



Appeal Decision

Site visit made on 16 April 2024

by E Dade BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 May 2024

Appeal Ref: APP/R2520/W/23/3329542

Woodside Cottage, Wood Lane, South Kyme, Lincoln, Lincolnshire LN4 4AB

- 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 Mrs Helen Mills against the decision of North Kesteven District Council.
 - The application Ref is 23/0050/FUL.
 - The development proposed is change of use of existing paddock land to 3 non-permanent structures, which would be 2 pods and 1 shepherd hut. This accommodation offer would bring social, economic and environmental benefits to the site and surrounding area through increased overnight visitors, increased spend in the local economy and a habitat enhancement resulting in biodiversity gain. The units would serve as year-round accommodation for people visiting Lincolnshire. The Shepherds hut would sleep 2 people and the two pods a maximum of 4 people each. This is to include locating a septic tank if permission is given. A new driveway and car parking constructed from gravel would be required as it is currently field access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The revised Central Lincolnshire Local Plan 2023 (CLLP) was adopted by the Council in April 2023 and after the decision notice was issued. Planning law requires I determine the proposal in accordance with the development plan, unless material considerations indicate otherwise, and therefore I have applied the policies in force at the time of my decision.

Main Issues

3. The main issues in this appeal are:
 - Whether the proposed development would be in a suitable location, having regard to development plan policies for the distribution of development; and
 - the effect of the proposed development on the character and appearance of the area.

Reasons

Whether in a suitable location

4. The appeal site lies outside the village of South Kyme and is detached from its built area by agricultural land. The site is beyond the developed footprint of the settlement, where CLLP Policy S1 indicates it is within the countryside.

5. Part E of CLLP Policy S5 sets out criteria for non-residential development in the countryside. This includes that the rural location of the enterprise is justifiable to maintain or enhance the rural economy, or the location is justified by means of proximity to existing established businesses or natural features.
6. The proposal seeks to provide three units of low-cost holiday accommodation of a type not met by larger camping and caravan parks in the local area and asserts visitors would be encouraged to use local facilities and attractions. However, due to the scale of the proposal and indirect nature of support for local businesses, the contribution to the rural economy would be small, and not sufficient in magnitude to justify a rural location.
7. The site's highway connection to South Kyme is via Wood Lane, a rural road with no pedestrian footway or street lighting. Village services could be accessed from the site via a public right of way. However, the distance, unmade surface and absence of lighting, would mean the site would not be suitable for all users, or after dark or in poor weather.
8. Whilst settlements in the locality may rely on each other for the sharing of services and facilities, the proposal does not demonstrate that the location of the site would be advantageous in accessing other settlements. Consequently, the site's poor accessibility would further limit the extent to which the proposal would support the rural economy.
9. The site is adjacent to the appellant's home, which would provide convenience in managing the operations of the proposed units. However, since the site is related to a dwelling, the proposed development is not justified by proximity to an established business.
10. It is asserted that the proposed units would be aimed at groups who enjoy a quiet and nature-based retreat, and guests would have access to a small woodland and pond within the residential curtilage of the adjacent dwelling, access to the public rights of way network, and views of the countryside and local landmarks. However, within its rural context, such features are not atypical, and it is not demonstrated why such features justify the siting of the proposed development. Furthermore, those features could be accessed and enjoyed from accommodation located elsewhere, such as within the built area.
11. CLLP Policy S43 requires development proposals for tourism uses in the countryside demonstrate locations within settlements are unsuitable for the scale and nature of the proposal. The proposal fails to demonstrate why the proposed development could not be accommodated at more accessible locations within the built area.
12. As set out above, the siting of the enterprise in a rural location would not be justified by its contribution to the rural economy or proximity to existing established businesses or natural features. Having regard to development plan policies for the distribution of development, the proposed development would not be in a suitable location.
13. The proposal would therefore fail to satisfy the criteria of CLLP policies S5 and S43 for non-residential development and tourism uses in the countryside and would thus conflict with those policies.

Character and appearance

14. The appeal site is an L-shaped area of undeveloped agricultural land within a larger field. The site and wider field adjoin Wood Lane, a public highway. The low, wire fence contributes an open appearance to the site's frontage and allows views across the site. Beyond the highway are arable fields. A row of trees and hedges provides some enclosure to the site's rear boundary, and woodland provides visual separation between the site and Woodside Cottage. The surrounding landscape is predominantly agricultural in use with a rural, verdant character and is generally open, enabling views to distant countryside.
15. The nearby village of South Kyme occupies an elevated position and there are views across the site to development within the village in the middle distance, including the historic and visually interesting buildings of St Mary's Church and Kyme Tower. The site is visible in the landscape from the village and is therefore in a visually prominent location. Whilst it is not subject to any formal landscape designation, the site and surrounding area contribute to the village's rural landscape setting.
16. The proposed units would be of relatively low height, with a timber exterior and muted colours. The proposal has sought to keep the amount of hardstanding to a minimum. However, the proposal would introduce built structures and features where none presently exist.
17. Hardstanding would provide vehicle parking and a bin store in a visually prominent location at the site's frontage and would be connected to the units at the rear of the site via a footpath. The infrastructure associated with the site, and increased activity associated with its occupation, would therefore alter the undeveloped character of the site.
18. The units would be arranged in a row toward the rear of the site behind hedges and would therefore have a managed, landscaped appearance which would differ significantly from the surrounding field pattern and the sporadic dwellings and farm buildings which are visible in the surrounding landscape. Therefore, whilst the design of the scheme has sought to achieve a rustic appearance to minimise its visual impacts, it would nonetheless have a significant urbanising effect through the siting of structures, hardstanding, and parked vehicles to the detriment of the open, undeveloped appearance of the site.
19. The proposal would include tree planting along the site's side boundaries with native hedge planting in front of the units and adjacent to the highway edge. However, activity and built features on the site would remain visible in the landscape, particularly from vantage points within the elevated topography of the village. Therefore, the proposed screening would not be sufficient to mitigate the visual impacts of the proposal and would thus fail to assimilate the proposed development into the landscape.
20. As set out above, the proposed development would be sited in a prominent location and would appear visually dominant in views from the village, and toward the village from Wood Lane. The proposed development would have an urbanising effect upon the site and would not be sympathetic to the open, rural character of the landscape. The proposal would therefore harm the character and appearance of the area.

21. The proposed development would conflict with CLLP Policy S53 which requires development proposals contribute positively to local character, landscape and townscape, relate well to the site and its local and wider context, and protect any important local views. The proposal would therefore fail to satisfy the policy's requirement for development to contribute positively to sense of place and reflect and enhance existing character and distinctiveness.
22. In addition, the proposed development would not satisfy paragraph 135 of the National Planning Policy Framework which requires development be sympathetic to local character, including the surrounding built environment and landscape setting.

Conclusion

23. The proposal would conflict with the development plan as a whole and there are no other considerations which outweigh this finding. Therefore, for the reasons given, the appeal should be dismissed.

E Dade

INSPECTOR