



Appeal Decision

Site visit made on 1 August 2022

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd August 2022

Appeal Ref: APP/E2530/W/22/3294258

22 The Green, Thurlby PE10 0HB

- 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 Catherine Charlton against the decision of South Kesteven District Council.
 - The application Ref S21/2286, dated 16 November 2021, was refused by notice dated 2 February 2022.
 - The development proposed is new single storey dwelling with garaging for proposed dwelling and number 22 The Green.
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Decision

1. The appeal is allowed and outline planning permission is granted for a new single storey dwelling with garaging for proposed dwelling and number 22 The Green at 22 The Green, Thurlby PE10 0HB in accordance with the terms of the application, Ref S21/2286, dated 16 November 2021, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The planning application form confirms that the proposal is in outline form with all matters, other than access, reserved for subsequent approval. Therefore, other than access, I have considered the remaining details on the block plan provided on the basis that they are indicative only for the purposes of my assessment.
3. During the application process, the Council requested that the proposed garage for the existing property at No 22 The Green be removed from the indicative drawing. However, there is nothing before me to suggest that a change of description was agreed with the appellant and the Council's decision notice included '...garaging for proposed dwelling and number 22 The Green' within the description of the proposal being refused. I will therefore deal with the appeal on the basis that it includes a proposal in outline for a garage for No 22. I have also used the description on the Council's decision notice for the purposes of my banner heading and decision.

Main Issue

4. The main issue is whether the appeal site would be a suitable location for the proposed development having regard to the development plan and national policy.

Reasons

5. Policy SP1 of the South Kesteven District Council Local Plan (2020) (LP) sets out the spatial strategy for the area and confirms amongst other things that larger villages will provide a supporting role in meeting the development needs of the District. Policy SP2 of the LP sets out a settlement hierarchy and lists Thurlby amongst the District's larger villages where *'development proposals which promote the role and function of the larger villages, and will not compromise the settlement's nature and character, will be supported'*.
6. The Council's decision cites conflict with Policy SP3 (Infill Development) of the LP. This policy supports infill development in all settlements subject to it meeting the criteria at a) to d) of the policy. However, in contrast to the criteria for smaller villages, Policy SP2 does not restrict development in larger villages only to infill development that which accords with Policy SP3.
7. There are a mix of house types in the area including two-storey and single storey dwellings. The proposed plot is closely surrounded by other developments including the dwellings fronting The Green, properties on Old School Close which sit behind the built-up frontage on Station Road, and the more recently developed land to the east and south of the site which formerly comprised of land relating to 'White House Nursery, No 23 The Green'.
8. The indicative block plan demonstrates that the footprint and position of the dwelling is capable of aligning closely with No 2 Old School Close with spacing to boundaries generally reflective of that seen to some of the surrounding dwellings. The description of the proposal specifies that the dwelling would be single storey scale. Taken together, these factors persuade me that a single dwelling with garaging could be designed and laid out so as to closely reflect this part of the settlement's nature and character. The Council has also acknowledged that there would be no harm to the character and appearance of the area. For these reasons the proposal would comply with the requirements of the development plan for developments in larger villages and in particular Policy SP2 of the LP.
9. Policy TNP09 (New Housing and Infill Development) of the Thurlby Neighbourhood Plan (made 2018) supports amongst other things individual dwellings on infill sites where they are within the built-up area of the village and closely surrounded by buildings subject to proposals being of high quality and meeting all relevant requirements set out in other policies in the development plan where such a development will not involve the outward extension of the village into areas of the open countryside. Therefore, this policy envisages single dwellings on sites with the characteristics of the appeal proposal coming forward.
10. Even if Policy SP3 was the relevant policy for all housing developments in larger villages, the explanatory text in the LP provides some additional context. Paragraph 2.11 of the LP confirms that development within the larger villages will be carefully managed and should be small scale (generally expected to be on sites of no more than 11 dwellings). Paragraph 2.12 principally relates to smaller villages but confirms that it is the intention of the LP to allow small, sensitive infill developments. For the reasons set out above, the development would accord with these intentions.

11. The proposed dwelling would not sit within a substantially built-up frontage. Moreover, given it forms part of a residential garden in the built-up area it is excluded from the definition of previously developed land in the National Planning Policy Framework (the Framework). In these respects, it would not meet criteria a) of Policy SP3 of the LP.
12. However, the proposal is within the main built-up part of the settlement, does not extend the pattern of development beyond the existing built form, would be in keeping with the character of the area and sensitive to the setting of adjacent properties. I have also found under the other matters below that the proposal would not have an unacceptable impact on the amenity of neighbouring occupiers. Accordingly, the proposal complies with criteria b), c) and d) of Policy SP3. Having regard to the site-specific context and the intentions of the LP, the conflict with this policy would therefore be limited and would not result in any wider planning harm.
13. Overall, I conclude, the appeal site would be a suitable location for the proposed development having regard to the support in the development plan for small scale development in larger villages.

