
Appeal Decision

Site visit made on 3 May 2022

by Edwin Maund BA (Hons) MSc Dip UP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 May 2022

Appeal Ref: APP/N2535/W/21/3288115

**Land rear of Charnwood Grange High Street North Kelsey Market Rasen
LN7 6EF**

- 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 Stephen Chatterton against the decision of West Lindsey District Council.
 - The application Ref 143278, dated 27 June 2021, was refused by notice dated 20 September 2021.
 - The development proposed is Outline planning application to erect 1no. dwelling with all matters reserved.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I understand from the appeal form that the Appellant sought to appeal against the refusal of reserved matters following the granting of outline planning permission. This is not consistent with the details of the application, or the decision notice provided by the Council. In considering this appeal as one against the refusal of an outline application, with all matters reserved no party would be prejudiced.
3. For clarity, I have used the description of development and address from the Council decision notice in the banner heading above and have determined the appeal on this basis.
4. The Appellant refers to the development to the west of the appeal site as Barrack Close, in writing this decision I have used the name of Barrick Close as written on the street sign at the entrance to this development.
5. The Council assessed the weight to be attributed to the Central Lincolnshire Local Plan (CLP) 2021, as very limited due to it being at the outset of the consultation process. The Council have not referred to these policies in their evidence and nor has the Appellant. I have therefore considered the appeal against the policies referred to in the reason for refusal from the Council, and do not consider the CLP further.

Main Issue

6. The main issue is the effect of the proposed development on the character and appearance of the area having regard to the relevant development plan policies and previous decisions.

Reasons

7. The site is an area of garden set to the rear of the host property, Charnwood Grange and would be accessed via a side entrance connected to High Street. There is currently a garden outbuilding and a number of trees on the site with most of the site laid to lawn. To the rear of the host property but outside of the appeal site a two storey building is currently under construction.
8. The majority of properties on this side of High Street front onto the road creating a linear form of development in this part of the village. This characteristic is only broken up by the new development which has occurred immediately to the east of the appeal site where a new development 'Barrick Close' has been constructed with an access road, one dwelling and two garages set behind the other properties on the frontage.
9. To the rear of the appeal site and adjacent properties, lies the countryside, with the appeal site projecting beyond the western properties, having two of the boundaries abutting this countryside edge, the eastern boundary being shared with the garden of the nearest residential property served off Barrick Close.
10. The appeal site has the character and appearance of a residential garden at this edge of settlement location, and in conjunction with the countryside and the back gardens behind the other properties off this side of High Street creates a green space which reflects the transition from countryside to settlement. I agree with the Council that this overall has a character more akin to the countryside than the built footprint of the settlement.
11. North Kelsey is designated a medium village within the Central Lincolnshire Local Plan 2012-2036 (CLLP) Policy LP2. This supports a limited amount of residential development in appropriate locations. The policy defines appropriate locations as those, where if developed, the scheme would retain the core shape and form of the settlement, not significantly harm either the character and appearance of the settlement, the surrounding countryside or the rural setting of the countryside.
12. The appeal proposal would introduce a new dwelling in a backland location, beyond the rear of all the existing properties in this part of the settlement. Whilst it would remain inside the current hedge line, which defines the rear garden of the host property and the countryside edge, it would introduce a dwelling significantly beyond anything else in this area and extend the built form of the settlement, which is not consistent with the current development pattern, and does not therefore retain the core shape and form of this part of the settlement. In this respect. I agree with the Council that the appeal proposal does not form an appropriate location for development as defined in Policy LP2 of the CLLP.
13. Policy LP4 of the CLLP sets a further policy test in prioritising sites in accordance with a hierarchy. This policy supports development of brownfield land or infill sites in 'appropriate locations' within the developed footprint of the

settlement. As I have concluded that I do not regard this site to be within the developed footprint of the settlement and an appropriate location for development this scheme would not accord the exceptions set out under policy LP4 of the CLLP.

14. Policy LP17 and LP26 seek to protect the intrinsic value of the landscape and townscape, including the setting of settlements and to respect the existing landscape character, where new development should relate well to the site and surroundings. As a backland scheme which does not follow the current pattern of development and would extend the developed footprint of the settlement. I do not regard the appeal proposal as one which would relate well to the site and surroundings.
15. Therefore, the proposal would harm rather than respect or enhance the character and appearance of the surrounding area and so would not accord with the design principles set out in Policies LP17 and LP26 of the CLLP or the principles set out in paragraph 130 of the NPPF.
16. I conclude that the dwelling proposed would cause harm to the character and appearance of the area, contrary to the aims of the CLLP policies LP2, LP4, LP17 and LP26.

Other Matters

17. The appellant has referred to an earlier decision by the council for the development of a single dwelling off South Street. I do not consider the relationship of this development to its neighbours and the countryside to be directly comparable to the appeal scheme and therefore this evidence has not led me to a different conclusion from that set out.
18. The appellant also indicates that the development would be both single storey and designed to be an eco home. It would be possible to impose conditions to require that a scheme comply with both of these elements. They would not however, overcome the harm I have identified above.

Conclusions

19. For the reasons given the appeal is dismissed.

Edwin Maund

INSPECTOR