



Appeal Decision

Site visit made on 15 April 2025

by A Veevers BA(Hons) PGDip(BCon) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 May 2025

Appeal Ref: APP/D2510/W/24/3355990

Vacant land adjacent to Jasmine Cottage, Alford Road, Bilsby, Alford LN13 9PY

- 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 Richard Arnold against the decision of East Lindsey District Council.
 - The application Ref is N/016/00733/2023.
 - The development proposed is erection of two detached residential dwellings on vacant land with access of Alford Road.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the application form. Although slightly different to that on the decision notice, no confirmation that a change was agreed has been provided.
3. The appeal site is located close to Bilsby House, a Grade II listed building. While not cited in the Council's reason for refusal, both parties have also referred to Holy Trinity Church, a Grade II* listed building. As such I am required to consider the potential effects on their settings in line with my duties under section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (the Act).

Main Issues

4. The main issues are:
 - Whether the proposed development would accord with local development policies with regard to location;
 - Whether the development would preserve the settings of nearby listed buildings or any features of special architectural or historic interest which they may possess;
 - The effect of the proposed development on the character and appearance of the area; and,
 - Whether the proposed development would provide acceptable living conditions for future occupiers, with particular regard to outlook and sunlight/daylight.

Reasons

Location

5. Bilsby is identified as a medium village by Policy SP1 of the East Lindsey Local Plan Core Strategy, adopted July 2018 (CS), a policy that sets out the Council's overarching 'settlement pattern' for the district. Policy SP4 of the CS goes on to set out the Council's approach to housing in inland medium and small villages.
6. Policy SP4 (2) is supportive of housing in the medium and small villages where it is in an appropriate location within the developed footprint of the settlement as infill and conforms to Clause 2 of Policy SP25 – Green Infrastructure. An 'appropriate location' is defined in the policy as a location which does not conflict with national or local policies. '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. It also excludes gardens, community and recreation facilities, and land used for an active employment use.
7. The appeal site fronts Alford Road and comprises a wooded roughly rectangular parcel of land adjacent to Jasmine Cottage. There is a short ribbon of residential development to the west of Jasmine Cottage and across the road to the appeal site. However, on the south side of Alford Road, the parkland landscape of Bilsby House and the wooded grounds of Holy Trinity Church separate it from the bungalow, Ambleside, and the rest of the built development closer to the centre of the village. I note gardens and community facilities are excluded from the definition of continuous built form by Policy SP4 (2). Thus, the parkland fronting Bilsby House and the cemetery within the grounds of the church would be excluded from forming part of continuous built form.
8. Furthermore, open fields surround the ribbon of development opposite the appeal site and separate this row from Church House and the continuous built-up area of the village to the east. Therefore, even though the appeal site is within the 30mph speed limit and the village signpost, and in my view is visually and functionally seen as part of the village, it sits at the end of a row of buildings that are detached from the continuous built-up area of the settlement. Due to the distance and intervening parkland/woodland between the site and Holy Trinity Church, irrespective of land ownership, neither do I consider the site to be infill. Consequently, the appeal site would not be within the developed footprint of the settlement as infill.
9. I agree with the appellant's argument that the site is in an accessible location. It is within a 10 minute walk, along a lit pedestrian footway, of a petrol filling station (PFS) which includes a small convenience shop and post office, in the centre of the village. It is also within a 5 minute walk of Holy Trinity Church. To the west, approximately 1 mile along a lit roadside footway, is the town of Alford, which has schools, shops and other businesses. I saw at my site visit that there were bus stops between the site and the PFS which indicated there were reasonably regular services to larger towns, although no services in the evenings, Sundays or Public Holidays.
10. Paragraph 110 of the National Planning Policy Framework (the Framework) requires the planning system to actively manage patterns of growth to support the promotion of sustainable transport. It also recognises that opportunities to

maximise those sustainable transport solutions will vary between urban and rural areas and this should be taken into account in decision-making. I appreciate that Paragraph 110 of the Framework gives some flexibility in this regard and there are already a number of residential properties opposite and adjacent to the appeal site which are a similar distance from services and facilities. Given there would be a safe environment for future occupants of the proposed development to walk, cycle or use public transport to meet their everyday needs, even those with mobility needs would not necessarily be dependent on a private vehicle.

