
Appeal Decision

Site visit made on 13 July 2021

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 August 2021

Appeal Ref: APP/N2535/W/21/3270551

North End Cottage, North End Lane, South Kelsey, Market Rasen LN7 6PG

- 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 and Ms Nicholas and Sarah Bradley and Holden against the decision of West Lindsey District Council.
 - The application Ref 141749, dated 18 August 2020, was refused by notice dated 26 February 2021.
 - The development proposed is erection of 2no detached dwellings and garages.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of 2no detached dwellings and garages at North End Cottage, North End Lane, South Kelsey, Market Rasen LN7 6PG in accordance with the terms of the application ref 141749 dated 18 August 2020 and subject to the conditions set out in the attached schedule.

Procedural Matters

2. For completeness I have used the appellant's full name as set out on the appeal form in my decision.
3. During the determination of the application the proposal was amended. The Council has confirmed that the proposal was determined based on drawing number 235 1 003 revision A dated 03.01.21, and that internal and external consultations were undertaken on this drawing. Therefore, for the avoidance of doubt, I have determined the appeal based on this drawing.
4. On 20 July 2021, the Government published a revised National Planning Policy Framework (the Framework). Both main parties have had the opportunity to submit comments on the relevance of the Framework to this case. I have taken any comments received into consideration and I have assessed this appeal in light of the Framework.

Main Issue

5. The main issue is whether the appeal site is an appropriate location for the development having regard to national and local planning policies.

Reasons

6. South Kelsey is defined as a 'small village' under Policy LP2 of the Central Lincolnshire Local Plan 2017 (CLLP). Policy LP2 states that small villages, unless promoted in a neighbourhood plan or clear local community support is demonstrated, will accommodate small scale development of a limited nature in appropriate locations. An 'appropriate location' is defined as 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 settlement's core shape and form; not significantly harm its character and appearance or that of the surrounding countryside; or the settlement's rural setting.
7. The policy approach is largely consistent with the Framework where it states at Paragraph 78 that in rural areas, planning policies and decisions should be responsive to local circumstances. In addition, the Framework seeks to boost the supply of housing and acknowledges that small sites can make an important contribution to meeting the housing requirement for an area. Great weight should be given to the benefits of using suitable sites within existing settlements for homes.
8. Policy LP4 of the CLLP establishes the total level of percentage growth for each small settlement. For South Kelsey the village will be permitted to grow by 10% in the number of dwellings over the plan period. The 10% growth is established through a combination of other development built since April 2012, any extant permissions, and any allocated sites. Further clarification is provided in appendix B of the CLLP as to how to calculate growth in villages. It states that the 10% growth is for the entire plan period (2012 - 2036) and remaining growth will take account of dwellings completed since 1 April 2012, dwellings with planning permission yet to be built and any site allocated through a made neighbourhood plan. The opening paragraph to calculating growth in villages refers to growth 'from the number of dwellings present in the settlement in April 2012 (the base date of the plan)'.
9. The Council's Monitoring of Growth in Villages report (monitoring report) indicates that 10% growth has been reached within South Kelsey (21 dwellings). However, the appellant argues that one of the dwellings listed in the monitoring report was built prior to 2012 and should not be included in the calculation. The appellant provides a google image dated May 2011 which shows that the disputed dwelling was built at that time, but the Council has identified that the dwelling was completed after April 2012, based on the building control completion date of 22 May 2012, and has included the dwelling in the growth figure.
10. There is no disagreement between the parties that the dwelling was constructed before April 2012, but the Council consider that the dwelling was not complete. Based on the evidence it appears to me that the disputed dwelling could not be 'other development built since April 2012' under Policy LP4. I appreciate that Appendix B explains that growth levels will take account of dwellings completed since 1 April 2012. However, there is no definition as to what constitutes completion, and there is some tension between the wording in appendix B and that in the policy which refers to development built since April 2012.

