
Appeal Decision

Site visit made on 22 May 2017

by B Bowker Mplan MRTPI

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

Decision date: 5 June 2017

Appeal Ref: APP/N2535/W/17/3169586

Land rear of Sudbrooke House, Church Lane, Sudbrooke, Lincoln LN2 2QH

- 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 Mark Robinson for MTR Planning against the decision of West Lindsey District Council.
 - The application Ref 135044, dated 22 September 2016, was refused by notice dated 29 November 2016.
 - The development proposed is the development of 4 new houses.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal as submitted is for outline planning permission with all matters reserved apart from access. Appearance, landscaping, layout and scale are reserved for later consideration and the appeal has been determined on this basis.
3. As the red site line in the submitted drawings was inaccurate, amended drawings were submitted by the appellant. As the amended drawings are for clarification purposes, I do not believe that any party would be unfairly prejudiced by my determining of the appeal with regard to them and I have done so on this basis.
4. Since the determination of the application, the Council confirm in their Statement of Case that the Central Lincolnshire Local Plan (LP) has been adopted. I also note that the Council's comments on the appellant's grounds of appeal in their Statement of Case refer to LP policies only. An opportunity to comment on the adoption of the LP was available to the appellant at the final comments stage. Accordingly, the appeal has been determined based on policies of the LP.

Main Issues

5. The main issues are:
 - whether the proposal would accord with development plan policy regarding housing delivery; and
 - the effect of the proposal on the character and appearance of the surrounding area.
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Reasons

Local Housing Delivery Policies

6. The appeal site is located on the western edge of the village of Sudbrooke and forms part of a rear garden that serves Sudbrooke House. In May 2014, the Council granted planning permission for five dwellings on land to the immediate east of the site.
7. The appellant asserts that the Council cannot demonstrate a five year deliverable supply of housing land. However, no substantive evidence is before me to underpin this assertion. The Council in its Officer Report state it can demonstrate a five year housing land supply as of September 2016, but accepted that the LP examination was ongoing at the time. As the Council have since adopted the LP, it is reasonable to assume that the Examining Inspector considered the matter of housing land supply and concluded that the LP was sound.
8. Whilst the LP does not include any housing allocations beyond existing commitments, it prescribes growth levels for villages. Consequently, in the absence of any substantive evidence to the contrary and taking into account the recent adoption date of the LP, I have no reason to doubt the Council's ability to demonstrate a five year supply of housing land. Therefore, LP policies relevant to housing supply are considered up to date and thus full weight is afforded to them.
9. LP Policy LP2 identifies Sudbrooke as a 'medium village' that will accommodate a limited amount of development in order to support its function and sustainability. It goes on to state that typical development proposals will be on sites of up to 9 dwellings. In this respect, the proposal is in accordance with LP Policy LP2. LP Policy LP3 outlines the level and distribution of growth over the plan period and anticipates that development will be mostly focussed within the Lincoln Strategy Area. Of relevance, at part d) it refers development elsewhere to the requirements of LP Policy LP4.
10. LP Policy LP4 states that the number of dwellings within settlements such as medium villages will be permitted to grow by 10% unless an alternative growth level is identified. No alternative growth level is identified for Sudbrooke. Appendix B of the LP provides further guidance on this matter and the Council calculate (uncontested) that the 10% growth level for Sudbrooke equates to 68 dwellings over the plan period. Taking into account recent development at Sudbrooke Park, this figure has been exceeded. The appellant asserts that the permission at Sudbrooke Park could be unviable based on its large scale. However, no substantive evidence is before me to doubt its delivery.
11. Should the relevant growth level be exceeded, LP Policy LP4 states that proposals on the edge of a medium village should be accompanied by demonstrable evidence of clear community support generated by a thorough and proportionate pre-application consultation exercise. No evidence is before me to demonstrate that the proposal complies with this requirement. In addition, the site has not been allocated for development by a Neighbourhood Plan.
12. LP Policy LP4 also requires a sequential assessment to be applied to new development, with an initial priority given to suitable brownfield land or infill

sites within the development footprint of a settlement, then secondly to brownfield sites at the edge of the settlement, and thirdly to greenfield sites at the edge of the settlement. No evidence is before me to demonstrate that the proposal complies with this requirement. In addition, despite its vegetated boundaries, the site relates more to the countryside when viewed from the west. Consequently, the site is not within the development footprint of the village. Therefore the proposal would be contrary to LP Policy LP4.

