



Appeal Decision

Site visit made on 3 February 2020

by D Hilton-Brown BSc (Hons) CIEEM

an Inspector appointed by the Secretary of State

Decision date: 05 March 2020

Appeal Ref: APP/D2510/W/19/3240414

**Land adjacent to Sunny View, Kirkby Lane, Kirkby on Bain, Woodhall Spa
LN10 6YY**

- 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 Mr A Fox, AF Architecture, against the decision of East Lindsey District Council.
 - The application Ref S/094/00896/19, dated 15 May 2019, was refused by notice dated 11 July 2019.
 - The development proposed is for the construction of 2 new dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application is submitted in outline with only access to be determined at this stage, and all other matters are reserved for future consideration. With that in mind, I have treated the submitted Proposed Site/Block plan (Drawing No: 19/173/Pr-01) as being illustrative only, with the exception of access.

Main Issue

3. Whether or not the proposed development would affect the character and appearance of the open countryside.

Reasons

4. The appeal site is a rectangular grassed plot surrounded by mature trees and hedges. It is situated adjacent to the western built form of the village of Kirkby on Bain. The land directly to the north and south of the proposed development site is undeveloped and open in character. The area to the west is characterised by open countryside except for 'Sunny View', a residential bungalow which lies adjacent to the western boundary of the appeal plot.
5. 'Sunny View' is presently separated from the village by the appeal site, which has a road frontage of approximately 75m. The limited development between this bungalow, the proposed development site and the western edge of the residential settlement, is highlighted by the lack of any hard-surfaced public footpath, streetlights and its location within a 60mph speed limit area. This creates the impression of a country lane, with little built form visible when leaving the village by Kirkby Lane.

6. Therefore, I consider that 'Sunny View' is a distinct outlier, which is isolated and detached from the continuous built up area of the village. Moreover, it should not be considered one side of an infill frontage plot for 2 dwellings as defined in SP4 of the East Lindsey Local Plan Core Strategy, Adopted July 2018 (the CS). Consequently, development of this appeal site would physically connect 'Sunny View' to the village. This in turn would increase the built form of the settlement and erode the open countryside by creating a ribbon of development to the west of the village.
7. I acknowledge that on entering Kirkby on Bain from the west that existing and new dwellings are visible to the north of Kirby Lane. However, 'Sunny View' is the only property fully observable on the south side of this lane until the 30mph signs are reached and the built development then becomes apparent. The appeal site presently acts as a visual transition between the open countryside and the built form of the village. This effectively retains the countryside character and appearance of the western approach into the village.
8. I have taken into account that the appeal site has a sense of enclosure. This is due to previous uses and the boundary treatments which screen views into and out of the site. However, this does not alter the fact that the appeal site forms a transitional link between the countryside and the village. Furthermore, the two new access driveways and associated visibility splays would likely necessitate the removal of some sections of these existing hedgerows. This would allow partial views into the site and increase the built form and further exacerbate this incongruous development.
9. The Council consider that a new footpath to physically connect the proposed development to the village settlement would be required for highway safety. I consider that the lack of an existing footpath further highlights that this site is outside the village settlement. In addition, a new footpath would increase the sense of urbanisation in this countryside setting.
10. I have taken into consideration that the appeal site was originally linked to a neighbouring property and is included within a postcode that includes other properties and covers a wide locality within the village. However, I must consider this appeal site under its own merits and these issues carry limited weight in this case and do not alter the harm I have already referenced or alter my decision.
11. The appellant has provided examples of other approved schemes within the village. However, no details relating to these particular developments have been submitted and I can therefore give them limited weight.
12. Additionally, my attention has also been directed to an approved planning decision (S/177/00317/19) for a bungalow outside the village settlement of Tetford. However, this is not comparable as it is only for one dwelling and the case was not in the locality of this particular appeal site. Notwithstanding, I do not consider that this example provides justification for overcoming the harm I have identified above. I must consequently determine this appeal on its own individual planning merits.
13. I have taken into account the public benefit of the appellant's proposal to underground the existing overhead power cables. However, I am firmly of the view that this benefit would hold only limited positive weight and would not outweigh the harm to the character and appearance I have identified.

14. I therefore conclude that the proposed development would have a detrimental effect on the character and appearance of the open countryside. Consequently, it would fail to comply with policies SP1, SP2, SP3, SP4 and SP25 of the CS. Together these policies require that development is in appropriate locations and does not extend built development into the open countryside.

Other Matters

15. The appellant has raised the issue that the Council provided little input during the determination of the planning application. This is an issue I can give little weight to and remains a matter between the appellant and the Council.
16. In addition, the appellant references the lack of rebuttal from the Council and the Parish Council. I consider that a lack of response does not indicate an acceptance of the appellant's views. Notwithstanding, the Council stated they did not consider it necessary to reiterate their reasons for refusal. Consequently, this matter does not affect my findings on the main issue.

Conclusion

17. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

D Hilton-Brown

INSPECTOR