The Planning Inspectorate

Appeal Decision

Site visit made on 13 June 2018

by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st June 2018

Appeal Ref: APP/D2510/W/17/3191754
Land west of Hardings Lane, Partney PE23 4PY

- 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 Lincoln Diocesan Board against the decision of East Lindsey District Council.
- The application Ref N/136/00581/17, dated 30 March 2017, was refused by notice dated 7 July 2017.
- The development proposed is the erection of eleven (11) dwellings, including a purpose built rectory, and associated hard and soft landscaping (Re-submission of N/136/01228/16).

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in the determination of this appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal site is a substantial open area of grassland punctuated by mature trees which also feature, along with various hedge species, to the site's boundaries. It has a wild meadow like appearance and is located on the edge of the village, to the rear of the Rectory, a substantial and notable unlisted building that faces Skegness Road. It shares the open and undeveloped character of the fields that extend to the south in the direction of the Partney bypass (A158). Hardings Lane is a quiet, single width rural track. Some road noise aside the immediate setting of the appeal site is a tranquil and natural attractive rural fringe to the settlement where built development is limited to main road frontages and peters out to open fields.

4. The Council's concerns in respect of this main issue have three main strands. Not in specific order of importance, these relate to the fact that the appeal scheme would fail to respect the prevailing character of the area in terms of built form, open space and its layout; it would adversely affect the setting of the Rectory; and it would not respond appropriately to mature trees on the site which are subject to preservation orders. I shall aim to address each matter in turn but there may be some overlap.

The Appeal Scheme

5. As I have set out above, there is a quiet rurality to the appeal site and its immediate surroundings where built development is sparse and open space predominates. The appeal site emphasises and contributes positively to this open feel. The road pattern is a series of curved and winding main routes that splinter out in all four compass directions. There are some straighter off shoots to these which form contained estates of more modern development, located mainly to the north of the village centre, in amongst the built up area.

6. The introduction of what would be a contextually large number of dwellings onto the appeal site would significantly reduce the open and naturally landscaped character that defines the edge of the settlement. The dwellings themselves would be varied in their size but not insignificant in scale terms when considered as a whole. They would cover a wide land area and greatly increase the density of built form locally. Their siting and layout would be structured and formal, more reflective of an urban grain than rural with parallel plots and buildings either in line or at 90 degrees to each other. The proposed access road would be long, straight and extend down the spine, terminating at a hammerhead. This, again, is more reflective of an urban road form and would when, considered in the context the village's general road shape, appear out of place.

7. The nature of the effect of the scheme in this respect would not be limited to how it would appear on plan. There is a public right of way that runs to the south of the site, connecting with Hardings Lane. Users of the route would be doing so for recreational reasons and the experience of its context. Any views therefrom would therefore be of a high sensitivity. For the same reasons I have set out above, the experience of this route would reduce in its overall quality. Adding to the harm I have found.

8. For these reasons, the site would be something of an awkward bolt on to the edge of the settlement, largely unrelated, detached and self-contained in relation to it. This would be harmful to the character of the edge of the village, reducing its open feel, interrupting its picturesque and undeveloped appearance.

The Rectory

9. The appeal site is an area of land immediately to the rear of the Rectory. Whilst unlisted in the statutory sense, the written evidence and my own observations on site find that the building is of significance to local history and a well survived sizable example of its type. The Council consider it to be a non-designated heritage asset. It faces the road but has a good quality elevation facing the appeal site. Large parts of this elevation can be seen from the aforementioned public right of way and glimpsed from the road approach along Hardings Lane. Views can appreciate the imposing chimney stacks, over sailing hipped and gable roofs as well as large, vertical sliding sash windows and stone banding.

10. Whilst it is debatable as to whether the appeal site formed part of any formal immediate curtilage to the Rectory, its undeveloped and open character offers good quality uninterrupted views of it, particularly from Hardings Lane and the public right of way. In addition, and whilst such views are fleeting, the Rectory appears more prominent, slightly elevated and imposing on the edge of the

settlement when seen from the Partney bypass, enveloped as it is by a series of mature trees.

11. There would be some harm arising from the siting of a structured and formal contained modern housing estate directly to the south of and in front of this elevation of the Rectory, having regard to the general character and appearance of the appeal site in relation to it. Indeed, the appellant's evidence alludes to there being a harmful impact in this respect but that such would be outweighed by the public benefit of the scheme. I shall return to this matter later.

Trees

12. As I have set out above, there are a number of mature trees that punctuate the appeal site and surround the Rectory. The appellant has produced a detailed survey of them in relation to the proposed development, identifying measures for their protection in both the siting and layout of the dwellings and during the construction phase. The crux of the Council's concerns in this regard appear to stem from future pressure that may be placed on a substantial specimen in close proximity to proposed plots 8 and 9. The Council state that there may be pressure to alter, reduce or fell the tree which is subject to a preservation order in the interests of improving light and general amenity for occupiers of the named plots.

