

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: 16 March 2021

Appeal Ref: APP/N2535/W/20/3259808

Land at Woodlands, North Kelsey Road, Caistor LN7 6HF

- 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 Messrs Sodha and Jacobs against the decision of West Lindsey District Council.
 - The application Ref 140623, dated 14 February 2020, was refused by notice dated 16 April 2020.
 - The development proposed is a single dwelling house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The Council refused the application for three reasons. In respect of the third reason relating to the effect on protected species, the Council has confirmed that subsequent eDNA testing undertaken by the appellants has overcome its concerns and it no longer wishes to defend this reason for refusal. I have no reasons to disagree. Therefore, the outstanding main issues are:
 - Whether the proposal would represent an appropriate location for housing, having regard to i) relevant local and national policies, including whether the proposal represents an isolated home in the countryside, and, if so, whether it is of 'exceptional quality, and outstanding or innovative design' and ii) accessibility to services and facilities.
 - The effect of the proposal on the character and appearance of the countryside.

Reasons

Location for housing - Development Plan

3. 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.
4. The appeal site lies on a stretch of straight road to the west of the town of Caistor, one of the market towns falling under the third tier of the settlement hierarchy, which is expected to take significant, but proportionate, growth in housing and other development. Most of this growth will be through sites allocated in the local plan, along with non-allocated sites in 'appropriate locations' outside of, but immediately adjacent to, the 'developed footprint'.

5. 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; or that of the surrounding countryside or the rural setting of the settlement. The term 'developed footprint' is defined as the continuous built form of the settlement and excludes individual buildings or groups of dispersed buildings which are clearly detached from the continuous built-up area of the settlement. There are a small number of detached dwellings either side of the appeal site and intermittently along the road to Caistor, but they are clearly separated from the developed footprint of the town by several open, agricultural fields. Consequently, the appeal site is not immediately adjacent to the developed footprint and so would not amount to an appropriate location for development under the third tier of Policy LP2.
6. Rather, it is located in the open countryside, to which Part 8 of Policy LP2 and Policy LP55 are applicable. Both policies permit specific forms of development in the countryside. 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.

Whether an isolated home

7. Both parties' evidence refers to Paragraph 79 of the National Planning Policy Framework (the Framework), which seeks to avoid development of isolated homes in the countryside unless one or more specific circumstances apply. The appellant advances that the dwelling would fall under criterion e), being a design of exceptional quality, that is truly outstanding or innovative.
8. The judgement in *Braintree*¹ is referred to me by the parties. It established that 'isolated' in terms of the Framework refers to physical proximity to other dwellings and settlements, and not to accessibility to services, which is a separate consideration. *Braintree* confirmed that whether a proposed dwelling would be 'isolated' in terms of the Framework is a matter of fact and planning judgment for the decision-maker in each case.
9. The site is physically close to the dwellings of Auckland House, Woodlands, Rivendell – The Danes and The Birches. As such, I consider the proposal would not amount to an 'isolated home' for the purposes of the Framework and none of the exceptions at Paragraph 79 are therefore applicable. I am aware that a colleague Inspector found the site would be 'isolated' in an appeal decision² relating to the same site in August 2017. However, this decision predates the judgement in *Braintree* and its clarification on the meaning of 'isolated'. This is a significant material consideration not before the previous Inspector which limits the relevance of this decision to the present appeal. Similarly, the comments of the Design Review Panel on isolation appear not to reflect the *Braintree* judgement, and I afford them limited weight as a result.
10. The appellants state that the types of dwellings supported under Paragraph 79, such as agricultural workers' dwellings, are often located close to other farm buildings and it should not be the case that a new dwelling must be away from other buildings to be considered to be isolated. However, this statement is not

¹ *Braintree District Council v SSCLG & Ors* [2017] EWHC 2743 (Admin)

² APP/N2535/W/17/3174266

supported by evidence and, moreover, it contradicts the judgement in *Braintree*. Therefore, it does not dissuade me from the view that the dwelling would not be physically isolated, and that the proposal, regardless of any exceptional design quality, is not supported under Paragraph 79.

11. The appellants also argue that if an exceptionally designed dwelling can be supported in an isolated location, it should also be supported in a non-isolated location. A high quality design would naturally be a material consideration in such a case, and I consider this below, but it would draw support from elsewhere in the Framework and not from Paragraph 79.

Whether outstanding or innovative design

12. I have already found that Paragraph 79 is not applicable to the proposal, but I recognise that Paragraph 131 of the Framework states that great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings. There is a high bar to be met to be 'outstanding or innovative'.
13. The proposed dwelling would take the form of a contemporary Dutch barn, comprising a steel superstructure with shallow curved roof, within which would be a collection of modular blocks stacked on top of one another referencing hay bales. The facades would be clad in vertical larch boarding with an irregular pattern of large windows. The site would be reinforced with new landscaping.
14. I note that the proposal has been subject to a considered design process, including evaluation by a Design Review Panel. However, this review was for an earlier iteration of the scheme which proposed two dwellings. Therefore, much of the panel's commentary is not specific to the scheme now before me. Moreover, whilst I accept that the panel endorsed the Dutch barn concept, its response mainly contains advisory notes on further work which should be undertaken, and I do not read these comments as unequivocal support for the proposal. Notably, the panel does not reach any conclusion that the proposal would amount to a design of exceptional quality in terms of the Framework. This limits the weight I afford these comments.
15. I recognise that the Dutch barn concept is a response to the rural location of the site, and the dwelling undoubtedly has merit in its overall architectural approach, including the novel use of the modular blocks to reflect hay bales. However, ultimately the design imitates an agricultural building of which there are examples across the wider countryside, both serving their original purpose and converted to dwellings, and is a concept the Council points out has been undertaken elsewhere in the country. Consequently, the proposal, though well-considered, is not outstanding or innovative in nature.
16. The proposal would incorporate several energy efficiency measures including providing a super-insulated building taking advantage of natural light, the use of solar panels, rainwater harvesting, air source heat pumps and under floor heating. Although the proposal may go further than others in the number of such measures proposed, none of these are particularly ground-breaking or unique, and would not amount to 'outstanding' or 'innovative' features so as to meet the requirements of Paragraph 131 of the Framework.

