

Appeal Decision

Site visit made on 15 December 2020

by K Savage BA MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 January 2021

Appeal Ref: APP/N2535/W/20/3259692

Land North of 33 High Street, Willingham by Stow E 487698 N 384673

- 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 & Mrs Haller against the decision of West Lindsey District Council.
 - The application Ref 140731, dated 6 March 2020, was refused by notice dated 4 June 2020.
 - The development proposed is a new dwelling.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was made in outline with all matters reserved. An indicative layout and front elevation have been shown on plans, but I have treated these as solely illustrative in nature.

Main Issue

3. The main issue is whether the proposal represents an appropriate location for housing having regard to relevant development plan policies and the effect on the character and appearance of the surrounding area.

Reasons

4. The development plan for the district is the Central Lincolnshire Local Plan (April 2017) (the CLLP). Policy LP1 sets out the desire to deliver sustainable growth that brings benefits for all sectors of the community. Policy LP2 sets out the spatial strategy and settlement hierarchy for the district.
5. Willingham by Stow is classed as a 'small village' in the sixth tier of Policy LP2, which permits small scale development of up to four dwellings in 'appropriate locations'. An 'appropriate location' is defined to mean a location which does not conflict, when taken as a whole, with national policy or policies in the CLLP, and where the development would retain the core shape and form of the settlement; not significantly harm the settlement's character and appearance; and not significantly harm the character and appearance of the surrounding countryside or the rural setting of the settlement.
6. There is no dispute that, in principle, Willingham by Stow is capable of receiving more housing development, as the anticipated level of growth set out under Policy LP4 has not yet been exceeded. Indeed, it is indicated that capacity for 12 dwellings remains. Willingham by Stow also has a number of

facilities to which future occupants could travel by means other than the private car. Therefore, whether the proposal amounts to an 'appropriate location' rests primarily on whether it would retain the core shape and form of the settlement and its effect on the character and appearance of the settlement and surrounding countryside.

7. The appeal site is a field to the north of dwellings on High Street, and to the west of dwellings on Hopgardens. Development along the north side of High Street is somewhat varied, with clusters of development such as Reynard Court and dwellings set back from the street, some behind other street adjacent buildings. However, despite this varied alignment, the overall depth of built form to the rear is quite consistent, and it forms an identifiable and defined edge to the village. The rear boundary lines of dwellings on Hopgardens run perpendicular to High Street but provide a similarly defined edge to the developed area of the village.
8. I acknowledge that some gardens and a campsite area to the west of the appeal site extend beyond this building line, but these are largely laid to grass and integrate into the open countryside which expands to the north. Visually, the appeal site forms part of the wider expanse of fields beyond the rear boundaries of properties on Hopgardens and High Street, with only lightweight wire fencing demarking it from the adjacent land to the west.
9. Consequently, the proposed dwelling would be located on open land beyond the edge of the settlement. In this position, it would form a standalone, backland development which would extend the built form into the countryside. Unlike surrounding properties, it would not address a road, but would front onto a narrow, grassed lane leading from Hopgardens which forms part of a public footpath. The dwelling would not relate to the pattern of development on either High Street or Hopgardens, but would encroach harmfully into the countryside creating development where there presently is none, and in doing so would fail to respect the core shape and form of the settlement.
10. My findings in this respect align with those of the Inspector in an appeal decision from 2004¹, where a dwelling was sought on the site. I am only provided with extracts from the decision in the parties' submissions, but I note the Inspector observed that the proposal "*would extend development beyond the immediate confines of the village in this area and so increase the built up appearance of the locality*", and concluded that "*this would adversely affect the open rural character and appearance of the site and land immediately to the north and west.*" Contrary to the appellants' view that this appeal was only dismissed on the grounds that policy did not support village development, the Inspector's conclusions are clearly related to the character and appearance of the area, and I afford them weight as a material consideration.
11. I note the appellants' reference to a dwelling formerly standing on the site and to the floor slab still being in place. However, the dwelling was demolished in 1958, some 63 years ago. This is a significant length of time without any building on the site, which has re-naturalised and forms part of the wider fields to the north and west. An open, rural character has clearly returned and I place little weight on the presence of a dwelling on the site in the distant past.

