
Appeal Decision

Site visit made on 22 May 2017

by Gareth Wildgoose BSc (Hons) MSc MRTPI

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

Decision date: 1 June 2017

Appeal Ref: APP/R2520/W/17/3168758

May Cottage, Fen Road, Heighington, Lincoln, Lincolnshire LN4 1JH

- 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 M Burbidge against the decision of North Kesteven District Council.
 - The application Ref 16/0763/OUT, dated 16 June 2016, was refused by notice dated 5 August 2016.
 - The development proposed is erection of a dwelling and garage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline with all detailed matters reserved for future approval. I have determined the appeal on that basis, treating the site layout plan as illustrative.
3. The Central Lincolnshire Local Plan (CL-LP) was adopted on 24 April 2017 and covers North Kesteven District, together with the City of Lincoln and West Lindsey District. All parties have had the opportunity to comment on the change in status of the document in terms of the relevance to their case. The Council confirmed that upon adoption, Policies LP1, LP2, LP26 and LP55 of the CL-LP replaced Policies C2 and DC4 of the North Kesteven Local Plan 2007 (NK-LP). The NK-LP policies that have been replaced no longer form part of the development plan and I afford them no weight in determining this appeal.

Main Issue

4. The main issue is whether the proposal is consistent with the objectives of local and national planning policies relating to the location and supply of housing in rural areas.

Reasons

5. Policy LP1 of the CL-LP seeks to deliver sustainable growth. Policy LP2 provides the spatial strategy and settlement hierarchy for Central Lincolnshire during the plan period 2012-2036 focussed upon delivering sustainable growth that meets the need for homes and jobs, regenerates places and communities, and supports necessary improvements to facilities, services and infrastructure.
 6. Policy LP2 identifies Heighington under Category 4 – Large Villages as a location where most of the growth, including housing, is intended to be
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delivered via sites allocated in the plan, or appropriate infill, intensification or renewal within the existing developed footprint. The policy indicates that, in exceptional circumstances, additional growth on non-allocated sites in appropriate locations outside of, but immediately adjacent to, the developed footprint of the large villages might be considered favourably.

7. The appeal site is located on land which forms part of the existing garden of May Cottage and lies towards the edge of a small group of 3 residential properties on Fen Road. The small group is located around 0.5km beyond the built up envelope and settlement edge of Heighington. Consequently, the site does not fall within the definition in Policy LP2 of an appropriate location outside of, but immediately adjacent to the developed footprint of a large village. Beyond the settlement edge, the scattered pattern of linear development along both sides of Fen Road has a distinctly rural character influenced by the visual and physical separation between dwellings and the presence of some open fields.
8. For the purposes of Policy LP2, the site and dwellings nearby consist of too small of a grouping to fall within the definition of Category 7 – Hamlets. Consequently, the proposal should be considered against the criteria within Category 8 - Countryside. The proposal would not fall within the forms of development in the countryside listed under Policy LP2 as acceptable in principle, including the types of residential development listed with associated criteria under Policy LP55 of the CL-LP.
9. With regard to the relevant policies for the supply of housing, the appellant has made reference to a shortfall of housing land supply in Central Lincolnshire based upon the conclusions of a recent appeal decision in West Lindsey District¹. Full details of that appeal are not before me. In any case, since that appeal decision, the CL-LP has been recently adopted with a deliverable 5-year housing land supply. Planning Practice Guidance² states that housing requirement figures in up-to-date adopted Local Plans should be used as the starting point for calculating the 5-year supply. Considerable weight should be given to the housing requirement figures in adopted Local Plans, which have successfully passed through the examination process, unless significant new evidence comes to light. There is no substantiated evidence before me relating to the period since the adoption of the CL-LP in April 2017 that would lead me to conclude that there is no longer a deliverable 5-year housing land supply in Central Lincolnshire. I, therefore, consider that the relevant policies for the supply of housing are up-to-date.
10. The approach of Policies LP2 and LP55 is consistent with paragraph 55 of the National Planning Policy Framework (the Framework) which states that local planning authorities should avoid new isolated homes in the countryside unless special circumstances exist. The site lies outside of the village envelope, but is not significantly distant from the main services and facilities in Heighington which include a primary school, public houses, churches, public open space and a convenience store. The nearest bus stop is around 0.6km away and bus services run from Heighington on Mondays- Saturdays from the early mornings to early evenings at regular intervals towards Lincoln and other villages. There are less frequent services on Sundays and Bank Holidays.

