



Appeal Decision

Site visit made on 6 August 2025

by **J D Clark BA (Hons) DpTRP MCD DMS MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 August 2025

Appeal Ref: APP/E2530/W/25/3363200

Hill View Road, South Witham, Grantham, Lincolnshire NG33 5QW

- 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 James Edgar of Edren Homes Limited against the decision of South Kesteven District Council.
 - The application Ref is S24/1213.
 - The development proposed is two new bungalow dwellings (identical but mirrored) with parking spaces. Landscape enhancements to adjacent open space.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: -
 - whether the proposed dwellings would preserve or enhance the character or appearance of the South Witham Conservation Area; and
 - the effect of the proposal on an area of informal open space.

Reasons

Conservation Area

3. The surrounding area is residential in character comprising mostly detached two-storey houses. The application site is an area of open land divided into two sections and separated by the road which runs through it, Hill View Road. It represents a gap between the end of a housing development terminating at Nos 8 and 21 and the start of a newer development at Nos 25 and 33. Most of the space is open grassland but there is mature vegetation and fencing to its boundaries and trees close to the road.
4. The site is within the South Witham Conservation Area and therefore I have had regard to the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area as required under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). This is reflected in the National Planning Policy Framework (the Framework), Section 16 and Local Plan¹ Policy EN6.

¹ South Kesteven District Council Local Plan 2011 – 2036, January 2020.

5. The Conservation Area Appraisal² sets out the history of the area explaining that south Witham has a long history of settlements dating back to the Iron Age and is recorded in the Domesday Book of 1086 as Widme or Wim(m)e. Today the character of the Conservation Area is defined by the close linear development to the west including Church Street and High Street and the less developed area of Church Lane to the east. Church Lane curves southwards taking in Fishpool Dike, lower density development and open fields, hedgerows and trees. This part of the Conservation Area is more rural in character and the appeal site plays an important role in this setting which defines its significance as a heritage asset. The Appraisal highlights important views through the Conservation Area although today, newer development, fencing and vegetation obscures some views allowing only glimpses through.
6. The proposal would involve the development of the south-western part of the open space. The proposal is for two detached bungalows and other than providing domestic gardens to the rear, the proposal would extend the built form into what is currently an attractive area of open space within the Conservation Area. The proposal also includes the enhancement of the area on the opposite side of the road. The submitted plans include soft landscaping and other landscape enhancements.
7. The appeal documents include a Landscape and Visual Appraisal (LVA)³ which notes the roadside vegetation along Church Lane and from Fishpool Dike and footbridge, obscures the appeal site. Whilst I accept this, views from the gardens to the south and east are more open and the transition from the built-up area to the south of Hill View Road, towards the grouping of houses at the end of the road to the east, is punctuated by the pleasant and open character and appearance of the appeal site.
8. Whilst an area of open space would remain, the loss of the area on the south-western side of the road would visually alter the character and appearance of the area. Notwithstanding that a large area of open space would remain on the other side of Hill View Road, this is a substantial area of land, the loss of which would fail to preserve the character or appearance of the Conservation Area.
9. Paragraph 212 of the Framework advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to their conservation. Paragraph 213 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification. Given the scale of the development, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
10. Under such circumstances, paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal. The proposed landscape enhancement would make a positive contribution towards improving the biodiversity of the area that would go further than that required under Biodiversity Net Gain (BNG) requirements so can be counted as a public benefit. However, given that the area of open space is already attractive and makes a positive

² South Kesteven District Council – South Witham Conservation Area Appraisal and Management Plan Designated 2001 Review 2013.

³ Landscape and Visual Appraisal (LVA), dated June 2024 Ref: INF_N1125-R01 prepared by Influence.

contribution to the significance of the Conservation Area, I afford this benefit modest weight.

11. The appellant states that the proposal would provide two small bungalows to meet an established need of housing provision for older and disabled residents. The dwellings would be single storey and designed to accommodate the needs of those wishing to downsize. The layout has followed advice in guidance produced by Dwell and the University of Sheffield 'Designing with downsizers'. A copy of this document has not been submitted, nevertheless, the design would allow for future adaptations to cater for wheelchair and mobility aids and free movement throughout the home. They state that this need is established in the South Kesteven Housing Strategy 2020-24. A copy of this document has not been submitted although the Council does not dispute this benefit and neither do I. Therefore, I have afforded it modest weight.
12. Given the modest scale of the public benefits and the great weight afforded to the preservation of the Conservation Area, the harm I have identified would not be outweighed by the benefits. I conclude that the proposal would fail to preserve the character or appearance of the South Witham Conservation Area. This would conflict with the Act and the Framework and Local Plan⁴ Policy EN6.

Open Space

13. The proposal would involve the loss of an area of open space. Local Plan Policy OS1 seeks to protect open space and sets out criteria where development will be permitted. These require development to demonstrate that the proposal would provide increased or improved open space and/or recreational facilities; or the site is not required to meet the local standard set out in the Policy for developments of ten or more dwellings; or equivalent (or better) replacement provision is made in the locality; and the site does not support important or protected habitats or species.
14. Other than ensuring protected habitats or species are not adversely affected, the policy requires only one of the criteria listed above to be satisfied. Although the reason for refusal states that the proposal would not make alternative provision for the loss of open space, the appellant states that the proposal would provide improved open space. This would include landscape improvements including new native tree and shrub planting, swathes of wildflower and bulb planting as well as an improved access to the Public Right of Way off Church Lane, offering options to the approach to the footbridge over Fishpool Dike by way of mown paths. The addition of benches is also proposed. In this regard the proposal would satisfy the first criteria in Policy OS1 although no reference is made as to the future maintenance of the area. Having said this, no information is provided as to who maintains the existing areas.
15. The proposal would certainly enhance this area of space and this is to be commended. However, this space already provides an attractive area that has a public benefit and despite these improvements, they do not compensate for the total loss of the area proposed for the new dwellings. In terms of the amount of space, therefore there would be less and the additional landscaping works proposed would not provide sufficient mitigation for this loss. I conclude therefore that the proposal, insofar as it relates to the erection of two new bungalows, would

⁴ South Kesteven District Council Local Plan 2011 – 2036, January 2020.

have a harmful effect on an area of informal open space. This would conflict with Local Plan Policy OS1.

Other Matters

16. Notwithstanding the above, the position of the two dwellings proposed could be considered as infill development which Local Plan Policy SP3 supports. However, the policy allows infill development provided it is in accordance with all other relevant Local Plan policies. As set out above, the proposal would conflict with Policies EN6 and OS1, it would therefore, also conflict with Policy SP3.
17. Local Plan Policy DE1 is entitled Promoting Good Quality Design. I do not consider that the design of the dwellings would be out of place in the area nor would the living conditions of the occupiers of neighbouring properties be harmed. However, amongst other things, the policy promotes development that makes a positive contribution to local distinctiveness and given the harm I have identified in relation to the Conservation Area, the proposal would fail to satisfy this requirement. Furthermore, due to the loss of a substantial area of open space, the proposal would be inconsistent with the overall objectives of Section 12 of the Framework which seeks to achieve well designed places. A sense of place can include open space as well as the built form.
18. The Council has stated that since March 2025, it is unable to demonstrate a 5 year supply of housing land as required by the Framework. However, given that I have identified harm to a heritage asset, footnote 7 of the Framework clarifies that paragraph 11(d)(ii) is not engaged.

Conclusion

19. 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. Consequently, the appeal should be dismissed.

J D Clark

INSPECTOR