



---

## Appeal Decision

Site visit made on 3 October 2019

**by Graham Wraight BA(Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 29 October 2019**

---

**Appeal Ref: APP/D2510/W/19/3233352**

**Land West of 21 Wildshed Lane, Burgh le Marsh, Lincolnshire PE24 5BW**

- 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 J Malkinson against the decision of East Lindsey District Council.
  - The application Ref S/023/02136/18, dated 23 October 2018, was refused by notice dated 17 January 2019.
  - The development proposed is the erection of a detached property and including a detached garage.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. I have used the address stated on the appeal form in the banner header above, as it more accurately describes the location of the site than that on the planning application form.

### Main Issue

3. The main issue is the effect of the proposed development upon the character and appearance of the area.

### Reasons

4. The site currently forms the corner of a large agricultural field on the rural edge of Burgh le Marsh. The settlement has been subject to recent expansion, with new housing development under construction to the east. Between the appeal site and this new housing there is a clearly defined field boundary along which an established tree belt runs, although I noted during my site visit that part of this tree belt is no longer in place.
5. On the opposite side of Wildshed Lane, outline planning permission has been granted for the construction of new dwellings, but these have not been constructed. The development on the opposite side of Wildshed Lane would extend to a similar, but not to the exact same, point along the lane. If constructed, this development would result in the settlement having been extended on both sides of Wildshed Lane.
6. At the present time, the appeal site forms the transition point between the built development of Burgh le Marsh and the open countryside, a transition which is emphasised by the established field boundary. Whilst the recent development

on the same side of Wildshed Lane is noted, as is the potential for the dwellings on the opposite side of the road to be built out, the proposed development would result in a new dwelling and garage where there is currently no built development, together with the creation of a domestic curtilage. This would be an encroachment upon the countryside and would result in an urbanising appearance of the site and a loss of open character.

7. Policy SP3 of the East Lindsey Local Plan Core Strategy 2018 (CS) allows for windfall development in 'appropriate locations' within and outside of settlements, but to qualify as an appropriate location, the development must not significantly harm the character and appearance of the surrounding countryside. The loss of open character that would arise as the result of the development and the urbanisation of the site would cause significant harm to the character and appearance of the countryside and to the surrounding area, on what is an important and prominent transition point on the approach to Burgh le Marsh.
8. The appellant considers that a landscaping scheme could be utilised to soften and screen the development and disputes the Council's view that this would take a substantial period of time to establish. I however share the Council's concern that such landscaping would take a prolonged period to establish and mature but, regardless of the time period involved, it would not address the harm caused by the encroachment into the countryside that I have identified.
9. For the reasons stated, I conclude that the proposed development would cause significant harm to the character and appearance of the countryside by reason of its urbanising impact and the loss of open character that would arise. Consequently, it would conflict with Policy SP3 of the CS, which seeks to protect the character and appearance of the countryside. The Council also considers that the proposed development does not accord with Policy SP25(2) of the CS, which refers to the protection of open space. Whilst the site is not publicly accessible, it is currently an open area and its loss would conflict with the objectives of Policy SP25(2) of the CS, which too seeks to protect character and appearance and which makes specific reference to instances of ribbon development.

### **Other Matters**

10. The appellant has referred to other sites in Burgh le Marsh and elsewhere in the district and I have given due consideration to the information provided about these sites. I am however required to assess the appeal proposal primarily upon its own merits and I have identified circumstances and characteristics pertaining to the appeal site which are quite specific to it. For these reasons, the existence of planning permissions on other sites does not lend any substantial weight in support of the proposal nor does it outweigh the harm to character and appearance of the countryside that would arise as a result of the appeal development.
11. The appellant considers that the Council is incorrect in its assessment of the proposed dwelling as being substantial, in particular in relation to the recently constructed houses adjacent to the site. The plans submitted are however clear as to the scale of the proposed development, and I have made my own assessment based upon these plans. The appellant has also made reference to the design of the proposal, but the design of the development was not an area of concern raised by the Council. I note that no objections were received from

the occupiers of nearby properties, but this factor does not justify a harmful development.

**Conclusion**

12. For the reasons given above, I conclude that the appeal should be dismissed.

*Graham Wraight*

INSPECTOR