



Appeal Decision

Site visit made on 12 July 2023

by L Hughes BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 August 2023

Appeal Ref: APP/R2520/W/23/3314340

Land south of Wellhead Lane, Nocton

- 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 AG Property Associates Limited against the decision of North Kesteven District Council.
- The application Ref 22/1387/OUT, dated 28 September 2022, was refused by notice dated 16 December 2022.
- The development proposed is the erection of up to 6 no. dwellings (with all matters aside from access reserved for subsequent consideration).

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is in outline for all matters apart from access. I have therefore treated the submitted plans as indicative relating to matters other than access.
3. The Central Lincolnshire Local Plan (CLLP) (2023) was adopted in April 2023, and forms part of the area's statutory development plan. It replaces the Central Lincolnshire Local Plan (2017), including its policies cited on the decision notice. I have determined the appeal on the basis of the current development plan.

Main Issues

4. The main issues are:
 - whether the proposed development would be in an appropriate location with regard to the boundary and built form of the settlement;
 - the effect of the proposed development on the character and appearance of the area, with particular regard to the preservation or enhancement of the Nocton Conservation Area (NCA), and the setting of The New Ten Row (TNTR); and
 - if any harm is found, whether that harm would be outweighed by any benefits of the scheme.

Reasons

Appropriate Location

5. Policy S1 of the CLLP sets the spatial strategy and settlement hierarchy, and identifies Nocton as a 'medium village', whereby beyond site allocations made

in the development plan, development will be limited to that which accords with Policy S4. Policy S4(1) does not define a settlement boundary for Nocton, but identifies that unallocated sites of typically up to 10 dwellings would be acceptable subject to being in appropriate locations and within the developed footprint of the village. Proposals on unallocated sites not meeting these criteria will not generally be supported.

6. The CLLP Glossary defines 'developed footprint' as the continuous built form of the settlement, and amongst other things, excludes gardens, paddocks, and other undeveloped land within the curtilage of buildings on the edge of the settlement where land relates more to the surrounding countryside than to the built up area of the settlement.
7. The appeal site is accessed off Wellhead Lane by an unmade track with grass verges. It comprises the northern part of a larger grassed paddock, with a remaining open area of paddock beyond the site's southern boundary. The paddock is bounded to the north and south by mature trees with gardens of dwellings beyond, and to the east by the rear boundaries of properties on Main Street. To its west it has no built form enclosure, being trees, vegetation, and fields. As such, I find that it would not be within the developed footprint of the village, and therefore its development is not supported by the CLLP Policy S4.
8. The Nocton and Potterhanworth Neighbourhood Plan 2016-2036 (NPNP) (2017) does set a clearly defined settlement boundary for Nocton, and establishes that proposals for the development of up to 6 dwellings on sites within it will be supported subject to various criteria. The appeal site lies within this boundary. However, the CLLP has been adopted very recently. In this instance I find it holds the greatest weight in considering the principle of development on the appeal site, compared to the 5 year old NPNP, as well as the age of the settlement boundary map within it which it notes as being directly taken from the 2007 North Kesteven Local Plan.
9. In conclusion therefore, the proposed development would not be in an appropriate location with regard to the boundary and built form of the settlement, and would therefore conflict with Policies S1 and S4 of the CLLP, and Policy 1 of the NPNP.

Character and Appearance

10. The site lies within the NCA and so I have a statutory duty under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing its character or appearance. Section 16 of the National Planning Policy Framework ('the Framework') (2021) also requires that great weight should be given to the conservation of designated heritage assets. The significance of the CA is the village's formative layout around Nocton Hall. This is still apparent in the distinctive and detailed design of the numerous C19 estate houses and cottages, and its associated open rural character including garden spaces and undeveloped areas, and landscaping. The green open areas within Nocton are valuable and contribute a strong sense of place to the village.
11. Paragraph 203 of the Framework also requires consideration to be taken of a development proposal's effect on the significance of non-designated heritage assets, which applies to the residential terrace row called TNTR on Wellhead Lane adjacent to the site's access. Its significance is as a sensitive building

important to the character and appearance of the village and the NCA as described above. It forms an attractive and unified terrace of ten dwellings dating from 1878, set behind a landscaped bank.

12. Within this context, the appeal site as an open paddock surrounded by trees clearly plays an important contribution to the character and setting of the NCA. As an undeveloped area it also has an association with the setting of TNTR, forming a historic open and rural hinterland backdrop.
13. This association and historic contribution would be eroded by the proposed development. In views from Wellhead Lane, TNTR would be bookended by dwellings, as would views through from Main Street and the public footpath. The proposal would thus be intrusive to the local character and its historic setting. While the more recent dwelling behind Nocton Hub has extended the built form there into a backland pattern, its position is not so prominent as to suggest that the paddock should be similarly developed. The remainder of the development along the 3 roads around the paddock is linear.
14. Although only limited access details have been provided, the track off Wellhead Lane would be widened and mostly changed to hard surfacing. The Council's Highways department deems that this would be technically acceptable, if constructed in accordance with its standards. While the proposal would change the character of the existing farm style track to a more formal access, I do not find this would be so significant as to cause harm to TNTR or the NCA. It would still be a low key driveway to only a few dwellings, with some grass verge remaining. There are already relatively substantial existing access points and bridges opposite and adjacent to TNTR such that the proposal would not be obtrusively out of place in this regard.
15. Overall however, the proposed development would harm the character and appearance of the area, including the setting of the non-designated heritage asset of TNTR. There would be less than substantial harm to the NCA, which would not be preserved or enhanced. The proposal would thus conflict with the CLLP Policies S4 and S53, and Policy 2 of the NPNP. These seek to conserve and enhance the setting of heritage assets, and for development to integrate with the surrounding area, contribute positively to local character, landscape and townscape, respond to local heritage, and protect important local views.
16. The proposal would also conflict with paragraph 130 of the Framework for development to maintain and be sympathetic to an area's prevailing character and setting, and Section 16 relating to conserving and enhancing the historic environment. It would also conflict with characteristics C1, C2, and I1 of the National Design Guide (2021) by not relating well to the site's history and heritage, surroundings, and the wider area, or the significance and setting of heritage assets.

Benefits

17. The Framework paragraph 202 and the CLLP Policy S57 identify that where a development proposal would result in less than substantial harm to a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
18. The proposal would create limited public economic benefits, including job creation, economic investment, New Homes Bonus payments, Council Tax

payments, and additional expenditure generated by future occupants. The provision of 6 new dwellings overall would be a modest addition to housing supply, although there is no evidence that there is currently a local undersupply. The appellant has also provided a certified Planning Obligation by way of a Unilateral Undertaking under s106 of the Town and Country Planning Act 1990 (as amended) to confirm the provision of 1 affordable dwelling in the form of a First Home, which would be a further limited social benefit.

Planning Balance and Conclusion

19. I have found that the proposal would not be in a suitable location for housing, and would cause harm to the character and appearance of the area, and to the setting of TNTR as a non-designated heritage asset. With relation to the NCA this would lead to less than substantial harm to the significance of a designated heritage asset. Cumulatively I give this harm considerable importance and weight. Paragraph 202 of the Framework identifies that less than substantial harm should be weighed against the public benefits of the proposal. I give only limited weight to the public benefits of the scheme.
20. The harm I have identified would therefore not be outweighed by the benefits of the scheme. The proposal conflicts with the development plan as a whole. With no other material considerations outweighing this conflict, for the reasons given above I conclude that the appeal is dismissed.

L Hughes

INSPECTOR