
Appeal Decision

Site visit made on 16 November 2017

by D Guiver LLB(Hons) Solicitor

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

Decision date: 28 November 2017

Appeal Ref: APP/D2510/W/17/3181649

Land Adjacent to Cistercian Cottage, Stewton Lane, Louth LN11 8SB

- 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 T Lawrence against the decision of East Lindsey District Council.
 - The application Ref N/105/00635/17, dated 5 April 2017, was refused by notice dated 4 August 2017.
 - The development proposed is the erection of 1 no. dwelling.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of 1 no. dwelling at Land Adjacent to Cistercian Cottage, Stewton Lane, Louth LN11 8SB in accordance with the terms of the application, Ref N/105/00635/17, dated 5 April 2017, subject to the following conditions:
 - 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
 - 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
 - 3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
 - 4) The development hereby permitted shall be carried out in accordance with drawing no. LDC1609-01A insofar as it identifies the curtilage of and access to the development and thereafter the curtilage and access shall be retained.
 - 5) Development shall not commence until drainage works for foul and surface water shall have been carried out in accordance with details which shall have been submitted to and approved in writing by the local planning authority.

Procedural Matters

2. The application is made in outline with all detailed matters reserved for future consideration. Drawings showing the site boundary and indicative layout were

submitted with the application and I have had regard to these in determining this appeal.

Main Issues

3. I consider the main issues to be:

- (a) whether the site is a sustainable location for residential development; and
- (b) the effect of the proposed development upon the character and appearance of the surrounding countryside.

Reasons

- 4. The appeal site is an irregular shaped plot of land, which sits west of Cistercian Cottage and to the north and rear of No 52 Stewton Lane. Access to the site is between these two properties off Stewton Lane and would be shared with the dwelling at Cistercian Cottage. The site is north of the road.
- 5. Historically it appears that the site was part of a larger plot in agricultural use. Planning permission was granted for the construction of the dwelling at Cistercian Cottage on the larger plot with a condition of occupation by persons employed in agriculture and their dependants. Subsequently approval was given for the erection of a number of other buildings connected with agriculture on the appeal site.
- 6. In 2008 permission was granted for the change of use of land and buildings at the site from cattle sheds to commercial livery stables, rooms and yard. The following year the condition requiring the livery yard to be operated by the occupants of Cistercian Cottage was removed.
- 7. In 2014 the condition that Cistercian Cottage must be occupied by persons employed in agriculture or their dependants was also removed. The land at the appeal site became used principally as a paddock and the buildings other than the dwellinghouse were used for stabling horses, but apparently this was not on a commercial basis in connection with any livery business.
- 8. The proposal subject to this appeal is for the erection of a single dwelling at the appeal site. The paddock and buildings used as stables would be within the curtilage of the proposed dwelling and separate from the curtilage of Cistercian Cottage. The reason for refusal is predicated on paragraph 55 of the National Planning Policy Framework (the Framework) and describes the characterisation of the area around the appeal site as countryside.

Location of Development

- 9. The appeal site sits outside the defined settlement boundary of the town of Louth as identified in the East Lindsey Local Plan 1999 (the Local Plan), being approximately 400 metres east of the boundary line. Adjacent to the appeal site Stewton Lane is a relatively narrow stretch of unlit road subject to a 30 mph speed limit, which changes to a 60mph speed limit east of the site access.
- 10. There are a number of dwellings on Stewton Lane sitting both north and south of the road and typically these are detached properties sitting in reasonably large plots. However, the main concentration of these dwellings is within the settlement boundary west of a disused railway line, now used as a footpath and

cycleway. East of the railway line there are fewer buildings and the spaces between them generally increase in size.

