



Appeal Decision

Site visit made on 22 August 2019

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 September 2019

Appeal Ref: APP/D2510/W/19/3229102

Land off North Road, Tetford, Horncastle LN9 6QH

- 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 Paul Todd against the decision of East Lindsey District Council.
 - The application Ref S/177/02428/18, dated 30 November 2018, was refused by notice dated 21 March 2019.
 - The development proposed is described as construction of 3 x 4 bedroom houses, 1 x 3 bedroom house, 2 x 2 bedroom houses, 1 x 2 bedroom bungalow.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of 3 x 4 bedroom houses, 1 x 3 bedroom house, 2 x 2 bedroom houses, 1 x 2 bedroom bungalow at Land off North Road, Tetford, Horncastle LN9 6QH in accordance with the terms of the application, Ref S/177/02428/18, dated 30 November 2018, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. Objectors to the proposed development have made comments regarding the ownership of some parts of the appeal site. This issue is ultimately a legal one that lies outside of the planning merits of the case. Furthermore, the objector questioned whether notice has been served appropriately, I note that certificate A has been completed on the application form. In the absence of substantive evidence to the contrary I am satisfied that all relevant parties have been made aware of the application and have had reasonable opportunity to comment upon it.
3. The County Council is seeking to make a definitive map modification order to extend footpath No.33 up to the adopted highway of North Road. I understand that the appellant has objected to this order. I acknowledge the presence of footpath No.33 and the definitive map modification order sought by the County Council and I have taken account the effect that the proposed development may have upon it.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area, with particular reference to the Lincolnshire Wolds Area of Outstanding Natural Beauty and Public Footpath No.33.

Reasons

5. The appeal site is situated in an Area of Outstanding Natural Beauty (AONB) in the village of Tetford, where development is predominantly in a linear form fronting on to the appropriately named North, East, South and West Road, in addition to Mill Lane, creating a ring of development around an open core. The linear form of Tetford village and the open core forms a significant element of the character of the area.
6. The site is located to the rear of the residential property Bluebell Woods and properties fronting on to Woodman's Yard, situated off North Road. A footpath transects the site from, approximately, North Road and on to the agricultural fields within the open core.
7. The proposed development would replace the currently undeveloped site with built development that would project away from the road, and the dwellings that line it, into the open core of the village. The appellant's Landscape and Visual Assessment acknowledges that this would *have effects upon the key landscape characteristics of the rectangular layout of the village*.
8. At the time of my site visit, the site was considerably overgrown and I noted that the mature trees and hedges to the boundaries provide an effective screen to the properties and the open fields adjacent to the site. While I accept that the screening value of the trees and hedges will be reduced in the autumn and winter, the trees will nonetheless still afford some screening value, softening the edge of the development when viewed from the open core of the village.
9. Furthermore, there are a number of instances within the village where development has taken place off the ring roads where new residential development projects into the open core. While I have not been provided with all of the details of the policies and circumstances that applied at the time that consent was granted for these developments, I note that they have, in general, not adversely affected the character and appearance of the area.
10. As a result of the proposed development, users of Public Footpath No.33 that transects the appeal site would experience a change in the character and appearance of the appeal site from an undeveloped to a developed space.
11. Lincolnshire County Council Rights of Way section has objected to the proposed development, referring to a definitive map modification order and an ongoing disagreement with the Appellant with regards, but not restricted to, the width of the footpath and in particular where the footpath would be extended up to North Road.
12. The proposed plans show a footpath to the side of the access road from North Road and that the remainder of the footpath would be, while located between plots 4 and 5, of a more informal or natural appearance being bound by hedges with grass, reinforced by a mesh, underfoot. As such the proposed arrangement for the public footpath allows for its use and appropriate integration into the residential development and, a sense of transition from the developed ring road to the open core remains.
13. Therefore, despite the change resulting from the proposed development the function of the footpath would remain and I note that any changes to the footpath may require a modification order.

