
Appeal Decision

Site visit made on 25 April 2017

by Jason Whitfield BA (Hons) DipTP MRTPI

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

Decision date: 25th May 2017

Appeal Ref: APP/N2535/W/17/3167823

Waltham House, 116 Lincoln Road, Dunholme, Lincoln LN2 3QY

- 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 and Mrs A. Parkinson against the decision of West Lindsey District Council.
 - The application Ref 134685, dated 11 July 2016, was refused by notice dated 5 October 2016.
 - The development proposed is erection of 7 no. dwellings with ancillary garages and formation of access.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline with all matters reserved for future consideration. A 1:500 site plan and a 1:200 site plan were submitted with the application. The plans show a site layout for indicative purposes only. I have determined the appeal on that basis.
3. Following the refusal of the original application, the Council formally adopted the Central Lincolnshire Local Plan (LP) on 24 April 2017. In their decision notice the Council made reference to the West Lindsey Local Plan (First Review) 2006. The Council have since confirmed that relevant policies in that plan have now been superseded by the newly adopted LP. The appellant is aware of the change and therefore no party would be prejudiced by my determining of the appeal against the policies of the LP as the adopted development plan, as well as the National Planning Policy Framework (*the Framework*).

Main Issues

4. The main issues are:
 - whether the proposal would be acceptable having regard to development plan policies in relation to the location of new housing; and,
 - the effect of the proposal on the character and appearance of the area.
-

Reasons

Location

5. LP Policy LP1 sets out that the overall strategy of the plan is to deliver sustainable growth, in line with *the Framework*. LP Policy LP2 sets out the spatial strategy and provides a settlement hierarchy to direct that sustainable growth. Dunholme is identified as a 'large village' which will be a focus for accommodating an appropriate level of growth. Most of the growth will be through allocated sites. The appeal site is not an allocated site for new housing. Nevertheless, the growth will also be accommodated through appropriate infill, intensification or renewal within the existing 'developed footprint'.
6. The term 'developed footprint' is defined as the continuous built form of the settlement and excludes, inter-alia, gardens, paddocks and other undeveloped land within the curtilage of buildings on the edge of the settlement where the land relates more to the surrounding countryside than to the built up area of the settlement.
7. The appeal site comprises an area of domestic garden on the west side of the detached property of Waltham House. It is adjoined on three sides by a flat and open expanse of agricultural land. To the east of Waltham House is an area of agricultural land which separates it from the continuous built form either side of Lincoln Road. Whilst I recognise the intervening area of agricultural land is an allocated housing site with an extant planning permission and would form the future developed footprint of the settlement, no development exists on that land at present. The appeal site is distinctly disparate from the existing built form of the settlement and relates more to the surrounding countryside. As a result, the appeal site would not constitute appropriate infill, intensification or renewal within the existing developed footprint of Dunholme.
8. LP Policy LP2 does allow for, in 'exceptional circumstances', additional growth on non-allocated sites in 'appropriate locations' outside of, but immediately adjacent to, the developed footprint of large villages. The policy defines 'exceptional circumstances' as a matter for the decision maker but gives the example of where the development would deliver a community facility above and beyond what would ordinarily be required and for which a clear need has been identified.
9. I recognise that the appeal site would be immediately adjacent to the developed footprint of the village once the adjoining land has been built upon. However, whether the site is an appropriate location outside of, but immediately adjacent to the developed footprint is only to be considered if there are exceptional circumstances. In this instance, there is no evidence before me that the proposal would deliver a community facility for which there is an identified need. Nor indeed is there any evidence before me to demonstrate that any exceptional circumstances exist in this case.
10. The proposal would, therefore, fall to be considered as a countryside location. LP Policy LP2 allows for proposals in countryside locations which fall under Policy LP55. Policy LP55 states that new dwellings will only be acceptable where they are essential to the effective operation of rural operations listed in Policy LP2. Those operations are restricted to development which is essential

for agriculture and other rural activities, minerals and waste, and renewable energy. Such operations are not relevant here.