11. I have been referred to a number of examples of planning permission granted for development in Louth. Some of these are not close to the appeal site and therefore they are not directly comparable and I give these examples very limited weight.
12. However, three grants of planning permission were made concerning proposed developments on Stewton Lane outside the development limit and these are a material consideration to which I attach significant weight.
13. The first of these grants was initially refused in 2015 but allowed on appeal the following year (APP/D2510/W/16/3145508). This grant gave permission for the construction of two new dwellings on an apparently green-field site on Stewton Lane 100 metres or so west of the appeal site.
14. In allowing the appeal the Inspector concluded that the Local Plan was out of date because the Council could not demonstrate a five-year supply of housing land. The Inspector then concluded that the site was in a sustainable location for residential development, as it was reasonably close to local services and that the scheme would contribute to the vitality of the town centre.
15. There is a supermarket, public house and pharmacy within one mile of the site subject to this appeal. There is also a large leisure centre that lies a short distance from the footpath along the disused railway line. The entrance to a footpath that connects to the railway line sits roughly opposite the appeal site.
16. The shortest distance to the railway line would be along Stewton Lane, and while there is no footway close to the appeal site, the road is restricted to 30 mph and there is road signage warning of pedestrians. The site subject to this appeal is little further east along Stewton Lane from the location of the site in the earlier appeal but the distance is sufficiently short that I consider the Inspector's conclusions on sustainable location apply equally to the appeal site.
17. The evidence before me shows that the Council is now able to demonstrate a five-year supply of housing land and therefore the Local Plan should no longer be considered out of date. However, while I can give very limited weight to the Inspector's decision in respect of housing land supply, I do give very significant weight to the conclusion on the sustainability of the location.
18. The second and third grants respectively related to four dwellings on a former nursery site (N/105/02144/16) and one dwelling on land adjacent to the settlement boundary (N/105/00780/16). The permission in the first of these grants relates to a location 40 metres or so west of the appeal site. While the permission for four dwellings was approved because it represented an opportunity to improve the character of the site, which was falling into disrepair, the effect is to extend development further east along Stewton Lane.
19. Following the grant of these three permissions, the Council granted outline permission for the construction of 280 dwellings on land between Legbourne Road and Stewton Lane (N/105/00378/17). The north-eastern limit of this development is immediately opposite the appeal site and to the east of the location approved for development of four dwellings on the former nursery site.

20. The significant development permitted by this grant sits outside the settlement boundary and would fundamentally alter the character of the sight from rural to residential, and extend that residential element at least as far east as the appeal site.

Character and Appearance

21. The area surrounding the appeal site is semi-rural in character and appearance with sporadic development along Stewton Lane and a mixture of residential and agricultural uses. There are six or so large dwellings within 500 metres east of the appeal site on the northern side of the road. The Council has identified only two properties having an extant condition requiring occupation by agricultural workers.
22. The appeal site's proximity to the town of Louth gives the area the additional characteristic of ribbon development at the edge of a settlement. I have referred above to a number of approved developments that will change the character of the locality to become increasingly residential.
23. The Council states that the outline permission for 280 houses between Legbourne Road and Stewton Lane will not change the character of the area in the vicinity of the appeal site because the plans show this area would be landscaped.
24. However, I note that the plan referred to is marked 'Illustrative Layout' and that the final layout of the site, including all landscaping, are reserved matters. Therefore, I give very limited weight to the Council's contention on this point.
25. I consider that a residential development at the appeal site would not be harmful to the existing semi-rural character and appearance of the area, or to the likely character and appearance emerging from the approved developments in the vicinity.

Conclusion against the Framework

26. The Council's decision notice references paragraph 55 of the National Planning Policy Framework (the Framework) as the sole reason for refusal. Paragraph 55 provides that to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities.
27. Paragraph 55 goes on to states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. The Council's decision notice states that the application subject to this appeal falls within the parameters of paragraph 55 and as no special circumstances were identified, the proposal was contrary to the policy.
28. The parties were invited to comment on a recent Court decision¹ that clarified the meaning of isolated dwellings and I have taken those comments into account. For the purposes of paragraph 55 of the Framework the word 'isolated' should be given its ordinary, objective meaning 'far away from other places, buildings or people; remote'².

¹ Braintree District Council v. Secretary of State for Communities and Local Government, Greyread Limited and Granville Developments Limited [2017] EWHC 2743 (Admin)

² Ibid at paragraph 24

29. There are already other dwellings close to the appeal site and therefore it cannot be characterised as isolated. The new developments approved in grants of planning permission for other sites referred to above would clearly increase the number of dwellings close to the appeal site. An additional dwelling would not harm the existing or likely future character of the area.
30. Because the appeal site is not isolated there is no requirement to show special circumstances to justify the proposed development. Given that I consider the proposal would be sustainable and would not be harmful to the character of the area, I conclude that the proposed development would be in accordance with paragraph 55 of the Framework.

Conditions

31. The conditions attached to this permission are based on those suggested by the Council. Where necessary I have amended the wording of these in the interests of precision and clarity in order to comply with the advice in the Planning Practice Guidance.
32. In the interests of proper planning I have imposed the standard conditions in respect of time limits. I have imposed a condition in respect of foul and surface water drainage to prevent pollution and reduce the risk of flooding at the site.
33. I have not imposed a condition relating to external facing materials as appearance is a reserved matter. To safeguard the living conditions of future occupiers I have imposed a condition in relation to access and the curtilage of the development identified in drawing no. LDC1609-01A to ensure that the stable buildings remain in ancillary to the residential use of the proposed dwelling.

Conclusion

34. For the reasons I have given, I find the development would meet with the economic and social strands of sustainable development as it would be located adjacent to an intrinsically sustainable settlement with adequate accessibility. In environmental terms, I also consider that the development would preserve the character and appearance of this part of Louth.
35. Accordingly, for the reasons I have given, and taking into account all other matters raised, the proposed development would be sustainable and the appeal should succeed.

D Guiver

INSPECTOR