

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/20/3257715

Land East of Mill Lane, Osgodby LN8 3TB

- 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 Paul Smith against the decision of West Lindsey District Council.
 - The application Ref 140611, dated 19 February 2020, was refused by notice dated 15 April 2020.
 - The development proposed is outline planning application to erect 2 single dwellings on land east side of Mill Lane.
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Decision

1. The appeal is allowed and planning permission is granted for outline planning application to erect 2 single dwellings on land east side of Mill Lane at Land East of Mill Lane, Osgodby LN8 3TB, in accordance with the terms of application Ref 140611, dated 19 February 2020, subject to the conditions set out in the schedule attached to this decision.

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 Issue

3. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

4. The appeal site forms part of a livery yard containing stables positioned between residential properties along Mill Lane (the Lane). Although the Lane contains linear housing, there is no fixed building line or overriding pattern of development. There is variety in the angle of properties, their design and positioning.
5. In addition to the linear housing, there is a depth to the built environment with several outbuildings set behind the frontage housing. Moreover, some backland development is being built to the north off Low Road, behind housing on Mill Lane. As such, I do not consider that the introduction of the proposed rear dwelling, in a position that does not extend beyond the line of other buildings or into the surrounding countryside, would appear harmful to the character and appearance of this part of the village.

6. The density of properties along Mill Lane does appear to vary, with properties around the appeal site having more spacious grounds than others closer to the core of the village. Moreover, the illustrative plans demonstrate that a layout could be achieved that would retain space between the proposed buildings and neighbouring properties, such that they would not appear cramped.
7. In this context, whilst the proposal would add some variation to the built form along Mill Lane, subject to details secured by a future reserved matters application, the proposal would make an efficient use of the land and would not appear as an incongruous form of development.
8. I therefore conclude that the proposal would not harm the character and appearance of the surrounding area. The proposal would therefore comply with the requirements of Policies LP17 and LP26 of the Central Lincolnshire Local Plan (2017) (LP) and Policy 4 of the Osgodby Neighbourhood Plan (NP). These policies stipulate, amongst other things, that all development proposals must take into consideration the character and local distinctiveness of the area.
9. The proposal would also accord with paragraphs 127 and 130 of the National Planning Policy Framework (the Framework) and the National Design Guide (2019) (NDG) which require, amongst other things, developments to be sympathetic to local character and the surrounding built environment and landscape setting.

Other Matters

10. Whilst there maybe alternative sites within the village or wider area that are suitable for housing, the appeal site is located on an infill site, on previously developed land (PDL) directly facing the eastern side of Mill Lane. As such, it is the most sequential location for growth as stipulated by Policy 1 of the NP. Moreover, given the date of the application, there was no requirement for the application to be accompanied by evidence of clear community support.
11. Notwithstanding the Council's current housing supply position, the proposal would deliver additional housing, boosting the supply of market housing and make an effective use of the site, which is PDL, as supported by the Framework. It would not result in the loss of any open countryside or Green Belt land. The overall social and economic benefits would be small from 2 dwellings, but these benefits do weigh in favour of the scheme, albeit to a small degree.
12. It is a well founded principle that the planning system does not exist to protect private interests such as value of land or property. The indicative plan shows how sufficient space can be maintained around the dwellings and there is no evidence before me that a design could not be brought forward at the reserved matters stage that would not harm the living conditions of the occupiers of the neighbouring property.
13. Given the number of dwellings, the proposal is unlikely to result in unacceptable levels of traffic or pollution. The access and parking arrangements would form part of the reserved matters. However, there is no substantive evidence before me that satisfactory arrangements could not be achieved.

14. Concerns have been raised regarding the drainage of the site, however, there is no substantive evidence that the proposal would have any significantly harmful effect on flooding.
15. Detailed design elements such as the scale of the properties, their appearance or electric charging points are matters that would be considered in the reserved matters stage.
16. No other harms have been identified by the Council. However, the absence of harm is a neutral matter, weighing neither for nor against the development.
17. Any future application, including any revised scheme to the adjacent application are not matters that I can assess as part of this application and would be for a future application. Similarly, the relocation of the stables is not before me, my assessment is limited to the appeal proposal which seeks the replacement of the existing stables. There is no evidence before me that the redevelopment of the appeal site would have any adverse economic effects.
18. The particular circumstances of the appeal proposal are unlikely to be repeated elsewhere. Therefore, concerns about precedent are not a significant consideration.
19. Concerns regarding the processing of the application or previous application adjacent to the site are not issues that I can assess as part of this appeal. The validity or not of such matters do not affect the planning merits or effects of the proposal before me.

Conditions

20. The conditions relating to the submission of reserved matters and commencement of development are standard. The approval and implementation of a foul and surface water drainage scheme are necessary to ensure the satisfactory drainage of the site and to prevent flooding.
21. I have not included the suggested condition relating to the scale of the rear dwelling, as such detailed considerations should be part of the reserved matters application.

Conclusion

22. In conclusion, I have found that the proposal would not harm the character and appearance of the surrounding area and the proposal would comply with the development plan when read as a whole.
23. For the reasons set out, and having considered all other matters raised, the appeal is allowed, subject to conditions.

Robert Walker

INSPECTOR

Schedule of Conditions

1. Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.

2. The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
3. No development must take place until, plans and particulars of the means of access to the highway, appearance, layout and scale of the buildings to be erected and the landscaping of the site (hereinafter called "the reserved matters") have been submitted to and approved in writing by the Local Planning Authority, and the development must be carried out in accordance with those details.
4. No construction works above ground level must take place until details of a scheme for the disposal of foul/surface water (including any necessary soakaway/percolation tests) from the site and a plan identifying connectivity and their position has been submitted to and approved in writing by the local planning authority. No occupation shall occur until the approved scheme has been carried out.

End of Schedule