
Appeal Decision

Site visit made on 18 April 2017

by L Fleming BSc (Hons) MRTPI

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

Decision date: 28 April 2017

Appeal Ref: APP/D2510/W/17/3167614

**Land to the rear of Laburnum Cottage, Beesby Road, Maltby le Marsh
LN13 0JH**

- 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 Rice-Mundy against the decision of East Lindsey District Council.
 - The application Ref N/112/02145/16, dated 21 October 2016, was refused by notice dated 22 December 2016.
 - The development proposed is erection of 1no. detached dwelling, detached garage, detached stable and creation of access and drive.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the area;
 - whether the proposed development would amount to sustainable development having regard to the development plan and the National Planning Policy Framework (the Framework).

Reasons

Character and appearance

3. The appeal site is a field to the rear of Laburnum Cottage surrounded by mature hedging positioned on the edge of Maltby-le-March village. The majority of the properties nearby are detached dwellings set in relatively spacious plots mainly facing the road. This spaciousness together with greenery along the appeal site boundaries and within gardens provides a soft transition from the countryside to the main built up part of the village.
4. A scheme involving the erection of four dwellings on a larger site including the appeal site was dismissed at appeal in October 2015¹, since that time there have been no changes to the development plan. I therefore attach significant weight to the previous appeal decision.

¹ Appeal Reference APP/D2310/W/15/3033362

5. The Inspector in 2015 found the appeal site occupied a prominent position on the approach to the village and stated that the open aspect contributes positively to the character and setting of the village. Furthermore, the scheme would significantly erode the rural feeling which currently pervades the site and that the scale of development would harm the subtle transition from the built up part of the village to the countryside. I find no reason to question these findings.
6. Turning my attention to the scheme before me. Although only a single dwelling, the proposed house would be substantial occupying a large L-shaped footprint. Even though positioned close to the northern appeal site boundary behind Heatherpatch, it would be visible from Beesby Road between Heatherpatch and Laburnum Cottage. Furthermore, it would be visible when approaching the village from the south, behind the large stable building which would extend along a significant proportion of the plot boundary with the open countryside.
7. I acknowledge that the north-west plot boundary would be roughly in line with the plot boundaries of the neighbouring properties on Beesby Road. I also note that additional landscaping could be provided to soften the impact of the proposed development.
8. However, the proposed dwelling would appear noticeably larger than other buildings nearby and being set behind the dwellings fronting Beesby Road it would be at odds with the prevailing frontage pattern of development in the immediate area. Furthermore, the introduction of such a combined bulk of development in this location on the edge of the settlement would erode the soft transition from countryside to the built up part of the village.
9. In reaching these conclusions I have considered the development next to Hollybrook Cottage². I have also noted the other examples of approved development nearby shown on the annotated inset map and the numerous appeal decisions³ put before me.
10. I acknowledge that like the appeal site the majority of the Hollybrook Cottage site is outside of the settlement boundary and it does not follow the prevailing frontage pattern of development in the area. However, I have assessed the appeal on its merits with regard to bespoke site specific circumstances. None of the other examples or the proposals forming the subject of the appeal decisions are as prominently located as the appeal site on a main approach route into the main built up part of Maltby-le-March. Thus they are not directly comparable and I have afforded them limited weight.
11. Therefore, for the reasons given, I find the proposed development would be harmful to the character and appearance of the area and setting of the village. Thus, it is in conflict with saved Policy A3, A5 and H12 of the East Lindsey Local Plan Alteration (1999) (LP) which, taken together, seek to ensure good design and that the scale and design of new development is consistent with the character of the settlement. The proposal is also therefore in conflict with the good design and the landscape protection aims of the Framework.

² Council Reference N/112/00828/15

³ Appeal Reference APP/D2510/W/15/3137331, APP/D2510/W/16/3145508, APP/D2510/W/16/3145061, APP/D2510/W/16/3154390 & APP/D2510/W/15/3137331.

Sustainable development

12. Saved Policy A3 of the LP seeks to direct new development to within settlement boundaries. The majority of the appeal site is outside of the village settlement boundary.
13. The Council acknowledge that it is unable to demonstrate a five year supply of deliverable housing land in accordance with paragraph 49 of the Framework. Thus, insofar as saved Policy A3 of the LP seeks to restrict new dwellings outside of settlement boundaries it is therefore out of date and the proposal needs to be considered in accordance with the presumption in favour of sustainable development. In which case, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework taken as a whole.
14. Paragraph 55 of the Framework encourages housing in rural areas where it will maintain or enhance the vitality of rural communities but requires isolated new homes in the countryside to be avoided unless there are special circumstances. The proposed dwelling would adjoin a village which benefits from a basic range of local facilities, thus I do not consider it would be isolated.
15. The proposal would add one more dwelling to the supply of housing in the area. There would also be economic benefits in terms of customers and employees for local businesses and economic benefits associated with construction.
16. However, due to the scale of the proposed development the benefits to the rural community are relatively small in scale and would have a negligible influence on the vitality of the community. Thus, whilst the vitality of the rural community would be maintained it would not be enhanced in this case.
17. Therefore, when all of the benefits of the scheme are combined they are significantly and demonstrably outweighed by the harm to the character and appearance of the area I have identified above. Consequently, when assessed against the policies in the Framework taken as a whole, I conclude that the proposal is not sustainable development.

Other Matters

18. I have attached little weight to the Council's concerns with regard to the proposed development setting a precedent for other similar forms of development in the area as each case should be considered on its merits.

Conclusion

19. For the reasons set out above, I therefore conclude that on balance the proposed development would not accord with the development plan and would also be in conflict with the Framework. Thus, having had regard to all other matters raised the appeal should be dismissed.

L Fleming

INSPECTOR