11. LP Policy LP3 sets out the level and distribution of the LP's sustainable growth aims. Dunholme forms part of the Lincoln Strategy Area which is to accommodate around 64% of the total growth with priority for urban regeneration and sustainable urban extensions to Lincoln before growth at settlements which serve and are serviced by Lincoln. As set out above, the appeal site would not be within the existing developed footprint of Dunholme and would not therefore assist with the settlement's contribution towards the growth of the Lincoln Strategy Area – a contribution which includes two allocations for new housing sites in the LP as well as extant permissions for a further 8 houses within the village. Moreover, beyond the Lincoln Strategy Area, Gainsborough and Sleaford, the remainder of growth will be delivered in other areas only in accordance with Policy SP2. Therefore, the proposal would conflict with Policy SP2.
12. The Dunholme Parish Neighbourhood Development Plan December 2016 (NP) was made on 23 January 2017 and now forms part of the development plan. NP Policy 1 seeks to enable the delivery of around 329 new homes within the parish over the plan period, with Dunholme the main focus. The policy reflects the aforementioned LP housing allocations but also permits additional, small scale windfall developments within the existing built form of Dunholme. NP Policy 3 states that planning permission will be supported for small scale infill residential development within the existing built up form of Dunholme village provided it is located within the defined 'built up area' for Dunholme.
13. As with LP Policy LP2, the 'built up area' is defined as the continuous built form of the settlement and excludes, inter alia, gardens, paddocks and other undeveloped land within the curtilage of buildings on the edge of the settlement where the land relates more to the surrounding countryside than to the built up area of the settlement. As set out above, the appeal site is distinctly disparate from the existing, continuous built form of the settlement and relates more to the surrounding countryside. As a result, I find that the proposal would not lie within the existing built form or 'built up area' of Dunholme. It would not therefore accord with NP Policy 3 in that regard.
14. I conclude, therefore, that the proposal would not be acceptable having regard to development plan policies in relation to the location of new housing. It would conflict with LP Policies LP1, LP2, LP3 and LP55. It would also conflict with Policies 1 and 3 of the NP. The Council has made reference to Policy 2 of the NP which relates to housing type and mix and is not relevant in respect of this main issue.

Character and Appearance

15. The appeal site comprises a relatively flat area of grassland associated with the garden area of the detached property, Waltham House. The land is devoid of any notable variations in gradient or topographical features. The boundaries of the site are delineated by hedgerows and trees.
16. The surrounding landscape is characterised by lowland agricultural fields which encompass the village of Dunholme and other settlements in the wider area. The openness and lack of built form is an important feature of the landscape, particularly in sensitive locations on the fringes of urban areas. As the site is

free of built development, its openness positively contributes to the character and appearance of the landscape.

17. I recognise that the visual impact of the proposal would be limited to an extent by the established vegetation around its boundaries, though the built form would nevertheless be readily apparent in medium and long range views in the wider landscape. Such views would materially change to be urban in appearance and the development would, given the location of the site, appear notably detached from the built-up area of the settlement. Although I recognise that the consented development on the adjacent would land would reduce that sense of separation, that development has yet to begin and, at around 275 dwellings, would take a significant time to complete. Thus, there would be adverse visual impacts in the short-medium term.
18. Moreover, whilst low density with the potential for generous gardens and landscaping, the development of 7 detached houses along with associated garages, hard surfacing and domestic paraphernalia would inevitably result in the loss of countryside and urbanise the site. As a result, the proposal would have a harmful effect on the prevailing character of the wider landscape.
19. I conclude, therefore, that the proposal would have a harmful effect on the character and appearance of the area, in conflict with LP Policy LP17 which seeks to protect and enhance the intrinsic value of the landscape as well as Policies 4 and 10 of the NP which state that development should preserve or enhance the village of Dunholme and should take into account the setting of the built up area. In addition, the proposal would conflict with paragraph 56 of *the Framework* which attaches great importance to the design of the built environment.

Other Matters

20. Paragraph 12 of *the Framework* is clear that it does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. I have found that the proposal would conflict with the development plan in this instance. Nevertheless, *the Framework* is an important material consideration
21. The appeal site is within reasonable proximity of shops, services and facilities and I have no reason to disagree with the parties that the proposal would be a suitable location for new housing in terms of providing a choice of sustainable transport modes, in line with paragraph 29 of *the Framework*. I also recognise the proposal would make a modest, but nevertheless important, contribution towards boosting the supply of housing, in line with paragraph 47 of *the Framework*.
22. However, such benefits would be outweighed by the harm in respect of the location of new housing and the effect on the character and appearance of the area, in conflict with paragraph 56 of *the Framework*. The proposal would not fulfil the environmental role of sustainability and would not therefore constitute sustainable development in line with paragraph 7 of *the Framework*.
23. I note that the proposal would not have a harmful effect on highway safety in the area nor would it affect any heritage assets or trees in the area. I also

note the proposal would achieve good levels of natural surveillance, that there is sufficient capacity in existing infrastructure to accommodate the development and that it would not harm the living conditions of nearby residents. However, the lack of harm in those respects would not outweigh the conflict with the development plan and the subsequent harm which I have identified above.

Conclusion

24. For the reasons given above I conclude that the appeal should be dismissed.

Jason Whitfield

INSPECTOR