



Appeal Decision

Site visit made on 4 September 2023

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 September 2023

Appeal Ref: APP/R2520/W/22/3313075

73 Fen Road, Billingham, Lincoln, LN4 4BE

- 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 Andrew Farrow against the decision of North Kesteven District Council.
 - The application Ref 22/0503/OUT, dated 1 April 2022, was refused by notice dated 22 June 2022.
 - The development proposed is described as 'Demolition of existing wooden garden building and erection of single dwelling and garage'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal planning application has been submitted in outline form. Whilst the application form indicates that access is a reserved matter, all other documents from both parties in connection with the application and subsequent appeal clarify that it is all matters aside from access that are reserved. Thus scale, layout, appearance and landscaping are reserved for future consideration. I have dealt with the appeal on this basis, treating the submitted plans as being illustrative only, insofar as they relate to matters of scale, layout, appearance and landscaping.
3. Since the Council issued its decision, the new Central Lincolnshire Local Plan (2023) (the LP) has been adopted. The Council has provided me with copies of the new policies and the appellant has been given the opportunity to comment. I have based my decision on the most up to date policies.

Main Issue

4. The main issue is whether the location of the proposed development would be acceptable, having regard to the development plan policies and the effect on the character and appearance of the area.

Reasons

5. It is proposed to construct a new dwelling on the appeal site which lies on the fringes of Billingham. Billingham is defined as a 'Large Village' in the settlement hierarchy set out as part of Policy S1 of the LP. The Policy sets out that beyond site allocations, development in the Large Villages will be limited to that which accords with Policy S4.
6. Residential development proposals on sites of up to 10 dwellings within the 'developed footprint' of the village are supported by Policy S4, where such

- proposals preserve or enhance the settlement's character and appearance; do not significantly harm the character and appearance of the surrounding countryside or the rural setting of the village; and are consistent with other policies in the development plan.
7. Policy S4 also sets out that residential development immediately adjacent to the developed footprint will only be supported where this is a First Home or rural affordable housing exception site. The developed footprint is defined in the Glossary to the LP as *'the continuous built form of the settlement'* and excludes, amongst other things, *'individual buildings or groups of dispersed buildings which are clearly detached from the continuous built up area of the settlement'*, and *'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'*.
 8. The appeal site fronts Fen Road to the east with open fields extending to the north and west. Residential development north along Fen Road is sporadic and interspersed by open fields. The appeal site lies adjacent to, and currently forms part of, the garden of No 73. This garden is very large, particularly compared to nearby properties within Billingham. The existing dwelling is located in the northern portion of the garden, with a more substantial area to the south.
 9. A relatively tall hedge forms the boundary with the road and with a narrow tract of grassed land to the north of the watercourse, Carr Dyke. As such, the dwelling at No 73 is separated from its closest neighbour on this side of the road by Carr Dyke, the narrow tract of land to the north, and the substantial garden. This represents a sizeable gap in the built form.
 10. I acknowledge that there is a residential property roughly opposite the appeal site, however, this is separated from the appeal site by the road and verge. Furthermore, the dwellings on the opposite side of the road form a pattern of development more akin to ribbon development that is distinctly different from the more sporadic development around the appeal site.
 11. Given that the garden of No 73 does not bound another residential property and adjoins open fields to two sides, in my view, the appeal site relates more to the open countryside than to the built-up area of the settlement to the south. Moreover, with the dwelling at No 73 lying some distance from the built form, I am not convinced that any dwelling located on the appeal site would form part of the continuous built form, and thus would be outside of the developed footprint of Billingham.
 12. Although the proposed dwelling would be seen alongside that at No 73, these two dwellings clustered together would, for the above reasons, be seen as separate and detached from the developed footprint, rather than a part of it. Development here would obtrude into the countryside introducing new built form including a new dwelling, garage, hardsurfacing, boundary treatments and a separate curtilage. I acknowledge that this land is garden at present, nonetheless, the resulting proliferation of development here would, to a degree, result in an increased urbanisation of the rural setting of the village to the detriment of the character and appearance of the area.
 13. I have noted the presence of manicured hedges and verges and the pavement, street lighting and other street furniture. However, aside from the pavement,

which is located on the opposite side of the road to the appeal site, these features extend north along Fen Road and beyond. They are therefore not reliable indicators of the continuous built-up-area or the position of the developed footprint of the village.

14. The appeal proposal is not for a rural affordable housing exception site or a First Homes rural exception site. Therefore, for the above reasons, the location of the proposed development would not be acceptable having regard to the development plan policies. It would therefore conflict with Policies S1 and S4 of the LP, described above. There would also be conflict with Policy S53 which seeks to ensure new development proposals provide high quality design that integrates with the character and appearance of the area.

Other Matters

15. I have been provided with a copy of the settlement boundary for the 2007 North Kesteven Local Plan and I note that this appears to indicate the appeal site fell within this area. However, my role is to determine the appeal on the basis of current and up-to-date policy.
16. I have been provided with a copy of the delegated report for planning permission 20/1047/OUT. However, this is located in a different settlement, and I have not been provided with plans or other such information to ascertain the extent of similarity with the circumstances of the appeal site. As such, I cannot be certain that this permission represents a parallel with the appeal scheme. Moreover, I note each application should be assessed on its own merits.
17. The appellant has referred to pre-application advice received from the Council which indicated that a one and a half storey would be acceptable. Nevertheless, my role is to assess the proposal before me and pre-application advice is not binding.
18. The appellant considers that any perceived harm would be outweighed by the benefits of providing a new dwelling. I accept that there would be economic benefits from the construction and occupation of a new dwelling but these would be small given the scale of the proposal. Minor benefits would arise to housing supply but again this would be limited by virtue of being a single dwelling. I am therefore not convinced that the identified harm and conflict with the development plan would be outweighed by these benefits.

Conclusion

19. There are no material considerations that, in this instance, justify taking an approach contrary to the adopted development plan having regard to the requirements of s38(6) of the Act¹. I have considered all other matters raised, including the approach in the Framework, but none outweigh the conclusions I have reached. For the reasons set out above, I dismiss the appeal.

Paul Martinson

INSPECTOR

¹ Planning and Compulsory Purchase Act 2004.