The Planning Inspectorate

Appeal Decision

Site visit made on 4 December 2018

by Jillian Rann BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 January 2019

Appeal Ref: APP/D2510/W/18/3207289
Land adjacent to Fairview Cottage, Mill Lane, Scamblesby, Louth, Lincolnshire LN11 9XP

- 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 P Noon against the decision of East Lindsey District Council.
- The application Ref N/149/00524/18, dated 15 March 2018, was refused by notice dated 15 May 2018.
- The development proposed is described as 'to erect a 3 bedroom dwelling. See supporting information'.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site is in an Area of Outstanding Natural Beauty (AONB). An EIA Screening Opinion was issued by the Council, concluding that an Environmental Statement is not necessary in this instance. On the basis of the proposal and details before me, I have no reason to disagree with that conclusion.

3. The application was submitted in outline and the application form makes it clear that all matters are reserved for further consideration. It is on this basis that I have considered the appeal.

4. Since the application was refused, the East Lindsey Local Plan Core Strategy (the Local Plan 2018) has been adopted, in July 2018. As such, the policies referred to in the reasons for refusal as being from the 'emerging Core Strategy' are now adopted, and the Council has confirmed that the East Lindsey Local Plan Alteration 1999 has been superseded. I have considered the appeal accordingly.

5. The adoption of the Local Plan 2018 is confirmed in the Council's statement, which also includes the wording of the policies as adopted. The appellant has thus had the opportunity to comment on the implications of this as part of the appeal process. I am therefore satisfied that all parties have had the opportunity to comment on this matter.

6. The revised National Planning Policy Framework (the Framework) was published on 24 July 2018. I have given the main parties the opportunity to comment on this.

Main Issues

7. The main issues are:

    - whether the proposed development would provide an appropriate location for housing, having regard to relevant policies in the development plan, and to the effect of the development on the character and appearance of the site and its surroundings, including the Lincolnshire Wolds AONB; and
    - the effect of the proposed development on biodiversity.

Reasons

Appropriateness of the location

8. Scamblesby is defined as a medium village in the Local Plan 2018. Policy SP4 of the Local Plan 2018 states that housing will be supported in medium villages where it is in an appropriate location within the developed footprint of the settlement as infill, frontage development of no more than 2 dwellings.

9. Policy SP4 defines an appropriate location as a location which does not conflict, when taken as a whole, with national policy or policies in the Local Plan 2018. Policy SP4 defines the developed footprint as the continuous built form of the settlement, and excludes individual buildings or groups of dispersed buildings which are detached from the continuous built up area of the settlement.

10. Policy SP4 also states that for housing to be supported in medium villages, it must conform to Clause 2 of Policy SP25. That clause states that development will only be permitted on open spaces provided unacceptable harm will not be caused to their appearance, character or role in providing an important element in the street scene.

11. Scamblesby's school and village hall are located close to the junction of South Street and Old Main Road. From this junction, housing development extends along Old Main Road, and along South Street. There is an area of open land alongside part of South Street. However, the developed frontage on the opposite side of the road is uninterrupted at that point and, beyond it, there is continuous housing on both sides of South Street up to, and slightly beyond, its junction with Church Lane and Mill Lane. The overall impression when travelling along South Street is therefore one of a continuous built up frontage.

12. The appeal site is located further along Mill Lane, beyond the cluster of buildings around the South Street and Church Lane junction. The pattern of development on this part of Mill Lane differs from the continuous built frontages on South Street and around the Church Lane junction. Fields open out on one side of the road. On the other, the appeal site forms part of a discontinuous ribbon of development comprising single houses or pairs of properties which are separated from one another, and from the buildings around the junction of Church Lane and South Street, by wide gaps formed by fields and other open spaces.

13. Therefore, notwithstanding its proximity to other housing in the village, I find that the appeal site forms part of a group of dispersed buildings which are detached from the continuous built up area of the settlement. As such, it does

not form part of the continuous built form of the settlement, or the developed footprint as defined in Policy SP4.

14. I observed a further small cluster of development around the junction of Mill Lane and Chapel Lane, including a small chapel/church. However, those buildings are further detached from the appeal site and its neighbours, and from the continuous development along South Street, by open fields. Therefore, their presence does not alter my conclusion that the appeal site is located outside the continuous built form and developed footprint of the settlement.

15. The spaces between the houses in this small, dispersed ribbon of development create a pleasant, semi-rural character and a sense of diminishing development along Mill Lane as it gradually leaves the village. As an undeveloped area of land, which was laid to grass at the time of my visit, the appeal site comprises an important element of this discontinuous, semi-rural street scene.

