
Appeal Decision

Site visit made on 11 August 2020

by R Norman BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 November 2020

Appeal Ref: APP/E2530/W/20/3251992

22 East End, Langtoft PE6 9LP

- 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 Pauline Lighton against the decision of South Kesteven District Council.
 - The application Ref S19/1594, dated 3 September 2019, was refused by notice dated 12 December 2019.
 - The development proposed is the demolition of existing dwelling and erection of 37 dwellings including details of access.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. On the appeal form it is indicated that the description of development was changed from that originally stated on the application form. I have therefore used the amended description in the above heading.
3. The proposal was submitted in outline with only access committed. All other matters relating to scale, external appearance, layout and landscaping are reserved for future consideration. Plans showing an indicative layout and details have been submitted however these are illustrative only and I have considered them on this basis.
4. Since the Council determined the application the new South Kesteven District Council Local Plan 2011 – 2036 has been adopted on 30 January 2020. This replaces the policies of the Core Strategy, Site Allocations and Policies DPD and saved policies from the 1995 Local Plan. I have therefore considered the proposal against the relevant policies of the new Local Plan.

Main Issues

5. The main issues are:
 - Whether the development would be in a suitable location for new housing;
 - The effect of the development on the character and appearance of the area;

- Whether the development would preserve or enhance the character or appearance of the Langtoft Conservation Area and the setting of the nearby Listed Buildings; and
- Whether sufficient information has been provided to demonstrate that the site can be drained suitably, would not adversely impact on ecology and that the impacts on the Minerals Safeguarding Area have been sufficiently assessed.

Reasons

Location for New Housing

6. The appeal site is located to the rear of existing properties along East End and currently comprises agricultural land to the rear and residential curtilage to the front. It extends to the south and borders the existing cemetery on Peterborough Road, the A15. Beyond the rear boundary of the appeal site is open countryside. The site is largely located outside of the established built up settlement for Langtoft.
7. The proposed development would introduce 37 dwellings into the appeal site with access provided via the existing driveway from East End. It would involve the demolition of the existing dwelling, No 22 and the ancillary outbuildings, and part demolition of the front boundary wall.
8. Policy SP2 of the South Kesteven District Council Local Plan 2011 - 2036 (2020) (Local Plan) identifies the settlement hierarchy for the District and identifies Langtoft as a Larger Village. As the site is outside of the established built form I find that Policy SP4 of the Local Plan is relevant which considers development on the edge of settlements and requires, amongst other things, clear evidence of support from the local community, development that is appropriate in character to the area, is adjacent to the existing pattern of development, does not extend obtrusively into the open countryside and meets a proven local need for housing. Policy SP4 also identifies criteria for rural exceptions sites.
9. Policy SD1 of the Local Plan sets out the principles for development which include the need to encourage the use of previously developed land and enhance the character of the area, amongst other things. Whilst the front part of the site is developed, comprising the house and ancillary buildings, the rear part of the site is not classed as previously developed land. The site is therefore mixed in this regard.
10. The Appellant has highlighted Policy SP3 of the Local Plan as relevant, which considers the criteria for infill development. However, in this instance, whilst the proposed access would sit within the settlement, within a built up frontage, the majority of the site would fall outside of this area and therefore I consider that the proposed development would not represent an infill development and this policy therefore has limited relevance.
11. I note the Appellant's comments in relation to the assessment of the site as part of the local plan process and the overall findings. However, the appeal site was not subsequently allocated for housing or development in the new Local Plan. Nevertheless, the Appellant highlights that the Local Plan states that windfall sites may come forward for residential development, subject to suitability, which I do not dispute, and which is reflected in the National

Planning Policy Framework (2019) (the Framework). I have therefore considered the appeal on its individual circumstances.

12. The location of the appeal site, although adjoining the built form and comprising of a small area of previously developed land, would represent the development of a large area of greenfield land. Limited evidence of community support has been provided and I have not been provided with justification that the site would comprise a rural exceptions site.
13. For the above reasons, I therefore conclude that the proposed development would not be in a location suitable for new housing and would therefore fail to comply with Policies SD1, SP1, SP2 and SP4 of the Local Plan.

