



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: 31st August 2017

Appeal Ref: APP/D2510/W/17/3174826

Manby House Bed and Breakfast, Carlton Road, Manby, LN11 8UF

- 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 Ms L Leach against the decision of East Lindsey District Council.
 - The application Ref N/113/02553/16, dated 29 December 2017, was refused by notice dated 2 March 2017.
 - The development proposed is a new single dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is in outline with all matters reserved. An indicative site plan has been submitted depicting the layout and access. I have had regard to this in my determination of the appeal.
3. In their appeal Questionnaire, the Council indicated that the proposed development would affect the setting of a Listed Building – the Grade II Listed Beachgrove Hall (Former Officers Mess and Quarters). This was not explicitly referenced within the decision notice nor within the Officer Report. In light of s66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have a duty to give special regard to the desirability of preserving the building or its setting my determination of the appeal proposals. Both parties were given a further opportunity to comment on this matter and I have determined the appeal accordingly.
4. The Council's Officer Report, as corrected within their appeal statement, states that the felling works have already been undertaken. However, at my site visit I saw that some felling had taken place in the area where trees 92, 93 and 94 are depicted on the proposed plan (drawing No A1/01 G), but the majority of these trees remain in place. It is unclear to me whether permission has been granted separately for the felling of these trees. In the interest of clarity, I have determined the appeal based upon the plans and information before me and based upon my own observations at the site visit.

Main Issue

5. The main issue is the effect of the proposed development upon the character and appearance of the area including on protected trees and the setting of a Grade II listed building.

Reasons

6. Manby House is a large detached 2 storey dwelling with additional accommodation at attic level. It is of a 'neo-Georgian' style with buff bricks timber glazing bar sliding sash windows and a plain tiled roof. Manby House is set within extensive grounds which has a number of mature trees providing this property with a verdant setting befitting of its status and role. The trees within these grounds, along with the grounds of properties identified as College House and the Station Commanders House to the south are covered by a Tree Protection Order dated 26 November 1976.
7. The appeal proposals comprise of a proposed dwelling located to the west of Manby House. It is understood that a separate application for a dwelling located to the east of Manby House was approved in 2016.
8. The proposed development would result in the loss of a number of trees in order to facilitate a site access and location of the proposed dwelling. These have been surveyed within the appellant's submitted arboricultural report as trees 150-153, 94, 93, 92, 91, 89 and 86.
9. The submitted survey seeks to justify the removal of these trees in respect of their condition. However, in many cases the condition would not warrant the wholesale removal of the trees. Critically, the report also fails to properly assess their amenity value, simply citing this as 'low' – no information is provided as to why these trees are considered to be of low value nor is there a methodology for assessment of value. Moreover the report cites that trees 151 and 153 should be protected, yet the submitted plans clearly indicate these to be removed.
10. By reason of their size, height, maturity, species mix and spread across the appeal plot, I consider that the large group of protected trees are attractive and, visually, make a significant contribution to the general setting of Manby House as well as within the area. The loss of these would therefore cause harm.
11. I also agree with the Council that while access is a reserved matter, in light of the parameters of the appeal plot as shown on the site location plan, there would be limited opportunity to avoid trees 151 and 153.
12. To my mind, the submitted survey merely identifies those required to be felled to facilitate the development, rather than providing a robust assessment of amenity value, condition and justification for removal. Furthermore, while I accept that a wider number of trees would be retained and as such the adverse visual impact of the loss of trees would in this context be relatively localised, without any detailed justification and based upon my own assessment, I consider that it would still be materially harmful to the character and appearance of Manby House and the wider area.
13. Manby House is a former dwelling for a high ranking officer of the RAF and its design is reflective of the buildings on the wider RAF Manby Complex which was developed in the 1930s. To the north west of the appeal site, and visible from this, is the Grade II Listed Beachgrove Hall, a former Officer mess and Quarter built in 1937. The building brick built with a hipped and plain-tiled roof in an H-plan form. It is 3-storey in height with glazing bar sash windows.

14. Paragraph 128 of the National Planning Policy Framework (the Framework) states that applicants should be required to describe the significance of any heritage assets affected, including any contribution made by their setting. Paragraph 129 states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal, including development affecting setting. Neither party has put forward any particularly detailed information regarding the significance of the asset and its setting and the contribution of Manby House and its grounds towards that significance.
15. I am satisfied that Manby House itself is not considered to be listed, nor is its curtilage listed. Nonetheless, in light of my duties set out in the Act, I am concerned that the proposed development could adversely affect the setting of this designated heritage asset.
16. Buildings erected at RAF Manby were designed by a specialist architectural advisor based on a range of type design, and characterised by use of materials and neo-Georgian domestic style. The listing description states that the buildings of RAF Manby reflect a distinct change in aesthetic quality and design of RAF stations in response to public concern about the impact of airfields upon the countryside and the Mess along with the domestic buildings were purposely set away from the technical buildings of the wider RAF site.
17. The listing description also notes that The Officer's Mess, along with the married officers and NCO's quarters to the south east. While it is clear the Manby House forms part of the RAF complex, it is uncertain as to whether the description is referring to Manby House as forms part of this group. Certainly its location to the south east, along with the buildings to the south could indeed be those buildings to which the listing description refers.
18. I am also unclear as to whether the landscaping and the protected trees form part of the significance of the RAF site. In finding harm to the character of Manby House and the wider area in respect of the loss of protected trees, I am unclear as to whether the proposals could also affect any historic landscape significance.
19. I note that the Council did not request any heritage impact assessment by the appellant, nonetheless in light of the above, due to the location of the proposed development between the listed building and Manby House, I cannot be certain that the proposed development would not affect the significance of this Grade II listed building, as derived from its setting and wider relationship with Manby House. I am simply unable to fulfil the statutory duties placed upon me. Adopting a precautionary approach, I must therefore conclude that the development would not protect the setting of the grade II listed building.
20. I acknowledge that a single dwelling has been approved located to the east of Manby House¹, as well as approval of permission to the south of the appeal site for 3 dwellings.² However, while copies of the plans and the decision notice for these cases have been provided, I do not have the full details of the circumstances that led to these proposals being accepted and so I cannot be sure that they represent a parallel in terms of the impact upon character and

¹ N/113/00001/16

² N/113/00860/15

appearance, protected trees, heritage assets and development plan policy. In any case, I have determined the appeal on its own merits.

21. Finally, procedural concerns are raised by the appellant regarding the Council's handling of this application in respect of a lack of in-house expertise, lack of site visit and unwillingness to engage. However these are matters between parties and have no bearing on my assessment of the appeal based upon its planning merits.
22. Overall I conclude that the development would cause harm to the character and appearance of the area. The development would therefore conflict with Policy A5 and H12 of the East Lindsey Local Plan Alteration (1999) which seek to achieve good quality design that respects the distinctive character of the locality. Furthermore, the development would not be in accordance with the Framework terms of its core aims to conserve heritage assets in a manner appropriate to their significance.

Conclusion

23. 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 the proposed dwelling would be significantly and demonstrably outweighed by the harm arising from the location of the development and character and appearance. The Council consider that they are now able to demonstrate a supply although little information has been provided in this regard.
24. In any case, in light of the harm I have identified and given the conflict with those policies of the Framework identified above, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of a single dwelling. The proposals cannot therefore be considered sustainable development for which the Framework presumes in favour.
25. For these reasons, and having regard to all other matters raised, the appeal should be dismissed.

C Searson
INSPECTOR