



Appeal Decision

Site visit made on 6 August 2019

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 September 2019

Appeal Ref: APP/R2520/W/19/3229166

Land adjacent to Sycamore Cottage, Chapel Lane, North Scarle, Lincoln LN6 9EX

- 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 A Webster against the decision of North Kesteven District Council.
 - The application Ref 17/1751/OUT, dated 29 November 2017, was refused by notice dated 26 November 2018.
 - The development proposed is development of five bungalows and car parking with access road and flood water balancing lagoon.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the address of the site from the Council's decision notice, as it identifies the site more accurately than the application form. I note that the appellant used the revised address on the appeal form. I am satisfied that neither party has been prejudiced or caused injustice by me taking this course of action.
3. Despite the description, the application was submitted in outline form with all matters reserved for subsequent approval. Consequently, I have treated the block plans submitted as indicative and dealt with the appeal on that basis.
4. In addition to the above, an arboricultural assessment report, a flood risk assessment and a community consultation report were submitted with the application. I have taken these into consideration.

Main Issues

5. The main issues in this appeal are:
 - The effect of the development on the character and appearance of the area, with regard to the countryside and the pattern of adjacent development; and
 - The effect of the development on flood risk.

Reasons

Character and appearance

6. The site is located to the edge of the settlement of North Scarle. The main area of development within the village is around the High Street / Chapel Lane junction, but there are strands of development emanating from that location.
7. There is development along the opposite (west) side of Chapel Lane, but the eastern side is largely undeveloped north of School Lane. The appeal site is on the eastern side of Chapel Lane and opposite the site is largely farmland. There is a single property (Sycamore Cottage) immediately to the north. The eastern side of Chapel Lane has a relatively open character, with more farmland beyond the appeal site.
8. The appellant argues that the site is in close proximity to the existing housing on Chapel Lane and cannot be regarded as being in an isolated location. I find myself unconvinced by this argument. I consider the site to be separated from the main residential area, despite the proximity of Sycamore Cottage, and could not be considered to be part of the existing Chapel Lane settlement, creating an overall feeling of isolation for Sycamore Cottage and the appeal site, even with the presence of the former stable buildings on site. It is also apparent from my visit that the site is attracting fly-tipping and anti-social behaviour.
9. Paragraphs 79 and 170 of the National Planning Policy Framework (the Framework) state that the intrinsic character and beauty of the countryside should be recognised, and that isolated homes in the countryside should be avoided, unless they meet key criteria. In this instance, no such evidence has been forwarded to demonstrate how such criteria would be met by the appeal proposals.
10. Policies LP2 and LP4 of the Central Lincolnshire Local Plan (the LP) identify North Scarle as a 'medium village' which would be permitted to grow by 10% over the plan period. The Council have indicated that the growth allowance figure was reached in November 2018, and as that figure is reached, policy LP2 states that any future proposals in that settlement must demonstrate 'clear community support', which is defined in the LP.
11. The LP does not indicate a threshold or how to measure that such 'clear community support' can be demonstrated. Therefore, it is a matter for the decision maker to judge. In order to make an informed decision, I would require evidence such as the consultation material provided to local residents; the questions posed; the display material provided; and the full comments made in order to demonstrate how the proposals were influenced by the feedback received. Policy LP2 of the LP requires a thorough, but proportionate, pre-application consultation exercise.
12. From the evidence in front of me, it appears that only one letter of support was received during the community consultation. I am not satisfied that this constitutes clear demonstrable evidence of local community support for the proposal as required by Policy LP2 of the LP. I find that the wording of the policy in referring to demonstrable community support being identified either through a neighbourhood plan or through community consultation is seeking a higher bar of community consensus than has been demonstrated. In an appeal

where the level of growth has been exceeded this early in the plan period, a much stronger demonstration of 'clear community support' is necessary. I also note that the proposals are not supported by the Parish Council.

13. I have taken into consideration the Council's concerns with in relation to the level of 'engineering' that would be required in order to facilitate the development, were it to be allowed. However, I consider that the works required cannot be considered to be excessive and are consistent with the level of third party works required to service a modern residential development that has had to be designed with appropriate constraints.
14. In terms of Paragraph 130 of the Framework, as the proposals are in outline form with all matters reserved, I find that issues relating to poor design cannot be taken into consideration at this time, as such matters would be dealt with at the appropriate stage.
15. Nonetheless, I find that overall, the proposals are contrary to Policies LP1, LP2, LP4, LP17, LP26 and LP55 of the LP, and Paragraph 127 of the Framework which, when taken as a whole, other than the reasons assessed above, seek development to respond positively to the character and appearance of the area, restrict the development of new dwellings in the countryside other than those essential to rural operations and that developments should function well and add quality to the area, and be sympathetic to local character.

Flood Risk

16. The site is identified as being within Flood Zone 3, which is allocated as the highest risk of flooding. Policy LP14 of the LP states that a sequential test is required in order for proposals to demonstrate that, amongst other issues there is no unacceptable increased risk of flooding to the site or existing properties, the development will be safe for the duration of its lifetime, and how proposals have taken a positive approach to reducing overall flood risk.
17. In order to support the application, a Flood Risk Assessment (FRA) was submitted, including a sequential test to demonstrate that development could not be located in areas with a lower probability of flooding.
18. The North Kesteven Strategic Flood Risk Assessment (2008) sets out the criteria to be met when assessing sites as windfall development. This ties in with Policy LP4 of the LP. I find that the demonstration of alternative sites has been constrained in terms of the area that has been investigated, and as such does not create a complete picture of levels of availability. As a result, the evidence does not demonstrate clearly that the sequential test has been met, and therefore it cannot override the precautionary approach to flood risk set out in Paragraphs 155 to 165 of the Framework as well as Policy LP14 of the LP, and as such, is contrary to those policies.

Other Matters

19. With regard to the comments of the appellant in relation to other schemes granted planning approval, I do not have full details of those cases in front of me. However, whilst there are some factors that appear similar to the proposed development, the examples are located in different areas with different development and locational characteristics to the appeal scheme. In any event, I am required to deal with this proposal on its own merits and, as such. I accord them limited weight.

Conclusion

20. Therefore, for the reasons above, I conclude that the appeal should be dismissed.

Paul Cooper

INSPECTOR