



Appeal Decision

Site visit made on 25 October 2024

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 December 2024

Appeal Ref: APP/R2520/W/24/3344027

5 Newark Road, Bassingham, Lincoln, Lincolnshire LN5 9HA

- 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 Messrs JP & S Newman against the decision of North Kesteven District Council.
 - The application Ref is 23/0324/FUL.
 - The development proposed is described as: 'erection of 3no. bungalows'
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs has been made by Messrs JP & S Newman against North Kesteven District Council.

Preliminary Matters

3. I have taken the description of the development from the appeal form as it more accurately describes the appeal proposal.
4. The Council has referred to the effect on the non-designated heritage asset of 7 Newark Road in the delegated report, decision notice and other evidence. However, the Council now accepts that this is an error and that the property in question is actually 1 Bakers Lane.
5. As the proposal is in a conservation area I have had special regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issue

6. The main issue is whether the appeal site is an appropriate location for the proposed development having regard to the development plan policies and the effect on heritage assets, including whether it would preserve or enhance the character or appearance of the Bassingham Conservation Area.

Reasons

Policy

7. Policy S1 of the Central Lincolnshire Local Plan (2023) (the LP) sets out the Council's housing strategy and settlement hierarchy, as part of which Bassingham is defined as a Medium Village. In these settlements, through Policy S4 of the LP, windfall housing development is limited to sites of up to

- 10 houses within the developed footprint of the village. Such development is required, amongst other things, to preserve or enhance the settlement's character and appearance and be consistent with other policies in the development plan.
8. There is no dispute between the parties that the appeal site lies within the development footprint of the village. At 3 bungalows, the appeal proposal would fall within the limit of 10 dwellings on unallocated sites in Medium Villages. It is therefore necessary to consider whether the development would preserve or enhance the settlement character and whether it would be consistent with other policies in the development plan, namely those that relate to heritage assets, to which I shall turn to below.
 9. In that regard LP Policy S53 sets out that new development must achieve high quality sustainable design that is based on a sound understanding of the context, integrating into the surroundings and responding to local history, culture and heritage. LP Policy S57 seeks to ensure new development protects the significance of heritage assets (including their setting) by protecting and enhancing architectural and historic character, historical associations, landscape and townscape features and through consideration of scale, design, architectural detailing, materials, siting, layout, mass, use, and views and vistas both from and towards the asset.
 10. Together, Policies ES1 and ES3 of the Bassingham Neighbourhood Plan (2017) (the NP) require new development to achieve high quality design that conserves and, where appropriate, enhances heritage assets.

Significance

11. The Bassingham Conservation Area (the CA) covers a large part of the village, comprising of the central and southern parts, with Newark Road and High Street forming the central spine. Buildings are predominantly residential houses of the primary materials of brick and pantile. There is a reasonably high concentration of eighteenth and nineteenth century properties which, with their relatively steep pantile roofs and prominent chimney stacks provide a distinctive backdrop to views within the CA. These properties are set out in a varied pattern at a relatively low density, in part arising from the relatively large plot sizes. Wide, green verges and mature trees give the CA a verdant, rural appearance.
12. As set out in the Bassingham Conservation Area Appraisal (the CAA) the large, well-maintained private gardens with mature trees make a significant contribution to the overall character and appearance. This is further enhanced by the churchyard and cemetery and also the small fields on the north side of Bakers Lane.
13. The appeal site lies beyond a boundary fence of the rear garden of a comparatively modern detached bungalow, 5 Newark Road. The site is predominantly grassed with some mature trees located adjacent to the southern and eastern boundaries. The boundary with the cemetery to the north is defined by a cast iron railing fence with spear point finials. This is a reasonably open boundary, albeit partly overgrown with brambles in places at present. To the east and south lie the other small areas of open green space that lie off Bakers Lane, referenced in the CAA. Owing to their proximity and the open nature of the boundary treatments between them, together, these

spaces form a large area of highly visible and attractive open green space within the CA. This area of open green space, including the appeal site, is particularly visible across the neighbouring fields from Paddy's Jetty, a narrow thoroughfare that bounds the adjacent fields to the east. As such, the appeal site, alongside the adjacent fields and cemetery, significantly reinforces the verdant and rural character of the CA.