13. In summary, I have identified that the scale of the proposal would be below the 9 dwellings threshold suggested by LP Policy LP2. However, this matter would be outweighed by the proposal's conflict with LP Policies LP3 and LP4.
14. Therefore the proposal would not accord with development plan policy regarding housing delivery, the requirements of which are outlined above.

Character and Appearance

15. During my site visit I observed the site from Scothern Lane and from Church Lane to the immediate west of the site. I also saw that the site is enclosed by extensive vegetation on its east, south and western boundaries.
16. The site is not an undeveloped gap between settlements. However, the adjoining section of Church Lane has an attractive verdant and rural character. Sudbrooke House and the property 'Two Corners' mark the visual transition from this pleasant verdant and rural character to the built form and development footprint of the village.
17. The parties disagree on whether the trees along part of the western side of the site are subject to a Tree Preservation Order. Nonetheless, the access would create an opening at the site's vegetated western boundary with Church Lane. The proposal would also require the removal of a number of large trees, which irrespective of their status, are visible from this vantage point and contribute to the verdant and rural character along this section of Church Lane.
18. Despite the right turn design of the access and the use of additional planting, I have concerns that it would take a significant period of time for vegetation to be of a sufficient height and extent to fully screen views of the proposal from Church Lane. I note that the appellant's Landscape and Arboricultural Statement acknowledges there will be a short term loss of tree coverage and amenity value at the site. Moreover, future occupants are highly likely to reduce or remove vegetation along the western boundary to ensure adequate levels of light and open views.
19. Whilst design is a reserved matter, the submitted plans illustrate four detached houses of similar footprint, layout and plot size to that permitted on the adjoining site. However, in contrast to the adjacent development, the proposal would be located directly opposite Church Lane and involve an access point off it. In this respect, unlike the adjoining development, the proposal would be a visually intrusive form of development when viewed from Church Lane.
20. It is put to me that irrespective of the outcome of the appeal, owing to their high density, the trees at the site will require removal in order to preserve neighbouring specimens and the levels of light reaching the garden. However, such works would not lead to views of residential properties directly opposite this section of Church Lane.

21. Vegetation along the southern boundary of the site gives the village a pleasant verdant edge when viewed from Scothern Lane. However, the proposal would be mostly screened by the adjoining development when constructed. Even if reduced in height by future occupants, the southern boundary of the site would be read as part of the development permitted at the adjoining site. I also agree with the appellant that the proposal would have a negligible to minor effect when viewed from the wider landscape.
22. However, the absence of visual harm when viewed from vantage points to the east and wider area would not remove the harm of the proposal identified to the verdant and rural character along this section of Church Lane. In my view, based on the evidence before me, this is not a matter that could be satisfactorily dealt with at the reserved matters stage.
23. Therefore the proposal would have a harmful effect on the character and appearance of the surrounding area. Consequently the proposal would be contrary to LP policies LP17 and LP26 and paragraph 17 bullet point 5 of the Framework. Combined these policies require development to protect and enhance local character, natural features, the setting of settlements and the intrinsic character and beauty of the countryside.

Other Matters

24. A number of benefits are associated with the proposal which includes its provision of energy efficient family dwellings, its support to local services and construction employment, generation of CIL revenue and its ability to be delivered quickly. Public transport services and local facilities are also available in the surrounding area. However, these modest benefits combined would be outweighed by the harm identified in relation to the two main issues above.
25. I have also considered the larger scale development granted permission at Sudbrooke Park. However, the proposal before me is located in an area with a different character and involves different policy requirements owing to the recent adoption of the LP. Consequently, I afford this matter limited weight only.
26. As stated above, based on the evidence before me, I have no reason to question the Council's ability to demonstrate a five year supply of housing land. However, even if I were to conclude that there is a shortfall in 5 year supply as suggested by the appellant and that policies relevant for the supply of housing should not be considered up-to-date, the adverse impacts of granting permission identified in the second main issue above would significantly and demonstrably outweigh the modest benefits arising from the proposal.

Conclusion

27. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

B Bowker

INSPECTOR