16. Despite its elevated position above Mill Lane and the high front boundary hedge, glimpses of the proposed dwelling and its associated access and parking areas would nonetheless be possible when travelling along Mill Lane.

17. I note the intention to use local materials and design features, and to maintain existing boundary planting, and that the proposal would comprise frontage, infill development of no more than 2 dwellings. However, in this instance, a development of the form proposed would result in the removal of one of the attractive, open gaps which form an important element of this discontinuous street scene. As such, it would result in an incremental urbanisation of the frontage, and would significantly erode the dispersed, semi-rural character of this part of Mill Lane.

18. The proposed development would therefore cause unacceptable harm to the appearance, character and role of this open space in providing an important element in the street scene. It would therefore conflict with Clause 2 of Policy SP25 of the Local Plan 2018.

19. The landscape of the AONB is defined by human activity as well as natural processes, and includes housing in villages and within the wider landscape. The proposed development would cause harm to the AONB by eroding the semi-rural pattern of development which characterises this part of the wider landscape. The effects of the development would be relatively localised. Nonetheless, the Framework requires that great weight should be given to conserving landscape and scenic beauty in AONBs. Accordingly, I must attach great weight to the harm to the AONB which would arise from the proposal.

20. For the reasons given, I conclude that the appeal site is not within the developed footprint of the settlement as defined in Policy SP4. I have also found conflict with the open space protection aims in Clause 2 of Policy SP25, and I conclude that the proposed development would have a significant adverse effect on the character and appearance of the appeal site and its surroundings, including the Lincolnshire Wolds AONB. The proposal would therefore conflict with Policies SP4, SP23 and SP25 of the Local Plan 2018. Amongst other things, those policies state that the Council will ensure that the distinctive character of the District's landscapes will not be compromised, and that, in particular, the highest level of protection will be given to the Lincolnshire Wolds AONB.

21. For these reasons, and in view of the conflict I have identified with policies in the Local Plan 2018, I conclude that the proposed development would not represent an appropriate location for housing as defined in Policy SP4 of the Local Plan 2018.

Biodiversity

22. The site has been identified as including an area of defined priority habitat. I have also been referred to the potential presence of a priority species, lapwings, in the vicinity. The nature of the priority habitat referred to has not been specifically identified. Nonetheless, on the basis of the limited evidence before me, I find that there is some potential for priority habitat and/or species to be present on the site or in the vicinity.

23. The appellant has provided some detail regarding the former uses of the site, and advised that a habitat survey could be carried out if required. However, I have little before me by way of detailed information regarding the specific habitats or species present on the site or how they may be affected by the proposed development, with reference to survey evidence. Furthermore, whilst I have been advised that the proposed development could provide biodiversity benefits, I have little before me with regard to the form that such benefits may take, or how they could be secured.

24. Therefore, on the basis of the evidence before me, I am unable to fully understand or assess the potential implications of the proposed development on biodiversity, including priority habitat and/or species. I therefore cannot conclude that the proposed development would not have an adverse effect on biodiversity. The proposal would therefore conflict with paragraph 175 of the Framework which states that, if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or compensated for, then planning permission should be refused.

Other Matters

25. I have been referred to planning permissions for housing elsewhere on Mill Lane and Chapel Lane, including two neighbouring bungalows which, I am advised, were built on what was formerly part of the garden of Fairview Cottage. However, I have only limited information before me regarding those developments, and cannot be certain that the circumstances in which they were permitted were directly comparable to those in the current appeal. In any event, I have determined the appeal on its own planning merits and with regard to current development plan policy.

Planning balance

26. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires this appeal to be determined in accordance with the development plan unless material considerations indicate otherwise.

27. The appellant has expressed reservations about the Council's 5 year housing land supply. However, I have found that the proposal would be contrary to policies in the Framework that seek to protect areas or assets of particular importance, in the form of the AONB. This provides a clear reason for refusing the development proposed, as set out in footnote 6 of paragraph 11 of the Framework. Accordingly, even were the Council unable to demonstrate a 5 year

housing land supply, the 'tilted balance' set out in Paragraph 11 would not apply in this instance.

28. The proposal would provide a new house and some limited support for existing local facilities, and to the local economy. However, the limited benefits in this respect would not outweigh the harm to character and appearance which I have identified in this instance.

29. Therefore, in applying S38 (6), I find that the proposal would be contrary to the development plan when considered as a whole, and there are no material considerations indicating a decision otherwise than in accordance with it.

Conclusion

30. For the reasons give, and having regard to all other matters raised, the appeal is dismissed.

Jillian Rann
INSPECTOR