11. Nevertheless, whilst accessible, the appeal site would not be in an appropriate location within the developed footprint of the settlement as infill. It would therefore conflict with Policies SP1, SP2 and SP4 of the CS which together, amongst other things, guides the sustainable pattern of places for development in the district.
12. The Council's reason for refusal references Policy SP3 of the CS, however, this policy relates to 'Towns' and 'Large Villages' and is not directly relevant to this main issue.

Setting of listed buildings

Significance

13. The site is located close to Bilsby House (the House), a Grade II listed building which is set back from Alford Road along a private drive and behind a gate. The listing description sets out that the House dates from the mid-18th Century with alterations made in 1904. It is a large, two-storey detached dwelling constructed of red brick with stucco dressings and hipped slate roof. It includes a central 6-panelled door with delicate traceried fanlight and other architecturally historic detailing. The special interest and thus significance of the building therefore lies in its age and architectural interest.
14. Dense vegetation and hedgerow form a close boundary around the House and its more intimate garden, beyond which lies a substantial area of open grassland which includes several mature trees, and the wooded surrounds of Holy Trinity Church. The approach to the House from Alford Road along the drive and a Public Right of Way (PROW) provide glimpsed views through entrance gates of the House's northern aspect.
15. Planning Practice Guidance¹ defines setting as the surroundings in which a heritage asset is experienced. Historic England's Good Practice Advice Note on Setting² further states that the importance of setting lies within what it contributes to the significance of the heritage asset or to the ability to appreciate that significance. The extent and importance of setting is often expressed by reference to visual considerations.
16. The grounds near the House have an attractive verdant character and appearance, consistent with the establishment of parkland in its heyday, and the grounds retain a distinctive and recognisable character as historic parkland. This is reinforced by the presence of metal railings along boundary of the parkland with the curvature of Alford Road. As such, while the appellant has provided no assessment of significance, from the information before me and my own

¹ Paragraph 013 ID: 18a013-20-20190723

² Historic England's The Setting of Heritage Assets Historic Environmental Good Practice Advice in Planning Note 3 (second Edition), 2017

observations, I consider the grounds make a highly positive contribution to the setting of Bilsby House and are an integral component of its significance.

17. Despite being partially enclosed by a post and rail fence, the appellant's historical mapping and the current wooded appearance of the appeal site suggest it is closely related to the undeveloped parkland setting of the House and shares some of its characteristics. Indeed, the appellant confirms in their statement that the appeal site's perimeter tree belt contributes to the setting of the House. Even though the House is not visible from the appeal site itself, I agree that the verdant character of the site makes a wholly positive contribution to the setting of the House and thus to its significance as a designated heritage asset.
18. In relation to Holy Trinity Church (the Church), this is a Grade II* listed building originally dating from the 15th Century (C15) with a square castellated tower. It incorporates many early architectural features such as a C15 priest's door in continuously moulded surround with small header flanked by single 2-light C15 windows with flat heads and hood moulds. From the list description and my own observations, I consider the significance of the church is derived from its historic fabric, architecture and religious associations. It also has group value with a nearby Grade II listed Cross Base and a Cornish granite First World War memorial in the churchyard grounds.
19. However, due to distance and intervening woodland, there is very little inter-visibility or, unlike the House, and from the information available to me, a historic link between the Church and the appeal site. As such, whilst the proximity of the appeal site has significance in relation to the House as an indication of its parkland setting, there is nothing before me or from what I saw to suggest that there is any particular significance to be derived from the proximity of the site in relation to the Church. The appeal site therefore makes a neutral contribution to the setting of the Church.