Character and Appearance

14. The appeal site would extend back beyond the established built form, which would alter the visual character in the immediate area. The indicative plan shows scope for landscaping along the southern edge of the boundary of the appeal site to provide some screening. I also note the proposed area of land for the cemetery extension to the west of the appeal site.
15. Whilst this could potentially provide some screening and softening of the proposed development, the introduction of a number of dwellings into this location would significantly alter its rural and open character as a result of the scale of the development and the amount of projection into the open countryside beyond the established built form of East End. It would therefore take a substantial level of landscaping to sufficiently screen the proposed development to an acceptable level which would likely take a number of years to mature.
16. East End is characterised largely by road frontage, linear development. The loss of the existing dwelling would serve to unbalance the linear appearance of the area and allow views of the in-depth development proposed which would be at odds with the prevailing form. In addition, the development would be highly visible and would appear intrusive from the nearby cemetery.
17. Consequently, whilst I note that the SKDC's annual reviews have not allocated the abbreviation 'OC' to signify open countryside to the appeal site, I find that the proposed development would be harmful to the character and appearance of the surrounding area in terms of the visual impact and encroachment into the open countryside. It would therefore be contrary to Policies DE1, EN1 and EN3 of the Local Plan which collectively require development to be appropriate to and make a positive contribution to the character of the area and ensure green space within and around settlements is maintained, amongst other things. It would also be at odds with the aims of Section 12 of the Framework.

Conservation Area and Listed Buildings

18. The proposed site access falls within the Langtoft Conservation Area with the remaining part of the site being located outside of but in proximity to it. In addition, there are Listed Buildings or Positive Unlisted Buildings close to it.
19. In terms of the buildings within the appeal site itself, I note the Langtoft Conservation Area Map does not highlight No 22 or its immediate outbuildings as falling within the above Listed or Unlisted categories, nevertheless they do fall within the Conservation Area boundary. I agree with the Council that the

- dwelling, boundary wall and visible outbuildings collectively make a positive contribution to the Conservation Area, despite the condition of elements of them. I find that the loss or alterations to these would detract from the overall character and would allow views of a modern housing estate which would fail to preserve or enhance the character or appearance of the Conservation Area.
20. The Appellant highlights that the two Grade II Listed Barns and unlisted cart shed derive their historic value as a group of buildings. The demolition of the existing property and provision of the access would make these more visible from East End. However, this would also expose the modern housing which would be seen in the context of these buildings. As such, the development and loss of the frontage structures would also fail to preserve or enhance the setting of the nearby Listed Buildings.
21. I acknowledge that some of the outbuildings are not visible from East End and I also note that the demolition of an outbuilding and part demolition of the wall has an extant planning permission. However, this does not override my concerns above of the harm that the development would cause to the heritage assets.
22. In conclusion, I find that the development would result in less than substantial harm to the designated heritage assets. The Framework in paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimal viable use. The proposed development would provide a number of dwellings towards the Council's housing land supply and that some of these would potentially be affordable, however I do not find that these benefits would be sufficient to outweigh the less than substantial harm that would arise for the above reasons.
23. The development would therefore fail to comply with Policy EN6 of the Local Plan which requires the protection and enhancement of heritage assets and their settings and where development would harm the significance of an asset or its significance the public benefits should outweigh the harm. It would also fail to comply with Section 16 of the Framework.

Drainage, Ecology and Minerals Safeguarding

24. The appeal site is in a location and of a nature where it falls to require the submission of supporting drainage, ecology and minerals information.
25. The Appellant highlights that, in line with the Council's validation checklist, the relevant information relating to drainage, ecology and minerals should have been requested prior to the validation of the initial application. However, it is not unusual for this type of information to come to light during the consideration of the application. Notwithstanding this, the Council have explained that this information was not requested as there was a principle objection to the proposal which would not have been overcome by its submission.
26. I note that the Appellant advises that this information could have been provided if requested. Nevertheless, the refusal reason made clear that this information would be required to demonstrate that the proposed development would not give rise to adverse impacts in terms of drainage, ecology or the

safeguarding of minerals, yet this information has not been produced and provided as part of the appeal documentation.

27. Accordingly, in the continued absence of this information it has not been sufficiently demonstrated that the proposed development would not give rise to harm in relation to these matters. The development would therefore fail to meet the requirements of Policies EN2, EN4 and EN5 of the Local Plan. These require development to conserve, enhance and promote ecological networks and biodiversity interest of the natural environment and ensure that surface water can be managed effectively on site, amongst other things. The insufficient information also fails to demonstrate compliance with Policy M11 of the Lincolnshire Minerals and Waste Local Plan (2016) which requires a minerals assessment in this location.

Other matters

28. I note the Council's requirement for a legal agreement to secure affordable housing and local infrastructure requirements for education and health. The Appellant has raised concerns that this was not identified by the Council at an early stage to allow time to prepare an agreement, however I have been presented with no Heads of Terms or anything to indicate that a legal agreement is being prepared for this appeal. Accordingly, these matters remain outstanding and not satisfactorily addressed.
29. A number of local objections have been submitted concerning, in addition to the above matters, highway safety impacts, pressures on existing village infrastructure, the need for expansion of the cemetery and impacts on living conditions including loss of privacy. However, it is not necessary for me to reach conclusions on these issues as they would not alter my findings in relation to the above matters.

Conclusion

30. For the reasons given above, and having had regard to all matters raised, I conclude that the appeal should be dismissed.

R Norman

INSPECTOR