
Appeal Decision

Site visit made on 6 February 2018

by Elaine Worthington BA (Hons) MTP MUED MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th March 2018

Appeal Ref: APP/N2535/W/17/3181471

Area of land between The Willows (dwelling) and garden of cottage adjacent to Boyles Yard, South side, Low Road, Osgodby

- 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 Mr & Mrs A Boyles against the decision of West Lindsey District Council.
 - The application Ref 136116, dated 13 April 2017, was refused by notice dated 5 June 2017.
 - The development proposed is described as 'the proposed development is for a new dwelling with Annexe. The sites single dwelling will be reminiscent of a farmhouse in style and feature a range of subservient stable-like buildings to the rear which will house an annexe, garages and stores. Mr Boyles' elderly father will occupy the annexe'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is whether the proposal would provide a suitable site for development having regard to national and local policies which seek to achieve sustainable patterns of development and protect the countryside.

Reasons

3. The appeal site is an open field bounded by hedges and trees with an existing access from Low Road. A previous proposal for a house on the site was dismissed at appeal under reference APP/N2535/W/16/3145733. Since that decision the Central Lincolnshire Local Plan (Local Plan) has replaced the West Lindsey Local Plan. Additionally, the Osgodby Neighbourhood Plan (Neighbourhood Plan) has been submitted for examination and subject to consultation which ended in January 2018.
4. The Council regards the site to be in the countryside and refers to Local Plan Policy LP55. This states that applications for new dwellings in the countryside will only be acceptable where they are essential to the effective operation of rural operations listed in Local Plan Policy LP2. The appellants do not argue that the proposal would fall within the categories to which development in the countryside is restricted. Rather, they consider that the site is within Osgodby which is identified as a small village where small scale development is anticipated by Local Plan Policy LP2.

5. There is no defined settlement boundary for Osgodby in the Local Plan. The appeal site is immediately adjacent to The Willows and there are a number of other dwellings further to the east on Low Road and Sand Lane. Osgodby is one of the larger villages in the district and is sparsely populated. The village sign is at the Low Road/Sand Lane junction where there is some infrastructure associated with the settlement including grit bins, a post box and a footpath.
6. Even so, despite its proximity to The Willows the appeal site adjoins countryside to the south along with open land to the west and there are fields on the other side of Low Road to the north. It is set well apart from the main part of the village to the west which is centred on Main Street and is separated from the more continuous high density development that begins around the junction with Mill Lane. The 30 mph speed limit sign for the village referred to by the appellants is located around this point. Whilst there are other dwellings nearby, including those further to the east, these are dispersed pockets of development with intervening areas of open land which themselves sit within the countryside and do not form part of the built up area of the village.
7. Paragraph 55 of the National Planning Policy Framework (the Framework) indicates that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. Given the site's relationship to nearby development I accept that it is not particularly isolated. Even so, it relates closely to the surrounding countryside and is very much detached from the main continuous built up area of the village. The Council refers to Policy Diagram 1 of the emerging Neighbourhood Plan which indicates the built form of the village (or its developed footprint). The appeal site and the other outlying development towards the eastern end of Low Road and Sand Lane are excluded from this. Since the appeal site is neither within nor adjacent to the developed footprint of Osgodby, the Council advises that it is not suitable for development under the terms of emerging Neighbourhood Plan Policies 1 or 2.
8. I am mindful that the emerging Neighbourhood Plan is yet to be examined or adopted and I have not been made aware of the extent of any unresolved objections to it. As such, I afford its policies only limited weight at this stage. Nevertheless, taking all these factors into account, in my opinion the appeal site is well outside the village and somewhat detached from it. As a consequence it cannot reasonably be regarded to be part of the settlement and it is therefore in the countryside in policy terms. The appellants advise that the appeal site was put forward as part of a 'call for sites' and also refers to the sequential test set out in the emerging Neighbourhood Plan. However, since it is a greenfield site in the countryside that is not within or adjacent to the developed footprint of Osgodby, I am not persuaded that the appeal site would fall within categories d, f or h of the sequential test as suggested.
9. As development in the countryside, the Council is concerned about the effect of the proposal on the aims of the spatial strategy set out in Local Plan Policy LP2 which focuses on delivering sustainable growth. It cites the previous appeal decision relating to the site where the Inspector found that for the majority of the time and for convenience reasons, the occupiers of a dwelling in the location proposed would tend to be highly dependent on travel by the private car to access services and facilities.

