



Appeal Decision

Site visit made on 15 February 2022

by Diane Cragg Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 February 2022

Appeal Ref: APP/D2510/W/21/3282666

Kimber, Newbridge Lane, Covenham St Mary LN11 0PQ

- 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 J Kitching against the decision of East Lindsey District Council.
 - The application Ref N/038/00801/21, dated 6 April 2021, was refused by notice dated 21 June 2021.
 - The development proposed is describe as 'outline erection of 2 dwellings'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal scheme relates to an outline proposal with all other matters reserved for future consideration. I have determined the appeal accordingly. A drawing has been submitted as part of the appeal which illustrates how two dwellings could be accommodated on the site. I have taken this drawing into account for indicative purposes only.

Main Issue

3. The main issue is whether the appeal site is an appropriate location for the proposed development having regard to national and local planning policies and the character and appearance of the area.

Reasons

4. Policy SP1 of the East Lindsey Local Plan Core Strategy (CS) identifies Covenham St Mary as a medium village. Medium villages are those which provide some essential services and some job opportunities.
5. In medium villages Policy SP4 of the CS supports housing where it conforms to two criteria: that it is in an appropriate location within the developed footprint of the settlement as infill, frontage development of no more than 2 dwellings and it conforms to clause 2 of Policy SP25. Policy SP4 defines 'developed footprint' as the continuous built form of the settlement and excludes, among other things, gardens and community and recreation facilities. 'Appropriate location' is defined as a location which does not conflict when taken as a whole with national or local planning policies. Clause 2 of Policy SP25 states that development will only be permitted on open spaces provided unacceptable harm will not be caused to their appearance, character, or role.

6. These policies are largely consistent with the National Planning Policy Framework (the Framework) where it states that housing in rural areas should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services.

Location

7. The appeal site is an area of part paddock, part garden land to the side of Kimber, a detached bungalow in a large garden. The periphery of the appeal site is defined by dense planting and hedging and some of the trees are covered by a Tree Preservation Order. The garden and paddock land is at the end of a row of properties on Newbridge Lane's western side. The paddock has a gated access close to the bend in Newbridge Lane and because of the alignment of the road, there is a wide grass verge separating the access from the Lane. To the rear and south of the plot, land is open and undeveloped.
8. The proposal would not be on land that is part of the continuous built form along the Newbridge Lane frontage being beyond Kimber, the last property on the western side of the Lane. Although there is a stable building within the plot, its form and use is appropriate in a countryside setting and the stables siting is not part of the established character of the village. Further, the appeal site is partly a garden, and the stable appears to be a recreational use. Such sites are excluded from the definition of developed footprint in Policy SP4.
9. I have not been provided with a definition of infill. Infill is generally the filling of a small gap in an otherwise built-up frontage. In this case the land sits between Kimber and the open land to the south and therefore the proposed development would not be infill. Taking the above matters together, even though the proposal would be for 2 dwellings, the appeal site is not within the developed footprint of the village and the proposal would not be infill development.

Character and appearance

10. In views towards the village from Newbridge Lane and the public footpath broadly to the east, the mature landscaping within the appeal site, and the open field adjacent to the site's southern boundary provide a rural ambience and attractive landscaped edge to the village which contributes to the rural character of the Lane. The modest stable building within the plot is appropriate in a rural environment and sits comfortably in its rural context. The appeal site is part of the attractive countryside setting of the village.
11. The indicative layout suggests two dwellings could be sited within the plot with access onto Newbridge Lane. The development could be limited to single storey, although the initial design and access statement refers to two-storey dwellings. In either case, because of the width and siting of the access, the turning areas, and expected footprint for two detached dwellings, the development would be conspicuous in views of the site from the east.
12. The existing landscaping may filter some views of the proposed dwellings and some aspects of the design may be conditioned to limit the visual effects of the development, but it would not prevent the development from being seen as the appellant suggests. The built form of the village would clearly be extended into an undeveloped area. As a result, the proposal would harm the pleasant,

landscaped character of the village edge, detracting from the setting of the village and the rural character and appearance of the area.

13. Overall, the appeal site would not be an appropriate location for the development having regard to national and local planning policies and the character and appearance of the area. It would conflict with Policies SP4 and SP25 of the CS where these policies seek to ensure development is within the developed footprint of the settlement as infill and would not unacceptably harm the appearance, character, and role of the site in providing among other things a setting for the built environment. It would also conflict with the Framework which seeks to ensure that development is sympathetic to local character, maintains a strong sense of place and recognises the intrinsic character and beauty of the countryside.
14. The Council refers to conflict with Policy SP23, however, my attention has not been drawn to any principles in the District's Landscape Character Assessment with which the development would conflict. Therefore, I have nothing before me to indicate that the development would result in the cultural, natural, or historic significance of the landscape being compromised.

Other Matters

15. I note that planning permission has been granted for a dwelling to the north side of Kimber. The north side of Kimber has a different relationship to adjacent land and buildings and the Council's conclusions in respect of that site does not alter my assessment of the appeal scheme.
16. The appellant also draws my attention to a site in Fulstow where a scheme for dwellings on a back land site has been granted. The proposal before me is for frontage development at the edge of the settlement. There are very limited comparisons to be made between the two schemes and I have determined the proposal on its own merits.

Conclusion

17. Overall, for the reasons given above, I conclude that the proposal would conflict with the development plan and the Framework, and there are no material considerations that would outweigh that conflict. Therefore, the appeal is dismissed.

Diane Cragg

INSPECTOR