



Appeal Decision

Site visit made on 17 October 2023

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd November 2023

Appeal Ref: APP/D2510/W/23/3321377

Land East of Main Road, East Keal, Lincolnshire PE23 4BA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Max Hugo Ltd against the decision of East Lindsey District Council.
 - The application Ref S/045/01031/22, dated 26 May 2022, was refused by notice dated 3 November 2022.
 - The development is described as “proposed 2no new dwellings and creation of a shared access driveway”.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the appeal site is an appropriate location for the proposed development, with regard to the Council’s housing strategy and the character and appearance of the surrounding area.

Reasons

3. Policy SP1 of the East Lindsey Local Plan Core Strategy, adopted 2018 (‘the LP’) defines East Keal as a Medium Village. LP Policy SP4 sets out the criteria for housing development in the Medium Villages and requires a site to be within an “appropriate location” within the “developed footprint” of the settlement as infill, frontage development of no more than two dwellings; and conforms with Clause 2 of LP Policy SP25. The proposal is for two dwellings that would front onto the A16. Therefore, the matters in dispute are whether the proposal would constitute infill development; whether the site lies within the developed footprint of the settlement; and whether it would cause unacceptable harm to the appearance, character or role of an area of open space.
4. “Infill” is not defined within the LP policy, nor is it defined within the National Planning Policy Framework (‘the Framework’). Therefore, it is essentially a question of fact and planning judgement having regard to the location of the site and its relationship to other existing development adjoining and adjacent to it. The Collins English Dictionary defines infill as “the act of infilling or closing gaps etc. in something, such as a row of buildings”. This is a reasonable definition and therefore, I have determined the proposal on this basis.
5. The appeal site consists of a corner of a field and is relatively flat. It is adjacent to an existing dwelling known as ‘Marden House’, while the A16 (Main Road) bounds the site to the west. On the opposite side of the road is a row of bungalows. The southern and eastern boundaries of the site are demarcated

from the remainder of the field by a post and rail fence. The field slopes downwards to a hedgerow to the east and is separated from the dwellings fronting Fen Lane by another field. Adjacent to the southern boundary of the field is the first dwelling of a short ribbon of development.

6. The southern and eastern boundaries of the appeal site are not bounded by other buildings. The appeal site would be between two dwellings that front onto the A16. However, a large proportion of the existing field fronting the road would be retained and therefore, the proposal would not lead to the closing of a gap in a row of buildings. Consequently, the appeal site would not comprise infill development and would not comply with the first bullet point listed under LP Policy SP4(2). As I have found that that proposal would not comprise infill development, I do not have cause to consider whether the appeal site would be within the developed footprint of the village.
7. The appellant asserts that LP Policy SP25 is only concerned with publicly accessible open space and, as the appeal site does not meet this definition, the policy is not applicable to the proposal. However, Clause 2 of LP Policy SP25 relates to 'open spaces'. Furthermore, the supporting text to the policy defines Green Infrastructure as *the umbrella term to describe all the different elements that form the network of natural and semi-natural spaces within and around our towns and villages*. Consequently, the second bullet point to LP Policy SP4(2) and Clause 2 of LP Policy SP25 are applicable to the proposal.
8. The field forms an important part of the road's character by providing a visual transition between the built up and suburban feel of the northern part of the village and the rural character further south. Marden House and its garden provide a definitive, clear boundary between the built development to the north and the field. Consequently, the proposal would extend the ribbon of development further south thereby eroding the rural character of the gap and causing harm to the field's role. I acknowledge that a large extent of the field's frontage onto the A16 would be retained and therefore a gap would still exist, and that users of the Public Right of Way that traverses the field would view the proposed dwellings against a backdrop of Marden House and the bungalows on the opposite side of the A16. However, the extent of visual relief from development would be significantly reduced and would significantly weaken the distinct transition currently formed by the northern boundary of the field.
9. The elevated height of the appeal site together with the height and siting of the proposed dwellings behind an existing hedgerow could reduce the visual prominence of the proposal when viewed from the road. However, the hedgerow comprises mixed native species and therefore it is likely that the proposed dwellings would be more noticeable in the winter when the leaves have fallen. Furthermore, it is proposed to remove some of the hedgerow to create an access onto the A16 and therefore, the dwellings would be visible through this gap.
10. It has been stated that the appeal site appears more connected to the built-up character of the village due to the grass having a maintained appearance which contrasts with the unmanaged surrounding field. However, this was not discernible on my site visit. The appellant asserts that they could erect a 2m high close boarded fence around the perimeter of the appeal site without obtaining planning permission. However, this has not been substantiated with evidence. Furthermore, while a 2m high fence could enclose the corner of the

field, it would have a lower height than the proposed dwellings and therefore it would not be as visually prominent.

11. I acknowledge that the proposed dwellings would not project forward of Marden House; the size of the proposed dwellings' rear gardens would be commensurate with other dwellings in the surrounding area; and they would comprise detached dormer bungalows that are comparable to other dwellings in the village. However, these matters would not overcome the harm to the character and appearance of the area that I have identified. Landscaping could be planted to the boundaries of the appeal site to screen the proposed dwellings. However, such planting would take a significant time to mature to a size and density to achieve this objective and in any event, screening should not be used to hide an otherwise unacceptable form of development.
12. I have been directed to examples of developments the appellant considers are comparable to the appeal proposal. Other than the example at Pinfold Cottage¹ I have not been provided with full details to enable me to determine whether they are directly comparable to the appeal proposal. Furthermore, the inset maps relate to the Council's previous iteration of the Local Plan, adopted in 1995 and have been superseded by the LP. In respect of the Pinfold Cottage example, the Council concluded that the site was visually read as having an association with Pinfold Cottage and was distinct from the more open, pastoral land to the east; the site did not provide an important gap within the built street scene; and the site was deemed to be within the developed footprint. Therefore, the Pinfold Cottage example is not directly comparable to the appeal proposal. In any event, I must determine each case on its own merits.
13. In reference to the main issue, the appeal site is not an appropriate location for the proposed development, with regard to the Council's housing strategy and the character and appearance of the surrounding area. It would be contrary to Policies SP4 and SP25 of the LP which seek to ensure that new housing developments are in an appropriate location within the developed footprint of the settlement as infill, frontage development of no more than two dwellings. They also seek to ensure that new housing developments are only permitted on open spaces as long as unacceptable harm will not be caused to their appearance, character or role in providing, amongst other things, an important element in the street scene or a well-defined visual relief in an otherwise built-up frontage; particularly in the case of ribbon development extending into the countryside.

Other Matters

14. I have been directed to figures that suggest the existing demographics of the area comprise a high proportion of older and retired people and the village tends to attract this demographic for which the proposed dwellings would suit. However, the source of this evidence was not provided to substantiate these matters. Furthermore, the proposal would be for two open market dwellings, and I do not have a mechanism before me that would ensure the proposed dwellings would be occupied by local or older people.
15. The appeal site is in a village that has access to limited facilities including a convenience shop with a Post Office and a church. It is also within proximity of bus stops, although details regarding the frequency of the bus service have not

¹ Planning Ref N/137/01559/21

been provided. I accept that future occupiers could use these facilities, however, from the information before me, they would still be heavily reliant on the private car to meet their day-to-day needs.

Conclusion

16. For the reasons given above, having regard to the development plan as a whole and all other material considerations, I conclude that the appeal should be dismissed.

A Berry

INSPECTOR