

Appeal Decision

Site visit made on 31 October 2023

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 November 2023

Appeal Ref: APP/R2520/W/23/3322099

Land to the north of Vicarage Lane, Harmston, Lincoln LN5 9SL

- 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 and Mrs Rodney Asher against the decision of North Kesteven District Council.
 - The application Ref 22/1779/OUT, dated 15 December 2022, was refused by notice dated 22 March 2023.
 - The development proposed is described as "outline planning application for the construction of 3no detached bungalows".
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Notwithstanding the planning application form is for full planning permission, it is clear from the main parties' submissions and the description of development that the proposal is for outline planning permission with all matters reserved. Drawings have been submitted for two indicative proposals which include details of the scale, appearance, layout and access, matters which are reserved for future consideration. I have therefore treated these drawings as illustrative in this regard. I have determined the appeal on this basis.
3. It has been brought to my attention that the Central Lincolnshire Local Plan ('the LP') was adopted in April 2023. The LP replaces the Central Lincolnshire Local Plan, adopted 2017 and the Council have advised that Policies S1, S4, S7, S53, S61 and S62 are of relevance to the appeal proposal and have superseded Policies LP1, LP2, LP4, LP17 and LP26. It is mandatory for me to take account of the most relevant and up-to-date information in reaching a decision and I have therefore dealt with the appeal on this basis. The Council notified the appellants of the adoption of the new LP within their appeal statement, and they had the opportunity to comment upon it. Therefore, they have not been prejudiced.

Main Issues

4. The main issues are:
 - a) whether the appeal site is an appropriate location for the proposed development, with regard to the Council's housing strategy; and
 - b) the effect of the proposed development on the Lincoln Cliff Area of Great Landscape Value ('the AGLV').

Reasons

Suitable Location

5. The appeal site is unallocated within the Central Lincolnshire Local Plan, adopted 2023 ('the LP'). Policy S1 of the LP defines Harmston as a Medium Village, while LP Policy S4 sets out the criteria for housing developments in the Medium Villages. Part 1 of Policy S4 requires an unallocated site to be in an "appropriate location" within the "developed footprint" of the village and typically consist of up to 10 dwellings.
6. "Developed footprint" is defined within the Glossary of the LP and, amongst other things, states that it 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*. The appeal site comprises a paddock that is bounded by a field to the north, fields are located on the opposite side of Vicarage Lane and the A607, and it is separated from a ribbon of dwellings to the west by a grassed access to a paddock. The appeal site therefore relates more to the surrounding countryside than to the built-up area of the village. Consequently, the appeal site does not comply with the definition of "developed footprint". As I have found that that proposal would be outside the developed footprint of Harmston, I do not have cause to consider whether the appeal site would also be in an "appropriate location".
7. Part 3 of LP Policy S4 supports housing developments on unallocated land immediately adjacent to the developed footprint of a Medium Village where it is a First Homes exception site in accordance with the National Planning Policy Framework ('the Framework') or it is exclusively for a rural affordable housing exception site. While the proposal is adjacent to the developed footprint of the village, it seeks approval for three open market dwellings.
8. A sequential test was undertaken by the appellants to demonstrate a lack of potential housing development sites within the developed footprint of Harmston. However, this was a requirement of the now superseded Policy LP4. Furthermore, the sequential test did not include greenfield sites on the edge of the village.
9. In reference to the first main issue, the appeal site would not be an appropriate location for the proposed development, with regard to the Council's housing strategy. It would therefore conflict with Policy S4 of the LP, the purpose for which has been set out above.

Area of Great Landscape Value (AGLV)

10. The appeal site is within the Lincoln Cliff AGLV which extends in a narrow strip predominantly along the western side of the A607 between Leadenham in the south and Lincoln in the north. The appeal site is located on the corner of Vicarage Lane and the A607. It, together with the open field on the opposite corner, provide an open, undeveloped gateway into Harmston. This landscape feature is replicated by a similar undeveloped gateway into the village at the junction of Church Lane and the A607 and at the gateways from the A607 to the village of Coleby, the next village south of Harmston. The proposal would erode the openness of this important gateway and extend the built development further into the AGLV.

