



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: 2 March 2020

Appeal Ref: APP/R2520/W/19/3237983

Land off Tom Lane, North Rauceby, Sleaford NG34 8QW

- 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 Irelands' Farms Limited against the decision of North Kesteven District Council.
 - The application Ref 18/1734/OUT, dated 18 December 2018, was refused by notice dated 27 March 2019.
 - The development proposed is residential development and a community car park.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the postcode for the appeal site from the Council's decision notice.
3. The proposal is in outline form with all matters reserved. I have therefore taken the proposed site plan, drawing ref 1303-2_OP_SP01 Rev A, to be indicative only for the purposes of my assessment.
4. Reason 3 on the Council's decision notice related to the potential effect of the proposal on biodiversity including protected species, trees and hedgerows. As part of their appeal submission, the appellant has provided updated ecology surveys. The Council is content that the information now provided adequately addresses their initial concerns and that conditions could be attached if planning permission were to be granted to ensure the ecological interest of the site would be protected. Given there is no longer a dispute between the parties on this aspect of the proposal and that I am dismissing the appeal under the other main issues, I have not considered this matter in any further detail.

Main Issues

5. 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; and
 - the effect of the proposal on the setting of heritage assets including the Grade II Listed Snowdrop (formerly Ivy) Cottage.

Reasons

Location and character and appearance

6. The appeal site forms part of a large generally flat agricultural field. It has a mature hedge to the boundary with Tom Lane as well as several mature trees which sit within the site and parallel with the front boundary. A Public Right of Way (PROW) dissects the field between the proposed locations of the residential development and the community car park. The site displays an open and rural character. It forms part of the rural landscape surrounding the village which is intrinsic to the character of North Rauceby. The village has a broadly linear form with the row of dwellings on the east side of Main Street culminating at the dwelling known as Llmington which shares a boundary with the appeal site. Whilst there are some buildings beyond this point on the opposite side of Tom Lane, including a small number of dwellings and Rauceby Church of England Primary School, these buildings are more dispersed within the landscape.
7. Policy LP1 of the Central Lincolnshire Local Plan (2017) (the LP) and the National Planning Policy Framework (the Framework) set out a presumption in favour of sustainable development.
8. Policy LP2 of the LP sets out the spatial strategy and settlement hierarchy for the area. North Rauceby is defined as a small village under category 6 of the settlement hierarchy. In such locations, unless otherwise promoted via a neighbourhood plan or through the demonstration of clear local community support, consideration will be given to small scale development of a limited nature in appropriate locations and proposals will be considered on their merits but would be limited to around 4 dwellings.
9. Policy LP2 goes on to define 'appropriate locations' as a location which does not conflict, when taken as a whole, with national policy or policies in the LP (such as, but not exclusively, Policy LP26). In addition, the policy confirms that to qualify as an 'appropriate location', the site, if developed, would:
 - 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.
10. Policy LP4 (Growth in Villages) of the LP confirms amongst other things that North Rauceby will be permitted to grow by 15%. A sequential test will be applied when considering new development with priority given to brownfield land or infill sites, in appropriate locations, within the developed footprint of the settlement. Under Policy LP2 the 'developed footprint' of a settlement is defined as the continuous built form of the settlement. Lower priority sites in the sequential test are brownfield sites at the edge of a settlement, in appropriate locations and finally greenfield sites at the edge of a settlement, in appropriate locations.
11. Policy LP26 (Design and Amenity) sets out the criteria under which all development proposals will be considered. All proposals will be required to demonstrate that amongst other things they will not result in ribbon

