
Appeal Decision

Site visit made on 22 September 2020

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th October 2020

Appeal Ref: APP/D2510/W/20/3254543

Ambleside Cottage, Halfpenny Lane, Hallington, Louth, Lincolnshire LN11 9QU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr John Douglas against the decision of East Lindsey District Council.
 - The application Ref N/073/00471/20, dated 11 March 2020, was refused by notice dated 6 May 2020.
 - The development proposed is erection of a replacement dwelling.
-

Decision

1. The appeal is allowed and planning permission is granted for Planning Permission - Erection of a detached house with a detached double garage, 3 bay car port and store, on the site of an existing dwelling and outbuildings which are to be demolished at Ambleside Cottage, Halfpenny Lane, Hallington, Louth, Lincolnshire LN11 9QU in accordance with the terms of the application Ref N/073/00471/20, dated 11 March 2020, subject to the conditions set out in the schedule to this decision.

Application for costs

2. An application for costs was made by Mr John Douglas against East Lindsey District Council. This application is the subject of a separate Decision.

Procedural Matters

3. The Council have described the development as 'Planning Permission - Erection of a detached house with a detached double garage, 3 bay car port and store, on the site of an existing dwelling and outbuildings which are to be demolished'. I note that the appellant has also utilised this description on their appeal form. I consider that this revision provides a succinct and accurate description of the proposal and I have therefore determined the appeal on this basis.
4. The proposal has been screened in accordance with the Environmental Impact Assessment (EIA) Regulations and is considered not to be EIA development. An Environmental Statement is therefore not required.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB).

Reasons

6. The appeal site is located close to the A16 Louth bypass on Halfpenny Lane which links the small rural hamlet of Hallington to the larger market town of Louth. It is also located within the AONB. It is proposed to replace the existing detached dwelling on the site with a new larger one and also build a new detached double garage, three bay car port and store.
7. According to the East Lindsey District Landscape Character Assessment (LCA) the appeal site is within area G1 '*Binbrook to Tetford Wolds Farmland*' the key characteristics of which include: having large scale arable fields, containing mainly wheat with occasional hedgerows and large scale farmsteads with large sheds; being sparsely settled with occasional small villages and churches nestled in the deep wooded valleys; having many ancient roads run along ridge lines, converging on the market town of Louth; the presence of former drove roads and lanes with wide verges, hedgerows and regularly spaced hedgerow trees; having a high level of landscape and nature conservation protection; and being a very tranquil, distinctive and intact rural landscape.
8. The LCA also states that development should take into account: the rural characteristics of the area; the appropriateness of new features and the vernacular architecture; the scattered pattern of built elements; and the scale and openness of its large agricultural fields. It also advises that the positioning of new development should use existing screening elements which are characteristic to the area such as deep coombes and that its location should be concentrated around existing settlements to prevent loss of rural landscape and that development on hilltops and along skylines should be avoided. Finally, it categorises the overall landscape sensitivity of the area to be moderate to high.
9. The fact that the appeal site is also located within an AONB means that the landscape in this area is afforded the highest level of protection due to its nationally significant status and high vulnerability to change. Consequently, being mindful of paragraph 172 of the National Planning Policy Framework (the Framework) I have attached great weight to the conservation and enhancement of the AONB.
10. The proposal would replace an existing dwelling with a slightly bigger one and in the process change its design and appearance from a rather uniform and rectangular building to one with a more vernacular architectural style which would be consistent with the guidance set out in the LCA. While I acknowledge that the appeal site is not set within a deep coombe, it is not on a hilltop and is next to a tree-lined road and as a result, I consider its location to be not very prominent in the landscape. This combined with the height of the proposed dwelling means that I also consider that it would not be easily visible against the skyline thereby having little impact in this regard.
11. Moreover, whilst the proposal would be visible from several public vantage points in the area, the submitted LVIA concludes that due to the presence of other landscape detractors in the area such as the A16 bypass, its raised road bridge and the nearby waterworks, the landscape sensitivity on this part of Halfpenny Lane is medium rather than high meaning that the proposal would have a minor positive impact on it.
12. Indeed, while on my site visit, I viewed the appeal site from several of these vantage points and while the bypass and raised road bridge were largely obscured from view by the high mature trees surrounding them, the waterworks were clearly

- more visually prominent within the landscape than the appeal site which, when viewed from particular directions, was also screened by some of these high trees.
13. This conclusion of the LVIA has also not been disputed by the Council nor have they submitted any substantive evidence to refute it. Therefore, while I acknowledge the nationally designated status of the landscape in the area, based on what I have seen and read, I see no reason to disagree with the overall findings of the LVIA.
 14. I am also aware that planning permission has recently been granted for a replacement dwelling that is marginally smaller than the appeal scheme which did not impose a condition removing permitted development rights (Ref N/073/01031/20). Consequently, under permitted development rights this approved dwelling could be constructed and extended to the rear so that it would be only marginally smaller than the proposal. Therefore, it would be reasonable to think that the Local Planning Authority (LPA) has accepted the principle of a dwelling with a more vernacular architectural style very similar to the proposal being built on the appeal site.
 15. Consequently, in the context of the above and given the proposal's location, nature, small size and scale I consider that it would not result in a significant loss of rural landscape. Additionally, given the fact that the proposed dwelling would also not be significantly larger than the existing one and that its design would be in keeping with the vernacular architecture of the area, I also consider that its overall impact on the landscape would be limited.
 16. Accordingly, I find that the proposal would not have an adverse visual impact on the landscape. I therefore conclude that the proposed development would not materially harm the character and appearance of the AONB in accordance with Policies SP10 and SP23 of the adopted East Lindsey Local Plan Core Strategy 2018. It would also accord with paragraphs 124-131 and 172 of the Framework which aim to achieve well-designed places and to conserve and enhance landscape and scenic beauty in AONBs and other nationally designated landscapes.

Conditions

17. I have undertaken some minor editing and rationalisation of the conditions proposed by the Local Planning Authority (LPA) in the interests of precision and clarity. In relation to the standard implementation condition, I have used the time limit suggested by the LPA and agreed to by the appellant. I have also imposed a necessary condition to define the plans with which the scheme should accord in the interest of precision.
18. In the interest of the character and appearance of the area I have imposed conditions requiring the submission and approval of details of the windows and doors and also of details of a landscaping scheme. I have also imposed a necessary condition requiring the timely implementation of the landscaping scheme and the timely replacement of any trees or plants that are part of that scheme which die, are removed or become seriously damaged or diseased.

Conclusion

19. For the reasons set out above I conclude that the appeal should be allowed.

C Coyne

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 4 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: LDC2224-PL02A; LDC2224-PL03A.
- 3) The development hereby permitted shall not be occupied until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping and tree planting. The scheme shall include indications of all existing trees and hedgerows and new trees and hedgerows on the land, identify those to be retained or planted and set out measures for their protection throughout the course of development.
- 4) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 5) Prior to the installation of windows and doors, details of the design and appearance of the proposed windows and doors shall be submitted to and approved in writing by the local planning authority. The windows and doors utilised in the development hereby permitted shall be in accordance with the approved details and maintained thereafter.