14. The bungalow of 5 Newark Road lies directly between Bassingham Cemetery, and 1 Bakers Lane, both of which are considered to be non-designated heritage assets by the Council and are proposed to be designated as locally listed buildings in the CAA. The Council consider both to be non-designated heritage assets.
15. The large cemetery lies between Newark Road and Paddy's Jetty and includes monuments of various styles and dates. The appellants set out that the cemetery is in excess of 100 years old, being laid out in 1902. Owing to its level of heritage significance, which I shall turn to consider below, I am satisfied that the cemetery can be considered as a non-designated heritage asset for the purposes of this appeal.
16. The attractive brick front boundary wall, capped with dressed stone and railings with Fleur de Lys Finials and the aforementioned railings bounding the appeal site are elements that contribute to the cemetery's significance. Its significance is also derived from its open green nature and its setting within a wider green space as described above. The appeal site, as the adjoining green space within its setting, contributes to that significance.
17. 1 Bakers Lane is a detached red brick and pantile dwelling. Its pair of chimney stacks, decorative brickwork to the eaves and the arrangement of its fenestration contributes to a symmetrical and pleasing appearance. It is orientated with its slim gable end facing Newark Road and its principal elevation facing the garden. These elements are prominent features that contribute to its significance. I acknowledge that this significance has been, to a degree, compromised by the large extension to the eastern gable however, this is set away from the road and is lower than the main dwelling and as such is not particularly prominent in views of the building within the streetscene. In these views the gable and principal elevations remain the prominent elements of the building and make an important contribution to the streetscene. Therefore, on the basis of its significance, notwithstanding the harm that has occurred, I am satisfied that 1 Bakers Lane constitutes a non-designated heritage asset.
18. The garden of 1 Bakers Lane is sizeable with a mature hedge and extends to the boundary with Bakers Lane to the south. The small fields that adjoin Paddy's Jetty are located to the east and the appeal site lies to the north east beyond its extension. Intervisibility between the appeal site and the main part of the dwelling of 1 Bakers Lane is somewhat limited due to a boundary fence, mature trees and the orientation of the building. In views from Paddy's Jetty, it is the extension and the rear elevation that are seen in the context of the appeal site, lying adjacent to the existing bungalow at No 5. I am not directed to any historic link between the appeal site and 1 Bakers Lane. As such, although lying within its wider setting, the appeal site thus makes a negligible contribution to the significance of 1 Bakers Lane as a non-designated heritage asset.

Appeal Proposal and Effects

19. The appeal proposal would involve the construction of a roughly L-shaped terrace of three bungalows with parking and turning provided to the west of the appeal site, closest to the existing bungalow, No 5, which would be retained. As a result of the proposal a substantial portion of the appeal site would be developed, being occupied by either hardsurfacing or the dwellings themselves which would together comprise of a sizeable structure. The provision of tall domestic fencing and boundary walls would subdivide the green space that would be retained for garden areas, diminishing the visibility of these spaces from outside of the appeal site.
20. As a result, the proposal would urbanise the appeal site, eroding its green, open and rural character and significantly diminishing its contribution to the wider area of green space that characterises the CA. The urbanisation of the appeal site would be highly visible in views from Paddy's Jetty and from within the cemetery. Visibility would be more limited from Bakers Lane but would likely increase during the months when the boundary hedge is not in leaf, adding to the harm. The development would also be visible from many of the neighbouring buildings.
21. In these views, seen in the context of the wider setting, the appeal site would have the effect of intruding into the green space and partly separating the cemetery from the remaining area of green space. This would erode the green setting of the cemetery, adversely affecting its significance as a non-designated heritage asset and diminishing its visual contribution to the character and appearance of the CA.
22. The Bassingham Conservation Area Management Plan (the CAMP) states that *'green space and landscaping plays a vital role in forming the character and appearance of Bassingham Conservation Area. Green verges, public open space, mature trees and private gardens all contribute to this and it is therefore important that these spaces are preserved and enhanced. The loss of green space and mature trees as a result of development will be resisted and the council will seek to ensure their enhancement through the planning process wherever possible.'* The proposal would result in a significant loss of green space and would thus conflict with the guidance in the CAMP. This reinforces my above assessment.
23. I acknowledge that the proposal includes the planting of a native hedge to the site boundaries, however, any screening would not mitigate the loss of the green space. Furthermore, a hedge would take time to establish and may not end up providing the level of screening anticipated by the appellants. During the time taken before the hedge provided any realistic screening, the harm to the CA and to the setting of the cemetery would endure.
24. The appellants have directed me to evidence of buildings formerly present on the appeal site. These were removed in around the middle part of the twentieth century and located along the eastern boundary, with farm buildings associated with 1 Bakers Lane adjacent to the southern boundary. These are all relatively slim linear structures and not reflective of the appeal scheme. Whilst their presence may have affected the visibility of the appeal site within the wider area of green space, had they survived they may equally have made a contribution to the CA in their own right. Nonetheless, my role is to assess the appeal scheme based on the circumstances that are present now. For these

