

Appeal Decision

Site visit made on 11 April 2017

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

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

Decision date: 8th May 2017

Appeal Ref: APP/D2510/W/17/3167394

Land at Covins Lane and Main Street, Fulstow, LN11 0XF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs Marshall against the decision of East Lindsey District Council.
 - The application Ref N/056/01974/16, dated 24 September 2017, was refused by notice dated 28 November 2016.
 - The development proposed is described as "resubmission of planning application N/056/02350/15 - Outline erection of 1 pair of semi-detached dwellings and 2 detached dwellings."
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application has been submitted in outline with all matters reserved. I have dealt with the appeal on this basis and treated the submitted block plan as indicative only.

Main Issue

3. The main issue is the effect of the proposal upon the character and appearance of the area.

Reasons

4. Policies within the East Lindsey Local Plan Alteration 1999 (LP) relating to housing, including settlement boundaries, are considered to be out-of-date due to a lack of 5-year housing land supply. Accordingly, paragraph 14 of the National Planning Policy Framework (the Framework) applies. This states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole or unless specific policies in the Framework indicate that development should be restricted.
 5. The appeal site is an 'L' shaped plot of land which is located on the corner of the junction between Main Street and Covin's Lane. It is an open and grassed site which is bounded by a substantial hedgerow and trees. There is a small drainage channel along Covin's Lane and partly along Main Street. Behind the appeal site are open fields. To the north and east are residential dwellings.
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6. The village of Fulstow comprises of a number of residential dwellings of varied scale, form and positioning within their plots. Typically, however, dwellings are set in reasonably large gardens and I consider that the general pattern of development is informal. The appeal site is located towards the edge of the village whereby built development 'peters out' giving rise to a spacious and rural character.
7. Due to the size of the appeal site and its prominent positioning on the corner, the appeal site is demonstrable of the transition of the village to the open countryside. The mature soft boundary treatments and open land beyond give this area a verdant character, and form an important element in the street scene in terms of the overall quality and visual amenity of the area.
8. While the appellant submits that this site would constitute a natural infill development of an area which has no specific designations, I consider that the change from open land to a developed housing area would have an urbanising effect, further extending the built form along Main Street and Covin's Lane, and encroaching into the wider rural landscape.
9. The change to a built environment here would effectively reduce the gap and would represent a consolidation of the built form of the village. This effect would not be overcome by the retention of an open area of land at to the centre of the site, at the junction of the two roads. The overall impact would be to erode the open character of the site, causing harm to the spacious character to Main Street and Covin's Lane.
10. I note that the scheme has been revised to address local concerns and in respect of previously refused applications. I am also aware that the Council have accepted development within Fulstow, including a number of sites in proximity to the appeal site. While full details of these cases has not been provided in respect of the balance of considerations, it is understood from the extracts quoted in the Officer Report that these developments were not considered to have an adverse effect on the character and appearance of the area. I have found that this specific site makes a significant contribution and in finding harm, I have assessed the current appeal proposals on its own merits based on the evidence before me.
11. I therefore conclude that the proposals would fail to preserve or enhance the character and appearance of the area. Consequently, the development would not accord with saved LP Policies A5, and H12, which in combination, seek to secure development which does not detract from the distinctive character of the locality. The proposals would also conflict with paragraphs 56- 63 of the Framework in terms of reflecting the identity of local surroundings and reinforcing local distinctiveness, as well as paragraph 17 which recognises the intrinsic value of the countryside.

Planning Balance

12. The Framework seeks to ensure that development is sustainable and that all three dimensions of sustainable development (environmental, economic and social) are achieved jointly. The development would make a small contribution to housing supply in an area where there is a shortage. Fulstow is also defined as a medium village which has a good range of services and amenities and as such the proposed development would support such facilities. I also note that

there is support of the Parish Council of the proposals. These matters weigh in favour of the proposed development.

13. However, I have found that the development would cause harm to the character and appearance of the area. This harm is substantial and I find that this significantly and demonstrably outweighs the benefits of the scheme.
14. I note the Covenham St. Mary appeal decision.¹ Here the Inspector found harm to character and appearance of the area, however, it was concluded that the overall balancing exercise came down in favour of the scheme. While I have been supplied with the full particulars of the case, it is clear from the decision that my colleague considered that the harm to character and appearance was moderate adverse, whereas I consider the harm would be significant. I do not therefore consider that this represents a comparable case to the current proposals, which I have judged on their own planning merits.
15. Given the conflict with those policies of the Framework identified above, the proposals cannot therefore be considered sustainable development for which the Framework presumes in favour.

Conclusion

16. For the reasons given above, taking into account all other matters raised, I conclude that the appeal should be dismissed.

C Searson
INSPECTOR

¹ APP/D2510/W/15/3140638