
Appeal Decision

Site visit made on 14 June 2017

by S J Lee BA(Hons) MA MRTPI

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

Decision date: 5th July 2017

Appeal Ref: APP/D2510/W/17/3171524

Land opposite The Rectory, Peppin Lane, Fotherby, Louth LN11 0UW

- 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 R M Brader against the decision of East Lindsey District Council.
 - The application Ref N/052/01958/16, dated 22 September 2016, was refused by notice dated 23 November 2016.
 - The development proposed is erection of 7no dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application was made in outline with all matters reserved other than access and layout. I have considered the appeal on this basis.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons

4. The appeal site forms part of a large open agricultural field on the south side of Peppin Lane. The site is outside but on the edge of the defined village of Fotherby, which is identified as a 'Medium Sized Village' by saved Policy A3 of the East Lindsey Local Plan Alteration (1999)(LP).
5. My attention has been drawn to a recent appeal decision¹ which granted outline permission for the erection of five dwellings on the eastern portion of the site. The layout for plots 3-7 of the development are largely identical to the permitted scheme, with the only minor difference being the width and shape of plot 3. The appeal proposal would therefore extend the linear row of permitted dwellings across the full extent of the field's frontage.
6. The dwellings on the northern side of Peppin Lane create a definitive outward looking edge to the village that demarcates a clear change in character between the built form and open countryside beyond. This creates an attractive open setting to the village and reinforces its rural character. This accords with the view of the previous Inspector who concluded that the site as

¹ Appeal reference: APP/D2510/W/16/3145061

a whole provided an attractive rural edge to the village, particularly when viewed from Louth Road.

7. Clearly, in terms of plots 3-7, the previous appeal decision is a significant material consideration in the determination of this appeal. The extant permission also establishes a realistic fallback position for this part of the site that carries significant weight. The effect on the character and appearance of the area of these individual plots would be largely identical to what has already been permitted and there is nothing before me which would persuade me to reach a different conclusion to the previous Inspector.
8. Nonetheless, the previous appeal decision does not set any form of precedent or justification for the extension of the built form across the whole field frontage. The development would cover a significantly larger proportion of the field and would result in a different form of development, with a different overall impact on the setting of the village and the character of the area.
9. Plots 1 and 2 would be located in what is essentially the focal point of the site at or near to the junction between Peppin Lane and Louth Road. Owing to the visual relationship between these plots and Louth Road, the topography of this part of the site would have little effect in minimising the presence and visibility of the dwellings. These would be significantly more prominent than those further to the east of the site. The cumulative impact of development across the full width of the field would be significant and would have a more obtrusive and overtly urbanising effect on the edge of the village than the permitted scheme.
10. The ribbon of development would encroach into what is clearly the most prominent and visually sensitive part of the site. The existing outward looking edge, which would still be visible to a degree even with the permitted scheme in place, would be lost. The effect of this would be to significantly diminish the open rural setting of the village through the creation of a new, hard and largely artificial edge across the full width of the field. This would erode the contrast between the settlement and the open countryside. This would be particularly apparent when travelling in either direction along Louth Road and would negatively affect views both into and out of the village. The positive contribution the site currently makes to the character and appearance of the area would be diminished to an unacceptable degree.
11. I do not consider the harm to the setting of the village would be mitigated by the provision of soft landscaping, either initially or over time. The significant increase in the built form and domestic paraphernalia associated with the dwellings, particularly toward the corner, would remain discernible and prominent features that would appear as a discordant encroachment into the countryside. This would particularly be the case when approaching from the south where the lack of any natural rear boundary to the site would be an unsympathetic aspect of the development.
12. The development would therefore lead to an unacceptable impact on the character and appearance of the area. Accordingly, there would be conflict with saved policies A4 and A5 of the LP which seek, amongst other things, to prevent harm to the distinctive character of the area. There would also be conflict with paragraph 61 of the National Planning Policy Framework (the Framework) which requires development to integrate into the built environment. There would also be conflict with paragraph 17 of the Framework

which seeks, amongst other things, to ensure planning recognises the intrinsic beauty of the countryside.

Other Matters

13. The appellant has drawn my attention to an appeal decision in Grimoldby². I do not have the full details of that case and thus cannot conclude with certainty that they are directly comparable. However, in that case the Inspector concluded the visual effect of the development would be limited and only slightly adverse. The same does not apply here. The effect of development across the whole field would, in my view, have a significant adverse impact on the character and appearance of the area, which would not be satisfactorily mitigated by soft landscaping. This appeal decision does not therefore alter my conclusion.
14. I have found that the development would cause significant harm to the character and appearance of the area. This would conflict with the environmental role of sustainable development. Balanced against this would be the delivery of seven additional dwellings, though as there is already permission for five the additional benefits of this proposal are limited and would make only a small additional contribution to the housing supply. Equally, any economic benefits of the larger proposal would be limited in nature, particularly considering the lack of service provision in Fotherby itself.
15. There is dispute between the parties as to whether the Council can demonstrate a five year supply of deliverable housing land as required by paragraph 47 of the Framework. However, even if there were a shortfall of the extent suggested by the appellant, I consider that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when considered against the policies of the Framework as a whole. In this context the development would not be sustainable and paragraph 14 would not suggest that permission should be granted.

Conclusion

16. In the circumstances of this appeal, the material considerations considered above do not justify making a decision other than in accordance with the development plan. For these reasons, I conclude that the appeal should be dismissed.

S J Lee

INSPECTOR

² Appeal reference: APP/D2510/W/16/3164345