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## Appeal Decision

Site visit made on 8 August 2017

**by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC**

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

**Decision date: 24<sup>th</sup> August 2017**

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**Appeal Ref: APP/D2510/W/17/3175098**

**Land off Mill Lane, Thimbleby, Horncastle, LN9 5JS**

- 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 Stuart Kinch against the decision of East Lindsey District Council.
  - The application Ref S/086/02307/16, dated 14 November 2016, was refused by notice dated 11 January 2017.
  - The development proposed is an outline planning application for 6 detached dwellings with all matters reserved.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The application is in outline with all matters reserved. The appellant has submitted indicative plan illustrating the layout to which I have had regard.

### Main Issues

3. The main issues are (a) whether the site is a suitable location for residential development in respect of access to everyday local facilities, by a range of modes of transport and (b) the effect on the character and appearance of the area.

### Reasons

#### *Location of Development*

4. The appeal site forms part of an open arable field which fronts Mill Lane. To its frontage it is bounded by a hedgerow, with some breaks, and trees. Ribbon development extends along Mill Lane to the north of the appeal site, comprising of detached bungalows and 2-storey dwellings. To the south are open fields and pockets of sporadic development.
5. The development plan currently comprises of saved Policies of the East Lindsey Local Plan Alteration 1999 (LP). Policy A3 sets out a settlement hierarchy for the district, concentrating growth in larger settlements. Thimbleby is identified as a small village which is considered to be a settlement which does not have well developed basic services or facilities to support much new housing development. The countryside character generally pervades the settlement and is a major factor in the assessment of development proposals.

6. Paragraph 17 of the National Planning Policy Framework (the Framework) seeks to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling. Consequently, new residential development should be located where there would be access to day to day facilities without the need to travel.
7. Thimbleby is a small village with services and facilities limited to a pub and village hall. It is located around 1.2km from Horncastle Town Centre. Horncastle is a main settlement which has a wide range of services and facilities. Primary and secondary schools are located over 2km away. As such, residents of the proposed development would need to travel elsewhere for their day-to-day needs in respect of cultural, recreational, educational and retail facilities.
8. In terms of access, Mill Lane joins onto the B1190, a reasonably busy main road into Horncastle. Local topography is as such that Horncastle is located down a hill, with Thimbleby located on the reverse slope of this hill. At the application site, Mill lane is a narrow road. There is a footway to the north of the site, on the opposite side of the road. This links to a footpath which runs alongside the B1190 providing pedestrian access into Horncastle. This is unlit along most of its length. A public footpath (No 80) is also accessed from the B1190 towards Horncastle, over arable fields and via Baggeley Drive, which is again largely unlit.
9. In terms of public transport, Thimbleby is served by 3 buses and there is a bus stop near to the junction of the B1190 and Mill Lane and a bus stop at North Lane, around 890m away. Based on the submitted information, the No 10 Horncastle-Lincoln bus operates 5 services across the weekdays only. There is also a pre-bookable call-connect service. The G70 operates from the North Street stop and is a school bus running twice daily, during school hours.
10. While I accept the proximity of Thimbleby to Horncastle, these settlements are physically separate and distinct and I consider that in accessing services and facilities in Horncastle from the occupants of the development would, in the main, be reliant on private car as an unsustainable form of transport. The bus services are limited to weekdays only and as such would necessitate the use of a car during the evenings and weekends. Furthermore, I consider it unlikely that future residents would routinely walk to the town centre, due to the unlit nature of the footpaths and the local topography. I also consider that routine use of a bicycle would be unlikely, again given the local topography.
11. The appellant has submitted a plan illustrating areas within Horncastle which would have similar travel distances to local services. However, this is a relatively crude approximation and there is no detailed information in respect of accessibility in terms of topography, footpaths and public transport options from these areas. As identified above, the particular circumstances and characteristics of the appeal site and Thimbleby render the appeal site relatively inaccessible via sustainable transport measures, in spite of its proximity to Horncastle.
12. My attention has also been drawn to large scale housing developments at Horncastle which have recently been granted consent. At the time of my site

visit, construction of these sites had not commenced, however permission for these sites, which were granted on appeal<sup>1</sup>, remain extant.