13. Whilst I share this view to a point, the tree would remain subject of a preservation order and thus be legally (as well as physically) protected at all times during construction. The order would still be in place after works were completed. Any future works to protected trees would require consideration and express consent of the Council as the relevant authority. There would also be an element of buyer awareness for future occupiers in that they would be abundantly aware of a substantial tree in their garden and overhanging their plot as well as the maintenance burden that would come with it.

14. With this in mind I do not consider that the effect of the proposed development on locally important and protected trees to be such that it would be appropriate to resist the granting of planning permission on this ground. With regard to this particular matter alone and in isolation therefore, I do not find that there would be harm.

Other Considerations and Balancing

15. I note the appellant's case pertaining to Canon Law. Specifically the requirement for the provision of appropriate housing for members of the clergy. Having regard to the examples of previous appeal decisions issued by my colleagues[1] I agree that the provision for appropriate housing in this respect is a material consideration. I therefore attach some weight to this.

16. The argument in this respect would extend to only one of the eleven plots proposed and as such whilst (subject to all other matters being acceptable) this could justify one dwelling, such a requirement under Canon Law would not extend to the remainder of the development. Whilst it is a relevant argument to suggest that the remainder of the development would be assistive in financing the provision of a new house in this way, ten additional ones does seem somewhat excessive. Furthermore, I have not seen a sufficiently

[1] APP/R3325/A/01/1076761 and APP/G2245/A/01/1073644

compelling argument to convince me that this requirement could not be met by other existing or extant dwellings elsewhere in the village or parish.

17. It appears to be the case that the Council are able to demonstrate the supply of housing sites as required by the Framework[2]. I make this finding based on the Council's last published supply figure as well as the relevant findings of the Inspector's report on the new Local Plan inquiry received by the Council at the beginning of May 2018. The Council intend to proceed to adoption of this new plan in mid July 2018. If the Council are able to demonstrate the required supply of housing sites, there would be no need to engage the so called tilted balance of paragraph 14 of the Framework, as introduced by paragraph 49.

18. The appellant has advised to exercise caution in accepting the published supply figure albeit this statement was made prior to the Council's receipt of the Inspector's report. The appellant has not commented further on this. However, if I were to find that the Council could not demonstrate the required supply I would accordingly weigh any harm that the proposed development would cause against its benefits[3].

19. The appeal scheme would provide a number of new homes which would not be significant in overall number terms but nonetheless be positive in any undersupply situation. There appears to be no affordable housing provision. There would be a boost to the local economy from an increase in local residents as well as some investment into the construction industry. The appeal site is well placed in respect of offering sustainable access to local services but I would see this as more of a lack of harm and an element on which the scheme would be acceptable. It would therefore be neutral in the balance. The appellant has also proposed, as part of a unilateral undertaking, a financial contribution towards education provision and specifically an earmarked project. Again however, this would be more to mitigate an effect of the scheme in response to a requirement than strictly a benefit.

20. Taking these matters into account, it seems clear to me that the benefits of the scheme would not be sufficient against the nature, scale and extent of the harm that I have found. They would therefore, be significantly and demonstrably outweighed. The result of applying the so called tilted balance would therefore, in this particular case, result in my finding that the appeal scheme would not be sustainable development for which the presumption in favour applies.

21. Returning to the matter of the Rectory, paragraph 135 of the Framework requires a decision maker to take into account the effect of an application on the significance of a non-designated heritage asset and come to a balanced judgement. Having regard to the scale of any harm and the assets significance.

22. As I have set out in my earlier findings, there would be harm to the significance of the Rectory. The harm would not be of a significant level in itself given that the building is not statutorily listed and there would be no direct impingement on its fabric or immediate curtilage. It would in essence continue to survive as an example of its type and style of architecture. Be this as it may, the overall

[2] The National Planning Policy Framework 2012
[3] ….where the development plan is absent silent or relevant policies are out of date, granting a planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits……

benefits, public or otherwise as I have them out above, would not be sufficiently substantial to outweigh the amount of harm that the scheme would cause to the setting of the Rectory by virtue of what and where it would be and in the manner I have described it above.

Other Matters

23. The appeal scheme would, based on the evidence, appear to straddle the established settlement boundary. Whilst this would lead to harm having assessed how it would affect the character and appearance of the area, I agree with the Council that by virtue of this fact, the appeal site would be as well related to village services that could be accessed via sustainable means as other parts of the village that are inside the established boundary. This is a matter on which neither I, nor the Council, found harm in respect of the proposed development.

Conclusion

24. Whilst I have not found harm in respect of locally important and protected trees, the appeal scheme would, by virtue of the above factors, cause harm in other ways and to such elements that are as key to defining the character and appearance of the area. It is for this reason that the proposed development would conflict with saved Policies A5 and H12 of the Local Plan[4] and sections 7 and 12 of the Framework.

25. These policies, amongst other things, seek to ensure that new development is of a high quality and contextually appropriate design and appearance that reflects or enhances the locally distinctive character and safeguards the historic environment from harm.

26. Taking into account all other matters raised, the appeal is dismissed.

John Morrison

INSPECTOR

[4] East Lindsey Local Plan Alteration 1999 (Saved 2007)