



Appeal Decision

Site visit made on 22 November 2022

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 DECEMBER 2022

Appeal Ref: APP/R2520/W/22/3302283

Land North of Gorse Lane, East of No 47 Gorse Lane, Silk Willoughby, Sleaford NG34 8PF

- 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 George Playne against the decision of North Kesteven District Council.
 - The application Ref 21/1546/OUT, dated 4 October 2021, was refused by notice dated 21 January 2022.
 - The development proposed is two new residential dwellings with detached double garages and a private access drive and new vehicular entrance off Gorse Lane.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposal as described in the banner heading above was submitted on an application form for outline planning permission with all matters reserved including access, appearance, landscaping, layout and scale. However, in determining the application, the Council considered access. I have seen no evidence of any formal agreement between the parties to alter the scope of the proposal and the appellant's statement of case confirms that no detailed plans were submitted for approval at the outline stage. Consequently, I have determined the appeal on the basis that all matters are reserved.
3. I further note that a revised indicative layout has been submitted with the appellant's statement during the course of the appeal (block plan drawing). As this scheme is in outline, I recognise that the indicative layout is intended solely to demonstrate the potential for the scheme to adequately accommodate the scale of development proposed.
4. For this reason, as well as noting that the Council were able to consider the revised plan prior to the submission of their statement, I consider that no other interests will be prejudiced, and I have determined the appeal on the basis of the plans referred to in the application, as well as being informed by the revised indicative layout submitted by the appellant.

Main Issue

5. The main issue is whether the site provides an appropriate location for the proposal, having regard to the settlement strategy and the character and appearance of the area.

Reasons

6. The appeal site consists of a small triangular undeveloped parcel of land that forms part of a much larger agricultural field adjacent to existing dwellings. It is open and green in nature, separated from Gorse Lane by a watercourse and a small number of deciduous trees. This soft edge contrasts with the adjacent housing and contributes positively to the rural setting of the village.
7. Policy LP2 of the Central Lincolnshire Local Plan 2017 (CLLP) defines Silk Willoughby as a small village (Tier 6). The policy stipulates, amongst other things, that unless otherwise promoted via a neighbourhood plan or through the demonstration of clear local community support, small villages will accommodate small-scale development of a limited nature in appropriate locations.
8. I have not been referred to a relevant neighbourhood plan or clear local community support. Policy LP4 refers to growth in villages and outlines a sequential approach to assessing sites considered an appropriate location, based on the specific definition in Policy LP2. Although a greenfield site, the parties agree that there is no other sequentially preferable site for development within the village. I have no reason to take a different view. The crux of the dispute is therefore whether the development would be sited in an appropriate location.
9. I saw that Silk Willoughby has a loose nucleus of development around the intersection of London Road, School Lane and Church Lane. The buildings along London Road are more historic and sited closer to the road, providing a contrast to the more suburban style of linear development that has occurred along School Lane and Gorse Lane. The dwelling at 47 Gorse Lane currently forms the south-eastern most limit of the village.
10. Whilst I acknowledge that all matters are reserved for future consideration, I note that the indicative plan shows the siting of 2 dwellings fronting Gorse Lane, adjacent to No 47. Together with the access, gardens and parking areas, the proposed dwellings would extend the built development of the village in a linear form along the northern side of Gorse Lane, a type of development opposed by Policy LP26 of the CLLP. Even if the proposed dwellings could be designed to reflect the existing forms of development along Gorse Lane at the reserved matters stage, they would by virtue of their siting appear tagged onto the village, rather than being part of it. The proposal would further visibly urbanise the appeal site, eroding the open, green and undeveloped rural setting of the village. Given the relatively small size and triangular shape of the appeal site, it appears that there are limited ways in which the appeal site could be developed for housing, other than the indicative layout shown.
11. Reference is made to an outline permission (reference 20/1047/OUT) for 5 dwellings on the opposite side of Gorse Lane which I saw were now largely constructed. The location plan for this previous permission indicates that the south-eastern boundary was drawn to correspond to that belonging to No 47 on the opposite side of Gorse Lane. It seems to me therefore, that the newly constructed dwellings have effectively rounded-off the southern limits of the village so that the extent of development is equal on both sides of Gorse Lane.
12. Although I visited during the Autumn, I saw that the retention of the dense band of landscaping to the front of the newly constructed dwellings has

assisted in maintaining the soft edge to the village. This means that in views from Gorse Lane to the east, the newly constructed dwellings are not overly conspicuous, with their presence not becoming particularly apparent until close to the access.