Proposals and effects

20. Two new dwellings would be built on the appeal site. A separate access for each dwelling would be taken from Alford Road. The dwellings would be two-storey and would be of traditional style with small dormers and arched brick headers to windows and doors.
21. Although I recognise there is an existing row of properties on the south side of Alford Road, the proposal would represent additional incursion of built form and an intensification of land use within an area of land visually forming part of the wider parkland setting of the House. This would detract from the space between the House and the site's western boundary where it abuts Jasmine Cottage.
22. The removal of several trees and the raising of land levels in the central part of the site would be required to facilitate the proposed development. I note many of the trees along the frontage of the site have already been removed for safety reasons, with the agreement of the Council. The submitted Arboricultural Report (AR)³ identifies that trees along the boundary of the area surveyed (not the site itself) are covered by a Group Tree Preservation Order⁴.

³ Arboricultural Report Ref:AWA3916, AWA Tree Consultants, October 2021

⁴ TPO dated 20 December 1963

23. The tree data provided at Appendix 4 of the AR identifies that many of the trees within the central part of the site are classified as category 'C' trees and would be unsuitable to retain. The explanation of tree descriptions in Appendix 3 of the AR advises that category 'C' trees are of low or average quality and value and are in adequate condition to remain until new planting could be established. Moreover, the tree constraints plan at Appendix 5 of the AR indicates most category 'C' trees could be retained and this plan does not show their removal. There is thus no compelling evidence before me to suggest that these trees would require removal were it not for the proposed development. Nor is there any evidence to be certain that the raising of land as proposed would not affect those perimeter trees that are shown to be retained. In any event, even if they were removed and only the perimeter trees retained, the space that would remain would provide gaps for new planting and would still reflect the undeveloped parkland setting of the House, which the appeal proposal, due to the introduction of built form, would not.
24. Furthermore, there could be pressure from future occupants of the proposed development to heavily prune or remove trees on or close to the boundary of the site in order to secure more light into their homes and gardens as well as for reasons relating to safety. It has also been highlighted that the site floods, although I have little evidence in this regard. Nevertheless, it is unclear from the submitted information, whether the proposed soakaway would be an acceptable form of surface water drainage disposal on this site or, in the event that it was not, that an alternative form of surface water disposal would not lead to a further diminution of trees.
25. These factors reinforce my concerns that it is unrealistic to presume that the trees along or close to the site's boundaries would remain in their current form if the appeal was allowed, particularly as no percolation tests have thus far been undertaken to determine whether soakaway would be suitable, and the dwellings and gardens would dominate the site with very little space for a buffer around them. Any resultant tree loss on the site as a result of underground drainage works, raised ground and finished floor levels, and accrual of light into the site would allow greater intervisibility between the site and its surroundings and result in a prominent form of development within the setting of the House.
26. Replacement planting could mitigate for tree losses but given the dwellings' proximity to boundaries and need for daylight entry, I am not satisfied that this is a realistic expectation. Even if replacement tree planting were undertaken within other areas of parkland surrounding the site, it is the appeal site's vegetated and undeveloped nature that contributes to the setting of the House.
27. I recognise that effort has been made to seek to break up the massing of the dwellings through different ridge and eaves heights to reflect a 'cottage' appearance. I also note Heritage Lincolnshire did not object to the proposals despite alleging it would diminish the landscape character of the area. Nonetheless, for the reasons given above, I conclude that the introduction of the proposed built form would erode the elements which contribute positively to the setting of the House and thus detract from its special interest and significance.
28. The harm to the setting of the House would be less than substantial in this instance but nevertheless of considerable importance and weight. Under such circumstances, paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal.

Heritage balance and conclusion

29. The appeal proposal would provide two dwellings towards the supply of housing in a relatively accessible location. It would also be likely to deliver social and economic benefits from construction work during the building phase and to the vitality of this rural community through ongoing support of local services and facilities from future occupation. Given the scale of the development, I attribute modest positive weight in these regards.
30. There is no firm evidence that the proposal would result in biodiversity enhancements considering the baseline conditions. Therefore, this factor is a neutral matter in the balance.
31. Overall, the weight that I ascribe to the public benefits resulting from the proposed development would not be sufficient to outweigh the great weight that I attach to the harm I have identified. As such, the proposed development would not comply with the Act or paragraph 215 of the Framework. It would also be contrary to the requirements of Policy SP11 of the CS. This says, amongst other things, that the Council will seek to secure the continued protection and enhancement of heritage assets.

