



Appeal Decision

Hearing Held on 17 March 2021

Site visit made on 18 March 2021

by Graeme Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th January 2022

Appeal Ref: APP/R2520/W/20/3255526

The Potato Store, Back Lane, Dunston, Lincoln

- 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 Munks Agricultural Contractors Limited against the decision of North Kesteven District Council.
 - The application Ref 19/1482/OUT, dated 22 October 2019, was refused by notice dated 10 January 2020.
 - The development proposed is demolition of 'The Potato Store' along with all concrete hardstanding and for the erection of up to 9x dwellings and provision of community allotments.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline form with all matters reserved for future consideration. It was confirmed at the hearing that those plans¹ which include the word 'proposed' should be regarded as indicative and I have determined the appeal accordingly.
3. In the period since the formal hearing, a revised version of the National Planning Policy Framework (the Framework) has been published. Both main parties have been given the opportunity of commenting upon the implications of the revised Framework for their respective cases. I have determined the appeal accordingly.
4. After the hearing, the parties submitted an agreed planning obligation (s106) under the provisions of section 106 of the Town and Country Planning Act 1990 (as amended). I consider this matter below in regard to its provisions regarding affordable housing and community allotments.

Main Issues

5. The main issues are:
 - Whether or not the appeal site is an appropriate location for residential development, having particular regard to the effects of the proposed development on the character and appearance of the surrounding area; and

¹ Drwg Nos: 303-PLN-P-10; 303-PLN-P-11 and 303-PLN-P-12

- Whether or not the proposed development would make adequate provision for affordable housing.

Reasons

Location and character and appearance

6. The appeal site is largely occupied by a substantial building of concrete and brick construction. There is an expanse of concrete hardstanding at the front of the site, with an occasionally overgrown grass buffer strip around the building's perimeter. The site is bound on three sides by field hedges of varying degrees of maturity and density, whilst the concrete apron frontage to Back Lane is open.
7. The building was previously used for potato storage by the appellant prior to it being superseded by modern cold-storage facilities and, as a consequence, becoming obsolete for such purposes. The appellant's potato storage and distribution facilities have moved a short distance to the north, across an open field, into a range of modern refrigerated storage units. At the time of my visit to the site the building was largely empty, with only the front portion of the building being used for the storage of agricultural contracting equipment.
8. The main body and built-up area of the village is focused around Front and Middle Streets, with further residential areas extending southwards along and off Chapel Lane, eastwards along Fen Lane and westwards along Lincoln Road. Residential properties along the northern side of Back Lane form the northern extent of the village. Recent residential developments around the junction of Back Lane and Vicarage Lane have had the effect of extending the extent of built development closer to the site on the northern side of Back Lane and to the west of Vicarage Lane /south of Back Lane.
9. The redevelopment of the appeal site for up to 15 dwellings was recently considered at appeal². The Inspector noted at that time that the appeal site lay beyond the last dwelling within the village on the northern side of Back Lane. Whilst that remains the case, the demarcation strikes me as perhaps not as clear cut as previously described. The area of separating woodland on the northern side of Back Lane remains, but the recent development within and behind it is clearly evident. Moreover, recent residential development appears to have crept along the southern side of Back Lane to the extent that there is a residential presence directly opposite the appeal site.
10. Nor is the appeal site itself entirely hidden from view from the junction of Back Lane and Vicarage Lane. The wide concrete apron and stark concrete frontage of the potato store building is clearly visible from the junction and, with recent bridging development, is reasonably well related to the surroundings at this point so as to not appear as some sort of distant entity, detached from the village. Nor does the existing building's scale or frontage appearance suggest an overtly traditional agricultural character typical of agricultural buildings on the fringes of villages. Instead, its wide, concrete rendered façade and significant depth of building behind is more suggestive of a commercial industrial unit than an agricultural building.
11. Behind the wide concrete apron, the appeal building extends to within a short distance of the side and rear of the site, with a narrow, overgrown buffer strip

² APP/R2520/W/20/3247929

and hedgerow to the rear of the site. This puts the site's built-extent significantly beyond that of the nearest residential properties to the east (along the northern side of Back Lane) and also beyond school buildings at the far eastern end of Back Lane – which represent the most northerly built elements of the village along the northern side of Back Lane. It is, to any observer, a significant intrusion into the open, flat agricultural setting of the northern side of Dunston.