14. 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 National Planning Policy Framework requires that great weight should be given to conserving landscape and scenic beauty in AONBs. As such I must attach great weight to the any harm to the AONB which could arise from the propose development.
15. Lincolnshire Wolds Countryside Services has object to the proposed development and referred to the Lincolnshire Wolds AONB Management Plan (2018-23). I have not been provided with a copy of that plan but I understand the policies contained therein, as described in the objection letter, are echoed within the East Lindsey Local Plan Core Strategy (July 2018) (the LP).
16. The proposed development would not significantly erode the pattern of development of Tetford that, as detailed previously, is a key characteristic of the area and the effects of the development would be relatively localised. Therefore, while I acknowledge there will be a change to the appeal site as a result of the proposed development and this will affect users of the footpath in particular, I find that the overall character and appearance of the pleasant rural village and AONB would remain.
17. Consequently, for the reasons detailed above I find that the proposed development would not harm the character and appearance of the area, with particular reference to the ANOB and the Public Footpath No.33. The proposed development is therefore not contrary to Policies SP3 and SP23 of the LP in so far as they relate to the protection of the character and appearance of the area around new development and the protection of the landscape.

Other Matters

18. A number of objectors have raised concern that Tetford does not have sufficient services to support the provision of additional housing. However, LP Policy SP3 identifies Tetford as a large village that is a suitable location for housing development on windfall sites, such as that under consideration here. At my site visit, I noted that the village had some limited services, including a primary school. I am therefore satisfied that the village benefits from sufficient services to support the proposed development.

Conclusion & Conditions

19. I have considered the Council's proposed conditions in accordance with the Planning Practice Guidance. In addition to the standard implementation condition it is necessary to define the approved plans in the interest of certainty. In the interests of protecting the character and appearance of the area I have attached conditions in respect of external materials, boundary treatments and landscaping and tree planting, with regards the latter I have changed the wording from that proposed by the Council because it is not necessary to submit such a scheme prior to commencing development.
20. In the interests of highway safety, I have included the suggested condition with regards the visibility splays at the entrance to the site off North Road. In order to protect the ecology and trees present on the site it is necessary to attach a condition to ensure that the measures detailed in the Ecology Appraisal and Tree Constraints and Protections Report are implemented.
21. For the reasons given above I conclude that the appeal should be allowed.

Mark Brooker

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans listed below:
 - J1744/00101 dated Oct 2018
 - J1744/00102 dated Sept 2018
 - J1744/00104 dated Sept 2018
 - J1744/00105 Rev A dated June 2018
 - J1744/00106 Rev C dated Aug 2018
 - J1744/00107 Rev B dated July 2018
 - J1744/00108 Rev A dated Sept 2018
 - J1744/00109 Rev A dated Sep 2018
 - J1744/00110 Rev A dated June 2018
 - J1744/00111 dated Sept 2018
 - J1744/00112 Rev A dated Sept 2018
 - J1744/00113 Rev A dated Sept 2018
 - J1744/00114 C dated Sept 2018
- 3) Before development above damp-proof course shall take place samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 4) Before the access is brought into use, all obstructions exceeding 0.6m high shall be cleared from the land within the visibility splays indicated on drawing J174400114 Rev B dated 16th January 2019 and thereafter the visibility splays shall be kept free from all obstruction exceeding 0.6m in height.
- 5) Prior to first occupation of any dwellings the details of the boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. This shall include the number, species, spacing and height at planting of any new hedges, and details of any fencing and walls where appropriate. The approved details shall be completed prior to the occupation of the dwellings and thereafter retained and maintained.
- 6) The development shall be completed in accordance with the details contained in the Tree Constraints and Protection Report. The measures shall be implemented in full before development on site commences, or in line with a timetable/phasing strategy agreed in writing with the Local Planning Authority and shall be adhered to for the duration of construction works.
- 7) The development shall be completed in strict accordance with the mitigation measures and recommendations detailed in the Updated Ecological Appraisal dated July 2018.
- 8) Before development above damp-proof course shall take place until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping and tree planting for the site

indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post-planting maintenance. Such scheme as is approved by the Local Planning Authority shall be carried out in its entirety within a period of 6 months following the date on which development is commenced or in line with a timetable agreed in writing by the Local Planning Authority. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for a minimum of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

End of Schedule