



Appeal Decision

Site visit made on 4 November 2024

by Zoe Raygen DipURP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2024

Appeal Ref: APP/D2510/W/24/3347731

Land adjacent to Coronation Garage, Main Road, East Keal, Lincolnshire PE23 4BA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Angela Betts-Gray against the decision of East Lindsey District Council.
 - The application Ref is S/045/01608/23.
 - The development proposed is outline planning permission for 1 no. dwelling with access and layout to be considered.
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Decision

1. The appeal is allowed, and outline planning permission is granted for 1 no. dwelling with access and layout to be considered at land adjacent to Coronation Garage, Main Road, East Keal, Lincolnshire PE23 4BA in accordance with the terms of the application Ref S/045/01608/23, subject to the conditions set out in the schedule to this decision notice.

Preliminary Matters

2. The description of the development reflects the amendment to the proposal during its consideration by the Council from two dwellings to one dwelling. The application was made in outline form with matters of access and layout to be considered. I have considered the appeal on the same basis.
3. I have used the site address from the decision notice and the appellant's appeal form as this more accurately describes the location of the appeal site than that on the planning application form.

Main Issues

- The main issue is whether the appeal site is an appropriate location for a house with regard to the spatial strategy and the character and appearance of the area.

Reasons

Location

4. The appeal site is located within East Keal which is identified in Policy SP1 of the East Lindsey Local Plan Core Strategy 2018 (the Local Plan) as a medium village for the purposes of guiding the distribution, scale and nature of future development.

5. Policy SP4 of the Local Plan supports the provision of housing in medium villages provided it is in an appropriate location within the developed footprint of the settlement as infill, frontage development of no more than two dwellings.
6. An appropriate location is defined as one which does not conflict, when taken as a whole, with national policy or policies in the Local Plan. Developed footprint is defined as the continuous built form of the settlement and excludes individual buildings or groups of dispersed buildings which are detached from the continuous built up area of the settlement.
7. In this instance the appeal site forms part of a large open space within the village. Nevertheless that space is, in my view, contained within the developed footprint of the village. It is surrounded by built form on the main A16 and on Fen Lane, which forms linear development alongside the roads. While this means the settlement is elongated, it reads visually as a strong continuous built form along the A16 until after Church Lane to the east.
8. The large green space within which the appeal site sits does though form an important function in reinforcing the rural nature and location of the settlement and allows views through to the countryside to the south.
9. The appeal site would project into the green space. However, it would only be by a narrow width so that a relatively large expanse would remain. It would also be seen within the context of the built form of the Manor House and the garage to the west when viewed from both the A16 and Fen Lane. Indeed it would not extend any further east than the Manor House. Moreover, the layout plan shows that there would be a hedge planted along the eastern boundary so that it would replicate the existing boundary in views across the open space. Details of this would be required through the submission of a landscaping scheme to ensure appropriate species in terms of size and spaces to create an appropriate hedge for this locality. The access would be taken from the existing driveway to the Manor House, so would not be prominent within the streetscene.
10. The scale and appearance of the house would be reserved matters for the Council to consider in the first instance. However, the supporting information suggests this would be a low rise development such as a bungalow and this could be secured through an appropriately worded condition. This would ensure that it would satisfactorily integrate in the streetscene. Views would still be apparent over to the open countryside to the south as the proposed house would effectively be contained within the visual envelope of existing built form.
11. There are a number of Public Rights Of Way (PROW) that traverse the open space. Having walked them myself, they are ill defined, and it is tricky to find the exact route through the open space. Although not how it is implemented on the ground, the legal route of one of the PROW cuts across the appeal site and across the forecourt of the adjacent garage. As a result, views for users of that PROW would change dramatically to the detriment of the users.
12. However, agreement has been reached on an alternative route for the PROW with relevant officers of the Council and Lincolnshire County Council, which in my view, would provide a safer route than the current legal line across the forecourt of the adjacent garage. If the diversion were to be approved prior to

the commencement of work, which could be secured by way of an appropriately worded condition, then this would mean that the PROW would be contained within the remaining open space.

