
Appeal Decision

Site visit made on 7 January 2020

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 January 2020

Appeal Ref: APP/D2510/W/19/3239430

Land off Church Lane, Minting LN9 5RS

- 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 Todd, Todd and Robinson against the decision of East Lindsey District Council.
 - The application Ref: S/122/01067/19, dated 10 June 2019, was refused by notice dated 30 August 2019.
 - The development proposed is an "outline planning application for two bungalows".
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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 apart from access. 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 Council's reason for refusal concerning the effect on the setting of a listed building indicates that the church in question is called St. Michael's. From the appeal submissions and my site visit, it appears that it is called The Church of St. Andrew. For the purposes of my decision, I have referred to it simply as the village church.

Main Issues

4. The main issues are the effect of the proposal on (i) the character and appearance of the area; and (ii) the setting of a listed building, the village church.

Reasons

Character and Appearance

5. The appeal site comprises part of an expansive field which lies adjacent to Church Lane and Silver Street. Apart from apparatus associated with overhead low voltage powerlines, it is devoid of development. The site frontages are defined by hedgerows. Trees are found along the western boundary with a track. The boundary with the rest of the field is undefined.

6. The nearest residential development to the site lies on the opposite sides of both Church Lane and Silver Street. Beyond the track is the village churchyard, with the church building itself set back from this boundary. Minting itself is a modest sized settlement that is set in a distinctly agricultural landscape. With the proximity of the open countryside around it, the character of the village is much influenced by its rural surroundings.
7. Policy SP10 of the East Lindsey Local Plan Core Strategy (2018) (LP) concerns character and appearance. It sets out that the Council will support well-designed sustainable development, which maintains and enhances the character of the District's towns, villages and countryside, and applies a number of design based criteria in doing so.
8. When the site's largely undeveloped form, its proximity to the rest of the field and its location on the periphery of this settlement are taken together, its character attributes are open countryside in their disposition. The site also contributes appreciably to the character of the village because it allows the rural surroundings to permeate into it. In contrast, the proposal would represent a marked incursion into this rural setting, with 2 proposed dwellings on the site that would be at odds with the open countryside character. The resultant effect would be a lessening of the influence of the rural surroundings into the village. The site's contribution to this aspect of the character would be much reduced.
9. Nor would the proposal reflect the character of the village as regards Church Lane. With the length of the site frontage, the number of proposed dwellings would be considerably less than what is found opposite the site. These existing dwellings are not especially well spaced apart or noticeably set back, even if their rear gardens may be more extensive. Whilst I appreciate the number of dwellings proposed is in order to try to meet the infill requirements of the LP and avoids the exclusion area for the power lines, this in itself causes further harm to local character.
10. As the concerns which arise would be caused by the encroachment of the proposal onto the site, this would not be addressed by the retention of the majority of the hedgerows and the potential for future landscaping. The same applies as regards whether the built form of the proposed dwellings would be reflective of that found in the vicinity of the site.
11. With this harm, the proposal would not constitute well designed development which maintains and enhances the character of the village and the countryside. It would not reflect the character of the surrounding area. This attracts significant weight in my decision. As an outline approval would form the planning permission, this could not be addressed by the submission of reserved matters without, in effect, nullifying the permission, due to the nature of the concerns that I have identified.
12. I conclude that the proposal would have an unacceptable effect on the character and appearance of the area. Accordingly, it would not comply with Policy SP10 for the reasons that I have set out.

Listed Building

13. The village church is a grade II* listed building. For such a building, it is modest in its proportions, consisting mainly of a nave with a low bellcote at its

western end. The churchyard is relatively large and the church is well set off from the boundary nearest the site. This boundary contains a line of trees, beyond which is the track and then the line of trees which encloses the site boundary itself.