¹ APP/N2535/W/16/3142445 - Land off Sturton Road, Saxilby, Lincoln, Lincolnshire – dated 20 January 2017

² Housing and economic land availability assessment, Paragraph: 030 Reference ID: 3-030-20140306, Revision date: 06 03 2014

11. Notwithstanding the above, the routes which pedestrians would need to take to access the local services, facilities and bus stops in Heighington are not of a good standard. The linking section of Fen Road has a 40mph speed limit and is relatively narrow, without a continuous footway beyond the junction with Newcot Lane and with grass verges unlit for a considerable distance. It is, therefore, highly unlikely that occupiers of the proposed dwelling would regularly access the local services and facilities on foot or via bicycle, particularly at night or in inclement weather. Consequently, the site is an isolated location for a new home in the countryside, irrespective of the sporadic presence of other dwellings in the locality. The proposal would not, of itself, generate a large number of traffic movements and some dependency upon car use is inevitable in rural locations. However, the cumulative effect of allowing development in isolated locations would lead to a harmful increase in the amount of unsustainable journeys made.
12. The appellant has not provided any evidence that the dwelling would meet an essential need for a rural worker. Furthermore, the proposal does not involve a heritage asset or the re-use of redundant and disused buildings. The application is made in outline, with matters of access, appearance, landscaping, layout and scale reserved for future approval. Nevertheless, based upon the illustrative details and design and access statement before me, I am not satisfied that an exceptional quality or innovative nature of design of a dwelling could be achieved given the constraints of the site arising from its narrow width. Consequently, the proposal does not demonstrate any of the special circumstances listed by paragraph 55 of the Framework.
13. Private residential gardens of properties in the countryside are not excluded from the general definition of previously developed land because the definition in the Framework only excludes such land 'in built-up areas'. However, it is reasonable that the development of a dwelling would result in an increased footprint, height, bulk and massing when compared to the existing garden, modest outbuildings, boundary fence, hedging and associated domestic paraphernalia. This would reduce the contribution that the existing site as residential curtilage makes to the spacious and verdant setting of the countryside. Consequently, the proposal would result in a harmful encroachment upon open countryside which would extend the scattered linear development which exists beyond the settlement edge of Heighington contrary to Policy LP26.
14. The appellant has brought to my attention examples of other developments previously granted planning permission by the Council within the District and beyond the settlement edge along Fen Road. However, as the relevant development plan policies were different at the time of those decisions I give little weight to those examples and determine this appeal on its own merits.
15. I conclude that the development would not be consistent with the objectives of local and national planning policies relating to the location and supply of housing in rural areas. The proposal would conflict with Policies LP1, LP2, LP26 and LP55 of the CL-LP and paragraph 55 of the Framework.

Other Matters

16. The proposal would offer potential benefits to the social dimension of sustainability in terms of increasing housing supply on previously developed land. The development of the site for residential purposes would also have

potential economic benefits to the local area, including the contribution of additional residents to the local economy and sustaining services in Heighington and neighbouring settlements. There would also be temporary economic benefits relating to the construction works associated with the development. However, the extent of these benefits is limited for a development comprising a single dwelling.

17. I am satisfied that access to the site as part of the reserved matters could be provided without compromising highway safety. Similarly, a suitable design of dwelling in terms of scale and layout could achieve satisfactory living conditions for occupiers of neighbouring properties and future residents. The proposal would likely result in the loss of some ornamental trees, but that could be mitigated by a landscaping scheme and a layout which would retain the mature rowan tree. Nevertheless, the absence of concern in each of those respects is a neutral factor which does not weigh in favour of the development.

Planning Balance

18. The development conflicts with the approach to the location and supply of housing in rural areas within Policies LP1, LP2, LP26 and LP55 of the CL-LP. The proposal would not, therefore, be in accordance with the development plan. In such circumstances, planning law and the Framework³ indicate that planning permission should not be granted unless material considerations indicate otherwise.
19. The Framework does not change the statutory status of the development plan as the starting point for decision making. The harm arising from the conflict with development plan policies would not be outweighed by other material considerations, including the contribution of a single dwelling to the supply of housing and the associated economic and social benefits identified. The proposal is not sustainable development when considered relative to the Framework as a whole.

Conclusion

20. For the reasons set out above and having taken all other matters into consideration, I conclude that the appeal should be dismissed.

Gareth Wildgoose

INSPECTOR

³ Paragraph 11