reasons, the presence of long since demolished development on the appeal site thus carries limited weight and does not provide justification for an entirely different form of development. Similarly, the presence of the care home located within a separate parcel of land to the north of the cemetery does not justify the loss of the green space and form of development proposed as part of the appeal scheme.

25. For the above reasons I therefore conclude that the proposal would fail to preserve or enhance the character or appearance of the CA as a whole. This would be contrary to the requirements of section 72(1) of the Act. For the same reasons it would cause harm to the significance of the CA as a designated heritage asset. It would also result in harm to the significance of a non-designated heritage asset.

Public Benefits and Balance

26. With reference to Paragraphs 207 and 208 of the National Planning Policy Framework (the Framework), in finding harm to designated heritage assets the magnitude of that harm should be assessed. Given the scale and nature of the proposed development, I find that the harm to the CA would be less than substantial. This is nonetheless, of considerable importance and weight. Under such circumstances, Paragraph 208 advises that this harm should be weighed against the public benefits of the proposal.
27. I have had regard to the Inspector's decision at a dismissed appeal¹. This scheme was for the erection of 12 dwellings on the fields around the appeal site, accessed from Bakers Lane. In this instance, the effect of the loss of the open green space was not a matter that was in dispute, although the Inspector saw no reason to disagree. The Inspector nonetheless dismissed the appeal on the basis of the harm to the CA through loss of hedgerows and highway works.
28. However, this decision was issued in 2008 and thus significantly pre-dates the first publication of the National Planning Policy Framework in 2012 along with its requirements with regard to assessing heritage significance and non-designated heritage assets. It also pre-dates the adoption of the LP in 2023 and the making of the NP in 2017, as well as the guidance within the CAA and CAMP, both of which were published in 2016. Whilst I accept that the decision related to development on an adjacent site within the CA, it was issued in notably different policy circumstances than those that exist now. I have therefore given this decision limited weight.
29. The appeal site itself has been the subject of historic planning permissions for the erection of a single dwelling, the first of which was granted in 1990, prior to the designation as a conservation area. There were several renewals of the planning permission with the most recent granted in 2002 and renewed in 2005 when the policy circumstances are likely to have been different to those that are before me, having regard to my above assessment. Nonetheless this permission is no longer extant and, moreover, it relates to a single dwelling and not a terrace of three bungalows as proposed as part of the appeal scheme. The expired grant of planning permission therefore carries limited weight.

¹ Appeal Ref APP/R2520/A/08/2079766.

30. I acknowledge that public benefits would arise in terms of the delivery of new housing in a location that would likely support facilities and services. There would also be public benefits to the local economy arising from the construction process. Nevertheless, these benefits would be limited by the reasonably small-scale nature of the development. I give these benefits moderate weight.
31. Paragraph 206 of the Framework is explicit in its requirement that any harm to the significance of designated heritage assets should require clear and convincing justification, which, in all of the respects outlined above, I find not to be the case in the appeal before me. Cumulatively, therefore, whilst the public benefits carry moderate weight, they would not outweigh the harm to the designated heritage asset, to which I must give considerable importance and weight.
32. The proposal would fail to preserve or enhance the character or appearance of the CA. This would be contrary to the requirements of section 72(1) of the Act. There would also be harm to the significance of a non-designated heritage asset. On this basis, the proposal would conflict with the provisions within the Framework which seek to conserve and enhance heritage assets.
33. Owing to the harm to heritage assets set out above, the development would fail to preserve the character and appearance of the settlement of Bassingham. I therefore conclude that the appeal site is not an appropriate location for the proposed development having regard to the development plan policies and the effect on heritage assets. The proposal would be contrary to Policies S1, S4, S53 and S57 of the LP, Policies ES1 and ES3 of the NP, described above.

Conclusion

34. The proposed development would conflict with the development plan. There are no material considerations that indicate that the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Paul Martinson

INSPECTOR