

Appeal Decision

Site visit made on 1 December 2020

by R Walker BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 December 2020

Appeal Ref: APP/N2535/W/20/3256719

Land off Scothern Road, Nettleham, Lincoln

- 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 Mr Musson (UKSD Developments Limited) against the decision of West Lindsey District Council.
 - The application Ref 140946, dated 7 April 2020, was refused by notice dated 15 June 2020.
 - The development proposed was originally described as residential development consisting of 7 dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The original application was made in outline, with all matters reserved apart from access. While I have had regard to all of the submitted plans, I have treated all elements shown, as indicative, with the exception of access.
3. An Agricultural Land Assessment report was submitted as part of the appeal. The Council and third parties have had the opportunity to comment on this document as part of the appeal process. As such, no party has been prejudiced by its submission at this stage. The Council has withdrawn its second reason for refusal as a result.

Main Issue

4. Having regard to the above, the main issue is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

5. The appeal site forms part of a large arable field on the edge of Nettleham. The field is bordered by a hedgerow but, due to its size and topography, has an open character. The housing bordering the field forms a clear and distinctive edge to the settlement. The wide expansive views across this open countryside, contrast with the built form and makes a positive contribution to the character of this part of the settlement edge.
6. Although the housing on the southern side of the road originally had a linear form following the road, the housing currently being constructed to the rear means that this is no longer a key feature of this entrance into the settlement. The proposed extension of the built form into the field on the opposite side with

- a row of linear housing would, subsequently, alter the core shape of this part of the settlement.
7. The proposal would not project further than the housing on the southern side of the road and would be viewed against the backdrop of the existing built edge of the settlement. However, it would still appear as a prominent excursion into the open countryside.
 8. Even though only a small portion of the field would be lost, in extending the built form along the field frontage of the road, it would significantly erode the open environment along this route into and out of the settlement. In doing so the urbanisation of this part of the field, even with additional planting, would harm the pleasant open character of the settlement edge.
 9. I therefore find that the proposal would be harmful to the character and appearance of the surrounding area. The proposal would therefore conflict with the requirements of Policies LP17 and LP26 of the Central Lincolnshire Local Plan (2017) (LP) and Policy D-5 Nettleham Neighbourhood Plan (2015). These policies stipulate, amongst other things, that all development proposals must take into consideration the character and local distinctiveness of the area.
 10. The proposal would also conflict with paragraphs 127 and 130 of the National Planning Policy Framework (the Framework) which require, amongst other things, developments to be sympathetic to local character and the surrounding built environment and landscape setting.

Other Matters

11. The appeal site is located outside of the built area of Nettleham in open countryside for planning policy purposes and the proposal would not accord with any of the forms of development deemed acceptable under Policy LP55 of the LP. However, for Nettleham and other large villages, Policy LP2 of the LP stipulates, amongst other things, that in exceptional circumstances, additional growth on non-allocated sites in appropriate locations outside of, but immediately adjacent to, the developed footprint of these large villages might be considered favourably.
12. However, given my findings in relation to character and appearance and the conflict with, amongst other things, Policy LP26 of the LP, the proposal would not constitute an appropriate location having regard to the criteria in Policy LP2 of the LP.
13. There is no dispute that the Council can currently demonstrate a 5-year supply of housing. As such, the presumption in favour of sustainable development as set out in the Framework is not engaged. Moreover, there is no substantive evidence of a specific housing need in the village that would be served by the proposal.
14. Nonetheless, the government places considerable importance on boosting the supply of housing and the proposal would deliver economic and social benefits from the construction and occupation of the housing in a sustainable location. Moreover, I note the appellant's commitment to build the dwellings to a level greater than the requirement within Policy LP10 of the LP. However, given the scale of development these benefits would be small and, as such, the weight I attach to these benefits is small.

15. The proposed public footpath link would have benefits to the local community. However, it would lie outside of the appeal site and no planning obligation has been submitted and, as such, there is no mechanism before me to secure it.
16. The appellant also intends to increase the Community Infrastructure Levy payments as well as an additional parish contribution per plot. However, there is no indication of where this money would be spent or how it relates to the development. As such, I can not be satisfied that such financial contributions would be either directly related to the proposed development or necessary to make the development acceptable in planning terms.
17. The absence of harm in relation to other technical issues weigh neither for nor against the proposal and are neutral matters.
18. I note that the appellants have made changes to the scheme following the dismissal of a previous appeal with the view to finding a solution. Whilst I have had regard to the findings of the Council on that scheme, the scale and form of development has changed substantially. As such, I have reached my own conclusions on the appeal proposal based on the plans and evidence before me.
19. Reference has been made to another application for 7 dwellings approved by the Council at Reepham. However, I do not have the full details of that case and so can not be certain that the circumstances are the same. In any event, I have determined the appeal on its own merits having particular regard to the effects of the proposal on this particular area.

Conclusion

20. The proposal would result in harm to the character and appearance of the surrounding area and would not retain the core shape and form of the settlement. The appeal site would not therefore constitute an appropriate location having regard to the criteria in Policy LP2 of the LP.
21. Although there are benefits, even if I were to conclude that the appeal site was an appropriate location for growth, the benefits would not, in this case, be sufficient to constitute exceptional circumstances in the context of Policy LP2 of the LP.
22. I therefore conclude that the proposal would conflict with the development plan when read as a whole. Given the extent of benefits I have afforded to the proposal, there are no material considerations that would indicate that the appeal decision should be taken other than in accordance with the development plan.
23. For the above reasons, the appeal is dismissed.

Robert Walker

INSPECTOR