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## Appeal Decision

Site visit made on 28 July 2025

**by T Bennett BA(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 01 August 2025

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**Appeal Ref: APP/J0540/W/25/3364814**

**1574 Lincoln Road, Peterborough PE6 7HH**

- 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 Mr Adrian Smith against the decision of Peterborough City Council.
  - The application Ref is 24/01666/OUT.
  - The development proposed is 3no. bedroom bungalow with access, layout and scale secured and all other matters reserved (appearance and landscaping).
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### Decision

1. The appeal is dismissed.

### Applications for costs

2. An application for costs was made by Mr Adrian Smith against Peterborough City Council. This application is the subject of a separate Decision.

### Preliminary Matter

3. The application seeks outline planning permission, with all matters reserved except for access, layout and scale. I have considered the appeal on this basis and have treated any plans in relation to the reserved matters as illustrative.

### Main Issues

4. The main issues are:
  - whether the site is an appropriate location for the development having regard to the spatial strategy of the development plan; and
  - the effect of the development on the sycamore tree.

### Reasons

#### *Location*

5. The appeal site is located between two properties on Lincoln Road on garden land associated with No 1572. To the west a belt of mature vegetation screens the appeal site from the the A15 Werrington Parkway which is located at the rear of the site. To the north of the site are two further dwellings with the host dwelling (No 1572) to the south. To the east, opposite the appeal site, is Lincoln road with agricultural land beyond.
6. Policy LP2 of the Peterborough Local Plan (2019) (LP) sets the overarching spatial strategy for the district and prioritises the City of Peterborough, before large

villages, followed by medium villages and, finally, small villages. The site is located outside of any identified settlement boundary on the Policies map, including the Peterborough urban area. Under Policy LP2 of the LP the appeal site is therefore in the countryside for planning policy purposes.

7. The officer report makes reference to the site being in 'open' countryside. Given the contained nature of the site, with development either side and bound by the A14 to the rear and having regard to the definition of 'open' provided by the appellant, I find the appeal site itself is not 'open'. However, irrespective of this, the site does fall within the countryside and thus it does not change the applicability of Policy LP2 of the LP.
8. Policy LP2 seeks to restrict development in the countryside except in specific circumstances. These include development that is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation and access to natural greenspace, transport or utility services; residential development which satisfies the 'exception' test set out in policy LP8; or development in accordance with Policy LP11.
9. The proposal would be for a self-build dwelling and in this regard garners some support from Policy LP8 of the LP which supports proposals where they provide a range of homes of varying sizes, types and tenures including plots for self-build. However, Policy LP2 makes specific reference to 'exception' tests in Policy LP8. The exception test allows for development proposals for affordable housing outside of, but adjacent to village envelopes. As the proposal does not meet either of these criteria, it fails to satisfy the exception test.
10. Policy LP11 allows for development in the countryside in a limited number of circumstances. Of relevance is Part D which allows new dwellings in the countryside. However, this is only where it relates to agricultural workers, forestry and other enterprises where a countryside location is essential.
11. The appellant is an agricultural fencing contractor and constructs fencing at the rear of No 1572, before transporting the fencing to various locations. However, I have very limited substantive evidence before me which demonstrates that a countryside location is essential to undertake the construction of the fencing or that the countryside location is demonstrably essential to the effective operation of local agriculture as set out in Policy LP2.
12. Considering all of the above, the proposal would be at odds with and undermine the spatial strategy for housing in the development plan, in conflict with Policy LP2, LP8 and LP11 of the LP.
13. Policy LP16 has been cited on the decision notice in relation to this main issue. This policy primarily relates to design. As appearance is a reserved matter I have not found this to be determinative on this main issue.

#### *Sycamore tree*

14. The layout plan submitted as part of the original application did not show the sycamore tree in the correct location. Email correspondence from the appellant to the Council dated 20 March 2025 details that they have amended the layout plan, correcting the location of the tree. It appears that this information was submitted after the application had been determined.

15. On the revised plan the sycamore tree is located within the front garden of the proposed dwelling, the location accords with what I observed on site. The sycamore tree has been described as early mature. There appears to be some dispute as to the 'early mature' status of the tree. Notwithstanding this, the sycamore tree is clearly well established and is a prominent feature of the street scene. Whilst it does not have a tree preservation order, it is an attractive specimen, highly visible within the street scene and makes a positive contribution to the visual amenity of the area.
16. Whilst there would be a degree of separation between the proposed dwelling and the sycamore tree, the proposed parking and widened drive would be in much closer proximity. I note that the appellant considers the ultimate mature spread and roots are to be contained within the lawned area, outside the proposed parking and access hard standing.
17. For existing trees, Policy LP29 of the LP requires evidence that existing trees on site have been subject to adequate consideration of the impact of the development on them. It goes on to say that adequate consideration is likely to mean the completion of a British Standard 5837 Tree Survey and, if applicable, an Arboricultural Method Statement. However, aside from the layout drawing, I do not have any substantive evidence, such as that set out in Policy LP29, to confirm that the tree including its roots and root protection area, would not be adversely harmed by the development.
18. In conclusion, based on the information before me, I cannot be satisfied that the proposal would not have an adverse effect on the sycamore tree. The proposal therefore conflicts with Policy LP29 of the LP which, amongst other matters, seeks to maintain, improve and expand existing tree cover.

### **Other Matters**

19. As the development would be contained by the adjacent properties, the development would not lead to a creeping of the ribbon development along the road frontage. The development in my mind would represent infill. However, my attention has not been drawn to any policy within the development plan that allows for infill development in the countryside.
20. The appellant has drawn my attention to an appeal decision<sup>1</sup> for a residential caravan site to the north of the appeal site on Lincoln Road. Whilst the Inspector did not describe the site as open countryside, it does not change the applicability of Policy LP2. Moreover, in that case the main issues were different to this appeal and Policy LP2 was not a determinative policy. The circumstances in that appeal are therefore not comparable.
21. As referred to in the first main issue, the proposal is for a self-build. However, I do not have a legal agreement before me to secure it as such. Even if I did, this would not outweigh the identified conflict with the spatial strategy.
22. Whilst there have been no objections from local residents this does not in itself render the scheme acceptable which I have assessed on its planning merits.
23. I note the appellants desire to retire and downsize without leaving the area. Whilst I have given the appellant's personal circumstances careful consideration, I am

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<sup>1</sup> Appeal Ref: APP/J0540/C/24/3350446 & APP/J0540/W/24/3350444

mindful of the advice contained in Planning Practice Guidance that in general planning is concerned with land use in the public interest. It is also probable that the proposed development would remain long after the current personal circumstances cease to be relevant. For these reasons, I find that this factor is not sufficient to outweigh the conflict with the spatial strategy.

### **Conclusion**

24. I conclude that the proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is therefore dismissed.

*T Bennett*

INSPECTOR