
Appeal Decision

Site visit made on 20 June 2017

by C J Anstey BA (Hons) DipTP DipLA MRTPI

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

Decision date: 27 July 2017

Appeal Ref: APP/D2510/W/17/3167083

Land off Station Road, Sibsey, Boston, Lincolnshire.

- 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 Allison Homes Ltd. against the decision of East Lindsey District Council.
 - The application Ref S/152/00851/16, dated 18 April 2016, was refused by notice dated 18 July 2016
 - The development proposed is the erection of 12 houses each with detached double garage, erection of a wall 1.8 metres in height, construction of a vehicular access and internal access road, and provision of a surface water attenuation scheme.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. In the event of planning permission being granted the necessary surface water drainage scheme could be secured by suitably-worded planning conditions.

Main Issue

3. The main issue is the effect on the character and appearance of the local area and the rural setting of the village, having regard to the setting of various listed buildings.

Reasons

Description

4. The appeal site, which measures about 2.47 ha in area, is located in the countryside to the south of the main-built up part of Sibsey village. It is bounded by Station Road to the north, agricultural land to the east and south east, and the A16 Boston Road to the west. Most of the land is currently in agricultural use and used for growing crops.
5. The appeal application which is for full planning permission seeks approval for the construction of 12 two-storey dwellings, each with detached double garages. The proposed properties would be set around the eastern and southern boundaries of the site and served by a new access road from Station Road. To the west and north of the proposed properties and access road there would be a large area of open space, which would accommodate a surface water attenuation pond.

Development plan

6. Section 38(6) of the *Planning and Compulsory Purchase Act 2004* requires that any application for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for the area includes the *East Lindsey Local Plan Alteration 1999 – Saved Policies September 2007 (ELLPA)*. There are a number of saved policies in the *ELLPA* that are relevant to the determination of this appeal and these, together with the weight to be afforded to them, are referred to in the reasoning below.
7. It is understood that the *East Lindsey Local Plan* was submitted to the Secretary of State in April 2017 for independent Examination. As this means that the plan has some way to go before adoption and may change in the time before then I have afforded its contents limited weight.

Character, appearance & setting

8. There are three Grade II listed buildings, Waitefield, Manor House and The Avenue, located on the south-western edge of the village. These dwellings sit within their own grounds and are separated from the appeal site by sizeable open areas and mature vegetation, as well as by the busy A16. This together with the large area of open space created on the appeal site on the frontage of the A16, coupled with the set-back of the proposed dwellings, would ensure that the appeal scheme would not have an adverse impact on their setting. The proposed open space on the appeal site would also ensure that the important views of the tower of the Grade I listed St Margaret's Church from the south-west are maintained. Consequently the setting of nearby listed buildings would be preserved and *ELLPA Policy C2: Development and Demolition affecting a Listed Building* would not be infringed.
9. In my judgement, however, the appeal scheme would detract from the local landscape and the setting of the village. The site and the fields beyond are clearly visible from the A16 and Station Road. The appeal site is undeveloped and lies beyond the existing built-up area of Sibsey. Although there are existing dwellings to the south the site is clearly part of the countryside that borders this part of the village. In its current arable use the site provides a soft and pleasing edge to the village and positively contributes to the enjoyment and experience of those living in and moving around the village. The construction of dwellings on the eastern and southern parts of the appeal site would constitute encroachment into the countryside and urbanise the southern edge of the village to an unacceptable extent. In spite of the landscaping proposed I believe the new development would appear intrusive and cause unacceptable harm to the village's rural setting. I acknowledge that the landscape around Sibsey, of which the appeal site is a part, is not rare, or of exceptional quality. However this does not alter my finding that the proposal would cause real harm to the local landscape and the rural setting of the village.
10. I conclude, therefore, on the main issue that the proposal would cause severe damage to the character and appearance of the local area and to the rural setting of Sibsey. This brings the scheme into conflict with *ELLPA Policies A4: Protection of General Amenities, A5: Quality and Design of Development* and *ENV24: Protection of Open Spaces and Frontages* which are designed, amongst other things, to protect local character. As these policies are in general accord

with the contents of the *National Planning Policy Framework (the Framework)*, and not out of date, they are attributed significant weight.

Other matters

11. Local residents have raised concerns about a range of matters, including the impact on highway safety, biodiversity and living conditions. However, having considered all the material before me, including the views of statutory authorities and the various reports submitted, the proposal is unlikely to have an unacceptable impact as regards these issues and therefore they do not constitute grounds for dismissing the appeal.

Balance of considerations

12. I do not consider that the material submitted by the Council demonstrates that there is a five year supply of deliverable sites within the District at the present time. Although the Council states that the 5 year housing land supply position has improved since the appeal application was determined when there was a shortfall (with the result that there is now 5.25 years supply available) no detailed information has been supplied to explain the change. In the light of this, and given the lack of a 5 year supply over recent years, I have determined the appeal on the basis that the Council does not have a 5 year supply of deliverable housing sites. As a result *paragraph 49* of the *Framework* applies and the relevant policies for the supply of housing are deemed to be out of date for the purposes of *paragraph 14* of the *NPPF*.
13. As there are no specific policies in the *Framework* that indicate that development here should be restricted the proposal should be considered against the 1st indent of paragraph 14/4th bullet (i.e. whether any adverse impacts of granting permission significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole).
14. *Paragraph 14* of the *Framework* makes it clear that there is a presumption in favour of sustainable development, which has three dimensions: economic, social and environmental. In my judgement the appeal scheme would fulfil the economic role of sustainable development and would contribute to building a strong, responsive and competitive economy, by helping to ensure that there is housing land available to support growth. Furthermore it would be likely to increase expenditure in the local area and generate jobs in the construction industry. In terms of the social dimension the scheme would contribute to boosting housing supply, albeit by a small amount, and add to the choice of properties available in the area. The occupants of the proposed housing would also have reasonable access to the services and facilities available in Sibsey. These economic, social and environmental benefits must be accorded substantial weight.
15. The proposal, however, would cause severe damage to the character and appearance of the local area and the rural setting of Sibsey. No essential need for the development to be located in this area of countryside has been demonstrated. Considerable weight needs to be afforded to this adverse impact.
16. In my judgement the adverse impact identified significantly and demonstrably outweighs the benefits, when assessed against the policies in the Framework as a whole. In view of this finding the proposed scheme does not constitute

sustainable development. Consequently the 'presumption in favour' set out in the *NPPF* does not apply.

Overall Conclusion

17. My overall conclusion is that the proposal is contrary to the development plan and that other material considerations do not outweigh this conflict. *Paragraph 12* of the *Framework* indicates that in such a situation development should be refused. Consequently there are compelling grounds for dismissing the appeal. None of the other matters raised outweigh the considerations that have led to my decision.

Christopher Anstey

Inspector