



Appeal Decision

Site visit made on 25 June 2019

by Graeme Robbie BA(Hons) BPI MRTPI

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

Decision date: 16 August 2019

Appeal Ref: APP/D2510/W/18/3205287

**land adjacent Gardeners Cottage, Monument Road, Woodhall Spa,
Lincolnshire LN10 6UN**

- 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 T Parkinson against the decision of East Lindsey District Council.
 - The application Ref 5/215/01854/17, dated 10 October 2017, was refused by notice dated 20 December 2017.
 - The development proposed is erection of one new house and one new bungalow.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application for planning permission to which this appeal relates was originally determined by the Council in December 2017. The development plan at that time was comprised of the East Lindsey Local Plan Alterations 1999 (saved policies) (LP). Reference was made within the Council's officer report to an emerging local plan but no further details were provided at that time.
3. Since the Council refused planning permission the LP has been replaced by the East Lindsey Local Plan Core Strategy (CS) was formally adopted in July 2018. The Council have provided a brief commentary on the ELLP policies and CS policies which the Council considers to be relevant to each of the reasons for refusal.
4. The Council have not submitted a Statement of Case (SofC). Instead, they rely upon their officer report to set out the grounds for refusal. Whilst this refers to the now superseded policies of the LP I have to determine the appeal in the context of the development plan as it exists at the time of my determination. Since the determination of the application a revised version of the National Planning Policy Framework (the Framework) has also been published. Both parties have had opportunity to comment upon the implications of the CS policies and the revised Framework upon their respective cases, and I have determined the appeal accordingly.

Main Issues

5. The main issues are:
 - Whether or not, having regard to the development plan and national planning guidance, the appeal site is an appropriate location for residential development; and

- The effects of the proposed development on the character or appearance of the Woodhall Spa Conservation Area and on the setting of the nearby grade II listed Petwood Hotel.

Reasons

Location

6. Woodhall Spa is defined in CS policy SP1 as a large village, whilst CS policy SP3 sets out the Council's approach to housing growth and the location of inland growth, stating that housing growth will be allocated in towns and larger villages. CS policy SP3(4) goes on to state that housing growth in appropriate locations within towns and large villages and outside of, but immediately adjacent to the developed footprint of those settlements, will be supported. It then concludes by defining the terms 'appropriate location' and 'developed footprint' for the purposes of the policy.
7. For the purposes of understanding CS policy SP3(4) and its reference to development 'immediately adjacent to the developed footprint of a settlement', 'developed footprint' is clearly defined therein. That definition excludes, amongst other things, individual buildings or groups of dispersed buildings which are clearly detached from the continuous built up area of the settlement. It also excludes land within gardens, paddocks or other areas of undeveloped land on the edge of settlements where that land relates more to the surrounding countryside than to the built-up area of the settlement.
8. From all that I have seen and read, I am satisfied that the site falls fairly and squarely within these exclusions. The appeal site lies within a wider block of land bounded to the south by the B1191, the west by Stixwould Road and the north by Monument Road. The eastern side of Stixwould Road between the B1191 and Monument Road, and the southern side of Monument Road heading east from the Stixwould Road junction is characterised by the verdant and heavily wooded nature of the land within it. There is a lack of frontage development along the eastern side of Stixwould Road, other than a lodge building at the entrance to The Petwood hotel, and the recently built residential development on the corner of Stixwould Road and Monument Road.
9. I acknowledge that the site lies adjacent to a bungalow known as Gardener's Cottage. That property is, however, a discrete, unassuming and unobtrusive bungalow lying behind substantial brick boundary walls. Neither it, nor the more strident new dwellings on the adjacent site, define the prevailing character of Monument Road or the appeal site. Rather, the extensive wooded surrounds of The Petwood, which dominate the eastern side of Stixwould Road, are also present on Monument Road.
10. The appeal site, whilst not as densely vegetated as the woodland behind, nonetheless has a clear and distinct affinity with the prevailing character and appearance of the land around it, and not with the dispersed group of buildings at Gardener's Cottage or the on-going development next to it. Nor does a camping and caravan site on the opposite side of Monument Road, beyond the avenue of trees, and set within the open countryside beyond, fundamentally alter the character or setting of the appeal site and its surrounds.
11. I have carefully considered the available evidence regarding justification for the recently built residential development at the junction of Stixwould Road and

Monument Road. Although I do not have the full details of that case before me, it is nonetheless clear from my observations of that site and its surroundings that the circumstances of that scheme are not directly comparable to the current appeal site and proposal. Moreover, the discrete and unassuming bungalow next to the appeal site, the grounds of which also have something of the verdant sylvan setting that dominates the surrounding area about it, provides a useful visual buffer between the new development and the appeal site.

