



Appeal Decision

Site visit made on 30 November 2022

by David English BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 January 2023

Appeal Ref: APP/E2530/W/22/3305177

Land at Pickworth Grange, Village Street, Pickworth, Sleaford NG34 0TD

- 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 Mark Tucker against the decision of South Kesteven District Council.
 - The application Ref S21/0808, dated 22 April 2021, was refused by notice dated 21 June 2022.
 - The development proposed is an outline application (with all matters reserved except access and layout) for the erection of 1 dwelling and associated access.
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Decision

1. The appeal is allowed and planning permission is granted for an outline application (with all matters reserved except access and layout) for the erection of 1 dwelling and associated access on land at Pickworth Grange Village Street, Pickworth, Sleaford NG34 0TD in accordance with the terms of the application, Ref S21/0808, dated 22 April 2021, subject to the conditions in the attached schedule.

Preliminary Matters

2. The Council amended the original description of development shown on the planning application form. This was done with the consent of the appellant, and I have used the agreed description in this decision.
3. The proposal is in outline but seeks permission for the means of access and the layout of the site. All other matters are reserved for later consideration. The plans show how a dwelling could look on the site. However, in reaching my decision, I have considered only those matters associated with the means of access and the layout of the site, and the relevant planning conditions are worded accordingly.
4. The Council's reason for refusal specifically sets out that its objection to the proposal lies in it not being in conformity with paragraph d. of Policy SP3, or with Policies DE1 and SD1 of the South Kesteven District Council Local Plan 2011-2036 (January 2020) ('the Local Plan'). Policy DE1 concerns the promotion of good design, and Policy SD1 concerns sustainable development principles. Policy SP3 concerns infill development in Small Villages, those being defined elsewhere in the Local Plan through Policy SP2 and include Pickworth.
5. It has been pointed out in representations that Policy SP3 is drafted in such a way that all parts of the policy must be read together and applied in total. I agree with that explanation of the construction and purpose of that policy. However, the Council's concern, and therefore the matter in dispute between

the main parties, is with paragraph d. only. This gives support to development provided it does not extend the pattern of development beyond the existing built form; and it is in keeping with the character of the area and is sensitive to the setting of adjacent properties. From the drafting of the reason for refusal, and in ensuring fairness in considering the matters in dispute between the main parties, I must conclude that, in the absence of information to the contrary, the Council do not have concerns in respect of paragraphs a. b. or c. of Policy SP3. I have considered the appeal on this basis.

Main Issue

6. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

7. Pickworth village is a small, attractive, quiet rural settlement set in an arable agricultural landscape. It comprises an interesting mix of dwellings of differing age, size, appearance and design. These are mostly arranged informally along the main narrow roads and lanes the majority of which converge at or close to a triangular junction located centrally in the village. The 'village green' referred to in evidence sits adjacent to this junction providing a focal point.
8. The association between buildings and the highways serving them varies throughout the village. In the vicinity of the appeal site this includes dwellings whose gables or front walls abut, or are very close to the highway, those that have short front gardens, and others, including Pickworth Grange, which are set back further from the highway being served by longer drives. Boundary treatments adjacent to the highways close to the appeal site include a variety of low brick and stone walls, and hedges of various species and height. Overall, this variety adds to the quality and attractiveness of the village.
9. The proposed development would involve the construction of a detached dwelling in what is currently part of the front garden of Pickworth Grange. Access is not available to the site other than through the gardens of Pickworth Grange and tall hedges line the boundaries of the site on all sides. A wide hard-surfaced drive serves Pickworth Grange, and a neighbouring house, Brambles. That drive would provide access to the proposed dwelling. The drive also provides pedestrian and vehicular access to the village green.
10. The village green was created through a planning obligation required as part of the planning permission, granted on appeal for Pickworth Grange and Brambles (appeal ref: T/APP/E2530/A/91/1995208/P4). I have not been provided with the relevant planning obligation. However, it is clear from the decision letter for that appeal the village green was to be created through a transfer of land to the local community. That transfer was to comprise land located to the east of the then proposed drive which now serves the dwellings allowed by that appeal. The land to the west of the drive that now forms the site the subject of the appeal before me was to remain in private ownership. The Inspector for that earlier appeal expressed the view that he considered it important to retain that area as an undeveloped open space. Accordingly, condition 3 of that appeal decision removes permitted development rights which may otherwise allow structures to be built.

