



Appeal Decision

Site visit made on 22 November 2022

by J Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 February 2023

Appeal Ref: APP/D2510/W/22/3297250

Hollywood, Main Road, Stickney PE22 8AG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission
 - The appeal is made by Mr A Cozens against East Lindsey District Council.
 - The application Ref S/169/00084/22 is dated 16 January 2022.
 - The development proposed is outline application for residential development.
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Decision

1. The appeal is allowed and planning permission is granted for outline application for residential development at Hollywood, Main Road, Stickney PE22 8AG in accordance with the terms of the application, Ref S/169/00084/22, dated 16 January 2022, subject to the following conditions:
 - 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
 - 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
 - 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
 - 4) The development hereby permitted shall be carried out in accordance with the following approved plan: dc/515C/10 rev C (but only in respect of those matters not reserved for later approval).
 - 5) Before the development commences, a scheme for the provision of surface and foul water drainage shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the approved drainage scheme has been provided in accordance with the approved details and is operational.

Application for costs

2. An application for costs was made by Mr A Cozens against East Lindsey District Council. This is the subject of a separate Decision.

Procedural Matters

3. In the banner heading above, I have used the spelling of the appellant's surname as confirmed by the agent.
4. The application form indicates the application was made in outline with all matters reserved and this is reiterated in the appellant's statement. I have therefore considered the appeal in the same terms, and the submitted plans as indicative although they are not marked as such. Notwithstanding access is a reserved matter, it would be taken from Main Road as the site location plan only shows one location for connection to the highway.

Background and Main Issues

5. Following the submission of the appeal against non-determination, the Council has not submitted an appeal statement so it is unclear whether or not they would have approved or refused the application. I have been provided with copies of consultation responses with respect to highways, flood risk and drainage and environmental health, none of whom objected to the application. There was no objection from the Parish Council nor have any objections from interested parties been submitted. I have been provided with development plan policies in relation to sustainable pattern of places, housing growth, design, flood risk, transport, biodiversity and landscape.
6. Taking these factors into account and my own observations on site, the main issues are:
 - whether the site is a suitable location for development with particular reference to the Council's planned pattern of growth for the district, the character and appearance of the area and surface water drainage; and
 - the effect on the living conditions of surrounding occupiers with particular reference to noise and disturbance.

Reasons

Suitable Location

7. The appeal site is a livery accessed from the A16 Main Road as it passes through Stickney. It would be accessed between two existing dwellings, and the site extends behind one of those properties and a property that is within the control of the appellant.
8. East Lindsey Local Plan Core Strategy adopted July 2018 (ELLP) Policy SP3 identifies Stickney as a large inland village in the development hierarchy, which is the second highest tier. In such locations, ELLP Policy SP3 confirms the principle of housing growth on windfall sites will be supported where the site is either within the settlement, or outside of, but immediately adjacent to the developed footprint. There is no evidence before me that confirms whether the site is within the settlement for the purposes of the current development plan. ELLP Policy SP3 defines the developed footprint as the continuous built form of the settlement, but excludes dispersed buildings, undeveloped land which relates more to the surrounding countryside than to the built up area of the settlement and outdoor sports and recreation facilities.
9. From my observations at my site visit, the dwellings fronting Main Road are part of the continuous built area of the settlement and their gardens are clearly

related to the dwellings themselves. The appeal site lies immediately adjacent to the rear gardens of the properties fronting onto Main Street. There is also landscaping in the surrounding area which serves to separate much of the adjoining land from the wider countryside and reinforce its relationship with the dwellings. The site is therefore perceived as being immediately adjacent to the developed footprint of Stickney.