Character and appearance

32. The appeal site is not untidy or, for the reasons set out earlier, within an otherwise built-up frontage. Whilst not a formally designated area of green infrastructure, woodland, open space or landscape, it is clearly a relatively small parcel of heavily vegetated land that has become naturalised over time and has a close association to the surrounding historic parkland setting of the House. The verdant, undeveloped attributes of the site positively contribute to the character and appearance of the area and therefore the village as a whole.
33. Given my findings in relation to the setting of the listed Bilsby House, it follows that the proposal would also harm the character and appearance of the surrounding area through the intrusive nature of the built form of the development. It would be clearly visible to occupants of nearby properties, when viewed from the adjacent PROW and when travelling past the site along Alford Road. The harm would be localised to this part of the village, but there would nonetheless be harm.
34. I therefore find that the proposal would harm the character and appearance of the surrounding area. There would be conflict with the requirements of Policies SP4(2), SP10, SP23(4) and SP25(2) of the CS and the provisions of the Framework when taken together and in so far as they relate to this main issue. These say, amongst other things, that well-designed development that maintains and enhances the character of the district's villages will be supported in appropriate locations and where development will not cause unacceptable harm to appearance, character and role in providing the setting for a designated heritage asset.

Living conditions

35. The proposed dwellings would face Alford Road in an approximate north-west direction. However, many of the trees along the north boundary of the site have and would be removed. Thus, the outlook from rooms at the front of the dwellings would be relatively open and light. However, although rooms at the rear of the

properties and their private rear gardens would face south, the southern boundary of the site would be dominated by a line of existing tall trees. The dwellings would extend to within a few metres of the canopies of some trees.

36. The development consists of family sized dwellings so it is likely that future occupiers would spend a reasonable amount of time in their garden areas, which would be of adequate size and trees surrounding and within the gardens would not prevent future occupiers of the dwellings from using the gardens. However, the height and canopy spread of the retained trees and their orientation in relation to the rear and side garden areas and the rear windows of the dwellings would mean that they would be heavily shaded and darkened spaces for a significant proportion of the day over the months of the year when the trees would be in leaf.
37. Given the proximity and height of the trees along the southern boundary, rooms at the rear of the dwellings would be likely to only receive direct sunlight for a short part of the day. During times of the year when the sun would be lower in the sky, shadows cast by trees would also be significantly longer than the height of the tree. I recognise that the distribution of the shade would change throughout the day, sunlight would penetrate the tree canopies and the canopies would not overhang the dwellings. Shade could also be beneficial on hotter days. Even so, the surrounding trees would inevitably restrict light levels to the dwellings and gardens. Consequently, future occupiers of the proposed dwellings would be likely to see the trees as significantly impacting their living conditions through overshadowing.
38. The appellant's claim that adequate natural light would be provided for the dwellings has not been substantiated. In the absence of evidence to show the full extent of overshadowing that would be caused by retained trees, whether in relation to the dwellings or gardens, at various times of the year or day, I cannot be satisfied that adequate daylight or sunlight would be provided for occupants of the proposed dwellings.
39. Furthermore, it seems to me that the perceived or actual adverse impact on ambient light within the dwellings would inevitably lead to pressure to frequently/significantly prune the trees or remove them. Furthermore, many of the existing trees are etiolated and leggy and the limited degree of separation between the proposed dwellings and trees, combined with their notable height, in my experience encourages fears of failure in stormy weather. Safety concerns are therefore also likely to result in requests from future occupiers to have the trees either removed or regularly/significantly pruned. It would be difficult for the Council to resist applications to prune or fell in circumstances such as where safety is at issue.
40. In coming to this view, I have taken into account that future occupiers would be aware of the trees beforehand, and that such proximity does not automatically mean applications to prune or remove them will follow. In my experience, future occupants may, initially, place a high value on the contribution trees make to the setting of a property, failing to appreciate the implications/problems of living next to a large tree.
41. In terms of outlook, due to gaps amongst the trees and the open vista beyond the southern boundary of the site towards open land, I consider a satisfactory outlook would be obtainable to occupants of the proposed dwellings.