11. Representations suggest that the earlier appeal decision essentially secures the current appeal site as open space that should not be built on. Whilst I acknowledge the views expressed by the Inspector at that time, the purpose of condition 3 is to ensure that planning permission is sought from the local planning authority for development on the land that would otherwise have been permitted by Order of the relevant Secretary of State. I realise that the proposal before me would not be permitted development. However, the general approach created by condition 3 ensures that decisions on development proposals are made having regard to the development plan in place at the time the decision is taken and to any other material considerations. My decision on the appeal before me has been made having regard to those well-established principles and the associated statutory requirements.
12. Plans show the proposed dwelling fronting onto Village Street, set back a short distance from the highway, behind the existing hedge which is proposed to be retained. The layout would align with the front elevation of the adjacent dwelling, The Old Post Office, where it faces Village Street. The proposed development would inevitably alter the appearance of Village Street. However, this layout would have the effect of continuing the existing built frontage on this side of the road which would then terminate at a logical visual break in the road created by the existing wide shared drive serving Pickworth Grange and Brambles.
13. The appeal site is generally not open to views into it from any public vantage point for much of the year due to the high hedgerows. Notwithstanding the pleasant green appearance created by the hedges along Village Street which would be retained, in this respect, unlike the adjacent village green, the site does not appear as an obvious open space that contributes significantly to the character of the village. The appeal site is a simple, well-screened and well-maintained private garden, visually divorced from the village green, largely due to the width and length of the existing shared drive and the presence of maturing high hedges along both sides of that drive.
14. In contrast, the village green displays considerable interest in its layout, planting, seating areas and variation to its spaces. It is located at the centre of the village and is accessible to the local community and visitors as I noted during my site visit. It is a long-established discrete and, from comments made in representations, clearly well-used and much-loved community space. In view of the distinct separation of the appeal site from the village green the proposed development would not alter those valuable facets and would not affect access to or the ability of the community to continue to use and enjoy this very pleasant village green.
15. The appeal site is located close to the heart of the village. Having regard to the attributes of the appeal site I have described, and its central location, the proposal would not extend the pattern of development beyond the existing built form of Village Street or the village as a whole. The appeal site is of sufficient size to accommodate a moderate sized dwelling in reasonable gardens. The layout and sensitive positioning of the proposed dwelling in relation to its setting and the context created by other houses adjacent and opposite would allow the creation of a building that is in keeping with the character of the area and one that is sensitive to the setting of adjacent properties. The details provided in the plans show that a dwelling in the position shown can be designed to a high standard such that it would make a positive contribution to

the local distinctiveness, vernacular and character of the area without detriment to the street scene.

16. Accordingly, the proposed development would not harm the character and appearance of the area. The proposal would therefore accord with Policies SP3, DE1 and SD1 of the Local Plan. It would also accord with the National Planning Policy Framework ('the Framework').

Other Matters

17. Representations have been made expressing concerns about the effect the proposed development would have on highway safety. A private parking area would be created at the bottom of the garden of the proposed dwelling, and a pedestrian access to the front would be taken from the existing shared drive. That pedestrian access would be set back from the carriageway of Village Street by about 6 metres, and the shared drive would remain wide enough to allow two vehicles to pass. The Council raise no concerns in respect of these proposed details. Having regard to the limited vehicular and pedestrian activity that could reasonably be anticipated from the proposed dwelling, and the quiet nature of Village Street, in all normal circumstances, even if cars were to stop and unload at the pedestrian access as has been suggested, I am not convinced that the proposal would present a danger to highway users.
18. Neighbours have expressed concerns about the effect the proposal may have on their living conditions in respect of their outlook, overshadowing and overdominance of the proposed building, and privacy. While I recognise that the site is slightly elevated in relation to the height of the carriageway on the adjacent Shepton Lane, on each of these issues I am satisfied that the proposed dwelling would be positioned at sufficient distance and across other public space such that no significant harm would arise to the living conditions of any near neighbours.
19. Concerns have been expressed about the loss of trees on the appeal site. An Arboricultural Survey and Impact Assessment has been provided which assesses the value of trees and hedges at the site. That survey includes details of the original layout of the proposed development. However, I am satisfied that the revised layout would have no greater impact on the existing trees on that site and to its boundaries than was concluded in the survey which advises the removal of four semi-mature ash trees, some hedging and some ornamental trees would be necessary to facilitate the proposal. Overall, this would create a minor loss of visual amenity along Village Street, although the tall hedge to the boundary with that street would be retained. This would result in minor harm to the character and appearance of the area. However, further tree planting can be secured by planning condition, and the existing remaining trees can be adequately protected during construction. I am satisfied that this would address any harm that would arise to the character and appearance of the area.
20. Surface water flooding has been raised in representations. However, any concerns are not substantiated by evidence and the Council note that the site is in an area having a very low risk of flooding and they have not identified flooding as a matter of concern.

