



Appeal Decision

Site visit made on 7 February 2023

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th May 2023

Appeal Ref: APP/R2520/W/22/3294239

Land off Dovecote Lane, Coleby, Lincoln LN5 0AD

Easting (x) 497806 Northing (y) 360336

- 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 Dean - JF Dean 1989 Settlement Trust against the decision of North Kesteven District Council.
 - The application Ref 21/1059/OUT, dated 1 July 2021, was refused by notice dated 5 November 2021.
 - The development proposed is erection of 4 x new dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. For the purposes of brevity and accuracy I have taken the site address from the Council's decision notice along with the grid references provided on the planning application form.
3. The planning application form confirms that the proposal is in outline with all matters reserved for subsequent approval. Therefore, I have considered the details on the proposed site plan on the basis that they are indicative only for the purposes of my assessment.
4. Since the appeal was lodged, the Council has adopted The Central Lincolnshire Local Plan (April 2023) (LP). This supersedes The Central Lincolnshire Local Plan 2012 – 2036 (2017) (superseded LP), the policies of which are referred to in the Council's decision. I have invited the comments of the main parties in light of this change in circumstances and have determined the appeal on the basis of the up-to-date policies of development plan.

Main Issues

5. The main issues are:
 - (i) whether the appeal site is a suitable location for the proposed development having regard to the development plan and national policy; and
 - (ii) the effect of the proposal on the character and appearance of the area, including landscape character.

Reasons

Location

6. Policy S1 of the LP sets out the Spatial Strategy for the area and a Settlement Hierarchy which confirms that the Lincoln Urban Area will be the principal focus for development including housing in Central Lincolnshire. Coleby is identified as a 'Small Village' under the sixth tier in the settlement hierarchy. The policy confirms that small villages may receive some limited growth, primarily through allocations in the LP. From the evidence before me the appeal site is not promoted for development in the LP or the Coleby Parish Neighbourhood Plan (made in January 2018) (NP).
7. Beyond site allocations, residential development will be limited to that which accords with Policy S4 (Housing Development in or Adjacent to Villages). The developed footprint for the village is identified at Figure 10 of the NP. The site relates to a field outside but immediately adjacent to this developed footprint. Criteria 3 of Policy S4 therefore applies. This only supports First Homes exception sites and rural affordable housing exception sites in such locations. As the appeal proposal is for market housing, it would conflict with the relevant requirements of Policy S4.
8. Policy 1 of the NP also gives priority to development within the developed footprint of the village. The appellant suggests that Section 2 of this policy allows for developments in accordance with the Coleby Capacity Study and that the CCS identifies the appeal site as being appropriate, where there isn't sufficient scope for development within the developed footprint. However, Section 2 of Policy 1 clearly identifies that this was intended to meet the growth level requirements of the previous now superseded LP. From the evidence before me, the requirements of the LP as updated does not include growth level requirements for Coleby. Therefore, I attach more weight to the recently adopted policies of the LP to which the proposal clearly conflicts.
9. I conclude the appeal site is not a suitable location for the development as it would undermine the strategic objectives of the development plan and would conflict with the sustainable development principles and plan-led approach endorsed by the National Planning Policy Framework (the Framework).

Character and appearance including landscape character

10. The appeal site is located within the Lincoln Cliff Area of Great Landscape Value (AGLV). The site forms part of a large agricultural field which forms a plateau which allows for far ranging views over the Lincoln Cliff. Dwellings in a linear arrangement sit just to the east of the site on Dovecote Lane. The developed footprint of Coleby also extends along the opposite side of Dovecote Lane to the appeal site with the development at Masons Paddock. There are Public Rights of Way (PROW) close to the site including parallel with the appeal site's eastern boundary and extending north parallel with the outer boundary of Masons Paddock.
11. The North Kesteven Landscape Character Assessment (September 2007) (LCA) identifies the Lincoln Cliff as a dramatic topographical feature in the context of the wider district. It confirms that after the physical slope itself, it is the villages, the countryside between them and the considerable and varied treescape that form the key characteristics of the Lincoln Cliff Scarp.

12. During my site visit I saw that a high boundary hedge would filter views of the development for users of the PROW adjacent to the appeal site's eastern boundary. Further along this PROW to the south of the site there is a gap in the hedge line. This allows for views back towards the site as is depicted in 'View Five' in 'Appendix E: Location of views and view images' of the appellant's statement of case (SoC). In these views and from further afield to the south of the site, the development would be seen to be closely related to the existing form of the settlement.
13. However, the elevated vista provided from the section of PROW to the north of the site and east of Masons Paddock provides scenic views through the site and over the plateau. From here, this attractive, predominantly open, rural landscape makes a positive contribution to the rural setting of the settlement. The view from this section of PROW is notably absent from Appendix E of the appellant's SoC. The key characteristics of the AGLV can also be experienced in views through the existing field entrance (View 3 in Appendix E) for passers-by.
14. Even acknowledging that the proposal is in outline form, the dwellings and their associated curtilages would inevitably intrude upon these local views. The resultant developed appearance of the site would be detrimental to the rural setting of the settlement and would reduce appreciation of the AGLV in these vistas. This would be particularly noticeable to those familiar with the area, including regular users of Dovecote Lane and the PROW to the north of the site.
15. My attention has been drawn to the assessment of the appeal site in the Coleby Capacity Study. This identified that the site was potentially less sensitive than other greenfield edge of village areas on the western and eastern side of the village. Even so, this does not mean that the development proposed would conserve or enhance this locally important landscape in the identified views. This is particularly pertinent in the context of my findings under the first main issue.
16. Overall, I conclude that there would be adverse harm caused to the character and appearance of the area and this includes landscape character where such harm would be moderately adverse. In this regard it would conflict with the local character, context and landscape requirements including the high level of protection afforded to AGLVs in Policies S53 (Design and Amenity) and S62 (Area of Outstanding Natural Beauty and Areas of Great Landscape Value) of the LP. The proposal would also be contrary to the requirements in Framework for development to recognise the intrinsic character and beauty of the countryside and to protect and enhance valued landscapes.

Other Matters

17. Much of the appellant's initial appeal case related to the application of a sequential test which was embedded in the policies of the superseded LP. Even if there is limited capacity for growth within the developed footprint of Coleby, this is consistent with the fact that the LP only envisages limited growth in small villages. In any case, I must assess the proposal against the up-to-date policies of the LP which do not apply a sequential test and which a proposal for market housing outside the developed footprint of a small village would clearly conflict.

Conclusion

18. 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.
19. Four dwellings would make a modest but positive contribution to the area's housing numbers. There would also be some limited social and economic benefits resulting from jobs associated with the construction of the proposal and the use of services and facilities in the area by future occupiers of the proposal.
20. However, I have found that the appeal site is not a suitable location for the development having regard to the specific locational and character and appearance requirements of the development plan. In these respects, the development of four dwellings in the countryside would conflict with the clear spatial objectives of the development plan. Paragraph 12 of the Framework confirms that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted.
21. This also needs to be considered in the context that there is no dispute that the Council can demonstrate a 5-year housing land supply. In the circumstances, there does not appear to be a pressing need to locate new dwellings outside the developed footprint of a small village within the sixth tier of the settlement hierarchy.
22. There are no material considerations of a sufficient weight to justify a decision other than in accordance with the development plan which, in terms of my conclusions under the main issues, the appeal scheme would clearly conflict. Therefore, for the reasons set out, I conclude that this appeal should be dismissed.

M Russell

INSPECTOR