



Appeal Decision

Site visit made on 23 September 2019

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st October 2019

Appeal Ref: APP/N2535/W/19/3233236

Sheepcote Hill Farm, South Street, North Kelsey, Market Rasen LN7 6ET

- 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 Mrs Carrie Pickerden against the decision of West Lindsey District Council.
 - The application Ref 139029, dated 21 January 2019, was refused by notice dated 10 May 2019.
 - The development proposed is described as an "outline planning application for up to nine dwellings, at land to the rear of Sheepcote Hill Farm, South Street, North Kelsey".
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is in outline form with all matters reserved for future consideration. I have dealt with the appeal on this basis and I have treated any details not to be considered at this stage as being illustrative only.
3. The appellant submitted a Preliminary Ecological Appraisal and an associated eDNA test (both dated July 2019) as part of the appeal submission. As the Council and interested parties have had the opportunity to comment on these documents during the course of the appeal, there is no possible prejudice. Accordingly, I have also considered them in my decision.

Main Issues

4. The main issues are (i) whether the proposal would be in a suitable location for housing with regard to the effect on the character and appearance of the area; (ii) whether the proposal would preserve the listed building, Drury House (or its setting or any features of special architectural or historic interest which it possesses); and (iii) the effect on a scheduled monument (SM), the medieval fishpond complex and associated features at North Kelsey Grange.

Reasons

Character and Appearance

5. The appeal site comprises land which is to the rear of the main house at Sheepcote Hill Farm. It consists mostly of areas of grassland or trees. There are some small ancillary domestic type structures and a container which are found within the part of the site nearer to the main house. A loose stone track

- runs from the access on South Street to the side of the main house and up to the site. A small bungalow-like building lies adjacent to the track and the site.
6. The site is also found to the rear of other residential properties on South Street and the land to the sides is garden or undeveloped paddock-like land. To the rear is woodland and fields. The village itself is set on a low hill and the land falls away beyond the site boundary. The area surrounding the village is distinctly rural in nature as an undulating agricultural landscape with occasional farmsteads and isolated dwellings.
 7. For the purposes of Policy LP2 of the Central Lincolnshire Local Plan 2012-2036 (2017) (Local Plan), North Kelsey is defined as a medium village. Where the policy permits proposals of up to 9 dwellings, this is only in appropriate locations, which is defined as a location which does not conflict, when taken as a whole, with national policy or policies in the Local Plan (such as, but not exclusively, Policy LP26). In addition, to qualify as an appropriate location, the site, if developed, is to retain the core shape and form of the settlement; not significantly harm the settlement's character and appearance; and not significantly harm the character and appearance of the surrounding countryside or the rural setting of the settlement.
 8. When the site's largely undeveloped appearance, its location on the edge of the village and its proximity to further open land adjacent to its boundaries and beyond are considered together, its character is informed appreciably by the open countryside. This would be significantly reduced under the proposal with up to 9 dwellings on the site. It would project well beyond the extent of the existing built form of the village and be a marked incursion into the countryside. In this context, it would not constitute infill. It would be discordant and harmful to the rural setting.
 9. The pattern of development along South Street is largely linear in form, in particular on the same side as the site. The encroachment of up to 9 dwellings to the rear would substantially disrupt this aspect of the core shape and form of this part of the village. The bungalow-like building does not change this prevailing character to any great extent with its modest size, notwithstanding that the proposed dwellings are indicatively shown to extend well back from this building. Likewise, nor does the small number of dwellings that are found to the rear at the far end of South Street to the site. The mix of design and styles of the dwellings in the village does not have a particular bearing on the adverse effect on the shape and form of the village.
 10. Proposals for the retention of trees and new landscaping would not adequately blend the proposed dwellings into the surroundings because this would not overcome the projection of built development beyond the form of the settlement. The general lack of visibility due to the screening around the site also does not overcome the loss of this character.
 11. Both main parties have made reference to whether or not the site can be considered developed, in particular in relation to its planning history. I have, though, based my considerations on the effect of the proposal on the character and appearance of the area, as this is where the matter of dispute arises. Furthermore, that the proposal would be within the growth levels of North Kelsey that are set out in Policy LP4 of the Local Plan does not obviate the need to consider character and appearance matters.

12. I conclude that the proposal would not be in a suitable location for housing with regard to the effect on the character and appearance of the area. It would not comply with Policy LP2 because it would not be an 'appropriate location', for the reasons that I have set out. It would also not accord, in this regard, with Policies LP17 and LP26 of the Local Plan which seek to protect and enhance the intrinsic value of the landscape and townscape, including the setting of settlements, and state that all development proposals must take into consideration the character and local distinctiveness of the area (and enhance or reinforce it, as appropriate) and create a sense of place, amongst other considerations.

