



Appeal Decision

Site visit made on 12 March 2024

by J Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10.04.2024

Appeal Ref: APP/D2510/W/23/3325224

Land south of Middlesykes Lane, Grimoldby, Louth, Lincolnshire LN11 8TE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Nigel Peart against the decision of East Lindsey District Council.
 - The application Ref is N/067/01344/22.
 - The development proposed is proposed dwelling, stables and block and manege. Solar panels to feature on roof of dwelling. Proposed 2no. ponds.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Nigel Peart against East Lindsey District Council. This is the subject of a separate Decision.

Preliminary Matters

Main Issue

3. The main issue is whether the site is a suitable location for development with reference to the Council's planned pattern of growth for the district, the character and appearance of the area and effect on users of the adjacent public right of way (PRoW).

Reasons

4. Grimoldby has a linear pattern of development, predominantly running along Tinkle Street, with further development continuing this linear pattern in the streets and lanes perpendicular to Tinkle Street. Development fronts onto the streets, with only limited examples of development sat behind these properties. This gives the settlement a distinctive linear shape and form. Development becomes more sporadic travelling away from Tinkle Street, resulting in a gradual transition from the built form of the settlement to the rural countryside.
5. The appeal site is expansive, sat to the rear of the frontage development along Middlesykes Lane and Eastfield Lane. It has a limited frontage to Middlesykes Lane through which access would be taken. The proposed dwelling would be discretely sited within the site at its closest point to the development along Middlesykes Lane and Tinkle Street. However, it would not have any functional relationship to the surrounding pattern of development. Consequently, it would not retain the core shape and form of the settlement.

6. The appellant has directed me to surrounding permissions and provided details of the officer appraisal and decision notice associated with each. Those applications were assessed on the merits of those proposals and their relationship to the shape and form of the settlement. The approved scheme at Middlesykes Lane¹ faced directly onto the highway and so continued the broad pattern of development. It therefore would not provide any support for the appeal proposal.
7. Figures 1 and 2 in the appellant's statement of case shows nine dwellings on land which lies between the appeal site and the development which fronts onto Tinkle Street. Both outline and full planning permission² have been granted for five of these dwellings. However, the officer report into the most recent of these confirms that four of the nine are the subject of a separate outline application³. These four dwellings would be on the land that lies immediately adjacent to the appeal site. This had not been determined at the time of that report and I have not been advised as to any change in the status of that application. Consequently, as I am not aware of any permission for the land adjacent to the appeal site, the proposed dwelling would continue to appear detached from the core shape and form of the settlement, even were the extant full permission implemented, which it was not at the time of my site visit.
8. Middlesykes Lane gradually becomes more rural in character as it moves away from Tinkle Street. Notwithstanding, there is development along its length towards the appeal site, and which extends beyond the appeal site towards the open countryside. The proposed layout demonstrates an appreciation of the rural setting of Grimoldby through the discrete siting of the proposed dwelling, stables and manege closest to the built form and paddocks towards the countryside. Any impacts could be further mitigated through the proposed landscaping. Consequently, the proposed development would maintain the rural setting of Grimoldby. No landscape character or visual harm beyond the localised effect on the setting of the settlement was alleged in the Council's officer report. I have no reason to disagree with this given the limited scale of the proposed development and its location relative to surrounding development.
9. Access to the PRoW from Middlesykes Lane is taken through the adjacent property. It is separated from the appeal site by two substantial hedgerows and open land which appeared to be associated with the adjacent dwelling. Although lesser in scale than that on Middlesykes Lane, there is development along Eastfield Lane which users of the PRoW would be aware of. The development proposes paddocks closest to the PRoW which would not have an adverse effect on the enjoyment of users of the PRoW as such a use would not be unusual in a rural area. The proposed dwelling would be set at sufficient distance that any effect of the enjoyment of users of the PRoW would be negligible.
10. Although I have found that the proposed development would not have an adverse effect on the rural setting of the settlement or the enjoyment of users of the PRoW, these would amount to a lack of harm and would therefore be neutral. They would not outweigh the harm I have found with respect to the

¹ N/067/02357/20 approved 15/02/2021

² N/067/01445/20 approved 22/12/2020 and N/067/02509/21 approved 11/03/2022

³ N/067/02004/21

conflict with East Lindsey Local Plan Core Strategy adopted July 2018 (ELLP) Policy SP3 with respect to the core shape and form of the settlement. Consequently, I conclude that the proposal would not be in a suitable location for development.

Other Matters

11. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker, in considering whether to grant planning permission for development which affects a listed building (LB) or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest. The Gables is a Grade II Listed Building. Its significance is derived from its architectural interest as a vernacular building and its historic interest as evidence of the agricultural history of the area. It lies in an open setting which reflects this history, although all of the surrounding land may not remain in agricultural use.
12. Continuing access to the site, albeit in a more formalised manner, from adjacent to The Gables, and the use of the adjacent land as paddocks would preserve the open setting of the listed building. The proposed dwelling, stables and manege would be at a sufficient distance from the listed building that they would have a neutral effect on its setting, subject to a suitable landscaping scheme which could be secured by condition.
13. The evidence before me from the Council indicates there is the potential for undiscovered archaeological remains being present at the site, based on findings from other works in the area. The significance of any remains would be in their archaeological interest and the addition to the knowledge and understanding of historic occupation in the area. Paragraph 200 of the National Planning Policy Framework sets out that developers should submit an appropriate desk based assessment and where necessary a field evaluation in such circumstances. The Council has not sought to refuse the application on these grounds and it is intimated that this matter could be addressed by condition. This could ensure that any archaeological remains would be appropriately recorded. I have no reason to disagree with this approach.
14. Tree Preservation (Grimoldby) Order 1965 indicates trees along the site boundary. There is no evidence in the form of an arboricultural report or detailed landscaping plan before me. However as I am dismissing the appeal on other grounds, it is not necessary for me to consider this matter further.
15. No concerns with the design of the proposed dwelling have been identified and I have no reason to find otherwise. There is no suggestion that the paddocks, stable and manege would be used other than by occupiers of the proposed dwelling. Any concerns regarding commercial use would fall to be addressed by the Council should that circumstance arise. Landscaping of the site could be secured by condition. However these amount to a lack of harm and would be neutral.
16. Biodiversity enhancements are proposed in the form of a wildflower meadow and ponds. There would be a benefit from the delivery of an additional dwelling, irrespective of the Council's housing land supply position. There would also be the associated economic benefits of development during the construction and occupation stages of the proposed development. I have also had regard to the letters of support submitted by the appellant from

surrounding occupiers. However, the benefits arising would be limited given the small scale of the development and would not outweigh the policy conflict I have identified above.

Conclusion

17. The appeal proposal would conflict with the development plan when read as a whole. There are no material considerations of sufficient weight to suggest the decision should be made otherwise. Therefore, for the reasons given, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

J Downs

INSPECTOR