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# Appeal Decision

Site visit made on 6 December 2022

**by J Hobbs MRTPI MCD BSc (hons)**

**an Inspector appointed by the Secretary of State**

**Decision date: 28 December 2022**

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**Appeal Ref: APP/D2510/W/22/3302915**

**Land West of The Hollies, Kirmond Road LN8 6HY**

- 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 S Fyfe against the decision of East Lindsey District Council.
  - The application Ref N/017/00544/22, dated 21 March 2022, was refused by notice dated 16 May 2022.
  - The development proposed is a single dwelling, including demolition of existing steel portal frame building.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The planning application, ref. N/017/00544/22, was in outline with all matters reserved. I have therefore had regard to the below list of plans; however, I have regarded all elements of these drawings showing the proposed development as indicative.
  - Location Plan (ref. 22/039859/0002 rev. B);
  - Existing Site Block Plan (ref. 22/039859/0003 rev. A);
  - Topographical Survey (ref. 0569/10/001 rev. -);
  - Proposed Indicative Site Block Plan (ref. 22/039859/0004 rev. A).

## Main Issue

3. The main issue of the appeal is whether the site is an appropriate location for the proposed development having regard to the development strategy for the area.

## Reasons

4. Policy SP1 of the East Lindsey Local Plan Core Strategy 'Supporting Economic Growth for the Future' (Core Strategy), adopted July 2018, states that the settlement pattern shall guide the distribution, scale and nature of future development. Policy SP1 sets a hierarchal settlement pattern, comprising 'Towns', 'Large Villages', 'Medium Villages' and 'Small Villages'. Binbrook is identified as a Large Village.
5. Policy SP3 of the Core Strategy outlines proposed housing growth across East Lindsey and directs windfall housing development toward towns and large villages.

6. Section 4 of Policy SP3 of the Core Strategy identifies circumstances where housing on windfall sites would be acceptable within settlements or outside, but immediately adjacent to the developed footprint.
7. Binbrook's developed footprint starts near to the junction between Kirmond Road and Orford Road where there is a regular pattern of residential development. Binbrook's services and facilities are generally located close to the junction between High Street and Back Lane.
8. The existing barn is the prominent feature when the appeal site is viewed from a westerly direction, which is characteristic of the open countryside. There is a footpath from the village to the neighbouring property and the speed limit of Kirmond Road at the appeal site is 30mph.
9. Given the information before me, I conclude the appeal site is located within a group of dispersed buildings, in the open countryside, detached from the developed footprint of Binbrook by fields. As such, the appeal site does not meet the criteria for a windfall site as it is not within the settlement or outside, but immediately adjacent to the developed footprint.
10. The appeal site is located in the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB). Section 5 of Policy SP3 of the Core Strategy requires windfall development in the AONB to have regard to policies within the Core Strategy and places great weight on conserving the landscape and scenic beauty of the AONB.
11. The surrounding area is generally characterised by open countryside with sporadic agricultural and equestrian structures. There is occasional ribbon development, consisting of residential properties and tourist accommodation. The proposal includes the removal of a steel barn which is typical within the context of the AONB.
12. This appeal relates to an outline application with all matters reserved, I have limited indicative details of the proposed dwelling that will replace the barn. The Landscape Visual Impact Assessment concludes that the landscape effect is not judged to be significant and the views around the site would not be significantly altered. However, I am unable to conclude whether the proposed dwelling, through its siting and design, would conserve the landscape and scenic beauty of the AONB due to a lack of detail on the proposed dwelling.
13. Regardless of the final design of the proposed development, it could not comply with Section 5 of Policy SP3 as it is not considered to be windfall development.
14. Even if I was to conclude that the appeal site was in an accessible location, due to the distance to services and provision of a footpath, it would not overcome the location of the proposed development being contrary to the development strategy.
15. I conclude that the appeal site is not an appropriate location for the proposed development when having regard to the development strategy for the area. The appeal scheme is therefore contrary to Policies SP1, and SP3 of the Core Strategy which outline the settlement pattern to guide the distribution, scale and nature of future development and direct windfall development toward towns and large villages.

16. The appeal scheme is also contrary to Policy SP2 of the Core Strategy as it does not accord with the policies in the local plan and material considerations do not indicate the appeal scheme should be approved.
17. Policy SP4 concerning housing in inland medium and small villages is included in the reason for refusal. As Binbrook has been identified as a large village, Policy SP4 has not affected my consideration of the main issue.
18. The proposed development could comply with Policy SP10 of the Core Strategy, subject to final design details. However, this can only be considered as a neutral benefit.

### **Other Matters**

19. The benefits associated with the site being brownfield, previously accommodating more development and the lack of housing allocations within Binbrook are limited. Also, the use of renewable energy, at this scale, and the extension of the public footpath from the neighbouring property would provide minimal benefit.
20. The site being in Flood Zone 1 and complying with local plan policies in regard to ecology and sustainable design can only be considered as a neutral benefit.
21. It has been put to me that a precedent has been set by conversions in the area of agricultural buildings to dwellings under permitted development rights and that this weighs in favour of the appeal proposal. However, the appellant has indicated that they would not be able to convert the agricultural building to a dwelling on the site under permitted development rights because the appeal site is located within the AONB. Accordingly, the conversion of other agricultural buildings elsewhere does not lead me to a different conclusion on the acceptability of the appeal proposal.

### **Conclusion**

22. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
23. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

*J Hobbs*

INSPECTOR