- development, nor extend linear features of the settlement, and instead retain, where appropriate, a tight village nucleus.
12. Policy LP17 (Landscape, Townscape and Views) seeks amongst other things to protect and enhance the intrinsic value of the landscape, including the setting of settlements. Proposals should have particular regard to maintaining and responding positively to any natural and man-made features within the landscape which positively contribute to the character of the area.
 13. The site is situated within a field which sits next to but not within the continuous built form of the settlement. The plans indicate 5 dwellings would be provided with plots positioned side by side, set back from the boundary with the highway, on a similar alignment to existing dwellings on this side of Tom Lane. With development opposite the site more dispersed, the development would extend the existing linear features of the settlement rather than retain its core shape and form. This would be contrary to Policies LP2 and LP26.
 14. Much of the front boundary hedgerow and the line of mature trees within the site are shown to be retained. Precise details of design and scale are reserved matters. Even so, the specific design of the proposals and the soft landscaping in place are unlikely to disguise the presence of the dwellings and their elongated layout to the point that they would not have an appreciable impact in views along Tom Lane, most notably through the access point, or from other vantage points within the wider landscape such as the PROW which sits close to the southern boundary of the proposed housing site. Consequently, the development would be likely to read as a prominent incursion into the rural landscape, eroding the character and appearance of the area and harming the rural setting of the settlement.
 15. By virtue of the community car park development predominantly relating to new surfacing, it would be less prominent in the landscape than the residential part of the proposal. The design of any vertical elements including any restrictions to lighting could be carefully controlled by condition. Nevertheless, the considerable expanse of the car park and its position next to the junction of Tom Lane and Drove Lane would still be likely to be discernible within the public realm. In particular, the associated vehicular activity and presence of parked vehicles would be likely to increase the perception of the development in the countryside and would further erode the rural character of the area.
 16. For the above reasons, the development does qualify as an appropriate location for new housing development under the terms of Policy LP2 and would not comply with the requirements of Policies LP26 or Policy LP17 of the LP. Consequently, it does not fall within the type of sites listed as being given priority under the sequential test in Policy LP4. Whilst there is support for the proposal from the Parish Council, the locational failures of the proposal and the harm to the character and appearance of the area that would result from the development must take precedence in this instance.
 17. Notwithstanding the above, North Rauceby is permitted to grow by 15% and the evidence suggests that there is remaining growth allowance for up to 4 dwellings. The sequential test provided by the appellant suggests that a careful review of the remaining village and local knowledge indicates that there are no available brownfield sites within the development footprint of the settlement or on its edge. However, the sequential test provides no substantive evidence that there are no potential infill opportunities within the developed footprint of the

village. Therefore, I am of a similar view to the Inspector on the Dorrington, North Kesteven appeal¹, that even if I were to interpret the 15% figure as a target rather than an 'upper limit' on development, I am not persuaded by the evidence before me that the remaining dwellings could not be met within the developed footprint of the village. In the absence of a more rigorous assessment of the availability of potential infill sites and being mindful of the length of the plan period and the limited growth allowance remaining following recent permissions, the potential for sequentially preferable sites coming forward cannot be discounted.

18. The appellant contends that there are multiple examples of development on the edge of rural settlements in the District and draws my attention to 2 particular developments. In the appeal decision at Kirkby La Thorpe² the Inspector noted amongst other things the end of a hedgerow which sat level with the last house on the opposite side of the road and formed a clear end point to the village. Taking such factors into account, they concluded that the proposals in that instance would maintain the linear form of the village and would not extend beyond the existing extremities of development. The planning application at Norton Disney³ also had linear development on both sides of the road with housing directly opposite the application site. The site-specific characteristics of these examples therefore differs to the appeal proposal before me and they do not persuade me that the appeal site would represent an appropriate location when considered against the criteria under Policy LP2.
19. The Central Lincolnshire Five Year Land Supply Report 1 April 2020 to 31 March 2025 (October 2019) confirms that there is currently a 5.35 year supply of deliverable housing land. The appellant questions the ability of the Council to demonstrate a five-year supply in the future and suggests student accommodation and residential institutions should not be included within the supply calculations. Paragraph 034 of the Planning Practice Guidance (PPG) confirms both types of accommodation can in principle count towards contributing to an authority's housing land supply based on the amount of accommodation released in the wider housing market. Given this housing land supply position has been recently calculated based on an assessment of all deliverable sites, I am not persuaded by the evidence before me that it should not be relied upon.
20. Having regard to my conclusion that the site is not an appropriate location, the site forms part of the countryside. Policy LP55 (Development in the Countryside) of the LP confirms that new dwellings are only supported where they are essential to the effective operation of rural operations. Under this policy, non-residential development, such as the car park, is required to meet several criteria including amongst other things that the development is of a size and scale commensurate with the proposed use and with the rural character of the location. Given the proposal is for market housing and the specific harm to the character and appearance of the area already identified, the proposals would not comply with this policy.
21. The community car park would be funded through the housing development. Policy LP15 (Community Facilities) recognises amongst other things that community facilities are an integral component in achieving and maintaining

¹ APP/R2520/W/18/3198926

² APP/R2520/W/19/3234069

³ LPA Ref 19/1079/OUT

sustainable, well integrated and inclusive development. The examples given in the policy relate to buildings for community use.

22. There is support from the Head Teacher of the local school, the County Education Officer and other third-parties. I also note the photographic evidence providing examples of traffic and parking on Tom Lane and Drove Lane. Even if I were to accept that the car park may meet the day-to-day needs of those accessing the nearby primary school and could therefore be deemed as a community facility under Policy LP15, the school is well established and is currently operational without it. Use of the car park outside school drop off and pick up times, even accounting for the 'Stepping Out walks' referred to in evidence, would likely be less frequent and for a relatively limited numbers of visitors to the area. The car park might provide some relief to congestion caused by parked cars on nearby roads particularly during peak periods of use associated with school activity. However, there is no substantive evidence to suggest that a car park of the size proposed, or its position detached from the school site, is essential either for the school to operate efficiently or from a highway safety perspective. I am therefore not convinced that the provision of the car park is necessary or provides justification for the harm identified.
23. To conclude, the site would not be an appropriate location for the proposed development and would be harmful to the character and appearance of the area. Consequently, in those regards, the proposals would conflict with the sustainable development principles and development criteria which seek to protect the character and appearance of the area set out in Policies LP1, LP2, LP4, LP17, LP26 and LP55 of the LP and the Framework.

