
Appeal Decision

Site visit made on 30 September 2020

by William Walton BA MSc Dip Env Law LLM CPE BVC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th October 2020

Appeal Ref: APP/D2510/W/20/3250153

Land to the rear of Horncastle Road, Mareham le Fen, Boston PE22 7QU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
 - The appeal is made by Mr and Mrs Sewell against the decision of East Lindsey District Council.
 - The application Ref S/114/02142/19, dated 18 November 2019, was refused by notice dated 18 March 2020.
 - The development proposed is described as the erection of a bungalow.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr and Mrs Sewell against East Lindsey District Council in connection with this appeal. That application is the subject of a separate Decision.

Preliminary Matter

3. An application submitted in 2018 for a single 2-storey dwelling on the same site was refused planning permission¹.

Main Issues

4. The main issues are:
 - Whether the site of the proposed development would be appropriately located; and
 - The effect of the childcare component of the proposed development on the living conditions of neighbouring occupants.

Reasons

Appropriate Location

5. The appeal site is located in the corner of a square shaped field on the northern side of the village of Mareham le Fen in Lincolnshire. The field lies to the rear of housing along Horncastle Road and Fieldside. Access would be via a short lane leading off Horncastle Road where it meets Fieldside in a three-way junction. The entrance to the short lane would be quite close to St Helen's church and

¹ See application reference S/114/01213/18

the Old Rectory, both of which are Grade II Listed Buildings under the Planning (Listed Buildings and Conservation Areas) Act 1990.

6. The proposed development comprises a bungalow dwelling which would include a commercial childcare facility. The roughly square shaped plot would be around 0.15 hectares in size and would include parking for parents dropping off and collecting their children.
7. Under Policy SP3 of the East Lindsey Local Plan Core Strategy 2018 (LPCS) the settlement of Mareham le Fen is identified as a 'large village' which is deemed to be appropriate in principle for housing allocations. The appeal site was part of a larger site (MLF310) that was considered for allocation under the Strategic Housing Land Area Assessment but was not taken forward on grounds including its lack of fit with the settlement.
8. However, in addition to allocated sites, housing can be brought forward on windfall sites where these are considered to be appropriately located. Policy SP10 indicates a preference for brownfield sites or for greenfield sites on poorer agricultural land. SP3 identifies criteria against which windfall proposals are to be considered. If a site is not appropriately located then, for the purposes of housing land supply, it cannot be deemed to be a 'windfall site'.
9. For a site to be an appropriate location the policy states that it must be within the settlement or, if outside it, immediately adjacent to the development footprint. However, in addition to that, the proposed development must: retain the core shape of the settlement; must not significantly harm the settlement's character and appearance; must not significantly harm the character and appearance of the surrounding countryside or the settlement's rural setting; and must be connected by a footpath. In addition, the proposal must not conflict with national or local planning policy when read as a whole.
10. The appeal site is outside of the settlement but is immediately adjacent to built development. No evidence has been presented concerning the site's agricultural quality. However, by virtue of its location sitting in the corner of a large field behind existing dwellings, the proposal would extend the existing development footprint in a rather clumsy way such that it would look incongruous and out of place. It would therefore change the core shape of the settlement.
11. Furthermore, as an individual backland development it would relate more to the surrounding open countryside than to the existing village. Notwithstanding a hedge along part of the northern boundary of the field the proposed bungalow would still be quite visible from the more elevated part of Horncastle Road to the north from where a vista of the village is presented. Although it would only be one dwelling it would still significantly harm the village's rural setting. Finally, it would also be very visible looking down the entrance lane from the three-way junction close to the access to the church, causing harm to the character and appearance of the village.
12. Of course, as a small site it would help to contribute to the delivery of housing within the settlement and the wider district. Nevertheless, there is no evidence to suggest that there is a shortfall of housing land supply and therefore there is no reason to depart from the conventional approach to decision making.

13. For the above reasons the proposed development would not constitute an appropriate location and so cannot be defined as a windfall site for the purposes of housing land supply. Consequently, it would fail to accord with Policy SP3(4) of the LPCS which requires that windfall sites for housing, as well as being immediately adjacent to the settlement, must not harm the core shape of the settlement, must not significantly harm the settlement's character and appearance, and must not significantly harm the character and appearance of the surrounding countryside or the settlement's rural setting. Moreover, it would also fail to accord with Policy SP10 since there is no evidence that the site is located on poorer agricultural land.

Living Conditions

14. The proposed childcare facility would be an integral component of the bungalow. It would be about 20 metres from the rear elevation the nearest dwelling on Fieldside and about 30 metres from the nearest dwelling on Horncastle Road.
15. There are very limited details provided as to how many children the childcare facility would expect to cater for or how it would operate. Nevertheless, on the assumption that most children would be delivered by car there would be some noise and disruption caused to local neighbours though the comings and goings of vehicles. However, given the relatively modest number of children likely to be cared for implied by the size of the facility these car movements are unlikely to be very high.
16. There would be an element of noise generated through a normal day by the toddlers playing indoors but again, given the distances to the neighbouring dwellings, it seems unlikely that this would be excessive. In better weather when both toddlers and neighbours could be outdoors the noise from the former would be more of an issue. However, this would probably be for short periods and, in any event, it is a form of noise which many would find rather reassuring and quite delightful.
17. For the above reason, the proposed development would not harm the living conditions of local residents. It would, therefore, accord with Policy SP10(5) of the LPCS and with the advice contained in Paragraph 127f) of the National planning Policy Framework which both seek to ensure that new development does not adversely affect the living conditions of local neighbours.

Other Matters

18. A large number of comments have been submitted by residents supporting the proposal. These have identified, amongst other things, the economic, social and educational benefits which a childcare facility would provide for young families and for the wider community. The proposal also has support from the Headteacher of Mareham le Fen Church of England Primary School and Mareham le Fen Parish Council. The dedication and professionalism of the Appellants has also been widely cited.
19. I have also been referred to some other planning applications². I understand that these concern applications made on other sites.

² See applications: S/114/01505/05; S/114/00508/18; S/114/00354/19; and S/114/01742/19.

20. The above are all considerations which I have had regard to although I have seen no evidence to suggest that the same benefits which the facility could deliver could not be secured on an alternative site that accords more closely with adopted local plan policy.

Planning Balance and Conclusion

21. The proposed development would not harm the living conditions of neighbouring occupants. This is of neutral effect. It would also produce benefits in terms of providing pre-school education for local families. However, the proposal would conflict with the Development Plan as regards its location. This conflict is so significant that it outweighs my other findings.
22. For the above reasons the appeal should be dismissed.

William Walton

INSPECTOR