13. It is understood that a travel plan was provided in respect of one of the appeal sites covering all travel modes and modern day employment trends, which is applicable to the appeal site before me. However, details of this have not been provided and as such I am unable to analyse and compare this with the appeal proposals before me. I accept that the extant permissions are in reasonable proximity to the appeal site, nonetheless these developments are detached from the appeal site and I have found that accessibility would be via unsustainable means.
14. Overall on this matter, I conclude that the proposed residential development would not be in a suitable location and would be in clear conflict with saved Policy A3 of the LP as well as the social and environmental objectives which underpin the Framework in respect of transport and accessibility (Paragraph 17).

#### *Character and Appearance*

15. Thimbleby has two distinct areas of built up development, with the historic centre located to the west, with an area of open land before ribbon development which runs along both sides of Mill Lane. In this regard, the proposed development would extend the ribbon development further south along Mill Lane.
16. However, I consider that the introduction of more built development in this area would intensify and consolidate the built form further extending this part of Thimbleby. I find that it would erode the open character which would detract from the wider rural landscape character of the area.
17. Moreover, I am mindful of the findings of the inspector in the Langton Hill appeal.<sup>2</sup> While he found that the development, subject to a landscaping condition, would not result in coalescence between Horncastle and Thimbleby, he did identify moderate harm to visual amenity from Mill Lane and Thimbleby Hill. In undertaking the overall planning balance, it was found that the benefits of the proposal would not be significantly and demonstrably outweighed by the adverse effects. I agree with the Council that in combination with the housing developments as referenced above, the proposed development would reduce the separation distance between settlements to a limited strip either side of the ridgeline of Thimbleby Hill. I consider that this would cause further harm to the landscape character of the area and the rural setting of Thimbleby.
18. While long distance views of the site would not be gained due to the local topography, I saw that this effect would be experienced from public footpath No 80 whereby views of the proposed development would be seen from the first part of the footpath, leading from the B1190. This would be more marked in winter when the screening provided by the trees and hedging would be reduced.
19. It is on this basis that I consider the development would be materially harmful to the character of the area and would not accord with LP Policy A4 which seeks to protect general amenity and Policy A5 which requires that

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<sup>1</sup> APP/D2510/A/14/2214716 and APP/D2510/A/14/2228085

<sup>2</sup> APP/D2510/A/14/2214716

development does not detract from the distinctive character of the locality. The development would also conflict with paragraph 17 in terms of the impact upon the character of the countryside.

## **Conclusion**

20. At the time of the determination of the application, the Council recognised that that it was unable to demonstrate a 5 year supply of housing, and in applying paragraphs 47 and 14 of the Framework, they considered that the benefits of 6 dwellings would be significantly and demonstrably outweighed by the harm arising from the location of the development and character and appearance. Based upon the position statement, dated 31<sup>st</sup> January 2017, the Council consider that they are now able to demonstrate a supply of 5.25 years. The appellant does not dispute this figure, but considers that the reliance on windfall sites within the position statement to achieve housing need is demonstrable of the importance of the sites contribution, even for the scale of the development proposed.
21. My attention is also drawn to the recent Supreme Court judgement<sup>3</sup> in respect of the application of paragraph 14 of the Framework which states that planning permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.
22. As set out above, I have found conflict with the adopted development plan and the Framework. Even if the tilted balance were to apply in respect of Paragraph 14 of the Framework, in light of the harm I have found, the adverse impacts of granting permission would significantly and demonstrably outweigh the environmental and social benefits of the erection of 6 dwellings and any local support for it.
23. For the reasons above, taking into account all other matters raised, I dismiss the appeal.

*C Searson*  
INSPECTOR

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<sup>3</sup> *Suffolk Coastal District Council v Hopkins Homes Ltd and SSCLG; Richborough Estates Partnership LLP and SSCLG v Cheshire East Borough Council* [2017] UKSC 37