
Appeal Decision

Site visit made on 3 July 2020

by S Harley BSc(Hons) MPhil MRTPI ARICS

an Inspector appointed by the Secretary of State

Decision date: 9th July 2020

Appeal Ref: APP/N2535/W/20/3245255

Land at East Farm, Atterby Lane, Atterby, Market Rasen LN8 2BJ

- 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 and Mrs Michael Drury against the decision of West Lindsey District Council.
 - The application Ref 140073, dated 27 September 2019, was refused by notice dated 20 November 2019.
 - The development proposed is outline planning permission to erect a pair of semi-detached cottages (all matters reserved for subsequent approval).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is whether the site is a suitable for two dwellings taking into account local and national planning policies.

Reasons

3. The spatial strategy of the Central Lincolnshire Local Plan 2017 (the LP) seeks to concentrate growth in the main urban areas, to make the most of existing services and facilities, with appropriate levels of growth in other settlements. In the Settlement Hierarchy established by Policy LP2, Bishop Norton is identified as a Small Village. suitable for development of a limited nature. There are some facilities in Bishop Norton, including a part time Post Office; a village hall; recreation ground and limited public transport opportunities so most existing and future residents would rely on the private vehicle for many day to day services and facilities. Atterby is a close neighbour of Bishop Norton village and shares its facilities and Parish Council.
4. In the Settlement Hierarchy level seven of eight is Hamlet: a settlement not listed elsewhere in the Policy; with dwellings clearly clustered together to form a single developed footprint; and with a dwelling base of at least 15 units as at April 2012. Atterby did not have 15 qualifying dwellings at the requisite date and, therefore, is not recognised as a Hamlet for the purposes of Policy LP2. Accordingly for adopted local planning policy purposes the appeal site falls within the countryside, level eight of the Settlement Hierarchy, where residential development is restricted except in specified circumstances set out in Policies LP2 and LP55. The evidence does not indicate that the proposal would benefit from any of the exceptions. Accordingly I conclude it would be contrary to the spatial strategy as set out in Policies LP2 and LP55.

5. The appeal site is an area of grass and hardstanding which is currently used as domestic garden. The East Farm complex is located to the south west including a large garage tucked into the 'L' of the appeal site. To the immediate east of the site there is a telephone exchange in a timber building set back from Atterby Lane. There are fields to the east of the telephone exchange, to the south of the appeal site, and across Atterby Lane. To the immediate west of the site is the driveway serving East Farm and former barns which have been converted into three dwellings.
6. Gardens, paddocks and other undeveloped land within the curtilage of buildings on the edge of a settlement are excluded from the definition of the developed footprint. However, as a garden, and due to the adjacent buildings, in my view the appeal site relates more to the built up settlement than to the surrounding agricultural fields of the local countryside. Moreover, the site is not greenfield because it has been held that garden land that is not within a built-up area amounts to previously developed land as defined in the Glossary of the National Planning Policy Framework (the Framework)¹. Policy LP2 does allow for single infill developments within the developed footprint of a Hamlet and within an otherwise continuous built up frontage of dwellings. However, more than one dwelling would not be supported by this Policy.
7. The ambitious emerging Bishop Norton and Atterby Neighbourhood Plan Submission Version November 2019 (the emerging NP) seeks to deliver more local housing than that planned for in the LP to help meet the anticipated housing needs of the next two decades and to boost the vitality of the local community. Most development would be in Bishop Norton but the objectives of the emerging NP also support some small-scale development in Atterby. Emerging NP Policy N7 seeks to designate Atterby as a Hamlet and to support single infill developments. The emerging Policy N5 allocates land which includes the appeal site for one dwelling: Allocation NP6.
8. The emerging NP has been through a number of consultations and is at Examination Stage. The evidence indicates there are no objections from the community to Allocation NP6 and, on this basis, I accord Policy N5 some weight. However, the appeal proposal is for two dwellings rather than one, on a significantly smaller site. Moreover, due to the site's awkward 'L' shape and size, it is not clear how two dwellings could be satisfactorily accommodated in respect of the requisite garden space; satisfactory outlook for future occupiers of the proposed dwellings; and also meet the criteria of emerging Policy N5 for orientation facing Atterby Lane; ensuring no unacceptable detrimental harm to the private amenity of adjacent properties; and provision of appropriate roadside landscaping and off street parking. Accordingly, I conclude the proposal would not gain support from emerging Policy N7, whether or not Atterby constitutes a Hamlet.
9. All new build development has some effect on the appearance of its site and surroundings. I acknowledge that the application is in outline and that the Council would have control over the scale and appearance of the proposed cottages at reserved matters stage. I have no doubt that the cottages could be of an appropriate design with suitable materials and built to modern efficiency standards. However, given the concerns I have identified above in relation to the shape and size of the site, I cannot confidently conclude that the proposal

¹ High Court in Dartford Borough Council v Secretary of State for Communities & Local Government (CO/4129/2015)

would not have a detrimental effect on the appearance of the countryside. Accordingly I cannot conclude it would comply with of Policies LP17 and LP26 of the LP or those principles of the Framework that seek to protect and enhance the character of the area.

10. For the reasons set out above I conclude that the appeal site is not suitable for two dwellings taking into account local and national planning policies. I find the proposal conflicts with Policies LP2, LP17, LP26 and LP55 of the LP; Policy N7 of the emerging NP; and the Framework in terms of spatial strategy and effect on the character and appearance of the area.

Other Matters

11. The proposal would provide market housing and there is no mechanism for ensuring the houses would meet any specific local need. Accordingly it does not gain support from the principles relating to rural exception sites for affordable housing set out in Paragraph 77 of the Framework. Houses for people to take up employment opportunities locally could help to provide people with a shorter journey to work time. However, I give this little weight in this appeal as I have seen no evidence of employment opportunities or need for employees nearby.
12. A condition removing permitted development rights for outbuildings could be imposed on any permission. This would restrict the amount of built development on the site in future. However, this does not lead me to conclude that the proposal would be acceptable in respect of the spatial strategy. Nor does the absence of objections from the local community, in itself, lead me to any different conclusions in relation to the planning merits of the proposal.

Planning Balance and Conclusion

13. The economic, social and environmental objectives of sustainable development, as set out in the Framework, should be delivered through the preparation and implementation of plans and the application of the Framework policies: they are not criteria against which every development should be judged. Nevertheless, the proposal would make efficient use of brownfield land; would provide some economic benefits from employment during construction and additional spend in the local economy; would help support local facilities in Bishop Norton and the local community; and would provide additional market housing in an attractive rural area. These matters attract some weight in favour of the proposal albeit limited by its scale.
14. However, planning applications and appeals should be determined in accordance with the development plan unless material considerations indicate otherwise. Allowing the proposal would undermine the spatial strategy and the plan making process. Moreover, I cannot confidently conclude that two dwellings could be satisfactorily accommodated without detriment to the character and appearance of the area. In failing to comply with Policies LP2, LP17, LP26 and LP55 of the LP the proposal cannot be said to comply with the development plan as a whole. I find insufficient material considerations to outweigh this conflict with the development plan. I conclude the appeal should be dismissed.

S Harley

INSPECTOR