13. In contrast, views of the appeal site on the approach from the east along Gorse Lane are much more open. Whilst trees are to be retained to the front of the appeal site their coverage is less extensive and they would do little to ameliorate the impact of the proposed development in public views. Even if a natural boundary treatment was to be secured by condition to the north-eastern boundary of the appeal site, this would not fully mitigate the impact of solid, permanent dwellings extending into the undeveloped field. I therefore find that the circumstances of the newly constructed dwellings to be different to those of the appeal site.
14. I recognise that the revised indicative block plan would reduce the amount of built development on the appeal site through the removal of garages and reduction of the shared driveway. However, it would not overcome the concerns discussed above, in relation to the location of the development and the impact on the character and appearance of the area.
15. I find that the proposal would cause significant harm to the character and appearance of the area, namely the rural setting of the village through the introduction of linear development. It would not therefore be an appropriate location for new residential development. It would be contrary to Policies LP2 and LP26 of the CLLP which seek to ensure amongst other things, that new development contributes positively to local character and does not result in significant harm to the rural setting of the settlement.

Other Matters

16. Reference is made to the proposal contributing to the requirement for 8 more dwellings in the village to meet the CLLP requirement. Policy LP4 sets an allowance for growth rather than a specific target, acknowledging that whilst it is important for smaller villages to be able to grow, the majority of new development should be directed to the larger settlements within the plan area. Moreover, the allowance for growth is not unqualified but rather subject to the site specific conditions set out in Policies LP2 and LP26. These include that new development should not harm the character and appearance of the area or the rural setting of a village. I recognise the social and economic benefits that 2 new houses would deliver, but this does not override my concerns in relation to the impact of the proposal on the rural setting of the village.
17. Further reference is made to the granting of an outline consent for one dwelling in Swaton (reference 17/1236/OUT). The officer report for this application considered the site to be within the established northern boundary of the village. As I have found the appeal site is not within the existing limits of the village, I do not find the circumstances comparable.
18. The appellant suggests that the proposal would have less of an impact on the character of the village than a housing estate to the north of the appeal site. No evidence is before me as to the location of the housing estate, nor the details and circumstances of any planning permission granted. It does not alter my findings in respect of the main issue.

19. The appellant suggests that the Council's reference to the proposal leading to pressure for further development on either side of Gorse Lane was not legally appropriate within the reason for refusal. Whether or not the proposed development is limited in scale and located next to existing dwellings, the appeal site is part of a much larger field where similar development could occur incrementally along Gorse Lane in a linear manner. Irrespective of this, I have assessed the proposal on its own merits, and I have found harm for the reasons given above.
20. The appellant considers the proposal to be sustainable development in accordance with the National Planning Policy Framework (the Framework). However, paragraph 12 of the Framework indicates that development that conflicts with an adopted development plan should usually be refused. Moreover, the Framework shares similar aims to the development plan in terms of protecting an area's character and appearance. Accordingly, I find the policies of the Framework taken as a whole, do not weigh in favour of allowing the appeal.
21. The lack of neighbour objections and impact on the operation of the field are neutral matters that weigh neither for, nor against allowing the appeal.
22. Even if access had been a matter to consider, it would not have affected my decision, given my findings in relation to the main issue above.

Conclusion

23. For the above reasons, having regard to the development plan as a whole, and all other matters raised, the appeal is dismissed.

M Clowes

INSPECTOR