



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/R2520/W/20/3257783

Land east of Corner Green Bungalow, Clay Lane, Carlton-le-Moorland LN5 9JE

- 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 Mssrs HJN and MF Smith against the decision of North Kesteven District Council.
 - The application Ref 20/0020/OUT, dated 3 January 2020, was refused by notice dated 1 April 2020.
 - The development proposed is outline application for the erection of 2no. dwellings (with all matters reserved).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The planning application was made in outline with all matters reserved. As such, I have regarded all elements of the drawings submitted as indicative.

Main Issues

3. The main issues are whether the site represents an appropriate location for the proposed dwellings, having particular regard to the effect of the proposal on the character and appearance of the surrounding area, biodiversity and the housing strategy for the area.

Reasons

Character and appearance

4. The appeal site is located adjacent to a modern housing development (adjacent housing). As such, it is not isolated in the context of the National Planning Policy Framework (the Framework). However, the combination of the trees along the road frontage and near the adjacent housing, along with the spaciousness and other vegetation within the appeal site, results in a distinctly rural character. This soft edge, contrasts with the adjacent housing and contributes positively to the rural setting of the village.
5. The indicative plan shows how the proposal would infill the gap between Corner Bungalow and the adjacent housing. Even with additional planting it would fundamentally change the character of the appeal site. The construction of the dwellings on the site would result in built development where there is presently none. The site would be used much more intensively in association with the proposed dwellings compared with its existing use.

6. The proposal would not soften the transition to Corner Bungalow, instead the visible manifestations of the buildings and their use would visibly urbanise the site and significantly harm the rural setting of the settlement.
7. The landscaping proposed would have the potential to improve the character and appearance of parts of the woodland. However, the appeal site would also acquire a more manicured and developed appearance than it has at present. This would be clear from Clay Lane at the entrance to the site.
8. There is not a strictly defined core shape to the settlement that would be harmed by 2 additional dwellings. Moreover, I agree that in this location high density development would be inappropriate and there would be no impact on the tight village nucleus. However, and notwithstanding that all matters are reserved, the proposal would still extend the built form into, and significantly harm, the rural setting of the village. The use of conditions or detailed design of the dwellings would not overcome these concerns.
9. I therefore find that the proposal would harm the character and appearance of the surrounding area. The proposal would therefore conflict with the requirements of Policies LP2, LP17 and LP26 of the Central Lincolnshire Local Plan (2017) (LP). These policies stipulate, amongst other things, that all development proposals must take into consideration the character and local distinctiveness of the area and not significantly harm the character and appearance of the rural setting of the settlement.
10. The proposal would also conflict with the National Design Guide (NDG) and the Framework which require, amongst other things, developments to be sympathetic to local character and the surrounding built environment and landscape setting.

Biodiversity

11. It is common ground that the appeal site is identified as an area of priority woodland habitat. This woodland is of moderate quality with a moderate biodiversity interest.
12. The proposal would result in the loss of several trees to facilitate the development. It would also incorporate measures to manage the woodland and there is no mechanism in place for such management at present.
13. The proposed dwellings would be positioned in an area where trees have been previously removed. Having regard to the Planning Practice Guidance it is appropriate to consider the baseline value of the site prior to the removal of these trees. The proposed mitigation measures aim to try and ensure no net loss to biodiversity and try and secure a net gain.
14. However, the extent of these benefits and any harm is unquantified with no metrics used in the supporting evidence. As such, even with an extended area of woodland, I have no substantive evidence of the baseline value or whether there would be a net gain in the biodiversity value of the site.
15. I cannot therefore be satisfied, based on the evidence before me, that the proposal would not have a harmful effect on biodiversity. The proposal would therefore conflict with the requirements of Policy LP21 of the LP. This stipulates, amongst other things, that all development should protect, manage and enhance the network of habitats.

16. It would also fail to accord with the NDG and the Framework, which stipulate, amongst other things, that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Housing strategy

17. Carlton-le-Moorland is defined in the LP as a small village. Policy LP2 of the LP stipulates, amongst other things, that unless otherwise promoted via a neighbourhood plan or through the demonstration of clear local community support small villages will accommodate small scale development of a limited nature in appropriate locations.
18. I have not been referred to a relevant neighbourhood plan or clear local community support. Whether a site is deemed an appropriate location is specifically defined in Policy LP2. Policy LP4 refers to growth in villages and outlines a sequential approach to assessing sites considered an appropriate location, based on the definition in Policy LP2.
19. It will be seen from my assessment of the character and appearance of the site that I consider the appeal site to form part of the rural setting of the village. Having regard to the definitions within Policy LP2, I do not, therefore, consider the appeal site to form part of the developed footprint of the settlement.
20. Moreover, given my findings in relation to the character and appearance and biodiversity main issues, the conflict with other policies of the LP, means that the proposal would not constitute an appropriate location having regard to the criteria in Policy LP2.
21. I recognise that there is capacity for growth in the settlement and the proposal would constitute a small scale development limited in nature. However, even accepting that it would infill the gap between Corner Bungalow and the adjacent housing and having regard to the appellants findings on the availability of other sites and housing growth in the District, the appeal site would not constitute an appropriate location for the proposed housing.
22. I therefore find that the proposal would conflict with the housing strategy for the area. The proposal would therefore conflict with the requirements of Policies LP2 and LP4 of the LP.

Other Matters

23. Given my findings on the main issues, the proposal would not amount to the re-development of a suitable site within an existing settlement as advocated in paragraph 68 of the Framework. Nonetheless, the government places considerable importance on boosting the supply of housing, including from small scale developments and by making effective use of under used land.
24. Moreover, the proposal would deliver economic and social benefits from the construction and occupation of the housing in a sustainable location. I have no reason to doubt that there is sufficient capacity at the site to create good quality family homes with spacious gardens and that there is no impediment to the deliverability of the site. With 2 dwellings proposed, the associated benefits would be small weighing, to a small degree, in favour of the proposal.

25. I recognise that no objections were raised to the proposal from local residents or the Parish Council. The absence of harm with regards to other considerations are neutral matters that weigh neither for nor against the proposal.
26. My attention has been drawn to other permissions granted by the Council. I do not have the full details of the circumstances that led to those proposals being accepted. However, from the evidence before me, whilst there are some parallels, none share the same key characteristics as the appeal site with its trees, vegetation and spaciousness. I have, in any case, determined the appeal on its own merits.

Conclusion

27. The proposal would result in harm to the character and appearance of the surrounding area significantly harming the rural setting of the village. Moreover, I cannot be satisfied that the proposal would not have a harmful effect on biodiversity. As such, the proposal would not represent an appropriate location for housing development and would conflict with the housing strategy for the area. I therefore conclude that the proposal would conflict with the development plan when read as a whole.
28. Given the extent of benefits that I have identified from 2 dwellings, there are no material considerations that would indicate that the appeal decision should be taken other than in accordance with the development plan.
29. I therefore conclude that the appeal should be dismissed.

Robert Walker

INSPECTOR