
Appeal Decision

Site visit made on 15 August 2017

by Mike Worden BA (Hons) DipTP MRTPI

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

Decision date: 5th September 2017

Appeal Ref: APP/D2510/W/17/3169886

Birketts Lane, Covenham St Bartholomew, LN11 0FF

- 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 M. Motley against the decision of East Lindsey District Council.
 - The application Ref N/037/02155/16, dated 25 October 2016, was refused by notice dated 21 December 2016.
 - The development proposed is outline erection of a detached dwelling and detached garage and creation of vehicular access.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application has been submitted in outline with all matters reserved at this stage. I have dealt with the appeal on this basis and treated the Proposed Block Plan¹ as illustrative only.

Main Issue

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

Reasons

4. The appeal site lies on the edge of Covenham village on a right angled bend on Birketts Lane. The site currently forms part of an agricultural field and has an open nature. There are views out beyond the site in a generally easterly direction across the flat marsh area of this part of Lincolnshire. Covenham is a small village historically comprised of two adjacent parishes, Covenham St Bartholomew and Covenham St Marys. The village has a limited range of services and there are no shops or schools. The New Plough public house has closed and is currently empty. The village has a residential and farming character with most development located along the principal road, Main Road, or along the small roads off it such as Birketts Lane.
5. The proposed development would include a detached house and garage on a rectangular shaped plot in a corner of a large open agricultural field. Two sides

¹ Proposed Block Plan Drawing Number 038.03.Des.012B RevB

of the plot boundary are defined by the road, but the other two sides do not have any existing boundary features.

6. Policy A3 of the *East Lindsey Local Plan Alteration 1999* ("the Local Plan") sets out the settlement hierarchy in the district and identifies both Covenham St Bartholomew and Covenham St Marys as medium sized villages. In accordance with the policy, proposals in the medium and small villages are considered on a similar basis as they would have to meet certain criteria to ensure that development was in accordance with the role, status, and character of the settlement.
7. Birketts Lane is part of the character of the village, leading out from the church at the junction with Main Road towards the flat countryside to the east. Its sharp double 90 degree bend affords wide views of the open countryside from the road, which contrast with the rather enclosed nature of the short section between the bend and the junction with Main Road. This open view to the former marshland to the east presents a sense of place for the village, contrasting with the views from the western side of the village which are mainly towards the Wolds.
8. Policy A5 of the Local Plan sets out criteria for the quality and design of development, of which criterion (b) specifically requires the retention of important characteristics important to the local environment including important medium long distance views. The proposed development would significantly restrict such views which are an important element of the character of this part of Birketts Lane. I acknowledge that the appellant has attempted to address the concerns of the Council in respect of the restriction on views beyond the site by reducing the proposed development to one house and garage with the objective of helping to enable views to be maintained between the gaps. However, I consider that the proposed development would still present a significant and unacceptable barrier to views out to the open countryside from the road and would harm the countryside character of this corner.
9. A public footpath runs across the field between Birketts Lane and the stream to the south. The proposed development would be very evident from this path as it is not confined by any hedgerows or other boundary features. Whilst to some extent the proposed house and garage would be viewed from the path against the backdrop of the existing houses on Birketts Lane, those properties mainly sit behind a group of trees and hedging. Therefore the proposed development would appear from the footpath to be located in the corner of an otherwise open field and to a degree would create a sense that the village had extended outward into the countryside beyond. It would therefore have a harmful effect on the character and appearance of the area.
10. The appellant has drawn my attention to a number of sites which have recently been granted planning permission in the village. I was able to see these sites on my visit. Some of them are clearly infill development within the body of the village, such as land at Blenheim House, or lie along the Main Road, such as Lynwood House and Chapel Close. Others are backland development, such as Harbour Cottage and Glebe Cottage, and do not have the same impact on views outwards to open countryside. The development at Garth House is in a confined cul-de-sac and the site at Southfield Farm is within a collection of farm buildings. The site on the eastern side of Newbridge Lane is more

comparable to the appeal site but has different characteristics as it sits behind a large hedgerow which has the effect of restricting outward views, and is adjacent to an existing property making it less of an incursion into the open countryside than the appeal site.

11. Coven Lodge, which is the recently constructed large dwelling opposite the appeal site, is very prominent from Birketts Lane although it lies immediately adjacent to existing housing, unlike the appeal site. The appeal site lies in the corner of the bend and affords important views out to the east, which are different to those towards Coven Lodge. I consider that the construction of Coven Lodge does not in itself support the case for further housing as part of a cluster of housing on both sides of the bend in Birketts Lane. The road at this point is a strong barrier separating the housing on the western and northern sides of the bend from the open field on the southern and eastern side.
12. I do not have full details of all of the cases referred to me and in any event have determined this appeal on its merits and on the evidence before me.
13. In its statement the Council says that it can now demonstrate that it has a 5.25 year supply of housing land taking into account allowances for windfalls. This is a changed position from that which existed at the time of the issuing of the decision notice and I presume also probably from that which existed when a number of the planning approvals referred to me were issued. The appellant does not dispute the changed land supply position.
14. If a five year supply of deliverable housing sites could not be demonstrated and paragraph 49 of the National Planning Policy Framework (the Framework) applied, this would trigger the operation of the fourth bullet point of Paragraph 14 of the Framework as clarified in a recent Supreme Court judgement ². However, even if there was not a 5 year supply of deliverable housing sites, I consider that the adverse impacts of the proposed development in terms of environmental harm would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole. The limited social and economic benefits arising from the development of a single house in the village are outweighed by the significant harm caused to the character and appearance of the area.
15. For the reasons set out above, I therefore conclude that the proposed development would be harmful to the character and appearance of the area and would be contrary to Policies A3 and A5 of the Local Plan. The proposed development would also be contrary to Policy A4 of the Local Plan, which seeks to protect general amenities, and Policy H12 of the Local Plan, which seeks to promote good design in housing developments. Although the Local Plan is relatively old, I have attached moderate weight to Policies A3 and A5 which I consider generally accord with the core planning principles set out in paragraph 17 and with paragraph 55 of the Framework, and to Policies A4 and H12 which I consider generally accord with the core planning principles in the Framework. The proposed development would also be contrary to paragraph 58 of the Framework which seeks to promote quality in new developments. The other Policies referred to me by the Council do not add to its case.

² Suffolk Coastal District Council v Hopkins Homes Ltd and SSCLG, Richborough Estates Partnership LLP and SSCLG v Cheshire East Borough Council May 2017

Other Matters

16. Both the decision notice and the Council officer's report make reference to the level of services in the village although this is not a reason for refusal. I have been supplied with information relating to the status of the New Plough public house which has been placed on a register of community assets, although I note that the protected period has now ended. I have taken into account that an additional dwelling could contribute in a limited way towards making facilities and services in the village more viable, that the surrounding villages may act together in terms of community clusters in accordance with paragraph 55 of the Framework, and that the construction of even one property could provide limited short term economic benefit to the local community. However, I have concluded that such benefits would be outweighed by the significant harm to the character and appearance of the area which would result.
17. I recognise that from the evidence supplied by the appellant it would appear that there was a building on the site in the early part of the last century. However, the village has changed significantly since then and I have considered the appeal on the basis of the current and proposed settlement pattern. I note in this regard that the appellant acknowledges in his statement that when a building is demolished it is usually considered to have 'gone' in planning terms.

Conclusion

18. For the reasons given above and having taken account of all other matters raised, I conclude that the appeal should be dismissed.

Mike Worden

INSPECTOR