Listed Building

13. The main house is grade II listed, and is named as 'Drury House' on the listing description. It is a well-proportioned early 19th century property that contains high gable ended sides with associated stacks, amidst other pleasing external features. It is of a typical rural vernacular of such a house from that era. With the presence that such a house has on the edge of the village, its rural agricultural surroundings also play an important role in relation to its significance.
14. The proposal would notably disrupt this setting of the listed building, with up to 9 dwellings being located on the site and as much of the land associated with it would be lost. It would also sever the role the wider countryside plays in its significance. Tree retention and new landscaping to lessen the visibility between the listed building and the proposed dwelling would not account for the detrimental effect of the proposed dwellings themselves on its setting.
15. The wall and pillars that are positioned around the site access are in keeping with the main house and provide an attractive entrance feature. Whilst access is not a matter before me, this is the only means that the proposed dwellings could be accessed from the public highway within the site boundary. The evidence before me does not demonstrate that access could be adequately achieved without disrupting the wall and pillars arrangement. With the strong protection that is afforded to the historic environment through the planning system, this could not be dealt with through reserved matters and the imposition of planning conditions without, in effect, nullifying the planning permission, even if I was minded to allow the appeal.
16. In pursuant of section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which I am bound to consider, the proposal would not preserve the listed building, Drury House (or its setting or any features of special architectural or historic interest which it possesses). For similar reasons, it would also not comply in this regard with Policy LP25 of the Local Plan which states that proposals should protect, conserve and seek opportunities to enhance the historic environment, including listed buildings. In coming to my views on the effect on the listed building, I have considered the totality of the evidence before me, including the appellant's heritage statement.

Scheduled Monument

17. The SM lies approximately 250 metres to the south and south east of the site, separated by areas of trees and fields. It comprises a series of earthworks, buried deposits, fishponds and water control features that were once

associated with a monastic community. Its significance is derived from these features, along with adjoining land in ridge and furrow cultivation.

18. As the site itself lies well outside of the extent of the SM and as there is not the information before me to suggest that the site itself is related to the significance of this asset, the proposal would be unlikely to have a discernible effect on the monument's conservation, including its setting. It is clearly distinct from it.
19. I conclude that the proposal would not have an unacceptable effect on a scheduled monument. As such, in this regard, it would comply with Policy LP25 by way of the protection it affords the historic environment, including archaeology.

Other Matters

20. The Council's reasons for refusal also stated that insufficient information had been submitted in relation to biodiversity interests. The Council has removed its objection on this matter, though, following the submission of the ecological appraisal. The appraisal itself provides an assessment of the potential effects on protected and other species, as well as habitats and plants species. It covers the site, as well as areas in its vicinity.
21. In relation to great crested newts, the appraisal found one pond in the vicinity of the site that had good suitability to support this protected species. An eDNA test was carried out on this pond, which proved negative. I acknowledge that interested parties have referred to further ponds in the vicinity of the site. However, the substantive evidence I have before me on this matter is contained in the appraisal. I concur with the Council's conclusions and find there is not a reasonable likelihood of protected species being affected. Hence, the proposal would comply with Policy LP21 of the Local Plan.
22. As regards the planning balance, in particular policies LP17 and LP25 provide for the benefits to be weighed against the harm. In the case of Policy LP25, it is public benefits that are to be considered against the harm to heritage assets.
23. In relation to the benefits, the proposal would contribute towards the supply of housing, and it is intended that it would provide for a housing mix with family accommodation and associated sizeable gardens. In terms of what are fairly limited local services in the village, the proposal would be in an accessible location and would support such services. With the number of units which arise, though, these benefits attract limited weight.
24. The proposal would not be unacceptable in respect of highway safety, flood risk and living conditions. These attract neutral weight. Whilst the appellant states that the proposal would make use of under-utilised and redundant land, this needs to be considered against the effect on the character and appearance of the area, and to the listed building. These count against the proposal, and attract significant weight in my decision. Whether or not the site constitutes previously developed land does not alter my views with this level of harm that would arise.
25. The appellant has also referred to the presumption in favour of sustainable development, including the 'tilted balance', that is set out in the National Planning Policy Framework (Framework). Even if I considered this was to apply, the application of policies in the Framework that protect areas or assets

of particular importance provides a clear reason for refusing the development proposed, in relation to designated heritage assets, namely the listed building. The presumption would, therefore, not apply in this case.

26. Overall, the harm that would arise is decisive in the balance. As a consequence, the proposal would also not accord in this regard with Policies LP17 and LP25.

27. Interested parties have raised a number of other concerns. However, as I am dismissing the appeal on other grounds, such matters do not alter my overall conclusion and have therefore not had a significant bearing on my decision.

Conclusion

28. I have considered all matters that have been raised, but the benefits that would arise would not outweigh the harm caused by the proposal. The proposal conflicts with the development plan as a whole and there are no material considerations to outweigh this conflict. Hence, the appeal should be dismissed.

Darren Hendley

INSPECTOR