materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Before the relevant dwellings hereby permitted are first occupied the external surfaces shall have been completed in accordance with the approved details.
- 6 Before the works to provide boundary treatments are commenced, a plan indicating the heights, positions, design, materials and type of boundary treatments to be erected (along with details of those boundary treatments to be retained) shall have been submitted to and approved in writing by the Local Planning Authority. Before the first occupation of the relevant dwellings hereby permitted the boundary treatments shall have been completed in accordance with approved details.
- 7 No development shall commence on the site until details of a hard and soft landscape scheme have been submitted to and approved in writing by the Local Planning Authority. Before any part of the development hereby permitted is occupied/brought into use, the works to provide the hard and soft landscape scheme shall have been completed in accordance with the approved details.

Thereafter no additional hard surfacing works shall be undertaken on the site unless otherwise first agreed in writing by the Local Planning Authority.

- 8 No development shall commence until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be provided in accordance with the approved plans prior to the first occupation of any dwelling hereby approved and shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a private management and maintenance company has been established.
- 9 Before the access is brought into use all obstructions exceeding 0.6 metres high shall be cleared from the land between the highway boundary and the vision splays indicated on drawing number SD14-046/5 dated January 2016 and thereafter the visibility splay shall be kept free of obstacles exceeding 0.6 metres in height.
- 10 Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B & C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no windows, dormer windows or other openings shall be inserted into the dwellings hereby approved other than those expressly authorised by this permission without Planning Permission first having been granted by the Local Planning Authority.
- 11 Notwithstanding the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no enlargement of the dwellings hereby approved shall take place without planning permission first having been granted by the Local Planning Authority.
- 12 Prior to the commencement of the proposed development full details of the proposed bin store shown on plan ref SD14-046/6, shall be submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.