
Appeal Decision

Site visit made on 23 March 2021

by Peter Mark Sturgess BSc (Hons), MBA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: Saturday, 08 May 2021

Appeal Ref: APP/E2530/W/20/3257088

Land Between Orchard Meadow and Tollbar, Uffington Road, Stamford, Lincolnshire, PE9 3AA

- 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 Ecton Developments Limited against the decision of South Kesteven District Council.
 - The application Ref S19/2236, dated 18 December 2019, was refused by notice dated 3 March 2020.
 - The development proposed is residential development of 3 dwellings together with associated infrastructure.
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Decision

1. The appeal is dismissed.

Background and main issues

2. At the time the application which is the subject of this appeal was submitted it was not accompanied by a sequential test to demonstrate that there were no reasonably available sites appropriate for the proposed development in areas at a lower risk of flooding. The site is located in flood zone 2.
3. During the course of the appeal the appellant has submitted a sequential test to demonstrate that there are no reasonably available sites appropriate for the proposed development in the area that are at a lower risk of flooding. The Council has had regard to the appellant's sequential test submitted with the appeal. It now accepts that there are no reasonably available sites appropriate for the development in the area which are at a lower risk of flooding than the appeal site.
4. I have read both the Council's statement and the appellant's submitted sequential test and I have no reason to disagree with the Council's conclusions on this matter. Therefore, I will not be addressing this matter as part of this decision.
5. Consequently, the main issues are:
 - whether the location is appropriate for new residential development having regard to its relationship to the built-up area of Stamford;
 - the effect of the proposal on the character and appearance of the area; and,

- the effect of the proposal on the setting of designated and non-designated heritage assets in the area.

Reasons

Appropriateness of the location for new residential development

6. The site lies on the Uffington Road just to the east of Stamford. The area is characterised by loose knit development of open areas, mature trees, hedgerows, and a mix of development types. Within the area are open spaces which range from large gardens, sports pitches, open agricultural land, and allotments.
7. Interspersed amongst these open areas are large houses, buildings converted to flats, pavilions ancillary to the sports pitches, a petrol filling station, and other commercial uses. This mix of uses and the open areas are typical of the transition from a built-up area to open countryside that occurs at the edges of urban areas.
8. The appeal site lies on the outer edge of this area and is very close to open countryside. It is only when traveling west for some distance that the first continuous built elements of the town of Stamford are encountered with large retail park uses. The journey between the appeal site and these uses is characterised by elements such as trees, hedgerows and allotments which all combined to soften the urban edge in this location.
9. I recognise that the appellant has argued that the presence of street lighting, footpaths alongside the main road and 'urban signage' all point towards the site being on the edge of the settlement and part of the urban area. However, the presence of trees and hedgerows, gaps through the hedgerows to open land, allotments, and fields beyond as well as the intermittent nature of the development, all indicate to me that the site lies beyond the main built-up area of the town. Furthermore, it is not unusual to have these features extend beyond the main built up area of a town or village, especially where there are outlying dwellings or hamlets, as in this instance.
10. It is clear to me that the area within which the appeal site is located could reasonably be described as rural, given its relationship with the open countryside to the west. Moreover, it is separated from the main built up area of Stamford by the allotments. Furthermore, it lies away from the main built area of Stamford with the hedgerows, trees and allotments reinforcing this separation.
11. The development plan for the area is comprised of the South Kesteven District Local Plan 2011-2036, adopted in January 2020 (LP). Policies SP4 and SP5 are of particular relevance to this decision.
12. Policy SP5 seeks to limit development outside the built-up area of towns to specific categories and these include developments for agriculture, forestry or equine, rural diversification, replacement dwellings or conversion of existing rural buildings. The appeal proposal does not fall within any of these categories. Furthermore, given its position away from the built-up area of the town, I find that it is in conflict with this policy of the development plan.
13. I have had regard to the appellant's argument that the site is a development on the edge of the settlement of Stamford and therefore Policy SP4 of the LP

should be applied to the proposal. Notwithstanding my view that the appeal site lies beyond the built edge of Stamford, I do not consider that it is consistent with this policy, even if I were to consider it as lying on the edge of the built-up area of the town.

14. Policy SP4 states that, for development to be consistent with this policy, it should have demonstrated clear local community support through a proportionate consultation exercise prior to the submission of a planning application. I note that Stamford Town Council has raised no objections to the appeal proposal. However, that is not the same as demonstrating clear support, especially as the site has not been included as an allocation in the draft Neighbourhood Plan.
15. Moreover, Uffington Parish Council has objected to the development. Given the proximity of Uffington to the appeal site I would have expected the village to have been included in any pre-application consultation exercise, and in order to comply with this requirement of Policy SP4, to have demonstrated their support. As a consequence, I do not consider that the proposal is consistent with this requirement of SP4.
16. Moreover, the policy also expects development which seeks to comply with this policy to meet a local housing need. I note that the appellant has stated that it will assist the Council in meeting its objectively assessed need, however it has not been argued that the Council is at risk of not meeting its requirement to have a 5-year supply of deliverable housing sites. I therefore do not consider that the proposal complies with this criterion of Policy SP4.
17. Finally, and whilst I will deal with this matter below, I find that the development would consolidate existing development which would lead to it increasing the prominence of development in this location. Therefore, it would be making development more obtrusive in this rural location.
18. In conclusion and for the reasons given above I find that the appeal proposal is in conflict with policies SP4 and SP5 of the development plan.

