
Appeal Decision

Site visit made on 10 February 2022

by M Woodward BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th April 2022

Appeal Ref: APP/E2530/W/21/3281286

Land at rear of nos. 25 & 27 High Street, Ropsley, Grantham, Lincolnshire NG33 4BG

- 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 Arundel against the decision of South Kesteven District Council.
 - The application Ref S21/0201, dated 28 January 2021, was refused by notice dated 16 July 2021.
 - The development proposed is residential development (outline).
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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, except for access. The application form states that 5 dwellings are proposed. I have determined the appeal on this basis.
3. The description of development and the name of the appellant in the banner heading above are taken from the planning application form. As well as this, the 'company name' given on the planning application form names 'Mr and Mrs J Arundel & Mr and Mrs J Youles'.
4. As the proposal is partly within a conservation area, I have had special regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issue

5. The main issue is whether or not the appeal site would be a suitable location for the proposed development having regard to local policies relating to the spatial strategy and settlement hierarchy, and the effect on the character and appearance of the Ropsley Conservation Area.

Reasons

Character and appearance

6. The appeal site comprises land in between No's 25 and 27 High Street and part of the rear gardens of both these properties. It is an irregular shaped and elongated area of land. Most of the appeal site lies outside of the Ropsley Conservation Area (CA), apart from an 'L' shaped portion of the site which

includes part of the rear garden of No 27 and the gap between it and No 25. Part of the site's northern and eastern boundary lies adjacent to the CA.

7. I have used the evidence before me and the observations I made on my site visit to determine the significance of the CA. In this regard, whilst there is some diversity in terms of the materials, age and character of buildings, there are a number of traditional buildings which present a harmonious and robust street frontage befitting of the historic settlement core. The CA has a semi-rural character owing to the numerous open spaces and trees within and surrounding the CA. It is these characteristics that contribute to the significance of the CA.
8. The appeal site constitutes a large expanse of rear garden space which includes a number of outbuildings, structures, and a tennis court. Generally, the area of the site closest to No's 25 and 27 is well manicured, displaying an appearance in keeping with its use as domestic garden space. This is in contrast with the larger western portion of the site which has a more rural and overgrown appearance. Whilst existing housing and associated gardens lie relatively close by, their visibility and prominence from within the appeal site varies depending on precise location, orientation and the extent to which vegetation is in leaf.
9. The effect of the above considerations leads me to conclude that whilst the appeal site is influenced by the buildings both within the site and close by, it retains a pleasant, leafy, and spacious feel. It makes a positive contribution to the character and appearance of the CA both as a result of its position within the CA, and as part of its setting.
10. Whilst buildings and structures within the site would be removed and many of the trees would be retained, the erection of up to five houses would nevertheless diminish the openness of the appeal site. The scheme would extend housing away from High Street which would be at odds with the more compact spatial arrangement of housing within the CA which is generally focussed around High Street. It would result in a significant urbanising effect which would not be in keeping with the low key domestic, spacious and verdant character of the appeal site.
11. I appreciate that there are other examples of 'backland' type housing developments in Ropsley, including those immediately outside the CA boundary. I also note that obtainable views of the proposal would be limited mainly to the private houses and gardens associated with surrounding properties, with only short distance views from publicly accessible locations such as the nearby cemetery, and occasional glimpses of the development from the footpath adjacent to the west. However, the green spaces immediately surrounding the CA, which includes the gardens associated with the appeal site, provide a verdant backdrop to the CA which assists in distinguishing it from the dense arrangement of modern housing associated with those areas of the village which fall outside of the CA. Therefore, due to the urbanising effect of the development on the appeal site and its surroundings, there would be harm to character and appearance due to development both within and outside the CA.
12. Paragraph 199 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to its conservation. Paragraph 200 goes on to advise that significance can be harmed or lost

through the alteration or destruction of the asset and that any such harm should have a clear and convincing justification. Given the limited views, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.

13. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal. In this regard, the proposal would provide five additional residential dwellings which would contribute to local housing delivery. There would be indirect benefits as future occupiers would likely contribute to the local economy. These dwellings could be built from appropriate materials in keeping with other buildings in the area. There would be additional potential biodiversity benefits along with landscaping. However, I am not satisfied that collectively these public benefits would be sufficient to outweigh the less than substantial harm that I have identified.

