



Appeal Decision

Site visit made on 27 May 2022

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 July 2022

Appeal Ref: APP/R2520/W/22/3290518

Land to rear of 253 & 255 Lincoln Road, Branston, Lincoln LN4 1NS

- 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 & Mrs Tuplin against the decision of North Kesteven District Council.
 - The application Ref 21/1443/OUT, dated 22 September 2021, was refused by notice dated 17 December 2021.
 - The development proposed is an outline application for the erection of 4no. dwellings with access for consideration.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was in outline with all matters reserved, save for access. A plan has been submitted as part of the appeal which indicates how four dwellings could be accommodated on the site. I have taken this plan into account for indicative purposes only.

Main Issues

3. The main issues are 1) whether or not the appeal site is a suitable location for residential development having regard to development plan policy for sustainable housing growth and 2) the effect of the proposed development on the character and appearance of the area.

Reasons

Location of development

4. The appeal site is an area of land to the rear of 253 and 255 Lincoln Road. These properties are a pair of semi-detached dwellings. Although it is outside the fenced garden area to the rear of these properties, a significant proportion of the site appears to form domestic garden with domestic scale outbuildings and associated paraphernalia. Part of the site is used as a commercial operation which appears to be confined to a brick garage with timber lean-to and a large area of gravel hardstand. Although there is no clear demarcation of these elements of the site (save for a timber post and rail fence to a corner of the grassed area), the site has the unmistakable impression of a mix of domestic garden and commercial use.

5. The dwellings in front of the site face Lincoln Road and form part of a small cluster of dwellings that are separated from a clear linear form of dwellings that run along the southern side of Lincoln Road from the village of Branston. The appeal site, itself being separated from the linear form of dwellings sits a considerable distance from the village centre. Although I have not been provided with a settlement boundary, due to the separation from the clearly defined linear form of housing combined with the distance from the village centre, the appeal site is considered to be located outside the settlement, in open countryside.
6. Policy LP2 of the Central Lincolnshire Local Plan (2017) deals with The Spatial Strategy and Settlement Hierarchy. Part 4 identifies Branston as a large village where, in exceptional circumstances, additional growth on non-allocated sites in appropriate locations outside of, but immediately adjacent to, the developed footprint of these large villages might be considered favourably.
7. The exceptional circumstances are defined in the policy as a matter for the decision maker to determine, but could be, for example, where the development delivers a community facility substantially above and beyond what would ordinarily be required by Local Plan policy, and for which a clear need has been identified.
8. As outlined, the appeal site is evidently separated, by part of an agricultural field, from the linear form of housing that extends from Branston village centre. It would therefore not be immediately adjacent to the developed footprint of the settlement. Even if it were a matter of planning judgement, and I was to conclude it was (immediately adjacent to the developed footprint), the proposed development for four dwellings, would not constitute exceptional circumstances as is also required.
9. Policy LP2 also sets out that development in the countryside, unless allowed by other elements of the policy or any other policy in the Local Plan, will be regarded as being in the countryside and as such restricted to a set list of developments that includes developments that are demonstrably essential to the effective operation of agriculture, horticulture, forestry, outdoor recreation, transport or utility services and proposals falling under policy LP55.
10. Policy LP55 of the Central Lincolnshire Local Plan (2017) deals with development in the countryside. Part D relates to new dwellings in the countryside and states that they will only be acceptable where they are essential to the effective operation of rural operations listed in Policy LP2. They are required to be accompanied by appropriate evidence of a number of given criteria. No case is made that the proposed dwellings are essential to the effective operation of rural operations as identified in Policy LP2.
11. The proposed development would therefore be an inappropriate location for residential development and would be contrary to Policies LP2 and LP55, as outlined above, and would cause harm to the council's sustainable approach to housing delivery.

Character and appearance

12. The appeal site currently comprises a mix of garden land and commercial use that is bounded by hedges. Although part of the site is given over to a commercial use, this appears to be a relatively low-key enterprise that has

little impact on the overall rural character of the site and its surroundings. This results in the appeal site retaining an open and spacious characteristic that positively contributes to the rural character of the area.

13. Although outline planning permission is sought with matters of appearance, landscaping, layout and scale reserved, the provision of four dwellings on the site, with associated parking and access, will fundamentally alter the character and appearance of the site. The provision of four dwellings with associated driveways, access roads and turning areas would have an urbanising effect on the rural character of the site and adversely impacting upon its spacious and open characteristics. It would also significantly depart from the strongly defined linear form of development in the wider area where properties, for the most part, front the roadside and have clearly defined long rear gardens.
14. The proposed development would therefore cause harm to the intrinsic character and beauty of the countryside and the character and appearance of the area. It would be contrary to Policy LP26 of the Central Lincolnshire Local Plan (2017) which requires, amongst other things, that all development must achieve high quality sustainable design that contributes positively to local character and landscape.

Other Matters

15. As I have found the development to be contrary to an up-to-date development plan, the presumption in favour of sustainable development is not triggered in this case. There is also no evidence before me to suggest that the policies which are most important for determining the application are out-of-date.
16. Reference is made to the fact that any future development on the field that separates the cluster of dwellings from the linear development extending from Branston, would result in the appeal site being classed as 'edge of settlement'. I have however determined the appeal based on the evidence before me, taking account of the existing situation. Furthermore, there is nothing to suggest the imminent development of this site. I therefore give this argument limited weight in the appeal.
17. The appellant has referred to good access by various modes of transport to Branston village and the proximity of the newly constructed Lincoln Eastern by-pass. Good access is however an expected requirement of new development and despite being a positive aspect of the development, I give it limited weight in the appeal.

Planning Balance and Conclusion

18. The Government's objective as set out in the National Planning Policy Framework (2021) (the Framework) is to support housing growth. Although the proposed development would result in only a slight increase in the Council's overall housing number, this is nevertheless a factor of significant weight in favour of the proposed development.
19. However, the location of the proposed development outside a settlement would undermine the council's plan-led approach in seeking that development should be appropriately and sustainably located. When combined with the harm I have identified would be caused to the character and appearance of the area, collectively, these matters attract significant weight that outweighs the benefits associated with the proposed development.

20. The proposed development would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict.
21. For the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR