
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: 24 MAY 2022

Appeal Ref: APP/D2510/W/21/3283686

Land between Boothby House and Ann's Cottage Station Road Legbourne Lincolnshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Jayne Casswell against the decision of East Lindsey District Council.
 - The application Ref N/100/00501/21, dated 12 March 2021, was refused by notice dated 13 July 2021.
 - The development proposed is Erection of 2no. detached houses each with a detached double garage with games room over and construction of vehicular and pedestrian accesses.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect the proposed development would have on the character and appearance of the area with particular regard to the provisions of local plan policy.

Reasons

3. The appeal site is currently part of a larger agricultural field to the western side of Legbourne and to the northern side of Station Road. There is a field access to the western side of the appeal site, serving the larger field with a hedgerow to the frontage. The northern boundary of the appeal site is defined by a newly planted hedgerow, while the eastern boundary abuts the gardens of the recently built dwellings and the eastern boundary is currently not defined by any feature.
4. On the southern side of Station Road there are a limited number of buildings, a public car park and picnic area with public convenience. I agree with the description given in the previous appeal the Council refer to (APP/D2510/W/16/3155099) that the dwellings to the east of the appeal site are the first prominent houses of the settlement and that the appeal site has the appearance of being part of the countryside rather than being part of the settlement.
5. There is no dispute between the parties that the site falls to be assessed against the policy tests in SP3 of the East Lindsey Local Plan (ELP) (2018),

being a windfall site 'outside of, but immediately adjacent to the developed footprint'.

6. Policy SP3 of the ELP supports the development of windfall sites such as the appeal site where these sites can be regarded to be in 'appropriate locations' which is established by way of four tests. There is no dispute that if allowed the appeal proposal would be connected via a footpath as this is included within the scheme proposal and could be secured with a suitably worded condition.
7. Legbourne is identified as a 'Large Village' in the ELP and has a range of services and facilities, focused along Station Road which roughly runs west to east. Further development extends off Mill Lane, a spur off Station Road. The appeal site would represent an extension to the western end of the village into the countryside, but I do not consider that in doing so it would change the core shape or form of the settlement overall.
8. The proposed development would however represent a significant intrusion into the countryside beyond the two recently developed properties, further extending the built form into an otherwise unbuilt frontage which has a rural character, distinct from that of the settlement beyond the two new properties to the east. This would add to and in conjunction with the two recently constructed dwellings, to create a linear extension into the countryside which would both significantly harm the character and appearance of the countryside but also the settlement.
9. While the planting on the frontage would screen the new dwellings to a degree, this would not address the change in character that would arise by constructing the two dwellings and associated outbuildings as proposed, further urbanising the setting by the addition of the footpath across the frontage. I recognise this element is done to meet the policy requirements, and to ensure appropriate pedestrian connectivity, but it adds to the change in character that would result if the scheme were to be allowed.
10. In these circumstances I find that the proposed development would cause significant harm to both the character and appearance of the countryside and the settlement and would therefore be in conflict with Policy SP3 of the ELP.

Other Matters

11. The Appellant has referred me to a series of other decisions made by the Council N/100/00363/14 at Reston Road Legbourne, and N/100/00276/14 Station Road Legbourne, the permission for the two dwellings immediately to the east of the appeal site. Both of these decisions pre-date the current Local Plan and in light of the specific tests the new Local Plan applies I consider them to have minimal weight in my decision.
12. Application N/178/00778/20 at Thoresby Road, Tetney and N/133/907/21 at Station Road, North Thoresby, have also been provided but both are in different villages where the individual characteristics of the villages and the relationships to the countryside will be slightly different, and they do not therefore address the specific concerns I have identified in this case.
13. Application Ref N/100/02289/19 for four dwellings was an allocated site and had been supported for development following the development plan process, this is a fundamentally different position from this proposal and does not therefore weigh in favour of this scheme.

14. Interested parties raised concerns in respect of surface water flooding and ecology, neither matter formed a part of the Council's case in refusing the application. From the evidence before me I see no reason to disagree with the conclusions reached in this respect.

Conclusions

15. For the reasons given the appeal is dismissed.

Edwin Maund

INSPECTOR