
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/R2520/W/20/3252282

Land opposite 1A Main Street, Kirkby Green, Lincoln, 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 Mrs J Middleton against the decision of North Kesteven District Council.
 - The application Ref 19/1588/OUT, dated 13 November 2019, was refused by notice dated 28 January 2020.
 - The development proposed is a single dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application form does not include reference to a site address. For the avoidance of doubt, I have used that address cited in the Planning Appeal Form.
3. The application is in outline with matters regarding appearance, landscaping, layout, scale and means of access reserved for later determination. The Appellant has submitted a drawing showing the possible layout of the proposed development ('Proposed Site Plan', Drawing No. 265-PLN-P-01 Rev A dated 11 November 2019), but this is merely indicative, and this Decision Letter proceeds from that position.

Main Issues

4. The main issues are:
 - Whether the site of the proposed development is appropriately located; and
 - The effect of the proposed development on the setting of the Grade II Listed Manor House barns.

Reasons

Appropriate Location

5. The appeal site is located in the north-east corner of a large field on the western side of the village of Kirkby Green in Lincolnshire. The village has a linear pattern running east to west and includes around 60 dwellings. Access to

- the proposed development would be taken from Main Street which forms the northern boundary of the site.
6. The proposed development is in outline and is for a 4-bedroom dwelling. The indicative drawing no. 265-PLN-P-01 Rev A shows a dwelling located sitting within the centre of the site which measures close to 0.1 hectares with a detached garage to the side. The dwelling would front onto Main Street.
 7. Under Policy LP2 of the Central Lincolnshire Local Plan 2012-2036 2017 (CLLP) Kirkby Green is designated as a 'small village' which is suitable in principle for appropriately located small-scale residential development.
 8. A site will be appropriately located where its development would not conflict with the CLLP or national policy as a whole, where it retains the core shape of the settlement and where it does not significantly harm the character and appearance of the settlement or the surrounding countryside or the rural setting of the settlement.
 9. The proposal has been subject to a sequential test evaluation. This has confirmed that there are no brownfield sites within, or close to the edge of, the settlement. Nevertheless, the proposal would still have to satisfy the tests set out in LP2 of the CLLP to be acceptable.
 10. The appeal site is bounded on its eastern side by a belt of tall trees beyond which are 2 dwellings that have recently been constructed. Just beyond the appeal site heading west are some stables located behind a tall hedge. On the northern side of the road opposite the appeal site are two detached dwellings. The section of road in front of the site lies within the area subject to a 30mph speed restriction although this is by no means determinative of the geographical extent to the built-up area of the village.
 11. Currently there is little hedging separating the appeal site from Main Street thus allowing clear views to the south over the field. Notwithstanding that the aforementioned tree belt has been thinned out, by virtue of its physical scale, and its location relative to nearby housing, it nevertheless still constitutes a very obvious and clearly demarcated edge to the village south of Main Street. The adjacent large field forms part of the surrounding countryside. For the avoidance of any doubt, the appeal site does not constitute a gap site between the recently built houses and the stables.
 12. The appeal site would constitute about 5% of the area of the large field. There would be sufficient room for appropriate landscaping treatment along the western and southern boundaries of the appeal site to help separate it from the adjoining field although no details are provided with the outline application.
 13. Nevertheless, notwithstanding the mitigating effects that could be brought about by landscaping over the medium to longer term, and notwithstanding that the site sits opposite 2 dwellings on Main Street, because it would be located the wrong side of the tree belt and the road, the development would result in an extension of the village into the open countryside. It would therefore be visually incongruous and, in the sense of introducing a dwelling to a site that is not within the core or the development footprint of the existing village, it would urbanise the neighbouring countryside.
 14. Thus, the proposed development would not be located within an appropriate location. It would therefore fail to accord with Policy LP2 of the CLLP which

seeks to ensure that new development retains the core shape of the settlement and does not significantly harm the character and the appearance of the settlement or the surrounding countryside. Furthermore, it would fail to accord with Policies LP17 and LP26(e) which seek, respectively, to ensure that new development should respond positively to natural features including field patterns and maintain a tight village nucleus.

15. It would also fail to comport with the advice set out in Paragraphs 127c) and 130 of the National Planning Policy Framework (the Framework) that new development should be sympathetic to local character and landscape and incorporate high standards of design. By virtue of this it would fail to comply also with Paragraph 59 since the support in the Framework for small sites is subject to meeting other criteria such as the effect of new development on the character and appearance of the surroundings.
16. Finally, by failing to respect the character and the identity of the landscape and the pattern of built development it would also fail to accord with Policies C1 and I1 of the National Design Guide 2019.

The Setting of the Listed Manor House Barns

17. The southern edge of the appeal site would be about 100-125 metres from the Manor House barns which is a Grade II listed building. The barns are located about 25 metres from the large field within which the appeal site sits. Under s.16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 there is a special duty to have regard to the need to protect the setting of a listed building.
18. The large field provides both a visual and a functional setting for both the manor house and the neighbouring barns. However, this setting has been significantly diminished by the construction of 2 new detached dwellings a short distance away between the barns and Main Street. There are views of the edge of the barns and the manor house over the large field from the gate which accesses the appeal site adjacent to the stables, but these are rather limited due to the angle and the intervening distance.
19. For these reasons the proposed development would not form part of the setting of the Manor House barns. Consequently, it would accord with Policy LP25 which seeks to protect the setting of listed buildings. Since it would not affect the setting of a listed building the advice set out in Paragraph 196 of the Framework is not relevant.

Other Matters

20. Construction of a dwelling would add to the housing stock and help improve housing choice within the village. By allowing an increase in the population of Kirkby Green it would also help to sustain service provision in neighbouring villages.

Planning Balance and Conclusion

21. I have found that the development proposal would not affect the setting of the Grade II listed Manor House barns. This is of neutral effect. I have also found that the proposal would contribute to local housing choice and would help to sustain services in neighbouring villages which are benefits, albeit rather limited given the scale of the development. However, it would not be sited in an appropriate location having regard to the Council's settlement growth strategy. This constitutes a fundamental breach to the Development Plan which outweighs all other considerations.
22. Accordingly, the appeal should be dismissed.

William Walton

INSPECTOR