Conditions

21. It has been suggested in representations that a pre-commencement condition should be imposed requiring an ecological survey because Great Crested Newts have been identified through a survey associated with another nearby development. The Council has raised no concerns in this respect and the survey referred to is for another development some distance from the appeal site. It is also suggested that a pre-commencement condition should be imposed requiring a written scheme of archaeological investigation because such a scheme has been required for a development proposal opposite the appeal site. The Council has raised no concerns in respect of this matter. Neither of these conditions are necessary to make the development acceptable in planning terms and it would not be safe to rely on evidence associated with other development to justify such conditions in this decision.
22. I have had regard to the conditions suggested by the Council and have made minor modifications to some. The standard conditions relating to the submission of details of the reserved matters are attached, and I have imposed a standard condition specifying the timeframes for the reserved matters submission and commencement of development. In the interests of certainty, a condition specifies the plans relating to the layout and means of access approved through this appeal.
23. The Council suggest a condition requiring the submission of an updated Arboricultural Impact and Method Statement. However, while the survey submitted with the planning application shows the original layout of the proposal in relation to the trees and hedges, I am satisfied that it is sufficiently comprehensive, and the amended layout of the proposed dwelling and parking area would have no significantly different impact. It is therefore not necessary to require this additional work. I have instead imposed a condition that secures the protection of trees to be retained in the interests of protecting the character and appearance of the area.
24. A condition securing appropriate drainage from the site is necessary to prevent any increase in the risk of flooding and to prevent pollution. Landscaping is covered by the standard reserved matters condition, and the Council can control the number of trees to be replanted to compensate for those lost through that condition. Details of boundary treatments are necessary to protect the character and appearance of the area, and an electric vehicle charging point is necessary to ensure the development permitted accords with the requirements set out in Policy SB1 of the Local Plan.

Conclusion

25. For the above reasons, having regard to the development plan as a whole, the approach in the Framework and all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions in the attached schedule.

David English

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Approval of the details of the scale, landscaping and appearance (hereafter called "the Reserved Matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
 - 2) An application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 3 years from the date of this permission and the development shall be begun no later than the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.
 - 3) In respect of the layout and means of access the development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; Existing Site Layout Plan CPS05; Proposed Block Plan CPS04A; Proposed Site Layout Plan CPS06A; Section AA (North to South) CPS07; Topographical Survey CPS02; and Section BB (West to East) CPS08.
 - 4) The approved development shall be carried out in such a manner as to avoid damage to the existing trees to be retained in accordance with the recommendations in the Arboricultural Survey and Impact Assessment – Revision A (March 2021), including their root systems, and other planting/hedges to be retained by putting in place the following measures prior to commencement of the development:
 - a. All trees to be preserved shall be marked on site and protected during any operation on site by temporary fencing in accordance with BS 5837:2005 (or as may be subsequently amended). Such tree protection measures shall remain throughout the period of construction;
 - b. No fires shall be lit within the spread of branches or downwind of the trees and other vegetation;
 - c. No materials or equipment shall be stored within the spread of the branches or root protection area of the trees and other vegetation;
 - d. No roots over 50mm diameter shall be cut, and no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches or root protection areas of the trees and other vegetation at any time;
 - e. Ground levels within the spread of the branches or root protection areas (whichever the greater) of the trees and other vegetation shall not be raised or lowered in relation to the existing ground level; and
 - f. No trenches for underground services shall be commenced within the root protection areas of trees which are identified as being retained in the approved plans, or within 5m of hedgerows shown to be retained. Such trenching as might be approved shall be carried out to National Joint Utilities Group recommendations.
- These measures shall be retained as such for the duration of the construction period.

5) No development shall take place until details of site drainage works for the disposal of surface and foul water have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be carried out before the dwelling hereby permitted is first occupied and the works shall thereafter be maintained.

6) No development shall take place above ground level until a plan and details indicating the positions, design, materials and type of boundary treatments to be erected has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out before first occupation in accordance with the approved details and retained thereafter.

7) No development shall take place above ground level until details of an electric vehicle charging point to be installed at the site in a convenient position adjacent to the parking area have been submitted to and approved in writing by the Local Planning Authority. The charging point shall be installed in accordance with the approved details prior to first occupation and thereafter be retained such that it remains capable of providing the electricity necessary to charge electric vehicles at all times the dwelling hereby permitted is occupied.