Location

14. Policy SP2 of the South Kesteven District Council Local Plan 2011 – 2036 (January 2020) (the Local Plan) sets out the settlement hierarchy for the District, within which Ropsley is identified as a Smaller Village. The Local Plan does not define Ropsley's settlement boundary.
15. The Ropsley and District Neighbourhood Plan 2020 – 2036 (March 2021) (the NP) includes a map depicting the 'built-up area' of the village which excludes the appeal site. Nevertheless, and as confirmed by the NP, it does not necessarily follow that the built-up area of the village as detailed in the NP should coincide with any judgment regarding the extent of the settlement boundary for the purposes of the Local Plan. In any event, Policy R&D2 of the NP does not preclude development outside the 'built form' of the village provided it does not harm its character.
16. The garden space associated with the appeal site is located in between a cemetery to the north and rear gardens in the vicinity of Crown Hill to the south. It has been used as a private domestic garden space. As I have already identified, it has a semi-rural character by virtue of its leafy composition and the proximity of nearby housing, whereas beyond the public footpath immediately to the west of the appeal site the land is distinctly more open. Therefore, I find that the public footpath is a logical line of containment within which the appeal site falls, and for the purposes of planning policy, I consider it to be within the settlement boundary.
17. However, for development such as this which is within a smaller village, Policy SP3 of the Local Plan confirms that it should constitute 'infill development'. The first criterion of Policy SP3 requires that proposals should either be within a substantially built-up frontage or be a re-development opportunity (previously development land). However, irrespective of this, and even if I was to accept the appellant's assertion that the proposal would satisfy one or even both of these provisions, Policy SP3 also requires that development is within the main built-up part of the settlement and is in keeping with the character of the area.
18. There is no definition of 'main built-up' contained within the Local Plan. However, to my mind it denotes the main area of a settlement where buildings are present. As I have noted, there are several outbuildings and structures on

the site, but the main focus of nearby housing is around High Street and Crown Hill which in turn creates the settlement pattern of the village.

19. Therefore, and having regard to the submitted site plan which shows how the site might be developed in the event this appeal is allowed, it is clear that to accommodate the number of dwellings proposed, whatever the final form of the development, the majority of the development would be located on relatively open rear garden space and not within the main built-up part of the settlement. There would also be harm to the character of the area, contrary to the requirements of Policy SP3. Therefore, and notwithstanding compliance with other criterion in Policy SP3, the proposal would not comprise an appropriate form of infill development.

Conclusion on Main Issue

20. For the foregoing reasons I conclude that the appeal site would not be a suitable location for the proposed development as it would conflict with the spatial strategy for the area, and would harm the character and appearance of the CA. It would conflict with the requirements of the Act, paragraph 199 of the Framework, Policies SP3, DE1 and EN6 of the Local Plan, and Policies R&D2 and R&D7 of the NP. Together, and amongst other matters, these policies require infill development to be within the main built-up part of the settlement and to not harm the character or appearance of the area and the CA, and to preserve the significance of heritage assets. In this case the public benefits would not outweigh the harm to the CA. Furthermore, the proposal would not make efficient use of land having regard to the desirability of maintaining an area's prevailing character and setting, contrary to paragraph 124 of the Framework.

Other Matters

21. As I find that the site falls within the settlement boundary, it has not been necessary for me to address the Council's alleged conflict with Policy SP4 of the Local Plan, which refers to sites on the edge of settlements.
22. The appellant has drawn my attention to a number of examples of other residential developments approved by the Council when assessed against Policy SP3. These schemes are not within Ropsley. Moreover, the specifics of the appeal site's location and the proposal differs from those examples. Therefore, they carry limited weight and do not outweigh the harm I have identified.
23. I appreciate that there are no concerns raised by the Council relating to ecology or trees, and that landscaping at reserved matters could provide additional tree planting if necessary. However, these considerations do not outweigh the harm and conflict with the development plan I have identified.
24. The Council's appeal questionnaire refers to impact on the setting of the Church of St Peter (Grade I). However, the Council have not detailed any specific concerns in their evidence or in the decision notice in relation to harm to the setting of the building and I do not find any harm in this regard either.

Conclusion

25. For the reasons given, the appeal is dismissed.

M Woodward INSPECTOR