



Appeal Decision

Site visit made on 8 June 2020 by Darren Ellis MPlan

Decision by Susan Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 July 2020

Appeal Ref: APP/E2530/W/19/3243938

Land off Bridge End, Colsterworth

- 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 Paul Peasgood against the decision of South Kesteven District Council.
 - The application Ref S19/1474, dated 14 August 2019, was refused by notice dated 25 October 2019.
 - The development proposed is a single dwelling.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The application was submitted in outline with all matters except for access reserved for subsequent approval. Subsequently I have assessed the appeal proposal on that basis and have considered submitted plans as indicative except where they relate to access.
4. The South Kesteven District Council Local Plan 2011-2036 (LP) was adopted in January 2020, after the original application was determined by the Council. The LP has superseded the South Kesteven Core Strategy (2010) against which the original application was assessed. The LP now forms part of the development plan, and as such this appeal will be determined in accordance with LP. Both the Council and the appellant have had the opportunity to provide their comments on the relevant policies of the LP and are not therefore prejudiced by my consideration of it.

Main Issues

5. The main issues are whether or not the site is a suitable site for new housing having particular regard to development plan policy, and the effect of the proposal on the character and appearance of the area.
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Reasons for the Recommendation

6. Colsterworth has been designated as a Larger Village in Policy SP2 of the LP. This policy states that development proposals which promote the role and function of the Larger Villages, and will not compromise the settlement's nature and character, will be supported. Policy SP3 of the LP states that infill will be supported in Larger Villages subject to four criteria, which include the development being within a substantially built up frontage or previously developed land and within the main built up part of the settlement
7. Policy SP4 of the LP states that proposals for development on the edge of a settlement, which are in accordance all other relevant Local Plan policies, will be supported provided that six criteria are met. These criteria include (a) a demonstration of clear evidence of substantial support from the local community; (b) be well designed and appropriate in size / scale, layout and character to the setting and area; (c) be adjacent to the existing pattern of development for the area; and (e) in the case of housing development, meet a proven local need for housing and seeks to address a specific targeted need for local market housing.
8. Policy SAP H1 of the Site Allocation and Policies Development Plan Document (Adopted April 2014) (DPD) states that new greenfield sites on the edges of the towns and villages will not be considered acceptable for housing development. The policy goes on to say that planning permission will only be granted for small infill (sites of 10 or fewer houses) and redevelopment sites provided that the development meet four criteria. Criteria (iii) is that the development will not compromise the nature and character of the settlement.
9. The site is located between existing residential curtilages to the east and agricultural structures to the north and west, with a narrow vehicular access that would be restored leading from Bridge End leading to a wider plot behind the rear gardens of the adjacent residential properties.
10. The term 'infilling' is not defined in the Framework, and therefore it is a question of fact and planning judgement. My attention has been drawn to a previously dismissed appeal on the site in 2019, for a proposed outline development of three dwellings¹. The current appeal site comprises plot 3 of the 2019 proposal. This previous appeal was determined before the LP was adopted and therefore the previous proposal was not subject to the same policies as the current proposal. Nevertheless, I acknowledge that the previous Inspector found that the proposed dwelling on plot 3 would fill in a space between agricultural buildings to the west and north-west. However, infill development is normally taken to relate to a small gap in an otherwise built-up frontage. That is not the case here. Consequently, I am not persuaded that the proposed development would constitute an infill development. Notwithstanding that, as set out above, Policy SP3 sets out a number of criteria which need to be met in order for an infill development to be considered acceptable.
11. The dwelling would be set to the rear of the existing properties along Bridge End, and the proposal would not fill in any gap in the frontage between the existing properties along Bridge End.

¹ Appeal ref. APP/E2530/W/18/3213182

12. There are two further residential properties on Woolsthorpe Road to the north of the site, however these properties are separated from the appeal site by a collection of agricultural structures. The properties along Bridge End and Woolsthorpe Road, adjacent to the appeal site, are at the northern edge of Colsterworth. As such, the appeal scheme could not reasonably be considered as within the main built up area of Colsterworth.
13. In addition to that, the appeal site comprises an area of land that appears most recently to have been used for agriculture. Previously developed land is defined in the National Planning Policy Framework (the Framework), and excludes land that is or was last occupied by agricultural buildings. On that basis I am unconvinced that the site constitutes previously developed land.
14. Consequently, even if the proposal was considered to be an infill development, the criteria set out in Policy SP3 would not be met as the proposed development would not be within a substantially built up frontage or previously developed land, nor would it be within the main part of the settlement.
15. Policy SP4 of the LP would support development on the edge of the village as long as the criteria listed in the policy are met. The LP was adopted after the original application was determined, and therefore the requirement in criteria (a) for clear evidence of support of the scheme from the local community was not in place at the time the application was submitted. However, I note that the policy goes on to say that where demonstratable evidence of local community support or objection cannot be determined, then there will be a requirement for support from the applicable Parish or Town Council or Neighbourhood Plan Group. I further note that, in this case, the planning officer's report includes a reference to an objection from the Parish Council.
16. No evidence has been submitted to demonstrate a local need for housing or a specific targeted need for local market housing, and as such the proposal does not satisfy criteria (e) of policy SP4.
17. The area surrounding the site is predominantly characterised by a strong linear pattern of development with dwellings fronting the street, with open countryside and farmland to the rear of the properties. The proposed dwelling would be sited to the rear of residential properties on Bridge End and would not front the street, and as such would be out-of-keeping with the predominantly linear pattern of residential development.
18. I therefore conclude that the proposal would be contrary to the development strategy set out in Policies SP2, SP3 and SP4 of the LP and policy SAP H1 of the DPD and therefore the site would not be suitable for new housing development.
19. I further conclude that the proposal would cause harm to the character and appearance of the area. The proposal would therefore conflict with LP policies DE1, EN1, SD1 and SP2 which all, amongst other things, seek to ensure that development is appropriate to or enhances the character of the area. The proposal also conflicts with Policy 1 of the Colsterworth & District Neighbourhood Development Plan 2016-2026 (NP), which requires development to be appropriate to its surroundings.

Other Matters

20. The Council has raised no concerns regarding the access to the site. As this proposal is for one dwelling, and the number of vehicle movements from one

dwelling would be very limited, the proposal would not cause any issues with regards to highway safety. However, a lack of harm in this respect is a neutral consideration that does not weigh in favour of the proposal

21. I acknowledge the concerns raised by the neighbouring residents regarding the effect of the development on the living conditions of the neighbouring residents. However, in this outline application the matters regarding layout and scale had been reserved to be submitted at a later date, and the concerns raised would be addressed at that stage.
22. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

D Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

23. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

S Ashworth

INSPECTOR