



Appeal Decision

Site Visit made on 24 August 2021

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 September 2021

Appeal Ref: APP/N2535/W/21/3273541

Land off Atterby Lane, Atterby, Market Rasen, LN8 2BT

- 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 M & A Drury against the decision of West Lindsey District Council.
 - The application Ref 142335, dated 15 January 2021, was refused by notice dated 17 March 2021.
 - The development proposed is "outline planning permission to erect a single dwelling (all matters reserved for subsequent approval)."
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application has been made in outline with all matters reserved.

Main Issues

3. The main issues are
 - whether the appeal site is a suitable location for the proposal having regard to the development plan,
 - the effect of the proposal on the character and appearance of the area, and
 - the effect of the proposal on the mineral safeguarding area.

Reasons

Site location

4. Adopted in 2017, the Central Lincolnshire Local Plan 2017 (the Local Plan) seeks to guide the growth and regeneration of the area from 2012 until 2036. Policy LP2 sets the spatial strategy and settlement hierarchy for the area, allowing single dwelling infill developments in appropriate locations within hamlets.
5. For the purposes of the Local Plan, a hamlet must have had at least 15 units by the base date of April 2012, when Atterby had 12 units. As such, it does not meet the Policy LP2 definition of a hamlet. It is not therefore a location in which residential development is supported in principle, and the proposal does not fall within one of the allowable exceptions within the countryside.

6. I note the criticisms from the appellant that the base date was before the adoption of the Local Plan, the length of time the plan covers and growth which has taken place in Atterby since that base date. However, none of these issues, including the passage of time and subsequent changes, are novel to this appeal or this time. It is not the role of this appeal to re-examine the Local Plan process or reconsider the status of the settlement in the spatial and growth strategy set out in the Local Plan. There is nothing before me to suggest that issues of settlement growth and change over time were not sufficiently considered at the time the plan was written, examined and subsequently adopted, such that the approach in the adopted Local Plan is no longer appropriate or which would allow me to set aside the spatial strategy in this instance.
7. In reaching this conclusion, I also note the conclusions of the Inspector at a previous appeal on this site (Appeal Reference APP/N2535/W/20/3245255), when the site was a draft allocation for a single dwelling in the emerging Neighbourhood Plan, and the subsequent conclusions of the Independent Examiner of that plan. That Independent Examiner deleted the draft allocation on the basis that the wording of Policy LP2 was unambiguous, does not allow for changes to the status of settlements in the Local Plan and that settlement hierarchy was a strategic matter, reserved for the local plan process. I agree with these conclusions.
8. As such, the proposal does not accord with the spatial strategy and settlement hierarchy of the Local Plan as set out in Policy LP2.
9. I have considered whether there are material considerations which are of such weight to indicate that a decision be taken other than in accordance with the development plan in this instance.
10. I note the argument of both the appellant and contributing third parties that the site relates more to the built form of Atterby than the open countryside, being between existing dwellings and the telephone exchange. I also note the conclusions on this point by the previous Inspector. These are material considerations which could weigh in favour of the proposal. However, I do not find that these are sufficient to outweigh the conflict I have found with the development plan, particularly the spatial strategy and settlement hierarchy which are central to it, and revisions to which are properly reserved for the local plan making process.
11. As such, I find that there are no material considerations of such weight to indicate that a conclusion on this issue be reached, other than in accordance with the development plan.

Character and appearance

12. I note the conclusions of the previous Inspector concerning character and appearance. Like them, I accept that all development will have a visual impact, and the appeal proposal is likely to be visible. However, I consider that as the proposal is in outline, it would be possible for the Council to control the scale, appearance, design, character and appearance of a dwelling on the site, through future reserved matter applications, such that the impact would be acceptable. Given the reduction in scale between this proposal and that before the previous Inspector, I do not share their concerns over the potential of the site to accommodate the development proposed in this case.

13. I therefore find that the proposal would not cause harm to the character and appearance of the area and could comply with Policies LP17 and LP26 of the Local Plan, which seek to ensure development is appropriate for the area around it.

Minerals safeguarding

14. Policy M11 of the Lincolnshire Minerals and Waste Local Plan (Core Strategy and Development Management Policies) 2016 (the MWLP) requires a Minerals Assessment for non-minerals development in a minerals safeguarding area, with exceptions for certain development types. I acknowledge the case of the appellant, that the previous Inspector determined that the site related more to the settlement, and as such is therefore unsuitable for minerals extraction. I also acknowledge that the location of the site, between a telephone exchange and other dwellings adds to this. However, the proposal does not fall within the exemptions set out in the policy, nor do I consider that the limited information before me wholly satisfies the criteria for non-minerals development in this area.
15. As such, without a Minerals Assessment, I find that there is insufficient evidence before me to ascertain the impact of the proposal on the mineral safeguarding area. It would therefore conflict with Policy M11 of the MWLP, and I do not find that there are any material considerations, including the conclusions of the previous Inspector, which are of sufficient weight for me to reach a conclusion on this matter other than in accordance with the MWLP.

Conclusion

16. For the reasons given above I conclude that although the proposal would not harm the character and appearance of the area, the conflicts with the development plan in relation to the spatial strategy, settlement hierarchy and minerals safeguarding requirements are significant. There are no material considerations of such weight to indicate that a decision be taken other than in accordance with it.
17. The appeal should therefore be dismissed.

S Dean

INSPECTOR