



Appeal Decision

Site Visit made on 4 January 2021

by Graham Wright BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 January 2021

Appeal Ref: APP/E2530/W/20/3260872

Land at Long Meadow, Sudbrook

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Ms Jane Goodridge against South Kesteven District Council.
 - The application Ref S20/1083, is dated 6 July 2020.
 - The development proposed is the erection of 1 no. 4-bedroom residential property with integral garage.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of 1 no. 4-bedroom residential property with integral garage at Land at Long Meadow, Sudbrook in accordance with the terms of the application, Ref S20/1083, dated 6 July 2020, subject to the conditions set out in the schedule at the end of this decision.

Main Issue

2. The appeal is against a failure to determine the planning application, however the Council has indicated that the application would have been refused on the basis of the effect of the proposed development upon the character and appearance of the area. This therefore forms the main issue in the consideration of the appeal.

Reasons

3. The appeal site is positioned towards the end of Long Meadow and is currently heavily overgrown with high fencing and gates along its frontage. It is sited in amongst a number of dwellings, including those that front onto Long Meadow, Carlton Road and Main Street.
4. Policy SP3 of the South Kesteven District Local Plan 2020 (LP) supports the provision of new dwellings in defined smaller villages such as Sudbrook, providing that they meet a number of criteria. The first of these criteria is that the development is within a substantially built up frontage or is a re-development opportunity on previously developed land.
5. Due to its unusual relationship to the existing dwellings in the vicinity of the appeal site, the proposed dwelling would not sit within what could be considered to be a substantially built up frontage. There is nothing before me to demonstrate that it represents previously developed land. Therefore, the proposed development would not accord with criterion a) of Policy SP3 of the LP.

6. That said, it would have a frontage onto Long Meadow and would engage with this existing street scene. Therefore, it would integrate well into the area in which it would be located and infill an area of land which is currently unused and overgrown and has a somewhat detrimental impact upon the character and appearance of the area. Consequently, despite the fact that it would not accord with criterion a) of Policy SP3 of the LP, it would not offend its overarching objective of allowing appropriate infill development in existing small settlements.
7. Due to the positioning of the appeal site in relation to existing dwellings, the design proposed is necessary to ensure that there would be no harm to the living conditions of the occupiers of the nearest dwellings. The proposed positioning of the dwelling, its roof structure, height and the positioning of its windows would ensure that there would be no harm to the living conditions of the occupiers of adjacent dwellings through overlooking or a loss of light or outlook. An adequate level of internal and external space would be provided for the future occupiers of the proposed dwelling.
8. Whilst this design differs from those of existing dwellings in the vicinity, there is already great variation in the age and design of the dwellings that surround the appeal site. In this context, the proposed dwelling would sit well within the surrounding area and achieve an appropriate visual appearance.
9. For these reasons, I conclude that the proposal would accord with Policy DE1 of the LP where it seeks to protect character and appearance. There would also be no conflict with the aims of The National Planning Policy Framework, where it seeks to achieve well-designed places.
10. The proposal would not accord with criterion a) of Policy SP3 of the LP and consequently therefore also with Policy SP2. Nonetheless, it would put to use a currently unused and overgrown site and provide a dwelling of an appropriate design which would have a frontage onto Long Meadow, would be located amidst other existing residential development and which would integrate well into the context of the area in which it would be located. The benefits that would arise in these respects outweigh the conflict with criterion a) of Policy SP3 of the LP, and the associated conflict with Policy SP2.

Other Matters

11. Reference has been made to the previous planning history relating to the appeal site, but I do not have the full details of earlier schemes or appeal decisions. However, it would appear that a substantial period of time has passed since the previous decisions to which I have been made aware, and both the local and national planning policy frameworks have changed in that time. I have therefore determined the appeal based on the information I have before me, and upon the individual merits of the scheme that has been presented.
12. My attention has also been drawn to a lack of amenities in Sudbrook and to the resultant necessity for village residents primarily to drive to obtain services and facilities. However, whilst this may be the case, there is support in the LP for the building of new dwellings in Sudbrook. The appellant further draws attention to the relative proximity of Ancaster and its service provision, which includes a railway station. In the context of these considerations, the

withholding of planning permission due to the limited provision of amenities in the village cannot be substantiated.

13. The increase in vehicular traffic associated with one new dwelling would be limited and would not cause a material conflict with the users of Long Meadow. The Highways Authority have not raised any concern with the proposal, and I concur that there would not be a harmful impact in this respect. There is nothing before me to suggest that the proposal would compromise the use or safety of the existing public footpath, which passes across the front of the appeal site, and the County Council has not highlighted any specific concerns that a conflict could arise.
14. Concern is raised that the proposal would result in the loss of green space at the end of Long Meadow. However, the site is currently enclosed by high fencing and it makes only a very limited contribution in terms of providing an open feel in this location.
15. Details of proposed drainage arrangements have been submitted, and these demonstrate that appropriate drainage could be provided for the proposed dwelling.
16. The impacts arising from construction traffic would be a temporary occurrence whilst the proposed development takes place. They do not justify the withholding of planning permission. Any damage to the existing road surface that may occur is a private matter between the parties involved.

Conditions

17. A condition confirming the approved plans is necessary to provide certainty and a condition relating to external facing materials is required to ensure that the proposed dwelling has an appropriate visual appearance. The plans submitted show that a hedge would be planted on the Long Meadow frontage, and therefore a condition is needed to provide a timeframe for this to occur. A condition relating to land contamination matters is required to ensure that the development is undertaken in a safe manner and a condition is also required to ensure the protection of existing trees. Both of these conditions must be pre-commencement conditions, so that their provisions can be considered before construction works begin and any measures needed can be put in place.

Conclusion

18. For the reasons given above I conclude that the appeal, subject to conditions, should be allowed.

Graham Wraight

INSPECTOR

Schedule of 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 plans: RDS 11564/01(a), RDS 11564/03(a), RDS 11564/04(a), RDS 11564/05(a) and RDS 11564/06(b).

- 3) No above ground construction of the dwelling hereby permitted shall take place until details of all external facing materials to be used in its construction have been submitted to and approved in writing by the local planning authority. The relevant works shall be carried out in accordance with the approved materials.
- 4) All planting, seeding or turfing comprised in the approved details of landscaping shown on the approved plans shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; 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.
- 5) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 7 days of the report being completed and approved in writing by the local planning authority.
- 6) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (as outlined in section 4.3.6 of the Supporting Planning Statement July 2020) in accordance with British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.