



Appeal Decision

Site visit made on 17 December 2019

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 January 2020

Appeal Ref: APP/D2510/W/19/3238219

Land opposite Lime Tree House, High Ferry Lane, Sibsey PE22 0TA

- 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 Nash against the decision of East Lindsey District Council.
 - The application Ref S/152/01282/19, dated 16 July 2019, was refused by notice dated 4 September 2019.
 - The development proposed is change of use of agricultural land to mixed use of agriculture and the siting of a static caravan for temporary residential use and the installation of a septic tank.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council suggested access to the site was required. On arrival at the previously agreed day and time, a representative of the appellant was not present to assist in terms of access to the site. However, from the site entrance, I was still able to see the development subject of the appeal and obtain a sufficient appreciation of the site and its surrounding context. On this basis, I am content that I am in a position to assess the main issues and proceed with my decision.
3. My site visit confirmed that the static caravan which forms part of the appeal proposal is already in situ. For the purposes of my assessment the proposal is therefore retrospective.
4. The Council's decision cites Policies SP16 (Inland Flood Risk) and SP17 (Coastal East Lindsey) of the LP and raises concern that the application does not make clear how foul and surface water would be properly dealt with. It is clear from the evidence before me that this was a subsidiary aspect of the reasons for refusal. The Council's delegated report notes that whilst the caravan and east end of the site are in Flood Zone 1, access and egress from the site is via land vulnerable to elevated coastal hazard. Furthermore, the Council is concerned as to how treated water from a biodigester unit is handled.
5. The application form simply confirms foul sewage would be disposed by way of a septic tank and surface water by soakaway. An additional plan has also been submitted with the appeal, annotated as 'agreed by Environment Agency'. However, no supplementary information such as correspondence with the Environment Agency or the Internal Drainage Board, has been provided to verify its acceptability. The information before me therefore falls short of

demonstrating these methods would be effective. Given I am dismissing the appeal under the main issues, I have not elevated this matter to a main issue, nor sought additional information in this regard.

6. I also noted on my site visit that the caravan and shed towards the rear of the site did not appear to be in the precise position of the respective buildings as indicated on the submitted drawings and that additional structures were also in place. Again, given my overall conclusion, I have not sought amendments to address this matter at this late stage.

Main Issues

7. The main issues are:

- whether the appeal site would be a suitable location for the proposed development having regard to the development plan and national policy; and
- the effect of the proposal on the character and appearance of the area.

Reasons

8. Policy SP2 (Sustainable Development) of the East Lindsey Local Plan Core Strategy (2018) (the LP) and the National Planning Policy Framework (the Framework) confirm a presumption in favour of sustainable development. Policy SP1 (A Sustainable Pattern of Places) of the LP sets out the settlement hierarchy for the district with Sibsey identified as a large village. However, the appeal site is set well outside of the developed footprint of the village and is in the countryside. Policy SP3 (Housing Growth and the Location of Inland Growth) of the LP does not make provisions for new housing proposals that are outside of or not immediately adjacent to the developed footprint of large villages.
9. Policy SP8 (Rural Exceptions) of the LP supports the development of small-scale, affordable housing sites in and adjoining the medium and small villages. The proposal is not for an affordable housing unit and the site is situated away from the nearest settlements and is in the countryside. In terms of the other criteria for consideration of rural exception housing under this policy, my observations on site did not indicate that there was agricultural activity of a level that would be likely to equate to a full-time functional need requiring a permanent presence on site. Furthermore, to meet the requirements of SP8, it would need to be demonstrated that any such activity had been established for a minimum period of three years or that the housing need could not be fulfilled by an existing unit in the surrounding area. I have no substantive evidence before me to demonstrate that any of these criteria could be met.
10. The appellant suggests that the proposal is for a temporary use to relax in the countryside so as to be self-sufficient away from pressures of living in London and that if planning permission were to be granted, a temporary permission for 3 to 5 years would be appropriate. The temporary nature of the proposal does nothing to persuade me that the proposal would be a sustainable form of development or that it would meet the criteria of the policies outlined above.
11. To conclude, the development would not constitute a rural exception dwelling nor accord with sustainable development principles. Consequently, in that

regard, the proposal would conflict with Policies SP1, SP2, SP3 and SP8 of the LP and the Framework.

Character and appearance

12. The appeal site is a grassed field with a loose stone access drive that has a gentle slope down to the boundary with High Ferry Lane. A close boarded panelled fence and field gates mark the front boundary of the site. There is some residential development close to the site including the neighbouring dwellings at Ash View and Lime Tree House which is positioned closer to the boundary with High Ferry Lane. However, it is the surrounding fields which give the area its prevailing open and rural character.
13. The bulk and form of the caravan and its domestic appearance are at odds with the rural character and appearance of the area. The associated paraphernalia including various sheds and forms of enclosure exacerbate the visual impact of the development. The alien form of the development is made more conspicuous by its position set well back from the boundary with the highway and away from neighbouring residential buildings. As a result of its remote position, the development's intrusion into the predominantly open landscape is particularly evident when travelling in a southerly direction towards the site along High Ferry Lane. Consequently, the development fails to maintain or enhance the character of the countryside and its distinctive landscape.
14. To conclude, the development has a harmful effect on the character and appearance of the area. Consequently, in that regard, the proposal conflicts with Policies SP10 (Design) and SP23 (Landscape) of the LP.

Conclusion

15. For the above reasons the appeal is dismissed.

M Russell

INSPECTOR