



Appeal Decision

Site visit made on 20 August 2020

by J A Murray LLB (Hons), Dip.Plan Env, DMS, Solicitor

an Inspector appointed by the Secretary of State

Decision date: 18 November 2020

Appeal Ref: APP/D2510/W/20/3248853

Land to the south of St. Peters Church, Langrick Road, New York, Lincolnshire, LN4 4XH

- 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 Miss Tamara Lloyd against the decision of East Lindsey District Council.
 - The application Ref S/207/01540/19, dated 24 August 2019, was refused by notice dated 17 February 2020.
 - The development proposed is the change of use of land to site 2 no. static caravans for the keeping of dogs.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The application form described the development as "Two mobile homes to remain to house four dogs." The description in the banner heading of this decision is taken from the Council's decision notice and the appeal form, albeit omitting the words "(already in situ)". That wording more clearly describes the development. I note that the application was retrospective, but the caravans have since been removed. I am considering the appeal on the basis that the caravans would be sited in the location shown on the submitted plans.
3. This appeal was originally linked to an enforcement appeal Ref 3250712. Even though the appeals relate to the same site, they should not have been linked and therefore the decisions on both appeals were delayed whilst this matter was resolved and because I fell ill during the intervening period. Appeal Ref 3250712 is the subject of a separate decision.

Main Issue

The main issue is the effect on the character and appearance of the area and the setting of a listed building (St. Peters church) of the use of land to site 2 no. static caravans for the keeping of dogs.

Reasons

4. The issue of the impact on the setting of the listed building can be dealt with briefly. I included this in the main issue because the Council indicated in its appeal questionnaire that the development would affect the setting of a listed building and this was the view of the Widmore Parish Council.

5. However, the officer report concerning the retrospective planning application noted that the caravans were sited some 420m south-west of the listed church and concluded that they did not cause any harm to, or loss of, the significance of the immediate setting of the church. The National Planning Policy Framework (the Framework) defines the setting of a heritage asset as, "The surroundings in which a heritage asset is experienced." Having regard to this and the now proposed location of the caravans, I agree with the District Council on this score, notwithstanding the opinion expressed by the Widmore Parish Council.
6. Nevertheless, turning to the impact on the character and appearance of the area, though there are substantial agricultural buildings in the second next field to the south, and a haulage and storage facility to the north of Chapelry Farm, the appeal site lies within attractive open fenland countryside. The appellant acknowledges that, ordinarily the siting of static caravans is not something you would expect in a rural location. Despite their distance from the road, 2 static caravans would appear intrusive in this open flat landscape and at odds with the rural character and appearance of the area.
7. The appellant draws attention to caravans stationed at other properties on Langrick Road. However, they are close to buildings and one is also adjacent to a mature hedge. As such, their visual impact is much reduced, compared with the appeal development, which would cause harm to the character and appearance of the area. This results in conflict with Policies SP10 and SP23 of the East Lindsey Local Plan Core Strategy (CS), adopted July 2018, notwithstanding the absence of any specific landscape designations.
8. The appellant operates her 'Alternative Animal Sanctuary' for the care of abandoned animals from her property at Chapelry Farm, to the north of the church. She says shortcomings have been identified in the facilities she provides for animals in her care and the siting of the static caravans, which would be used to house 4 dogs, is the first step in remedial action to improve the facilities offered. However, there is no cogent explanation for why static caravans located at the far end of a field, a significant distance from the animal sanctuary, would be suitable for housing four dogs. Furthermore, there is no explanation as to why the dogs could not be adequately accommodated within the existing sanctuary site.
9. No conditions have been suggested, but I am satisfied that none would overcome the identified harm. Whilst it might be possible to screen the caravans, effective screening could also be obtrusive in this open landscape.
10. For the reasons given, I conclude on the main issue that of the use of land to site 2 no. static caravans for the keeping of dogs would cause unacceptable harm to the character and appearance of the area. Accordingly, the development conflicts with the development plan, CS Policies SP10 and SP23 being the key policies for this appeal. It also conflicts with the Framework, which seeks to ensure that developments add to the overall quality of the area and are sympathetic to local character. No material considerations indicate that planning permission should be granted and therefore the appeal must fail.

J A Murray

INSPECTOR