Other Matters

14. Third-party concerns have been raised in respect of the potential for noise, vibration, fumes and disturbance relating to an access drive and turning area. However, I saw on site that the access drive serving No 22 The Green already sits between this dwelling and the boundary with No 23 The Green. The block plan demonstrates how a turning area could be set away from boundaries. The type of surfacing to the extended section of the driveway could be carefully considered under the reserved matters and replacement boundary treatments could be put in place where required. Taking these factors into account alongside the likely limited levels of activity, the proposal would not result in excessive engine noise or fumes beyond those levels usually expected within a residential area. Furthermore, and based on the illustrative plan, the proposed garaging would potentially act as a further buffer between some of the neighbouring properties.
15. Based on the single storey nature of the proposal, the layout envisaged on the illustrative block plan, and my observations on site which included the levels relative to neighbouring properties, I am satisfied that the proposal could be designed so as to retain suitable levels of outlook, light and privacy for neighbouring occupiers. My conclusions in respect of the relationship with neighbouring living conditions also reflect the view of the Council as no unacceptable harm to living conditions was cited in the reasons for refusal. This stance is also confirmed in the Council's committee report. The size of the site also provides scope to provide a dwelling with acceptable living conditions for its future occupants.
16. I saw on site that trees are primarily located towards to rear and perimeter of the site and therefore away from the likely footprint of the proposed buildings. No detailed information is before me to suggest that the development would result in harm to protected species or their habitats.
17. With regards to the appellant's examples of dwellings on infill plots behind substantially built-up frontages, given I have found that the development plan does not restrict developments in larger villages to those which comply with

Policy SP3 of the LP, these decisions have not been material to me finding that the proposal would comply with the requirements of the development plan when taken as a whole.

18. My attention has been drawn to the appeal decision at 31 Halfleet, Market Deeping¹. The Inspector in that case focussed on Policies SP3 and DE1 of the LP and he found that there would be harm to the character and appearance of the area in that instance. Therefore, the particular circumstances of that appeal and the location of the site can be distinguished from the current case in both the application of the policy and the site characteristics and location.
19. In dismissing the previous appeal on the site², the Inspector's assessment focussed on the relationship of the proposal with the character and appearance of the area and living conditions. No reference was made to the proposals compliance or otherwise with Policy SP3 a) of the LP. Therefore, I have assessed the appeal before me on its own merits taking into account the reasons for refusal, third-party concerns and the suite of policies before me.
20. There is nothing before me to suggest that a suitable surface water drainage scheme could not be achieved and this could be dealt with by condition. Any requirements to upgrade off-site sewer infrastructure are a matter for the statutory undertaker. No objections have been raised by the highway authority in respect of the use of the existing access point. Furthermore, no objective evidence has been provided to demonstrate that safe internal driveway arrangements could not be provided or that a driveway serving the proposal would cause damage to neighbouring properties.

Conditions

21. I have attached similar conditions to those suggested by the Council in respect of the requirements for the reserved matters, timescales for implementation and the approved location plan which includes the access point. However, I have made some minor drafting changes in the interests of precision including the removal of the reference to access in condition 1 given this is not a reserved matter.
22. I have attached the Council's suggested conditions relating to materials, and levels in order to ensure that these matters are addressed under the reserved matters so as to appropriately respond to the surrounding built context. I also consider it reasonable and necessary to attach a condition to address surface water drainage on the site.
23. During the application process the Council's Environmental Health Officer recommended a condition to deal with any contamination on the site. The Council has not included this amongst its suggested conditions and there is no objective evidence before me to suggest that the garden land subject of the proposal would be contaminated. On this basis, such a condition is not reasonable or necessary.

¹ Appeal ref APP/E2530/W/21/3274331

² Appeal ref APP/E2530/W/21/3270968

Conclusion

24. In accordance with the requirements of s38(6) of the Planning and Compulsory Purchase Act (2004), the appeal must be determined in accordance with the development plan unless material considerations indicate otherwise.
25. Notwithstanding that the development plan does not restrict developments in larger villages to those which comply with Policy SP3, the proposal complies with three out of four of its criteria. In these respects, it would be a small sensitive development which would accord with the general thrust of this policy and the intentions behind it.
26. Moreover, a single dwelling in this larger village location would promote the role and function of Thurlby and would not compromise the settlement's nature and character. As such, it would comply with Policy SP2 of the LP and the development plan when taken as a whole, as well as the sustainable objectives of the Framework.
27. I conclude, the proposal would deliver a sustainable form of development and for the reasons given the appeal should be allowed.

M Russell

INSPECTOR

Schedule of Conditions

- 1) Approval of the details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
- 2) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years from the approval of the last of the reserved matters, whichever is the latter.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plan: Location Plan, A3/PP/02/SK2.
- 5) When an application is made for approval of the reserved matters, samples of the materials (including colour of any render, paintwork or colourwash) to be used in the construction of the external surfaces shall be submitted. Thereafter, the development shall be carried out in accordance with the approved material details prior to the occupation of the dwelling hereby approved.
- 6) When an application is made for approval of Reserved Matters, plans showing the existing and proposed land levels of the site including site sections, spot heights, contours and the finished floor levels of all buildings with reference to neighbouring properties shall have been submitted to and approved in writing by the Local Planning Authority.
- 7) The dwelling hereby permitted shall not be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority.