
Appeal Decision

Site visit made on 23 May 2017

by Mike Worden BA (Hons) DipTP MRTPI

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

Decision date: 30th June 2017

Appeal Ref: APP/R2520/W/17/3168351

The Willows, 1 Hallfield, Bassingham, Lincoln, Lincolnshire LN5 9PF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr W Taylor against the decision of North Kesteven District Council.
 - The application Ref 16/0271/FUL, dated 8 March 2016, was refused by notice dated 21 October 2016.
 - The development proposed is a new dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for a new dwelling at The Willows, 1 Hallfield, Bassingham, Lincoln, Lincolnshire LN5 9PF in accordance with the terms of the application, Ref 16/0271/FUL, dated 8 March 2016, subject to the conditions on the attached schedule.

Procedural Matter

2. In its statement, the Council has confirmed that the North Kesteven District Local Plan 2007 no longer forms part of the development plan for the district following the adoption, on 24 April 2017, of the Central Lincolnshire Local Plan 2017 (the CLLP).
3. The Council has also confirmed that the adopted policies of the CLLP are not materially different to those of the Submission Draft Version as proposed to be modified. When having regard to the development plan in my decision, it is the CLLP which I have referred to.
4. I have amended the description of development from that set out on the application form which was described as: '*Proposed dwelling –resub 15/1419/FUL*', to 'new dwelling' as I consider this more accurately reflects the proposal. I have used this description in my decision.

Main Issue

5. The main issues are the effect of the proposed development on: a) the character and appearance of the area and b) the growth of the village.
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Reasons

Character and appearance

6. The appeal site is part of the front garden area of one of six modern properties on Hallfield, a small road off Water Lane on the western side of the village. It lies outside of the Bassingham Conservation Area.
7. The properties on Hallfield are all large detached houses, set in their own grounds, and face a small green. The green is part of the original design of Hallfield and contains archaeological remains. It is separated from Water Lane by landscaping, a high mature hedge and the small entrance road separates the green from the appeal site.
8. The appeal site is similarly separated from Water Lane by trees and by a mature hedge which also wraps around part of the small entrance road. A small allotment area lies just to the north of the site and is also separated from it by a high hedge.
9. The proposed development is a detached dwelling which would sit in the existing front garden of no. 1 Hallfield, known as The Willows. It would face the entrance road and have its own access on to it, immediately adjacent to the existing access road to the house at no. 1 Hallfield.
10. The proposed new dwelling would be well screened from Water Lane by the mature hedge and two rows of trees which sit behind it. Since the hedge wraps around the corner of the site, the house would only be fully visible from part way in to the entrance road and from the accesses to the other houses on Hallfield.
11. Whilst the roof of the proposed house would be visible from Water Lane further away from the site, particularly from the bend between numbers 38 and 23a Water Lane, the hedge and landscaping would screen most of it from Water Lane and it would not have a prominent impact on the street-scene.
12. The proposed development would be visible from that part of Hallfield which serves the existing dwellings but would have a lower roofline than the other properties and would be located towards the rear of the site. Although they are all detached, the Hallfield properties are of varying designs and their frontage treatment varies. There is a mix of low walls, fences hedges and gates.
13. The proposed new dwelling would be located at a reasonable distance away from No 1 Hallfield, would sit at a 90 degree angle to it, and would be separated from it by the existing front driveway and detached garage. The footprint of the proposed new dwelling is not an inappropriate size relative to its plot and although it does not provide any rear garden, there would be amenity space to its front and side. It would not present a cramped or discordant form of development when related to its plot, No 1 Hallfield or the adjacent properties in Hallfield.
14. For the reasons above I conclude that the proposed development would not be harmful to the character and appearance of the area and would accord with Policy LP26 of the CLLP which seeks to achieve high standard of design and amenity in new developments and ensure that they respect local character.

Growth of the village

15. Policy LP2 of the CLLP identifies Bassingham as a medium village and Policy LP4 of the CLLP sets out that the village will be permitted to grow by 15% over the plan period. In its statement of case the Council has provided evidence which indicates that completions and commitments in the form of planning permissions mean that this 15% figure has already been exceeded and argues that the proposed development would conflict with Policy LP4 of the CLLP in that it compounds the exceedance and has no community support.
16. The evidence supplied by the Council includes a significant number of sites in the village which have permission in outline or full. There is no guarantee that all of these sites will progress to completions. In any event, paragraph 3.4.3 of the CLLP makes it clear that Policy LP4 provides a '*strategic steer*' and paragraph 3.4.11 states that Policy LP4 '*does not limit development absolutely, but clarifies the anticipated level of growth for each settlement*'.
17. Paragraph 3.4.11 of the CLLP also states that where proposed development would exceed the identified growth level in a village then it should be accompanied by evidence of community support. This is also referred to in Policy LP2 where statements of community support or promotion through a neighbourhood plan would be required to accompany planning proposals for development beyond the limited amount of development in a village to support its function and/or sustainability. For Bassingham, this is the 15% growth figure referred to in Policy LP4.
18. I am aware that there is not an approved neighbourhood plan for the village.
19. One of the footnotes to Policy LP2 adds clarification on what might constitute community support in this context including undertaking a thorough pre-application community consultation exercise or gaining support from the Parish Council.
20. I note that Bassingham Parish Council objected to the application on character and appearance grounds and a number of residents within the vicinity of the site have made representations, mostly on grounds of character and appearance.
21. The appellant not did submit a statement of community support at the time of making the planning application to the Council, nor has he as part of this appeal. However, given that the application for this proposed development was submitted in March 2016, some 13 months before the adoption of the CLLP and the appeal made 4 months before its adoption, I consider that it would be unreasonable to expect that a statement of community support should have been provided.
22. The footnote to Policy LP2 of the CLLP makes it clear that '*demonstration of clear local community support*' means '*at the point of submitting a planning application to the local planning authority*'. Given this and for reasons I have set out above, I have not placed any material weight to the fact that I do not have such a statement before me, in arriving at my decision.
23. I am also aware that the Council Officer's report acknowledges that a single dwelling will not materially impact on the ability of the services of the village to cope with new housing.

24. For all of the reasons above, I conclude that the proposed development does not conflict with Policy LP2 or Policy LP4 of the CLLP which identify the anticipated level of growth in villages.

Other Matters

25. My attention has been drawn to the bend in Water Lane close to the site and concerns from some residents that there is an issue of highway safety in relation to the proposed development. I note that there is no highway authority objection to the proposal and I have no material evidence that there would be a highway safety issue.
26. Reference has been made to a previous planning approval and appeal dismissal on the site. I do not have details of those schemes and have considered this proposal on its merits and on the evidence before me, including the extent and nature of the existing tree and hedge cover along Water Lane and Hallfield.

Conditions

27. The Council has suggested a number of conditions which I have considered against the advice in the Planning Practice Guidance (the PPG) and the National Planning Policy Framework. As a result I have amended some of them for clarity and elimination of duplication.
28. In addition to the standard 3 year time limitation for commencement, I have imposed a condition requiring the development to be carried out in accordance with the submitted plans. This is necessary for clarity.
29. A condition to secure appropriate external materials is necessary to safeguard the character and appearance of the area. A condition to protect potential archaeological interest is necessary given the findings on the adjacent site in the past. Conditions relating to the retention and protection of the trees and hedgerows on the site are necessary to safeguard the character and appearance of the area.
30. I have considered the suggested condition regarding the removal of permitted rights. Having regard to the PPG and its specific guidance on such conditions, I consider that it is necessary to impose a condition which would protect the trees and potential archaeological interest from development, and control the creation of new windows, in the interest of residential amenity.

Conclusion

31. For the reasons given above I conclude that the appeal should be allowed.

Mike Worden

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Site Plan, 65/14/01D
- 3) No works comprising the erection of a dwelling, excluding foundations, shall take place on any of the site to which any part of this permission relates, until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 4) No development or site clearance/preparation works shall take place until a Written Scheme of Investigation of Archaeological Interest including a programme of groundworks, has been submitted to and approved in writing by the local planning authority. The programme of works shall be carried out strictly in accordance with the approved specification.
- 5) No works or development shall take place until a scheme for the protection of the retained trees/hedgerows has been agreed in writing with the local planning authority. The scheme shall include:
 - a) a plan showing the details and positions of the ground protection areas
 - b) details and position of protection barriers
 - c) details and position of underground service runs and working methods employed should these runs be within the designated root protection area of any retained tree/hedgerow on or adjacent to the application site.
 - d) Details of any scaffolding erection within the root protection areas
 - e) Details of timing for the various phases of works or development in the context of the tree/hedgerow protection measures
- 6) During the construction period of the development hereby permitted, the following activities must not be carried out on the site:
 - a) No fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree/hedgerow on the site
 - b) No equipment, signage, or fencing, shall be attached to or be supported by any retained tree on the site.
 - c) No temporary access shall be made within the designated root protection areas without the prior written approval of the local planning authority
 - d) No mixing of cement or use of other contaminating materials or substances shall take place within 10 metres of the canopy of any retained tree.
 - e) No soakaways shall be routed within the root protection areas of any retained tree/hedgerow on the site.

- f) No stripping of top soils, excavations, or changing of levels shall take place within the root protection areas of any retained tree/hedgerow on the site.
 - g) No topsoil or building materials shall be stored within the root protection areas of any retained tree/hedgerow on the site.
- 7) No alterations or variations to the approved works or tree protection schemes shall be made without prior written consent of the local planning authority.
- 8) No trees, shrubs, or hedges within the site, which are being shown as retained on the approved plan, shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written approval of the local planning authority. Any works shall be carried out in accordance with BS 3998 (Tree Work).
- 9) If any retained tree, shrub or hedge is removed, uprooted or destroyed or dies within a period of 12 months of the completion of works, another tree, shrub or hedge of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree, shrub or hedge, unless the local planning authority gives its written consent to any variation.
- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification):
 - a) No extensions shall be carried out to the building.
 - b) No garages or outbuildings shall be erected within the curtilage of the dwelling.
 - c) No vehicle standing space or hard standing shall be provided within the curtilage of the dwelling other than such space which is expressly authorised by this permission.
 - d) No gates, walls, fences, or other structures shall be erected along any boundary to the curtilage of the dwelling.
 - e) No means of vehicular access shall be constructed to the curtilage of dwelling.
 - f) No windows or dormer windows shall be added to the dwelling other than those expressly authorised by this permission.