12. Although considered in outline form with all matters reserved, the proposal shows how a suggested layout would concentrate built development towards the front of the site with an area dedicated to allotments towards the rear. The 'proposed site plan'³ suggests how nine dwellings could be laid out within the site and access to the allotments provided.
13. Despite the creep of residential development at the junction of Back Lane and Vicarage Lane and on the southern side of Back Lane, the proposed development of this site for up to 9 dwellings would nevertheless still represent a significant incursion of domestic residential development into open countryside beyond the village's developed footprint. It remains a stretch to say that the proposal would provide a continuation of an existing continuous frontage, as seen further to the east along Back Lane.
14. Nor, despite the dwelling opposite the site, would the proposal's quantum of development or suggested form particularly well reflect the site's edge of village location, or indeed the predominantly linear form of development typically found along Back Lane and, more widely, the village's perimeter. I accept that, in the suggested incarnation at least, built development would not extend as far northwards as is currently the case with the existing building and would instead be broadly level with the depth exhibited at the school site.
15. However, as a point of comparison the school site's depth of development is of limited relevance, given the distance that separates the two and the more limited nature of the intervening linear residential development. In any event, it seems to me improbable that for a development of the scale sought an appropriate and comparable level of depth to existing linear and frontage development predominant elsewhere along Back Lane could be achieved at this site. The site's sensitive location beyond the existing extent of the settlement's built form makes this a particularly important aspect of any development.
16. Where residential development has trickled further west beyond the junction of Back Lane and Vicarage Lane, the quantum of development has been limited and sporadic. Whereas the visual impact of single dwellings has been more limited in this location, minimising the extent to which they might appear detached from existing development and being more in keeping with prevailing patterns of development, a proposal of the nature and quantum sought in this instance would be incongruously and visually jarring in this location.
17. Furthermore, the amount of development proposed would highlight the incongruous nature of the appeal site location relative to the prevailing pattern of built development of Dunston and the form and character of the settlement itself and, because of this, would serve to underline the sense of detachment from, and departure from the prevailing pattern of development of, the wider settlement. The still verdant setting of the spaces around the junction of Back

³ Drwg No: 303-PLN-P-10

Lane and Vicarage Lane is a significant contributory factor in reaching this conclusion but the likely depth of development indicated by the proposed quantum of development would be particularly noticeable from the local road and rights of way network, particularly from the continuation of Back Lane to the west towards the footpath that heads northwards from that point, and also from the footpath further east next to the school, which also runs northwards.

18. In both instances, the appeal site is clearly visible. Although a reduction in the extent of built development would be likely, it is equally likely that development of the nature sought in this instance would not reflect the prevailing form or character of development which forms the rural northern extent of the settlement.
19. The development of the site would enable the removal of the existing building and the concrete hardstanding that surrounds it. However, whilst the building displays little in the way of traditional agricultural vernacular and contributes equally little to the character, setting and appearance of Dunston, it does not actively cause harm. In the context of the nearby, large-scale, storage buildings the existing building is not as incongruous as it might be in other circumstances and in other contexts. Moreover, its removal would provide only limited visual benefit in the context of a form and quantum of development that would otherwise be at odds with the setting and character of the village and the prevailing pattern of development in the vicinity of the appeal site, particularly that of the northern side of Back Lane and around the junction of Back Lane and Vicarage Lane.
20. The removal of the existing building would provide a small degree of visual benefit, but I do not consider the building to be especially harmful to the setting, character or appearance of Dunston or the surrounding countryside where large scale buildings are not uncommon. It is for this reason that the weight I attribute to the fallback positions cited by the appellant is limited; albeit the weight is more limited in terms of a potential conversion to residential under Class Q of the Town and Country Planning (General Permitted Development)(England) Order (as amended) than for reversion to a refurbished potato storage facility.
21. Whilst conversion to residential is, in my judgement, less likely than that of refurbishment as a potato store given the quantum and nature of residential development sought by the current application, I do not see the removal of the existing building as being a significantly positive factor. Thus, for all of these reasons, the development of up to 9 dwellings in this location would fail to retain the core shape and form of the settlement and would harm the rural setting and context of the appeal site and its immediate surroundings. In failing to respect the prevailing pattern of development in this part of Dunston, it would cause harm to the character, appearance and the rural setting of both the settlement and surrounding countryside in this area of transition from one to the other.
22. The proposal would therefore be in conflict with Central Lincolnshire Local Plan (CLLP) policies LP1, LP2, LP17 and LP26 and Dunston Neighbourhood Plan policies 1 and 3. Together, these policies seek to ensure sustainable development patterns and development of high quality that respects the character and appearance, shape and form of villages and settlements and the character of surrounding countryside.

