



Appeal Decision

Site visit made on 24 October 2024

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 February 2025

Appeal Ref: APP/Y2003/W/24/3343971

Land off Scotter Road, Messingham, Lincs DN17 3QE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Mr AE and DM Swaby against the decision of North Lincolnshire Council.
 - The application Ref PA/2021/1034 sought approval of details pursuant to condition No 1 of a planning permission Ref PA/2017/392, granted on 15 June 2018.
 - The application was refused by notice dated 8 December 2023.
 - The development proposed is approval of all reserved matters under outline planning permission Ref PA/2017/392 to erect 6 No. 4 bedroom detached dwelling houses with integral garages.
 - The details for which approval is sought are access, appearance, landscaping, layout, and scale.
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Decision

1. The appeal is allowed and the Reserved Matters are approved, namely access, appearance, landscaping, layout, and scale in accordance with details submitted in pursuance of condition No 1 attached to planning permission Ref PA/2017/392 dated 15 June 2018, subject to the conditions in the attached schedule.

Application for Costs

2. An application for costs was made by Mr AE and DM Swaby against North Lincolnshire Council. This application is the subject of a separate decision.

Preliminary Matters

3. I have been appointed to determine an appeal on an adjacent site¹. This appeal will be the subject of a separate decision.
4. A revised National Planning Policy Framework (the Framework) was published in December 2024 but there are no material changes relevant to the substance of the appeal.
5. It was requested that I view the property of Thistle Downe, and I was able to do so at my visit.

Main Issue

6. The main issues in this appeal are drainage and flood risk.

¹ Appeal Ref: APP/Y2003/W/24/3346249

Reasons

7. Outline planning permission with all matters reserved for the development of 6 dwellings was granted on appeal in June 2018. The main issue in that appeal was the effect of the development on the existing drainage network and the potential for flooding in the local area. In reaching their decision, the Inspector was satisfied that sufficient information had been provided to demonstrate that sewerage and surface water could be adequately dealt with. They also concluded that the imposition of appropriate planning conditions would give sufficient security to ensure that a satisfactory method of foul and surface water drainage would be provided as part of the development.
8. To this end, Condition 14 of the outline permission requires the submission and approval of details of foul and surface water drainage works and their implementation prior to occupation of the proposal. Other conditions addressed matters including surface water run-off onto the highway and drainage details for driveways.
9. The Council submits that the appellant's evidence fails to demonstrate whether the development would result in an acceptable method of surface water drainage disposal and whether infiltration would be feasible on the site. Subsequently, the Council questions whether the development would be safe from the risk of flooding or increase flood risk elsewhere. Extensive evidence on issues including sewerage and surface water drainage as well as flooding has also been submitted by interested parties.
10. However, the appeal before me relates to the Reserved Matters, which do not include drainage or flooding issues beyond the scope of those matters. Concerns relating to drainage and flooding were considered as part of the outline planning permission, and should be addressed in relation to the conditions on that permission rather than the Reserved Matters. This may include drainage and associated issues in respect of Thistle Downe.
11. Reference has been made to a housing proposal on an adjacent site which is also the subject of an appeal before me. However, outline planning permission has been granted for that development. Based on the submitted evidence, drainage capacity and attenuation were considered as part of that decision, including the imposition of a condition regarding details of foul and surface water drainage works. There is no substantive evidence that the development of the adjacent site would lead to circumstances where the Reserved Matters in respect of this appeal should not be approved.
12. In conclusion, the issues of drainage and flood risk would be appropriately addressed as part of the discharge of conditions on the outline planning permission, and do not represent a reason for the refusal of the Reserved Matters. On that basis, the proposal would not conflict with the flood risk and drainage requirements of Policy DS16 of the North Lincolnshire Local Plan 2003 and Policies CS18 and CS19 of the Core Strategy 2011. The proposal would also not be contrary to the Framework with regards to planning for climate change and flood risk.

Other Matters

13. Reference has been made to the orientation of the houses, which would face into the site turning their backs on to Scotter Road. However, the adjacent housing estate includes dwellings which are arranged side-on to Scotter Road, and dwellings on the opposite side of the road heading into the village are bounded by hedges along the highway. Within that context, and subject to the proposed site frontage planting and boundary treatment, the orientation of the dwellings does not represent a reason to dismiss the appeal in respect of the Reserved Matters.
14. With regards to crime and security, the rear of the proposed dwellings would be overlooked by their immediate neighbours which would create a degree of natural surveillance. Once established, the site frontage planting would also add a barrier to access to the rear gardens from the highway. The view from the upper floors of the rear of the houses would also provide a greater degree of surveillance of the highway compared to the undeveloped site.
15. In its reason for refusal the Council has not raised any concerns with regards to the Reserved Matters. Based on what I have seen and read, the proposal is acceptable in respect of access, appearance, landscaping, layout, and scale.
16. Reference has also been made to the validity of previous permissions, but there is no substantive evidence to demonstrate the application which has led to this appeal is invalid.

Conditions

17. I have imposed a condition requiring the development to be carried out in accordance with the submitted plans in the interests of certainty. Conditions relating to the retention of visibility splays and details of the proposed private driveway are necessary in the interests of highway safety. A condition in respect of planting is necessary in the interests of character and appearance as well as ecology.

Conclusion

18. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

David Cross

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 1360.03 Layout.
 - 1360.02 Proposed dwellings.
- 2) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), nothing shall at any time be erected, retained, planted or allowed to grow over 1.05 metres in height above the

level of the adjoining carriageway for a distance of 2 metres from the highway boundary across the site frontage.

- 3) No dwelling served by the private driveway shall be occupied until it has been constructed in accordance with details including:
- (i) the proposed method of forming access from the highway, including the required visibility splays;
 - (ii) the method of constructing/paving the drive;
 - (iii) the provision of adequate drainage features;
 - (iv) the provision of suitable bin collection facilities adjacent to the highway;
 - (v) the provision of suitable lighting arrangements; and
 - (vi) the provision of street name plates that shall include the words 'Private Drive';

which have been agreed in writing by the local planning authority. Once constructed the private driveway shall be retained.

- 4) The planting shown on approved plan 1360.03 shall be implemented prior to first occupation of the first dwelling on the site, and shall be retained thereafter unless otherwise agreed in writing by the local planning authority. Any tree or planting which becomes diseased, dies or is removed within the first five years of completion of the development shall be replaced with a similar species during the next available planting season.

End of Schedule