Character and appearance of the area

19. I have set out above that the area's character and appearance is that of an area with loose knit development with a close relationship with the open countryside surrounding the town. A key contributor to the character and appearance of the areas are the gaps consisting of undeveloped areas which reinforce the areas relationship to the countryside. The appeal site represents one of these gaps which helps to define the character and appearance of the area, and the areas relationship with the open countryside surrounding the town.
20. Policy DE1 of the LP expects, among other things, proposed developments to make a positive contribution to the character of the area, reinforce local identity and to have no adverse impact on the character of the surrounding area. I find that the appeal proposal would be in conflict with this policy as it would help to consolidate development in the area by filling in an undeveloped gap which contributes to the character and appearance of the locality. The undeveloped areas in this location reinforce the character and appearance of the area as being a transition between the built area of Stamford and the countryside beyond. Consequently, the loss of a prominent undeveloped gap

adjacent to one of the main routes into and out of the town would harm this character and appearance.

Effect of the development on heritage assets in the area

21. The appeal site is in the vicinity of a number of designated and non-designated heritage assets. These include Newstead Mill a grade II listed building to the rear of the site and on the opposite side of the River Gwash, Uffington Conservation Area, the parkland associated with the former Uffington Hall/House (a non-designated heritage asset) and Tollbar (a non-designated heritage asset). None of the designated heritage assets has a common boundary with the appeal site.
22. Newstead Mill lies to the north of the appeal site and has been converted to flats. It has parking between it and the River Gwash. It is 4 stories in height and is a substantial building in its own right which is prominent in the locality. Its significance is derived from the way it reflects the industrial history of the area and the way that it relates to the buildings within the hamlet of Newstead. These buildings would have served the Mill itself in a number of ways including providing accommodation for its workers. The visual and functional connection between these buildings and the Mill itself are important in describing its significance.
23. The appeal site is some distance from the Mill and is on the opposite side of the River Gwash. It is separated by the car parking for the flats and tall mature vegetation including a conifer hedge. Moreover, the appeal site is set down below the site of the Mill. The appeal proposal would result in 3, 2 storey dwellings being constructed on the site. They would have a stone ground floor and a lighter weight standing seam roof and wall cladding to their first floor. Consequently, the Mill would still be visible above the proposed dwellings from the Uffington Road. The materials would also make the proposed dwellings appear subservient to the Mill building which is constructed of stone and is 4 stories in height.
24. Moreover, the appeal site has no functional relationship with the Mill, being last used as a domestic garden serving the Tollbar which fronts on to Uffington Road. Furthermore, the features that give the Mill its significance are only partially visible from the appeal site and it is not possible to discern any visual or functional relationship between them from this direction.
25. As a result I do not consider that the appeal proposal would harm the setting of the Mill or harm the understanding of its significance in the area, as it would still be visible from the Uffington Road and its relationship to its ancillary buildings in the hamlet of Newstead would be unchanged.
26. The Uffington Conservation Area and the non-designated historic park and garden associated with the former Uffington House lie around 100m from the appeal site. These heritage assets are separated from the appeal site by other buildings, including those within the hamlet of Newstead and Tollbar, the Stamford Cricket Ground, and the River Gwash. None of the features which give the Conservation Area or the historic park its significance, such as avenues of trees, the garden buildings, the gates or the remaining stables, are in close proximity to the appeal site and there is no intervisibility between the appeal site and the heritage asset itself.

27. Consequently, I do not consider that the appeal proposal would harm the setting of the Uffington Conservation Area, including those features of the historic park and garden of the former Uffington House that contribute to its significance.
28. As a result, and for the reasons given above, I find no conflict between Policy EN6 of the LP and the appeal proposal as it would cause no harm to the significance of the heritage assets or their settings.

Conclusion

29. Whilst I have found that the appeal proposal does not harm the settings of the heritage assets in the area, I have found that it is in conflict with Policies SP4, SP5 and DE1 of the LP, the development plan for the area. However, this is insufficient to outweigh the harm it would cause to the character and appearance of the area and to the locational policies of the LP.
30. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission shall be determined in accordance with the development plan unless material considerations indicate otherwise. I have found that the appeal proposal is in conflict with the development plan and that where other material considerations have been advanced, they do not outweigh the development plan.
31. Therefore, the appeal is dismissed.

Peter Mark Sturgess

INSPECTOR