42. For the above reasons, I conclude on this main issue that the submission fails to demonstrate that the proposed development would provide acceptable living conditions for future occupiers, with particular regard to sunlight/daylight. It would therefore conflict with Policy SP10 of the CS which requires, amongst other matters, that development should not unacceptably harm residential amenity. There would also be conflict with Paragraph 135 of the Framework which seeks that planning decisions should ensure a high standard of amenity for future users.

Other Matters

43. The appellant has drawn my attention to other decisions of the Council, asserting an inconsistency in the Council's approach to decision-making in respect of the interpretation of Policy SP4.
44. Whilst no plans of the development on land adjacent to Two Ways, Sutton Road⁵ have been provided, I was able to see the two dwellings that had been granted planning permission at my site visit as they had been constructed. In terms of the built morphology of this part of Bilsby, the dwellings have a stronger relationship to the linear pattern of development fronting onto Sutton Road. Although located within an area that was previously an open space, these dwellings are predominantly experienced as part of the tighter pattern of development along this part of Sutton Road. This is accentuated by the limited degree of separation from the residential property to the north-east, Two Ways. As such there are material differences to the scheme before me and this development does not set a precedent for the pattern of development at the appeal location, which is characterised by the much more spacious grounds and woodland of Bilsby House and Holy Trinity Church.
45. The appellant's other examples at Grassmeade, Alford Road⁶ and Cosy Nook, Sutton Road⁷ were granted permission prior to the adoption of the CS and would therefore have been determined against different development plan policy. The reference number of a further example has also been provided by the appellant but no other details. As such I am unable to comment on this case, but given the year indicated, it would also have been determined against different policies.
46. Regardless, while consistency of decision-making is important, the specific circumstances in each proposal are likely to be different, and in any event the fact that apparently similar development has been granted permission is not a reason, on its own, to allow unacceptable development. I have considered this appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above.
47. I have considered all other matters raised by interested people. However, as I have found the development to be unacceptable for the reasons given, it is not necessary for me to address these in further detail.
48. Although the proposed development has evolved with a view to addressing concerns raised in respect of a previously refused planning application⁸, I have nevertheless found this appeal scheme would result in harm for the reasons given.

⁵ LPA Ref: N/016/01090/19

⁶ LPA Ref: N/016/02387/17

⁷ LPA Ref: N/016/00724/15

⁸ LPA Ref: N/016/1109/22

Overall Planning Balance

49. The proposed development would make a small contribution towards the supply of housing in a relatively accessible location. It would also provide a short term economic boost to the local economy in the construction phase, and a longer term social and economic boost to the area post-construction. Due to the scale of the development, it would attract modest positive weight in these regards.
50. Even if I were to agree that there would be no unacceptable effects in relation to biodiversity, ecology and highways, these are a neutral matters, weighing neither for nor against the proposal.
51. Notwithstanding the benefits set out above, I have concluded that those benefits would not outweigh the harm identified in relation to the setting and thus the significance of the listed building, Bilsby House. Furthermore, I have also found harm in relation to location, the character and appearance of the area and the living conditions of future occupants.
52. The appellant refers to the presumption in favour of sustainable development set out in the Framework. It is not in dispute that the Council does not have a five year housing land supply. Nevertheless, paragraph 11d) of the Framework indicates that permission should be granted unless: 11d) i) the application of policies in the Framework that protect areas or assets of importance provides a clear reason for the development proposed or, 11 d) ii) the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
53. Footnote 7 of the Framework identifies designated heritage assets as one of the areas that paragraph 11d)i relates to. Therefore, the policies in the Framework that protect areas of particular importance provide clear reasoning for refusing the development proposed. Even if that were not the case, the adverse impacts of granting planning permission would not be outweighed by the benefits. Either way, the presumption in favour of sustainable development would not apply.

Conclusion

54. The development would be contrary to the Act, the local development plan and the Framework and there are no material considerations of such weight to lead me to conclude otherwise.
55. Therefore, the appeal is dismissed.

A Veevers

INSPECTOR