The Planning Inspectorate

Appeal Decision

Site visit made on 25 April 2017

by Rachael A Bust BSc (Hons) MA MSc LLM MIEnvSci MInstLM MCMI MRTPI

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

Decision date: 07 June 2017

Appeal Ref: APP/E2530/W/17/3166805
Land to the north of West Lodge, Green Lane, Syston, Grantham Lincolnshire

- 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 Graham Watkin against the decision of South Kesteven District Council.
- The application Ref S16/0906, dated 1 April 2016, was refused by notice dated 9 November 2016.
- The development proposed is the erection of two detached dwellings and garages.

Decision

1. The appeal is dismissed.

Procedural Matters

2. Outline planning permission is sought with access, appearance, layout and scale to be considered at this stage. Landscaping is the only reserved matter and so I have treated any information relating to landscaping as being illustrative only.

Main Issue

3. Whether the appeal site is an appropriate location for new residential development, having regard to national and local policies relating to new housing in rural areas.

Reasons

4. The appeal site is a rectangular and well maintained paddock that lies to the rear of the property known as 'The Scroggs,' consequently it does not benefit from its own road frontage to Green Lane. The paddock is physically and functionally separated from the existing residential curtilage of 'The Scroggs' by a wooden gate and low post and rail fencing. It is a pleasant green area surrounded by existing mature trees on its northern, eastern and southern boundaries. It is undisputed between parties that the appeal site constitutes greenfield land. Beyond the appeal site boundary to the north is an attractive undeveloped area containing a lake to the rear of the residential curtilages of 'Willingham' and 'Moatlands.' To the south is another undeveloped area with mature trees.

5. 'The Scroggs' is a modest sized bungalow which sits behind a substantial and prominent stone wall adjacent to Green Lane. Consequently there are limited views of the both 'The Scroggs' and the appeal site from Green Lane. 'The Scroggs' is the last property on Green Lane. Whilst there is no defined settlement boundary, or equivalent, 'The Scroggs' represents the edge of the main built up area of Syston. Further to the south of the appeal site, at the junction of Green Lane and the A607 there is another property, 'West Lodge.' However, it is visually, physically and functionally separated from the appeal site by an undeveloped and mature wooded green space. It was a gatehouse to the former Syston Park and therefore it represents a distinct detachment from built up area of Syston.

6. A previous appeal decision has been drawn to my attention which confirmed that the built up area could be reasonably terminated at 'The Scroggs' and its outbuildings.[1] Since that appeal decision no further development has taken place on Green Lane and as such 'The Scroggs' and its present residential curtilage still represent the southern edge of the built up area of Syston.

7. The development plan includes the South Kesteven Core Strategy (CS) adopted July 2010, and the South Kesteven Site Allocations and Policies Development Plan Document (SAPDPD) adopted April 2014. The CS was adopted before the publication of the National Planning Policy Framework in March 2012.

8. Syston is located to the south of the larger settlement of Barkston. The two settlements together form a Local Service Centre as identified in CS Policy SP2 that deals with sustainable communities. CS Policy SP1 supports modest levels of new housing in Local Service Centres, however preference is given to brownfield land within the built up area and sites allocated in the SAPDPD. CS Policy SP2 requires development in Local Service Centres to satisfy the locational priorities of CS Policy SP1.

9. SAPDPD Policy H1 supports new housing development within Local Service Centres through the use of brownfield land and small infill sites within the built up areas. Unless allocated or constituting infill, new greenfield development on the edge of Local Service Centres will not be acceptable. It is noted that CS Policy SP1 is more restrictive towards new housing development than SAPDPD Policy H1. However, this proposal would extend the built form and change the character of this very low density part of Syston. It is noted due to the presence of the wall, only limited views through the access point, would be possible. However, it would still be possible to see the two dwellings and as such change the undeveloped character and appearance of the appeal site.

10. It is not disputed between the parties that the appeal site constitutes greenfield land and is unallocated. The remaining policy test is whether the proposal constitutes infill development which has not been defined in the development plan. However, taking an ordinary meaning of the word infill, it is to fill in or close gaps between existing built development. The appeal site does not have existing built development in close proximity on more than one side and consequently I find that the proposal could not be reasonably described as infill. As a result, the location of the proposed development would be contrary to SAPDPD Policy H1, and CS Policies SP1 and SP2.

[1] APP/E2530/A/04/1160323 dated 28 October 2005 for land adjacent to West Lodge, Belton Road, Syston Lincolnshire.

11. CS Policy EN1 aims to protect and enhance the character of the district. It sets out a number of requirements including the creation of a sense of place, layout and scale of buildings, protection of open spaces and quality and character of built development. Although the design and materials would be in keeping with the character and appearance of Syston, this does not outweigh the harm to the low density nature of this part of Syston which would result from the introduction of dwellings in this location. On balance, I find that there is conflict with CS Policy EN1 with regard to a sense of place and open spaces.

Other matters

12. There is a dispute between the parties regarding whether the appeal proposal would constitute backland or tandem development. The appellant has highlighted examples within the Council's administrative area where backland and tandem development is acceptable. It is noted that tandem or backland development within the main part of the built up areas of settlements may not necessarily be harmful. However, given the edge of settlement location and having regard to the relevant policy framework, I do not find this to be a key issue relevant to the determination of this appeal.

13. The Appellant refers to the pre-application advice he obtained from the Council for the erection of one, two-storey dwelling positioned to the south of the 'The Scroggs, facing Green Lane behind the existing wall. The Council indicated that a smaller scale dwelling could be more acceptable in principle. However, the subsequent application subject of this appeal was materially different as it sought to increase the number of dwellings from 1 to 2 and re-position them away from the frontage area adjacent to the wall and Green Lane. The proposed dwellings were reduced in height to 1.5 stories in accordance with the Council's pre-application advice. Whilst pre-application advice is an important part of the planning process, it does not bind me in my decision. I have had regard to this pre-application advice, but I have in any case determined this appeal based upon the evidence before me.

Conclusion

14. I find that the appeal proposal fails to meet the locational requirements of Policy H1 of the SAPDPD and Policies SP1 and SP2 of the CS, for housing development in Local Service Centres; and CS Policy EN1 which seeks to protect and enhance the character of the district.

15. The appeal is dismissed.

Rachael A. Bust

INSPECTOR