11. The illustrative drawings indicate that the appeal site would be large enough to accommodate three detached dwellings with sufficient space to retain an undeveloped section closest to the A607. However, the illustrative drawings indicate that the size of the gap and the extent of visual relief from built development would be significantly reduced, which would significantly erode the appeal site's role as an open, undeveloped gateway into the village and would not preserve or enhance local views.
12. The description of development indicates that the proposed dwellings would be bungalows. The appeal site is bounded by mixed species hedgerows which, given the potential limited height of the dwellings, could reduce their visual prominence when viewed from Vicarage Lane and the corner of Vicarage Lane/the A607. However, the hedgerow contains deciduous species and therefore it is likely that the proposed dwellings would be more noticeable in the winter when the leaves have fallen. Furthermore, the roadside hedgerow along the adjacent field is maintained at a lower height and the hedgerow between the appeal site and the field is sparse and of a low height. Therefore, views of the proposed dwellings would be afforded when travelling south along the A607 which would erode the open character of this part of the AGLV.
13. I have been directed to two planning approvals¹ for housing developments adjacent to the village of Waddington, that are also within the AGLV and adjacent to the A607. Limited information has been provided regarding these developments however, both were allocated sites and the character of Waddington differs from Harmston in that it extends along both sides of the A607. I have also been directed to a recent planning approval² for a stable with store above that has been erected close to the appeal site and is visible from the A607. However, the development is not for housing and therefore it would have been assessed against different development plan policies. Additionally, the building is located to the rear of the existing ribbon of development and does not extend into the gateway to the village. Furthermore, all three examples were approved under the now superseded Local Plan. Consequently, the appeal proposal is not directly comparable to these examples and in any event, I must determine it on its own individual merits.
14. Illustrative Option A includes provision for a public viewing area to be created, that the appellant states would allow members of the public to gain views over the existing landscape that is currently blocked by the existing hedgerows. However, from my site visit, views from the potential viewing area would be limited to the adjacent relatively flat field that is in agricultural use and therefore, it would not comprise the enhancement of an important view.
15. In reference to the second main issue, the proposed development would have a detrimental effect on the AGLV. It would therefore conflict with Policy S62 of the LP which, amongst other things, seeks to ensure that development proposals conserve and enhance the qualities, character and distinctiveness of locally important landscapes, and maintain landscape quality and minimise adverse visual impacts through high quality building and landscape design. It would also conflict with paragraph 126 of the Framework that seeks to create high quality, beautiful and sustainable buildings and places, and Characteristics C1 and I1 of the National Model Design Code Part 2 Guidance Notes, published 2021 that seek to ensure that developments create or enhance a sense of place

¹ Planning Refs: 17/1038/FUL and 20/0349/OUT

² Planning Ref: 20/0564/FUL

and reflect a site's context. The Council's decision notice also refers to paragraph 134 of the Framework, which the development would accord, as it requires development that is not well designed to be refused.

Other Matters

16. To the west of the appeal site is the Grade II Listed Vicarage. I therefore have a statutory duty under Section 66(1) of the Act to pay regard to the desirability of preserving the setting of this listed building. The building comprises an early 19th century two-storey detached vicarage set back from Vicarage Lane within substantial grounds. It is of historic and architectural interest with evidential value. Due to the distance between the listed building and the appeal site and the intervening buildings and vegetation, I do not find that the proposal would harm the setting of the listed building.
17. It has been brought to my attention that one of the appellants has been diagnosed with a health condition that meets the statutory definition of a disability. While I have no reason to doubt the appellant's medical history, I must highlight that no evidence has been submitted to substantiate it or its severity. Notwithstanding this, I have had due regard to the Public Sector Equality Duty ('the PSED') contained in Section 149 of the Equality Act 2010 ('the Act'), which sets out the need to eliminate unlawful discrimination, harassment, and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not. The Act sets out the relevant protected characteristics which includes disability. Since there is the potential for my decision to affect persons with a protected characteristic, I have had due regard to the three equality principles set out in Section 149 of the Act.
18. The negative impacts of dismissing this appeal would arise from the appellants potentially having to move out of the village in which they reside. However, it does not follow from the PSED that the appeal should succeed. I have considered the personal circumstances of the appellants. However, the proposal is for three open-market dwellings therefore, while the appellants may choose to reside in one of the proposed dwellings, I have no mechanism before me that would ensure it occurs. Furthermore, I have not been provided with evidence that there is no suitable or available accommodation within the village that would meet the appellant's needs or support the appellants' assertion that there is a shortage of single storey accommodation complying, or could be adapted to comply, with Part M4(2) of Building Regulations. My actions in this respect, and my decision therefore on the appeal, are a proportionate response to the requirements of the Act and those of the plan led system.
19. The appellants assert that the proposed dwellings would be "cutting edge" in terms of low carbon footprints and insulation. However, limited information has been provided to support these matters. Comments regarding an increasing older population and increasing local demand for single storey dwellings have not been substantiated with evidence. Concerns regarding the handling of the planning application by the Council are not material to the determination of this appeal. While no representations objecting to the proposal were received during the application and appeal processes, this does not indicate support.
20. The inclusion of electric charging points, water usage efficiency measures, a reduction in energy consumption, the provision of wildlife enhancement measures, and the siting of the development where travel can be minimised

are all policy requirements and therefore are neutral matters. Landscaping, as part of the subsequent reserved matter, could be incorporated into the appeal site to enhance the green gateway. However, this would not overcome the harm caused to the erosion of this important green gateway.

Conclusion

21. 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