Affordable housing

23. Although it remains a point of dispute as to whether the appeal site and proposal would be able to sustain an element of affordable housing as set out by CLLP policy LP11, there was nevertheless broad agreement that the provisions of that policy are relevant to the proposal. Thus, I heard competing cases regarding the viability of the proposed development and the assumptions and basis upon which those cases were built.
24. Although the appeal proposal was submitted in outline with all matters reserved, an indicative site layout showed how the site could be developed, based upon that quantum. It was also shown that the subsequent viability calculations drew upon the indicative layout in terms of likely size and detached nature of the proposed dwellings. However, in so doing, I am not persuaded that the comparators in terms of sale prices of dwellings within, and beyond, the village were necessarily directly comparable to the, albeit indicative, nature and scale of the proposals in this instance, or to their village-edge setting and context.
25. Nor was it demonstrated that there would be any particular drive to provide more modest housing types than those indicated. As such, I find the Council's approach to both the basis upon which likely house sizes feed into viability balance and the basis upon which average house prices have been identified to be compelling.
26. However, it was also evident, particularly upon internal viewing of the existing building and further explanation as to the role, function and construction of the building in relation to its original purpose, that it is a very substantial building. Constructed largely of brick, I saw that the building was much more than a typical agricultural building on a concrete slab and the building's sub-structure in terms of air movement and handling would be likely to add complications to the redevelopment of the site
27. I have no reason to doubt the appellant's expertise in the measures required for the removal of the existing building and the readying of the site for residential development or the preparation of the area identified for the community allotments. The input in this respect is not unreasonable, nor is that of the assumed developer return which lies within (albeit at the top of) the broad range identified within the Framework.
28. The agreed section 106 planning obligation, submitted after the hearing, sets out an approach to identify a viability uplift payment as a means to ensure appropriate affordable housing provision by way of commuted payment. This, on the basis of the competing arguments, seems to me to be an appropriate way in which to address the question of viability and the subsequent provision of affordable housing, should the appeal succeed. This is a positive matter to which considerable weight may be attached as a means to ensure the proposal would align with the principles of CLLP policy LP11.

Other Matters

29. A central element of the proposal is the provision of community allotments. Whilst I note the concern expressed that community support for the development of further allotments within Dunston was not reflected in the NP I

heard that there has more recently been a growing groundswell of support for allotment provision.

30. The proposed scheme would contribute towards realising that vision and, putting aside matters regarding the location of the residential element of the proposal, would do so in a manner appropriate to its setting in relation to the settlement and surrounding countryside. The importance of social and community facilities cannot, given recent experience with Covid-19 and successive lockdowns in response, be underestimated. Allotments contribute significantly to health and social well-being and can provide substantial environmental and social benefits to individual users and the wider local community.
31. I am satisfied that the submitted plans, s106 and suggested conditions relevant to the community allotments set out in sufficient clarity the means by which the allotments would be managed. As such, this is capable of being a material consideration which carries substantial weight in support of the proposal.

Conclusion

32. The proposal would carry social and community benefits in the form of provisions to ensure that the proposal would make adequate provisions for affordable housing. So too, with regard to the provision of community allotment land for the benefit of local residents to reflect a recent growth in interest for such facilities and as a means of responding to the challenges presented by Covid-19 and successive lockdowns.
33. However, neither of these factors whether taken individually or cumulatively, would outweigh the significant harm to character and appearance that I have identified which would arise from the appeal site's location. It has not been demonstrated that the appeal site would be an appropriate location for the nature and quantum of development proposed given the nature of the site's relationship with Dunston and the surrounding countryside. Thus, for the reasons set out, and having considered all other matters raised, I conclude that the appeal should be dismissed.

Graeme Robbie

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Guy Forman BA(Hons), MArch, ARB	Guy Forman Architects
Andrew Hey FRICS, MRAC, MALA	Chartered Surveyor
Stefan Munks	Appellant Munks Agricultural Contractors Limited
Sarah Packwood MA, RGN, BA(Hons) Community Health Care Nursing, PGDip Health Care Education	Members of Dunston Diggers Community Allotments Group
Linda Scrutton Adult Ed Teaching Certificate, C&G Trainer & Assessors Award, Diploma in Management	

FOR THE LOCAL PLANNING AUTHORITY:

Nick Feltham BA(Hons), Mplan, RTPi	Principal Planning Officer North Kesteven District Council
Nicola Maplethorpe BA(Hons), Mplan, MRTPI	Area Planning Officer North Kesteven District Council
Mr Neil Bayliss-Rowe	Traffic Engineer Manchester City Council

INTERESTED PARTIES:

Nicholas Byatt	Local resident
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