14. The significance of the church derives from that it reflects in its own scale the modest size of the settlement, as well as from its generally pleasing and well preserved appearance. It is discretely sited for such a building, and it is not widely visible or prominent in the area.
15. Views between the church and the site are limited to glimpses between the 2 rows of the trees on either side of the track, even at times when the trees are not in leaf. Views of the church and the site together are also notably interrupted by the trees. There is also a clear distinction between the site and the church, when approached along Church Lane, resulting from the 2 rows of trees, the track and the part of the churchyard that are in between.
16. Where the trees could be said to be harmonious, this relates more to the track which they enclose and where they also extend around the rear of the churchyard. The site, though, is more open in its form. It also displays little in the way of a historical or functional association to the church.
17. With the separation there is between the site and the church, the restricted inter-visibility and the lack of an obvious relationship, the effect on the significance of its setting would be neutral. It would still allow for the church as a designated heritage asset to be experienced as it is now. 'Urbanising' effects from the proposed dwellings on the setting would be adequately countered by the separation and the screening. Harm would not occur to the setting of the asset.
18. I conclude that the proposal would preserve the setting of the listed building. As such, it would comply with Policy SP11 of the LP which states that proposals will be supported where they preserve or enhance heritage assets and their setting, have particular regard to the special architectural or historic interest and setting of the District's Listed Buildings, and will be expected to demonstrate that they are compatible with the significance of a listed building including fabric, form, setting and use. I also find no conflict with the National Planning Policy Framework (Framework) where it concerns conserving and enhancing the historic environment.

Planning Balance

19. For the purposes of the LP, Minting is defined as a small village. Under Part 2. of Policy SP4, housing will be supported in a small village where, amongst other criteria, it is in an appropriate location within the developed footprint of the settlement as infill, frontage development of no more than 2 dwellings. 'Appropriate location', which is a matter of dispute between the main parties, is defined under the policy as a location which does not conflict, when taken as a whole, with national policy or policies in this Local Plan.
20. The proposal would not comply with Policy SP10. On similar lines, the Framework seeks to achieve well-designed places. I find that it would conflict, when taken as a whole, with national policy or policies in this Local Plan. Hence, it would not be in an appropriate location and so it would not accord with Policy SP4.

21. Both main parties have also raised matters concerning whether or not the proposal would constitute infill under Policy SP4 by way of how it would relate to existing development, and how the church and churchyard should be considered in this respect. However, as I have already found that the proposal would not comply with Policy SP4 because it would not be in an appropriate location, I do not have cause to consider this matter further.
22. There is also a dispute between the main parties over whether or not the Council can demonstrate that it has a 5 year housing land supply of deliverable sites for the purposes of the Framework. This seems predicated on differing views on the buffer which should be applied, based on previous levels of delivery. In any event, whether or not such a supply can be demonstrated does not act as a ceiling or as a disincentive to the grant of further planning permissions as the Framework makes it clear that Government's objective is to significantly boost the supply of housing.
23. The proposal, as a small sized site, would make a contribution towards such an objective under the Framework, as well as to housing mix. It would also provide a benefit to the local economy, and it would be located where it would enhance or maintain the vitality of rural communities. The Framework also supports the development of windfall sites. This is on the basis, though, of using suitable sites, and this does not favour the proposal due to the detrimental effects on the rural setting and character of the village.
24. The Council consider the proposal not to be unacceptable as regards highway safety and I see no reason to disagree. With the separation distances, it would also not have an unacceptable effect on living conditions. The proposal would preserve the setting of the listed building. These matters attract neutral weight.
25. When taken together, the benefits would be on a limited scale from the 2 additional dwellings that are proposed. They would not outweigh the significant harm that would arise as regards character and appearance, and that it would not be in an appropriate location.
26. In addition, even if I were to conclude there is a shortfall in the 5 year housing land supply as has been suggested by the appellant and that the policies which are most important for determining the application should be considered out of date, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

Conclusion

27. 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. Accordingly, the appeal should be dismissed.

Darren Hendley

INSPECTOR