Setting of heritage assets

24. The Grade II Listed Snowdrop Cottage is situated on the opposite side of Toms Lane to the appeal site. The extent of a Listed Building's setting is not fixed, nor is it necessarily limited to curtilage. The appeal site forms part of the generally open rural aspect that has been historically appreciated from the front windows and grounds of the Listed Building and which contributes to its significance. The indicative number and position of the dwellings relative to the listed building would undoubtedly reduce the predominantly rural outlook that is currently experienced from the Listed Building and its grounds. As a result of the development, the Listed Building would also be appreciated within the public realm as siting closer to the domestic environment of the village than the more rural environment of its current surroundings.
25. The community car park would sit in close proximity to the Grade II registered Historic Park and Garden of Rauceby Hall. The Council's reason for refusal did not identify any specific harm to this heritage asset. From my observations on site, including the intervening road and the wooded nature of the Historic Park and Garden at its closest point to the appeal site, the proposal would be likely to preserve the setting of this particular heritage asset.
26. However, taking the above factors into account, the proposal would not preserve the setting of Snowdrop Cottage. It would result in less than substantial harm accounting for the degree of separation and the intervening landscaping which could be retained. In accordance with Paragraph 196 of the Framework, less than substantial harm should be weighed against the public benefits of the proposal.

27. Based on the indicative number of dwellings shown on the submitted plan, there would be a limited contribution towards the Council's housing figures as well as limited social and economic benefits through development of the site and the potential contribution of its occupants to the community. For the reasons already set out, I only attach limited weight to any public benefit that could be attributed to the car park.
28. I must attach considerable importance and weight to the desirability of preserving the setting of the Listed Building. I find therefore that the limited public benefits identified do not outweigh the less than substantial harm that would result from the proposal.
29. For the foregoing reasons, the proposal would not preserve the setting of Snowdrop Cottage. Consequently, in that regard, the development would be contrary to Policies LP17 (Landscape, Townscape and Views), LP25 (The Historic Environment) and LP26 (Design and Amenity) of the LP and the Framework.

Other Matters

30. Concerns with regards to the processing of the planning application and any lack of opportunity to respond to issues raised by the Council are not material to my assessment of the proposal as part of an appeal made under S78 of the Act.
31. The Council's reference in their statement to the Inset Map in the now defunct 2007 Local Plan has not been decisive in my conclusion that the site does not represent an appropriate location under the definitions in the current development plan. This and the other points raised in respect of the accuracy of some of the matters referred to in the Council's Committee report and appeal statement do not alter my findings under the main issues.
32. The Council suggests that given the combined site area exceeds 0.5 hectares, an affordable housing contribution would be required. Paragraph 63 of the Framework confirms that affordable housing contributions should not be sought for residential developments that are not major developments. Given the indicative number of dwellings is 5, the residential element of the development would not constitute a major development in its own right. In any case, given my conclusions on the main issues, this matter has not proved determinative, nor would the public benefit of a single affordable unit carry more than limited weight in the planning balance.
33. The appellant has drawn my attention to an Electricity Switching Station⁴ located further back into the field in relation to Tom Lane than the appeal proposals as well as a 2002 planning permission for the change of use of land to residential garden land and the erection of a tennis court in North Rauceby⁵. In respect of the Switching Station, I concur with the Council that such infrastructure is justified on the grounds of the electricity requirement of the wider area and is of a comparatively modest scale. I do not have the full details of the proposals for the garden and tennis court, however these proposals would have been considered against a different development plan and are not comparable to the nature and scale of the proposals before me. I do not

⁴ LPA Ref 18/0056/FUL

⁵ LPA Ref N/45/0331/02

therefore find these particular comparisons relevant to the consideration of the appeal.

34. Whether or not the delivery of the car park, its use and future maintenance would be best secured through conditions or a community use agreement has not proved determinative given my concerns under the main issues.

Conclusion

35. I have concluded that the proposed development would not be in an appropriate location, would result in harm to the character and appearance of the area and would not preserve or enhance the setting of the Grade II Listed Snowdrop Cottage.
36. The proposal would conflict with the development plan as a whole and would not amount to sustainable development. There are no other considerations, including the policies in the Framework that would outweigh this conflict. Therefore, for the reasons given above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

M Russell

INSPECTOR