
Appeal Decision

Site visit made on 24 June 2020

by Edwin Maund BA (Hons) MSc Dip UP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd July 2020

Appeal Ref: APP/D2510/W/20/3245477

Land East of Hanby Lane, Welton Le Marsh, Lincolnshire

- 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 JFR Personal Settlement against the decision of East Lindsey District Council.
 - The application Ref N/199/01015/19, dated 4 June 2019, was refused by notice dated 25 July 2019.
 - The development proposed is Outline erection of 2no. dwellings each with a detached garage (with means of access to be considered).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was submitted in outline with all matters reserved bar means of access. I have considered the appeal on this basis and therefore consider the submitted layout plan to be illustrative.

Main Issues

3. From the evidence before me I consider the main issues in this case are;
 - Whether the site is a suitable site for housing having regard to local and national planning policy; and
 - Whether the proposed development would result in the loss of open space.

Reasons

Suitable Location

4. Welton Le Marsh is a small village made up of a series of clusters of buildings within a rural countryside setting. The appeal site of just under 0.4 ha is currently part of a larger field being cultivated for arable crops. It is situated behind a substantial mixed hedgerow and for part of the boundary towards the north western portion of the site a series of trees.
5. The field of which the appeal site is a part does not have the appearance or function as part of the village, but as agricultural land within which the settlement sits. I do not consider therefore that it can reasonably be classed as part of the continuous built form of the village as required under policy SP4

of the East Lindsey Local Plan Core Strategy (CS) (2018). On this basis while the proposal may be restricted to two dwellings it could not reasonably be seen as an appropriate site for new residential development.

6. In addition, the paragraphs within the CS which precede the policy make clear what is envisaged, and where appropriate development can take place is those which would be a small infill development. This site, however, makes a positive contribution to the character of the village by the countryside coming up to the roadside, adding to the rural character of the area as referenced within the CS. It cannot be regarded as part of the developed footprint of the settlement, nor be classed as infill.
7. It would introduce new housing into the countryside for which there is no reasonable justification and would thereby be contrary to policy SP4 of the CS which amongst other things aims to ensure new housing development is carried out in appropriate locations to support the broader housing strategy of the plan and protect the character of the villages.

Open Space

8. As referred to above, I consider the appeal site makes a positive contribution to the character and appearance of the village, emphasising the rural nature of the location. Nevertheless, the suggestion the site could be classed as open land or Green Infrastructure as envisaged within SP25 appears to be a misinterpretation of what the policy actually says and what it seeks to protect.
9. The preceding paragraphs to the policy recognise that agricultural land, is generally not managed for wildlife or public access. This is the case here, and while this creates a green space at the edge of the village it is not open space which is what I consider the policy seeks to protect per se. Consequently, I do not consider the proposal would be in conflict with SP25 of the CS.
10. Irrespective of this approach, if I were to consider this as open space in policy terms as I have found harm to the character and appearance of the area would result from the development if allowed, the scheme would not meet the requirements of the policy in this respect.

11. Other Matters

12. The appellants have referred to numerous applications within other settlements within the council area where permission has been granted for residential development. I do not have the full information in respect of these schemes, however as far as I can ascertain none of the other sites were on parcels of land of this scale or formed part of a much larger field. Quite obviously they differ in respect of the relationship between them and the specifics for the settlements in which they are located, as such these proposals have little bearing on my decision.
13. The appellant additionally raises a question over the five-year housing land supply – but does not provide any figures to support this position, or the suggestion that there may be a shortfall once new figures are released by the Council. As this has not been fully explained, I can give this argument no weight in my consideration of this appeal.

Conclusion

14. The appeal is dismissed.

Edwin Maund

INSPECTOR