Accessibility to services and facilities

17. Paragraph 78 of the Framework sets out that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. The dwelling would be located some 1.9 miles from the centre of Caistor on a long, straight stretch of road which does not have footpaths or lighting and is subject to the national speed limit. I saw regular fast moving traffic at my site visit. Such conditions are not conducive to safe journeys on foot or by cycle and future residents would therefore rely heavily on the private car to access local facilities, services and employment opportunities.
18. I acknowledge that the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas; but it also requires development proposals to take account of opportunities to promote walking, cycling and public transport. In this case, the appellants offer no specific reason or need for locating the dwelling in the countryside that would justify a lack of viable transport alternatives to the private car. Therefore, I find that the site is not in an accessible location and the proposal would conflict with the spatial strategy of the CLLP, as expressed by Policies LP2 and LP55, which seeks to direct development to the most sustainable locations, and with the similar aims of the Framework.

Conclusions on first main issue

19. The proposed dwelling would conflict with the locational and accessibility requirements of Policies LP2 and LP55 and the overall spatial strategy of the CLLP, and the guidance of the Framework. The design of the proposal, though of some merit, would not amount to an outstanding or innovative design and would not outweigh the conflict with the spatial strategy. Therefore, I find that the proposal would not represent a suitable location for housing.

Character and appearance of the countryside

20. The appeal site is an area of undeveloped land between the dwellings of Woodlands and Adelaide House, covered at the front by a substantial tree belt, and open to paddocks at the rear. Further bands of trees stand at a distance to the east and south and screen views of the wider countryside. Though there are dwellings to either side of the appeal site, they represent sporadic development within predominately rural surroundings, to which the appeal site contributes positively by maintaining a gap between the built form and retaining natural features.
21. The proposed dwelling would be set into the site behind the retained band of the trees to the front. However, the proposal would involve the creation of a new access and culverting of a drainage ditch, along with a landscaped garden, parking areas and an outdoor store. Consequently, the proposal would introduce considerable domestic built form where there presently is none. Whilst the dwelling would be screened to some extent by the trees and additional landscaping, its size and the presence of the entrance means it would still be discernible from the road, and it would be visible from neighbouring properties and the equine facilities at the rear. The dwelling would be located within a gap in what is an intermittent pattern of housing along the road, creating a more linear form which would detract from the prevailing rural character and sporadic nature of development. In this respect,

my findings concur with those of the Inspector in the 2017 appeal decision on a proposal for two dwellings who found the contribution of the site to the undeveloped character of the countryside would be lost.

22. I recognise that the dwelling has been designed with the rural surroundings in mind and would provide a high standard of accommodation and energy efficiency. Good design is a key aspect of sustainable development, but this is dependent on the proposal being acceptable for that location. Due to the exacerbation of a linear pattern of development I conclude that, overall, the proposed dwelling would harm the character and appearance of the countryside, contrary to Policies LP17 and LP26 of the CLLP which require high quality sustainable design that contributes positively to local character, landscape and townscape, through relating well to the site and surroundings, avoiding ribbon development, and which seek to protect and enhance features which positively contribute to the character of the area. The proposal would also conflict with the aims of Policies 2 and 3 of the Caistor Neighbourhood Plan 2013-2031 (March 2016) particularly the requirement to conserve and enhance rural nature and the Framework's recognition of the intrinsic character and beauty of the countryside.

Other Matters

23. The Council did not refuse the application in respect of neighbours' living conditions, highway safety, trees, archaeology or foul and surface water drainage, subject to possible conditions. On the evidence before me, I have no reasons to reach different conclusions in any of these matters.

Planning Balance and Conclusion

24. The proposal would deliver an additional dwelling for the District's housing stock, but this would be a limited benefit given the scale of the proposal. There would be limited economic benefits from the construction of the dwelling, though these would be temporary, and from subsequent economic activity by future residents in the local area. There would be environmental benefits through additional tree planting, opportunities for biodiversity and incorporation of the aforementioned energy and water saving technologies which together weigh moderately in favour of the proposal.
25. Set against this, the proposal would result in significant environmental harm through conflict with the spatial strategy, the adverse effect on the character of the countryside, the distance of the dwelling from local services and facilities and lack of accessibility by means other than the private car.
26. Planning law states that decisions must be made in accordance with the development plan unless material considerations indicate otherwise. I conclude that the identified harm arising from the proposal results in conflict with the development plan taken as a whole, to which I afford significant weight. The other material considerations in this case do not indicate that permission should be forthcoming in spite of this conflict.
27. For these reasons, and having regard to all relevant matters raised, the appeal is dismissed.

K. Savage INSPECTOR