10. The appellants live nearby and run a successful waste haulage business from Boyles Yard on Low Road close to the appeal site. The proposed house includes an annexe for Mr Boyles' elderly father who lives alone nearby. Mrs Boyles works at the local primary school which their children attend. The appellants estimate that the appeal site is 600 metres from the school and 100 metres from the yard. I note that the appellants and their children would continue to walk or cycle to work and school from the appeal site. There is an existing footpath on the north side of Low Road which leads to the village and I understand that the emerging Neighbourhood Plan proposes a new footpath along Sand Lane.
11. Even so, it remains that the main part of the village is some distance from the appeal site and the range of services there is quite limited (in line with Osgodby's status as a small village in the settlement hierarchy). It seems to me that in order to access a wider range of services the occupiers of the proposed house would need to travel further afield. It has not been put to me what opportunities exist for public transport to the larger settlements nearby. However, I have seen no evidence to demonstrate that circumstances have changed since the previous appeal decision. As such, whilst some opportunities for walking, cycling and the use of public transport may exist, I also find that the occupiers of the proposed house would be for the most part reliant on the use of the private car to access the services they would need to meet their day to day requirements.
12. The appellants work nearby and their children attend school locally. They only have one car and this would not alter as a result of the appeal scheme. The appellants argue that car usage would be reduced as a result of the proposal due to Mr Boyles' father living with the family (such that journeys to his existing home would no longer be necessary and there would be the potential for shared trips). That said, I am mindful that although these are the personal circumstances of the appellants at the moment, they may change in the future. Since the house would not be tied to the appellants, I am also conscious that it could be sold and that any future occupiers may not be employed so locally. Additionally, the existing two homes occupied by the appellants and Mr Boyles' father are intended to be released. As such, the trips associated with the creation of a new dwelling on the appeal site would still arise over and above the trips associated with the occupation of those properties.
13. As set out at paragraph 29 of the Framework, the Government recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas. However, even appreciating the sparse nature of the population in Osgodby and accepting that some reliance on car journeys in rural areas is not unusual, I cannot see that the proposal would support the aims of the Framework to promote sustainable forms of transport and reduce greenhouse gas emissions. Through its settlement hierarchy the Council is seeking to focus development into existing settlements, where development would generally make the best use of existing services and infrastructure and minimise the need for travel. This aligns with one of the core planning principles of the Framework to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling. The creation of new houses in locations where the future occupants would be reliant on the use of the car (such as the appeal site) would undermine the Council's locational strategy and the overall aim of promoting development within settlements and in sustainable locations.

14. Turning to character and appearance, the proposed house would be 2.5 storeys high with a substantial attached single storey annex to the rear. Its design and massing is intended to be similar to that of others nearby on Low Road and it would be set back from the road and positioned well into the site. Even so, the proposal would introduce a very large house on to the site that would fill much of its width and extend at great depth into it. In my view this would result in a significant intrusion of built development into the countryside.
15. The trees within the site would not be affected by the proposal and the hedging and trees on the site's southern boundary would restrict some open views of the site from the countryside beyond it. The proposal would not interrupt a key view or historic topography. Nevertheless, despite the trees and hedges to the other site boundaries, this considerable intrusion of urbanisation would be keenly appreciated from Low Road and would seriously detract from the site's open rural appearance and the character of the surrounding area.
16. This would be contrary to Local Plan Policy LP17 which seeks to protect the intrinsic value of the landscape, including the setting of settlements, and requires development to respond positively to any natural features within the landscape which positively contribute to the character of the area. It would also undermine Local Plan Policy LP26 which requires development to achieve high quality sustainable design that contributes positively to local character, landscape and townscape and to take into consideration the character and local distinctiveness of the area (and enhance or reinforce it, as appropriate) and create a sense of place.
17. I therefore conclude on the main issue that the proposal would fail to provide a suitable site for development having regard to national and local policies which seek to achieve sustainable patterns of development and protect the countryside. For the reasons given, this would be contrary to Local Plan Policies LP55, LP2, LP17 and LP26. It would also undermine the core planning principles of the Framework to seek to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, to secure high quality design, and to recognise the intrinsic character and beauty of the countryside.

Other matters

18. Despite the concerns of local residents, the Council raises no objections as to the impact of the proposal on the living conditions of nearby occupiers. The absence of harm in this regard counts neither for, nor against the proposal.
19. The future occupiers of the proposed house would support local services and facilities and the proposal would release two existing dwellings in the village and add to housing land supply. As such, the proposal would help to maintain and enhance the vitality of the rural community in line with paragraph 55 of the Framework. However, whilst these are benefits of the scheme, they are limited by the proposal's limited scale for a single dwelling.
20. The appellants suggest that the proposal would allow the business to remain operating, but I have seen no substantiated evidence to demonstrate that in the absence of the appeal proposal the business would necessarily be adversely affected or likely to close. Thus, although I accept that the proposal would allow the appellants to live close to the business, as things stand, the particular

contribution that it would make to the vitality of that rural enterprise over and above the existing situation has not been demonstrated.

21. I appreciate that if the appellants had to move away from the parish more car use would be likely to arise. I also note the appellants' view that the residential development of the yard would conflict with the growth of that business and would not be supported by local policy. However, I have seen no compelling evidence to suggest that these fallback positions are likely to be pursued by the appellants if the appeal is dismissed, or to explain under what circumstance they would be likely to arise. As such, they add only very minimal weight in favour of the scheme.
22. The proposal would provide more spacious living conditions for the appellants and their family who currently live in a small cottage. It would also provide an annex for Mr Boyles' elderly father who has health issues. These are personal benefits to the appellants which count in the scheme's favour. However, even in conjunction with the other limited benefits of the scheme considered above, they are insufficient to outweigh the harm I have identified in relation to the main issue in this case.
23. The appellants refer to development allowed elsewhere in the village including on appeal. No further details have been provided and I am not aware of the full circumstances that led to those decisions and so cannot be sure that they are the same as in the case before me. I also note the appellants' dissatisfaction that the decision on the planning application was issued without any discussions taking place. However, this is a matter between the Council and the appellant. I confirm in any event in relation to these points that I have determined the appeal proposal on its individual planning merits and made my own assessment as to its impacts.

Conclusion

24. For the reasons set out above, I conclude that the appeal should be dismissed.

Elaine Worthington

INSPECTOR