13. Consequently views from the various PROW within the open space would change. However, this would be in the context I describe above, such that they would not be materially harmed, allowing walkers to retain views and the experience of walking through a rural field.
14. Therefore there would be no unacceptable harm that would be caused to the character and appearance of the area through the erosion of the green space. Furthermore, its role in providing visual relief and enabling views through the village would not be materially harmed. There would therefore be no conflict with Policy SP25 in this respect.
15. The layout plan shows a house sited at the front of the site and therefore that would satisfy the requirement in Policy SP4 for the proposal to be frontage development.
16. Although there is no definition in the Local Plan of infill, the Council draws my attention to an Inspectors definition in an appeal in a different site in the village¹. Here the Inspector paid heed to the definition in the Collins English Dictionary which defines infilling as "the act of infilling or closing gaps etc. in something, such as a row of buildings." This strikes me as a sensible definition.
17. Although the development would be close to the garage to the west, there would still be a large gap, as well as a road that would remain to the east before development. While I acknowledge that the house would be close to development to the south and west, the proposal would not therefore be infill or close a gap sufficiently to form infilling as envisaged by the development plan.
18. For this specific reason I conclude that the proposal would not be an appropriate location for a house with regard to the spatial strategy and would therefore conflict with Policy SP4 of the Local Plan. Also for the reasons above I conclude that it would be an appropriate location with regard to the character and appearance of the area. There would therefore be no conflict with Policy SP25 of the Local Plan. This requires that development does not cause unacceptable harm to the character, appearance and roles of open spaces.

Other matters

19. The Highway Authority raise no objections to the proposal on the grounds of the safety of the access or highway capacity issues. From the plans before me, and my observations on site, I see no reason to disagree.
20. East Keal War Memorial stands in a prominent position on the opposite side of the road to the west of the appeal site. Erected in 1920 as a first world war memorial in the form of a Cavalry Cross on top of a tall limestone shaft it is a Grade II listed building. Its significance, in respect of this appeal is largely derived from its historic interest as an eloquent witness to the tragic impacts of world events on the local community and the sacrifices it made in the

¹ APP/D2510/W/23/3321377

conflicts of the twentieth century. It is set back from the road so its setting in which it is appreciated is limited due to the presence of other built form. There is some visibility from the appeal site from where the memorial can be appreciated and there is no known functional link between the two. Hence the appeal site contributes in a limited way to the significance of the building.

21. The proposed house could be set back within the appeal site while still being frontage development, such that it would not interfere with the appreciation of the Memorial hence there would be no harm to the significance of the building.
22. I appreciate comments regarding the precedent this may set for the development of the remainder of the open space. However, I have only found the appeal site to be acceptable because of its specific position in relation to existing built form, particularly the Manor House to the rear means it would not lead to unacceptable encroachment into the open space. This would not be the case for any further development.

Conditions

23. I have had regard to the conditions suggested by the Council and considered them against the tests in the National Planning Policy Framework (the Framework) and the advice in the Planning Practise Guidance (PPG), making such amendments as necessary to comply with those documents.
24. Conditions regarding the submission and approval of reserved matters as well as compliance with plans are required in the interests of certainty (1-4).
25. A Construction Management Plan and Method Statement is necessary to ensure highway safety and ensure that the development is adequately drained without creating or increasing flood risk elsewhere (5).
26. A pre commencement condition regarding securing a written scheme of archaeological investigation is necessary to ensure no archaeology is destroyed before investigation. Other conditions are required in this respect to ensure appropriate site work and a copy of a report of findings is retained in the appropriate archive (6-8).
27. A condition regarding contamination is required in case any contaminated land is found during construction to ensure adequate remediation bearing in mind the sensitive end user (9).
28. A condition requiring the dwelling to be single storey only (10) is necessary in the interests of the character and appearance of the area. Finally a condition requiring no work to commence until the footpath diversion has been completed is necessary both in the interests of character and appearance and to improve the safety for the users of the footpath (11).
29. While the footpath condition requires authorisation under other legislation, I do not consider that there are no prospects of it coming forward at all. In this instance discussion has led to agreement on the preferred route between the relevant bodies and has approval by the owner of the garage, I therefore, consider it reasonable, necessary and enforceable meeting the relevant tests in the Framework.