10. ELLP Policy SP3 also requires that the site must be an appropriate location when developed, with reference to four criteria. Firstly, the core shape and form of the settlement must be retained. Although Stickney is largely linear in shape and form, there are clear examples of development to the rear of the properties which front the roads through the settlement. The site, due to the buildings and development associated with the livery use, already forms part of the existing shape and form of the settlement. While the appeal proposal would introduce a more urban form of development than that at present and extend it into the rear gardens, it would be contained within the landscaping that serves to differentiate between the dwellings and gardens of Stickney and the surrounding countryside. The appeal proposal would therefore retain the core shape and form of the settlement.
11. Next, the effect on the character and appearance of the settlement must be considered. Stickney is a predominantly residential village and further residential development would be characteristic of the settlement. As the appeal is made in outline, the appearance of the dwellings, and their effect on the appearance of the settlement cannot be assessed, but would fall to be considered at the reserved matters stage. However, the surrounding development is relatively modern in nature and views of the site would be limited to its position to the rear of the existing dwellings. There is no obvious reason that a housing scheme that is appropriate with the scale and layout of the neighbouring properties could not be achieved at the reserved matters stage.
12. Thirdly, the character and appearance of the surrounding countryside and rural setting of the settlement should be considered. Stickney lies in a strongly rural setting. However, this site does not make a strong contribution to this given the buildings and associated equipment on the site, and the presence of boundary landscaping which limits views of the site from the surrounding countryside. Furthermore, the provision of appropriate landscaping could be secured at the reserved matters stage when it would fall to be considered. The appeal proposal would, in principle, not harm the character and appearance of the surrounding countryside or the rural setting of the settlement.
13. Finally, ELLP Policy SP3 also requires that sites be connected to the settlement by way of a footpath, which is the case here, with a footpath that runs along Main Road into Stickney where services and facilities are located. The appeal proposal therefore fulfils the criteria of ELLP Policy S3 with regard to being an appropriate location.
14. Housing growth on windfall sites must also be within 'appropriate locations' which are defined as a location which does not conflict, when taken as a whole, with national or ELLP policies. There is no evidence before me as to any conflict with either of these.
15. While there was no objection or request for any conditions from the Lead Local Flood Authority in their response, the Witham Fourth District Internal Drainage

Board set out that in their view the ground is not suitable for soakaways. There is no suggestion that this would merit the refusal of the appeal or that other forms of surface water drainage would be unsuitable. However, given the proximity of the site to other residential properties and the provisions of ELLP Policy SP16 which set out expectations for adequate surface and foul water drainage systems, I consider this to be a matter which can be controlled by condition. I will return to this matter.

16. For the reasons given above, I conclude the appeal site would be a suitable location for development having particular reference to the Council's planned pattern of growth for the district, the character and appearance of the area and surface water drainage. It would be in accordance with ELLP Policy SP3 which seeks to direct housing growth to appropriate locations within and adjacent to towns and large villages and ELLP Policy SP16 which requires adequate provision to be made for drainage.

Living conditions

17. At my site visit, I observed that the access to the site would be in proximity to the residential properties either side of it. One of those properties has ground floor windows which would be overlooking the access thereby creating the potential for noise and disturbance to occupiers of the property from the use of the access.
18. However, the site is currently in use as a livery, and the appellant has set out that there is use of the access by large vehicles, sometimes in the early hours of the morning. I have no reason to dispute this, having observed large vehicles during my site visit and given the nature of the use. Furthermore, the appellant has highlighted an extant permission which allows a dwelling and 21 horses to be stabled on the wider site, some 9 more than at present. The appellant contends that this could give rise to further traffic movements, and this does not seem unlikely. I also note a comment was received from the Council's Environmental Health Officer which did not raise any concerns, nor was any objection received from the local highways authority.
19. There is no information before me as to the likely number of vehicle movements arising from residential development on the site. I am mindful of the advice in paragraph 130 of the National Planning Policy Framework (the Framework) that places should have a high standard of amenity for existing and future users. While residential use of the site may give rise to an increased number of trips, these are likely to be from typical domestic vehicles and with a typical domestic usage pattern. I have no reason to think the effect of this on the living conditions of the neighbouring occupants would be materially different than the effects that could arise from the existing use or the extant permission.
20. For the reasons given above, I conclude that the development would have an acceptable effect on the living conditions of surrounding occupiers with particular reference to noise and disturbance. It would therefore accord with ELLP Policy SP10 which supports well designed development and paragraph 130 of the Framework which requires development to have a high standard of amenity for existing and future users.

Conditions

21. No conditions have been suggested to me by the Council. However, given the outline nature of the development, it is necessary to impose the standard conditions relating to time limits, the submission of reserved matters and approved plans for reasons of certainty.
22. Matters relating to drainage are beyond the scope of the reserved matters. However, for the reasons given above, I consider it necessary to secure the provision of a suitable surface and foul water drainage scheme by condition.

Conclusion

23. For the reasons given above, the appeal scheme complies with the development plan and I conclude that the appeal should be allowed and outline planning permission granted.

J Downs

INSPECTOR