¹ Relating to Council Ref M04/P/0665, Appeal reference not given

12. Moreover, although all matters are reserved, it is reasonable to consider, based on the illustrative details, that the proposed dwelling would differ markedly in scale and form from any dwelling which may have existed, and would result in a domesticated appearance with lawned gardens, outbuildings, parking areas and lighting which would be at odds with the undeveloped character which prevails to the rear of the existing built form and would be visible from neighbouring properties and users of the public footpaths.
13. Access is a reserved matter; however, the appellants' evidence indicates the grassed lane to be the likely access route, which appears to be outside of the appellants' ownership. Nonetheless, it is indicated that this access route would be laid to tarmac or block paving to facilitate vehicular access along a route several interested parties claim is subject to surface water flooding. Ownership and flood risk aside, I saw the grassed lane to form a pleasant transition between the built form on Hopgardens and the countryside behind the dwellings. The loss of this grassed route would detract from the rural character to the rear, replacing it with a jarring urban form.
14. Moreover, I saw this access to be narrow with a particular pinch point where a brick outbuilding juts out. Though no objection is raised by the Council on highway safety grounds, the introduction of a dwelling and regular use by vehicles would conflict with the character of the narrow, pedestrian-oriented track and footpath running behind the dwellings on High Street.
15. The appellants draw my attention to other developments² granted by the Council which they suggest are comparable. I am not provided with the full particulars of these decisions, but the plan submitted suggests at least some of these sites may have formed part of the grounds of existing dwellings. In the absence of further details as to the particular circumstances of these proposals, I am unable to make meaningful comparisons with the appeal scheme, which I have considered on its own merits.
16. For the reasons set out, I conclude that the proposal would significantly harm the character and appearance of the settlement and surrounding countryside, in conflict with Policies LP17 and LP26 of the CLLP, which seek high quality sustainable design that contributes positively to local character and landscape, and to protect and enhance the intrinsic value of the landscape. The proposal would similarly conflict with the Framework's recognition of the intrinsic character and beauty of the countryside.
17. Consequently, the proposal would not amount to an 'appropriate location' for new development under Policy LP2. Given this, the proposal would lie within the open countryside, to which Part 8 of Policy LP2 and Policy LP55 are applicable. However, the proposal for a market dwelling would not meet any of the exceptions set out under these policies and the proposal would thus conflict with the overall spatial strategy set out under Policy LP2.

Other Matters

18. I recognise that the proposal has been supported by several parties and opposed by others. I have had regard to the desire of the appellants to restore a dwelling on what was the site of a former family home; however, no detailed evidence of local connections has been adduced by the appellants. Even so,

² Appendices 11 and 12 of the Statement of Case

this would represent a personal benefit which would attract only modest weight in favour of the proposal. Concerns about the unkempt appearance of the site are also noted, but this is limited to natural growth of vegetation which is not out of place in a rural setting, and when I observed it on site was not so harmful in appearance as to justify development of the site for housing.

19. I also note the several concerns regarding the vulnerability of the site to flooding. A flood risk assessment has not been provided, but the Lead Local Flood Authority has not objected. I saw no evidence of flooding on site. The Council did not draw a firm conclusion on the matter and has not pursued this as a reason for refusal. The evidence before me is inconclusive, and the matter could potentially be addressed by the appellants through production of a flood risk assessment. Ultimately, I do not have firm evidence that the proposed dwelling would increase the risk of flooding on the site or elsewhere, and therefore is not a matter which attracts further weight against the proposal.
20. No objection was raised in respect of highway safety, notwithstanding the comments of interested parties. My concerns with the potential visual impact of surfacing of the lane aside, the evidence before me does not indicate the development would generate significant levels of traffic such that a demonstrable risk to highway safety would result.
21. No objection was raised in respect of the living conditions of neighbouring occupants or loss of trees and wildlife. Nothing I saw on site leads me to a different view or any concern that such matters could not be addressed through the detailed proposals at reserved matters stage.

Planning Balance

22. The proposal would provide an additional dwelling which would help to deliver the anticipated growth of the village and would add to the housing stock in line with the government's desire to boost the supply of housing. The location would also enable occupants to access local services by means other than the private car. However, the scale of the development means these would be no more than limited benefits in the proposal's favour. There would also be economic benefits associated with the construction of the dwelling, use of local services by future occupants and additional Council Tax and New Homes Bonus receipts, though again, such benefits would be limited overall.
23. Set against these benefits, the proposal would cause significant harm due to the conflict with the settlement strategy and the adverse effect on the character and appearance of the area, resulting in conflict with the development plan, taken as a whole, to which I afford significant weight. The other material considerations in this case, taken together, would not outweigh this conflict with the development plan.

Conclusion

24. Therefore, for the reasons given and having regard to all relevant matters raised, I dismiss the appeal.

K. Savage

INSPECTOR