Planning Balance and Conclusion

30. The proposal would conflict with the spatial strategy by virtue of it not being infill development. It would therefore conflict with the development plan as a whole.
31. The proposal would provide a new dwelling for the appellant releasing a larger home in a relatively accessible location. It would also provide economic and social benefits associated with the construction of the dwelling and the spend of occupants in the local economy. Furthermore it would result in a safer route for the PROW which traverses the appeal site and the adjacent garage forecourt within the open space. These are significant benefits of the development which would in my view outweigh the conflict with the development plan in this instance and would lead to a decision not in accordance with it.
32. For the reasons above the appeal should be allowed.

Zoe Raygen

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved drawing numbers: B/3777-1003 Rev A B/3777-2004.
- 5) The development hereby permitted shall be undertaken in accordance with a Construction Management Plan and Method Statement that shall first be approved in writing by the Local Planning Authority. The Plan and Statement shall indicate measures to mitigate the adverse impacts of vehicle activity and the means to manage the drainage of the site during the construction stage of the permitted development. It shall include;
 - i) the phasing of the development to include access construction;
 - ii) the on-site parking of all vehicles of site operatives and visitors;
 - iii) the on-site loading and unloading of all plant and materials;
 - iv) the on-site storage of all plant and materials used in constructing the development;
 - v) wheel washing facilities;
 - vi) the routes of construction traffic to and from the site including any off-site routes for the disposal of excavated material and;
 - vii) strategy stating how surface water run off on and from the development will be managed during construction and protection measures for any sustainable drainage features. This should include drawing(s) showing how the drainage systems (temporary or permanent) connect to an outfall (temporary or permanent) during construction.
- 6) No development shall take place until a written scheme of archaeological investigation has been submitted to and approved by the Local Planning Authority. This scheme should include the following:
 - i) An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
 - ii) A methodology and timetable of site investigation and recording.
 - iii) Provision for site analysis.
 - iv) Provision for publication and dissemination of analysis and records.
 - v) Provision for archive deposition.
 - vi) Nomination of a competent person/organisation to undertake the work.

- The scheme of archaeological investigation must only be undertaken in accordance with the approved details.
- 7) The archaeological site work must be undertaken only in full accordance with the approved written scheme referred to in the above condition. The applicant will notify the Local Planning Authority of the intention to commence at least fourteen days before the start of archaeological work in order to facilitate adequate monitoring arrangements. No variation shall take place without prior consent of the Local Planning Authority.
 - 8) A report of the archaeologist's findings shall be submitted to the Local Planning Authority and the Historic Environment Record Officer at Lincolnshire County Council within 3 months of the works hereby given consent being commenced unless otherwise agreed in writing by the Local Planning Authority; and the condition shall not be discharged until the archive of all archaeological work undertaken hitherto has been deposited with the County Museum Service, or another public depository willing to receive it.
 - 9) If during redevelopment contamination not previously considered is identified, then the LPA shall be notified immediately, and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the LPA. On completion of the development the LPA shall be notified in writing if no additional contamination was identified during the course of the development and the dwellings hereby permitted shall not be occupied until the LPA has acknowledged receipt of the same.
 - 10) The proposed house shall only include one storey of living accommodation.
 - 11) No development shall take place until the Public Right of Way PF185 has been diverted in accordance with Option 4 contained in the appellant's email dated February 27 2024.