



Appeal Decision

Site visit made on 7 October 2020

by C Beeby BA (Hons) MIPROW

an Inspector appointed by the Secretary of State

Decision date: 15th December 2020

Appeal Ref: APP/E2530/W/20/3250813

Holywell Farm, Holywell Road, Clipsham LE15 7SQ

- 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 Mr T Fiducia against the decision of South Kesteven District Council.
 - The application Ref S19/1753, dated 27 September 2019, was refused by notice dated 9 March 2020.
 - The development proposed is an access track.
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Decision

1. The appeal is allowed and planning permission is granted for an access track at Holywell Farm, Holywell Road, Clipsham LE15 7SQ in accordance with the terms of the application, Ref S19/1753 dated 27 September 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: FID19-100 dated September 2019.
 - 3) Notwithstanding Condition 2), the access hereby permitted shall not be brought into permanent use until details of the finished surface have been submitted to and approved in writing by the local planning authority. The development shall subsequently be implemented in accordance with the approved details.
 - 4) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
 - 5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Preliminary Matter

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The proposed track would provide access to "The Grain Store", a barn which has recently been converted for residential use. A track was in use during the building's conversion. The appeal proposes its use as a permanent access to the dwelling.
5. Holywell Road is a lane which passes along a valley within an area of rolling countryside. The Grain Store lies adjacent to another property and outbuildings, and together these buildings form the last houses on the edge of a small cluster of dwellings around the lane.
6. The Grain Store and its neighbouring buildings have a prominent position on the hillside opposite the lane. The area of intervening land over which the proposed permanent track passes has less of an open countryside appearance than land to the east as a result of its enclosure by the highly visible domestic dwellings and existing drive.
7. The track is not significantly apparent in views when passing east along the lane due to the topography of the land. It is more apparent in views travelling west. However, within these it has a subservience to surrounding development which arises from its location on lower ground. Furthermore, it curves slightly with the contours of the land. This produces a softening effect, which is in keeping with its highly rural surroundings.
8. The proposed stone construction would complement the materials of surrounding development including other similar tracks. Tree planting shown adjacent to the track on the plans would contribute positively to the track's assimilation within its context. I have consequently imposed conditions with regard to these matters to ensure that the track's appearance integrates satisfactorily with its surroundings.
9. Accordingly, the proposed development would have an acceptable effect on the character and appearance of the area. Thus, the scheme complies with Policy DE1 of the Council's Local Plan (2011-2036) (the LP), which states that development proposals should reinforce local identity and should not have an adverse impact on the street scene. Further compliance exists with the design aims of the National Planning Policy Framework (2019).

Other Matters

10. The Council bases its refusal of permission, in part, on a suggested lack of evidence of need for the proposed development. However, neither the local or

national policy against which I have determined the proposal requires such an assessment. Therefore I consider that its relevance to the main issue of the appeal has not been demonstrated.

11. Interested parties have drawn my attention to another proposal in the vicinity, for which permission was refused. Nevertheless, the determinative issue in the appeal before me relates to the effect on the character and appearance of this specific location, and other sites will differ. Nothing I have seen or read of the other example leads me to a different conclusion in relation to the appeal before me.
12. I have assessed the proposal's current effect on the character and appearance of the area, as set out above. Therefore the historic presence, or otherwise, of a track at the location concerned is a consideration which has only minimal relevance to my decision.

Conditions

13. I have imposed a condition specifying the relevant drawing as this provides certainty.
14. Conditions 3, 4 and 5 are imposed in order to protect the character and appearance of the area and in accordance with Policy DE1 of the LP.
15. Conditions 3 and 4 are pre-commencement conditions in order to provide certainty over the full course of development.

Conclusion

16. For the reasons given above, I conclude that the appeal should be allowed.

C Beeby

INSPECTOR