11. Discounting the disputed dwelling, the 10% threshold of 21 dwellings would not be reached and the provision of an additional dwelling at the appeal site would not take the development over the growth limits for the village.
12. I have also had regard to the site circumstances. Planning permission has previously been granted for the erection of a dwelling on the appeal site. The Council is satisfied that the appeal proposal for two dwellings in terms of its effect on the character and visual impact of the area, the proximity to neighbouring properties, highway safety and parking, archaeology, and drainage, is acceptable. Whilst the parish council has concerns about some aspects of the details of the scheme there is no substantive evidence before me that would lead me to come to a different conclusion to the Council on these matters.
13. Therefore, there is no dispute between the parties that the proposal would retain the settlement's core shape and form; not significantly harm its character and appearance or that of the surrounding countryside; or the settlement's rural setting.
14. I accept that the provision of growth targets for settlements in categories 5-6 of the settlement hierarchy was found to be sound during the local plan examination. Nevertheless, when taken as a whole, I am satisfied that the proposal would accord with the policies in the development plan and the Framework. The proposal would therefore be an 'appropriate location' for development as defined in Policy LP2 of the CLLP.
15. I acknowledge that the Council refers to another site where permission was refused because the threshold of 10% has been reached within the village. Although I note that permission was refused on similar grounds to the appeal proposal, I do not have the full details of the application before me. A refusal of development elsewhere in the village does not lead me to a different conclusion on the appeal proposal.
16. Overall, I conclude that the appeal site is an appropriate location for the proposal having regard to national and local planning policies and would accord with Policies LP2 and LP4 of the CLLP. The proposal would also accord with the Framework.

Conditions

17. The Council has provided a list of suggested conditions and the appellant has had the opportunity to comment on these, including those that are pre-commencement conditions. I have had regard to the Government's intention that planning conditions should be kept to a minimum and that pre-commencement conditions should be avoided unless there is clear justification.
18. In addition to the standard implementation condition, it is necessary to refer to the approved drawings in the interests of certainty. I have imposed a condition relating to materials to ensure the character and appearance of the area is safeguarded. An archaeology condition is required prior to commencement to provide a reasonable opportunity to record the history of the site in an area of archaeological interest. A drainage condition is necessary prior to commencement to ensure implementation of an appropriate means of drainage to help meet the challenge of climate change.

19. A condition is necessary to ensure net gains in biodiversity are achieved to conserve and enhance the natural environment. In addition, I have imposed a landscaping condition to aid the assimilation of the development into its surroundings and ensure that it is visually attractive.

Conclusion

20. I conclude that the proposal complies with the development plan and there are no material considerations, including the Framework, to indicate that a decision should not be taken in accordance with it.
21. For this reason, the appeal is allowed, subject to conditions.

Diane Cragg

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 235 I 002 and 235 I 003 A.
3. The materials used in the development shall match those stated on the following drawing: 235 I 003A dated 03 January 2021
4. No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the Local Planning Authority (LPA). This scheme shall include the following:
 - An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
 - A methodology and timetable of site investigation and recording.
 - Provision for site analysis.
 - Provision for publication and dissemination of analysis and records.
 - Provision for archive deposition.
 - Nomination of a competent person/organisation to undertake the work.
 - The scheme to be in accordance with the Lincolnshire Archaeological Handbook.

The archaeological site work shall be undertaken only in full accordance with the approved written scheme of archaeological investigation. The LPA shall be notified in writing of the intention to commence the archaeological investigations in accordance with the approved written scheme at least 14 days before the said commencement.

Following the archaeological site work, a written report of the findings of the work shall be submitted to and approved in writing by the LPA within 3 months of the said site work being completed.

The report and any artefactual evidence recovered from the site shall be deposited in accordance with a methodology and in a location to be agreed in writing by the LPA within 6 months of the archaeological site work being completed.

5. No development shall take place until details of a scheme for the disposal of foul/surface water (including any necessary soakaway/percolation tests) from the site and a plan identifying connectivity and their position has been submitted to and approved in writing by the LPA. The approved drainage scheme shall be implemented in accordance with the approved details prior to the first occupation of dwellings hereby permitted and shall be retained and maintained in accordance with the approved scheme thereafter.
6. No development above damp-proof course level shall take place until a scheme of ecological enhancements including the provision of Bat and Bird boxes within the site, has been submitted to and approved in writing by the LPA. Thereafter the approved scheme shall be implemented to the satisfaction of the LPA before the dwellings are first occupied and shall be retained and maintained thereafter.
7. No development shall take place above damp proof course level until a comprehensive landscaping scheme has been submitted including details of the:
 - the position, size, species and density of all trees, shrubs and hedging to be planted; and,
 - surface materials for the access road, private drive, parking areas, any other hard surfacing and boundary landscaping, have been submitted to and approved in writing by the LPA.

Prior to the first occupation of the dwellings the approved landscaping scheme in so far as it relates to the access, driveway and parking areas shall be completed to the satisfaction of the LPA.

All other landscaping details including planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the dwellings 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, unless the LPA gives written consent to any variation.