12. In that context, the two dwellings proposed in this instance would result in an incongruous form of development harmfully at odds with the wooded, rural character of the appeal site. They would have a strident visual impact in an area where built form is largely limited, sporadic and dispersed, notwithstanding the new development at the junction of Monument Road and Stixwould Road. The proposal would extend built development along Monument Road into a heavily wooded area that provides a pleasing transition from the built-up areas of the settlement to the countryside beyond.
13. Such development would transform the rural setting of Monument Road to an area more closely resembling ribbon development. Whilst not uncommon elsewhere within Woodhall Spa, this would not be consistent with the prevailing character of Monument Road or the northern side of Stixwould Road. Thus, in the context of CS policy SP3(4), the proposal would not be immediately adjacent to the developed footprint of Woodhall Spa. I accept that, given the nature and form of Woodhall Spa, the proposed dwellings would be no more removed from the village's key facilities than other dwellings along the two main axes of the village. Nor, having regard to recent judgement, can the site be said to be isolated or remote.
14. It is, however, for the reasons I have set out, poorly related in form and character to the prevailing characteristics of Woodhall Spa. As the site and proposal would fail to satisfy the description of an 'appropriate location' set out by CS policy SP3(4), the proposal would conflict with that policy and also with CS policy SP1. Together, these policies seek to guide development to the most sustainable settlements and set out the approach to development on sites outside but immediately adjacent to those settlements. ELLP Policy A3 is no longer extant. However, I am satisfied that CS policy SP3(4) is broadly consistent with the Framework's aims of directing development towards settlements with a range of services and facilities.

Character and appearance

15. In accordance with the duty imposed by sections 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 I am required to pay special attention to the desirability of preserving the listed building or its setting, and to preserving or enhancing the character or appearance of the conservation area, respectively. Moreover, paragraph 193 of the Framework states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
16. The Woodhall Spa Conservation Area (CA) in the area surrounding the appeal site is characterised by the heavily wooded surrounds of The Petwood which are evident on Stixwould and Monument Roads. The appeal site is also typical

- of this prevailing character, which contributes to the pleasing approaches to Woodhall Spa along these two roads
17. The siting of two dwellings on what is a relatively shallow site would imbue them with a prominent and strident appearance in an area of verdant woodland surroundings. The presence of the adjacent Gardener's Cottage does not define the character of Monument Road but instead, with its discrete and unobtrusive presence and heavily wooded backdrop, contributes to the verdant, sylvan setting of this rural edge to Woodhall Spa.
 18. I am advised that planning permission has been granted for a dwelling on a site immediately adjacent to this footpath, and immediately to the north of the appeal site. However, from the evidence it seems that the justification for that property included justification that it was in considered to be in keeping with an estate lodge or gatehouse property in terms of its siting and relationship with the wider area.
 19. Mindful of the approval on the plot to the north of the appeal site, the current appeal scheme would visually bridge the gap between Gardeners Cottage and that plot. This would result in the creation of a distinct ribbon-form of the development along Monument Road, at odds with the prevailing character and rural setting of this part of Woodhall Spa which provides a pleasing transition from Woodhall Spa to the countryside beyond.
 20. I have carefully considered the appellant's contention that the recently built development at the junction of Monument Road and Stixwould Road has 'irreversibly and irretrievably' affected the nature of and setting of the Monument Road and Stixwould Road approaches into Woodhall Spa. I do not have any evidence before me of the appearance or character of this particular corner prior to the recent development. However, notwithstanding the presence of that development, I saw that notwithstanding this new development, the prevailing character and appearance of Monument Road is of a soft, verdant, sylvan edge to Woodhall Spa.
 21. This is, in turn, carried on along the northern side of Stixwould Road into the centre of Woodhall Spa. The presence of The Petwood hotel and its heavily wooded grounds is not disputed. Rather than the building there contributing to the appeal site being surrounded by development as the appellant suggests, it is instead the heavily wooded and verdant grounds of The Petwood that contributes far more significantly to the wooded backdrop and rural setting of the appeal site.
 22. And it is those same characteristics that are present around the appeal site which contribute to the character and appearance of the Woodhall Spa Conservation Area (CA) and to the setting of The Petwood hotel. The appeal site may not be able to be seen in the same view as The Petwood hotel, but that does not diminish the role that the appeal site plays in contributing to the heavily wooded grounds and setting of the listed building. The proposal would introduce an incongruous form of development in a verdant sylvan setting in a manner harmfully at odds with the prevailing character of the land around The Petwood, and particularly the road frontages along Stixwould and Monument Roads.
 23. The proposal would therefore fail to preserve the character or appearance of the CA or the setting of The Petwood hotel and the harm that would arise in

both respects would be, in the parlance of the Framework, less than substantial. The Framework advises that such a level of harm should be weighed against the public benefits of the proposal.

24. In this instance, the proposal would result in an additional two dwellings. These two dwellings would bring some limited social and economic benefits which may also be considered as public benefits. However, the public benefits of two additional dwellings would be correspondingly limited. I am statutorily required to give great weight to the conservation of heritage assets. The limited public benefits would not outweigh the less than substantial harm that I have identified in this instance.
25. CS policy SP11 seeks to secure the protection and enhancement of heritage assets within the District. Although no longer extant, the ELLP policies A5, C1 and C2 cited on the decision notice are broadly consistent with this aim whilst, in turn, CS policy SP11 is broadly consistent with the current iteration of the Framework. The proposal would fail to accord with CS policy SP11 and national policy of the Framework in this respect.

Other Matters

26. It is clear that there is considerable frustration on behalf of the appellant and his agent regarding the Council's approach to the determination of the planning application, and this subsequent appeal, and also to matters relating to the land around the appeal site. Such matters are not matters to which I can give any significant weight in the context of a section 78 appeal and they have not therefore been determinative in this instance. With regard to the latter, I have no further details relating to the conclusions reached in 2017 concerning proposals on land around the appeal site which were reached in the context of a different development plan context. This too is not a matter to which I can give any significant weight.

Conclusion

27. For the reasons I have set out, and having considered all other matters raised, I conclude that the appeal should be dismissed.

Graeme Robbie

INSPECTOR