



Appeal Decision

Site visit made on 27 August 2025

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 September 2025

Appeal Ref: APP/R2520/W/25/3365105

Land at White House Farm, Eagle Lane, Eagle Moor, Lincoln, LN6 9DP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Mr and Mrs John and Elaine Lovell against the decision of North Kesteven District Council.
 - The application Ref is 24/1248/PIP.
 - The development proposed is residential development of one dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The permission in principle consent route has two stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle, and the second stage (technical details consent) is when the detailed development proposals are assessed. This appeal relates to the first of these two stages. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent technical details consent application if permission in principle is granted. I have determined the appeal accordingly.

Main Issue

3. The main issue is whether the site is suitable for residential development, having regard to its location.

Reasons

4. Policy S1 of the Central Lincolnshire Local Plan April 2023 (the local plan) sets out the spatial strategy and settlement hierarchy for the area. Within this policy a hamlet is defined as a settlement with dwellings clearly clustered together to form a single developed footprint. Such a hamlet must have a dwelling base of at least 15 units. Within the developed footprint of such hamlets, development is limited to single dwelling infill or development allocated through a neighbourhood plan.
5. The developed footprint of a settlement is defined in the local plan glossary as the continuous built form of the settlement, excluding amongst other things, individual buildings or groups of dispersed buildings which are clearly detached from the continuous built up area of the settlement; and gardens, paddocks and other undeveloped land within the curtilage of buildings on the edge of the settlement where land relates more to the surrounding countryside than to the built up area.

6. Eagle Moor comprises two linear runs of built development. One run comprises seven pairs of semi-detached houses with a terrace of four houses in the middle, all of which are sited close together and are relatively uniformed in terms of their age, design and materials. These houses were clearly planned and built together. The other run has been delivered more organically and comprises a row of terraced cottages, and several detached dwellings of varying types, sizes and appearance, with large gardens adjacent to the road frontage, as well as access roads, outbuildings and parking that separate them. However, they do form a continuous run of built development, which is not dispersed by fields or paddocks.
7. Although the two runs of development are on opposite sides of the road, they are not opposite each other. Where one run of development ends, the other starts on the opposite side of the road. Having regard to policy S1 of the local plan and its glossary, I consider both runs of development to comprise the developed footprint of the settlement.
8. However, the appeal site does not sit within either of these continuous runs of development that make up the developed footprint. It is located on the opposite side of the road and although it forms part of a cluster with the dwellings opposite it, having regard to the policy wording and definitions set out in the local plan, it comprises the undeveloped side garden to an individual dwelling, which I am advised is associated with the adjacent equestrian centre providing livery services and hosting events. As such, whilst recognising the proposed dwelling would not be isolated and that development does not all have to be on the same side of the road to form a cluster, White House Farm is the only dwelling on this side of this stretch of the road and this together with buildings connected to the associated rural enterprise, relates more to the surrounding countryside than it does to the developed footprint of the settlement.
9. Even if I were to agree that the site formed part of the developed footprint of the settlement, the site is not infill, which is defined in the local plan glossary as the development of a site between existing buildings. Although the definition does not require infill to be a frontage gap, and the site is adjacent to an existing dwelling and a stable block, it is not between these buildings and as such would not be infill. The appellants suggestion that the dwelling would be infill between the low-rise stables that are barely visible to the rear of the site and the low-rise domestic outbuildings in the rear garden of the dwelling on the opposite side of the main road, which are approximately 80 metres apart, and not viewed in the same context, is somewhat stretching the ordinary meaning of the definition.
10. I acknowledge that the site is in a residential area, forms part of the residential curtilage of the existing dwelling and differs in character and appearance to the countryside around the settlement. The existing dwelling is however, as its name suggests, a farm or former farm dwelling connected to a rural enterprise. The land and buildings surrounding it, other than the dwellings on the opposite side of the road, are those typically found in the countryside. The garden or curtilage of any existing dwelling in the countryside will be different in character to the land surrounding it, this does not make its development acceptable and is no doubt why the relevant policies and definitions, which are recent and up to date, specifically exclude gardens and paddocks on the edge of settlements.
11. As the development would not be infill between existing buildings and would not be within the developed footprint of a settlement, it must be treated as being in the

countryside. Policies S1(8) and S5(D) of the local plan restrict new dwellings in the countryside to those which are essential to the effective operation of existing rural businesses. I am advised that the appellants would like to retire from the equestrian business enabling it to be taken over by either new owners or family with support from the appellants. The appellants do not wish to leave Eagle Moor which is their long-standing family home but do need to be in a position for the business to be sold or passed on with a dwelling. However, I have limited information before me regarding the nature and scale of the business, and no essential need has been demonstrated for two dwellings to be on site in connection with the operation of this rural business. There are other dwellings close by and no doubt other properties in the area where the appellants could live and still keep their own horses. The appellants accept this and as such have advanced no case on this basis.

12. In adopting a policy that allows single dwelling infill development in small rural hamlets, the Council must have accepted that it would result in dwellings in such locations and that these do provide some limited benefits to rural communities and to the rural economy. The main road through the settlement is subject to a 40mph speed limit and has limited street lighting and footpaths. I am advised the nearby small village of Eagle, has a primary school, post office, village hall, park, nursing home, playing field and public house. I have not been made aware of any regular public transport availability to access other services and facilities in larger settlements. Whilst the site is not in a particularly sustainable location and future residents are likely to rely upon cars to make most if not all of their journeys, the same would apply to dwellings in any rural hamlet and the journeys generated by a single dwelling would be limited. No sustainability or accessibility concerns have been raised by the Council.
13. However, despite the fact the proposed dwelling would not be isolated, the provision of market housing would fail to accord with the criteria for development in the open countryside. As such, the appeal site would not be an appropriate location for the proposed development and would undermine the aims of the spatial strategy to direct development to the most sustainable locations in the first instance.
14. For the reasons given above, the location of the development would fail to accord with policies S1 or S5 of the local plan, which set out the requirements for new housing in hamlets and in the countryside. However, I do not consider policy S2 of the local plan, which relates to growth levels and distribution, to be directly relevant to this proposal, and I find no conflict with this based upon the evidence submitted. I also find no direct conflict with paragraphs 8, 10, 11 and 48 (previously 47) of the National Planning Policy Framework (the Framework), which inform the way in which decisions should be assessed.
15. As the location of the site is inappropriate for the proposed development, it is not necessary for me to go on to consider matters of existing and surrounding land use or amount of development, which were not in any event reasons for refusal. It is also not necessary for me to consider other matters that would have been dealt with at the technical details stage had the principle been acceptable.

Other Matters

16. Reference has been made to another appeal decision and planning practice guidance in relation to the level of information required to be submitted with a permission in principle application and the scope of matters to be considered. As these matters are not in dispute, it is unclear what their relevance is to this appeal.
17. I have also been provided with an extract of an appeal decision and a location plan for two dwellings elsewhere in the local plan area, whereby the developed footprint of a different settlement was in question. From the information before me the cases are not comparable and there is nothing to suggest the Inspector would have reached a different view had the plots in question been garden land or had more development on the opposite side of the road to them.
18. My attention is drawn to paragraphs 73 and 125(d) of the Framework. These policies support the redevelopment of underutilised land, especially where it would meet an identified local need. They also recognise the contribution small sites can make to meeting housing requirements and that they can be delivered quickly. In this case, there is no evidence before me of an identified local need, and it is undisputed that the Council can demonstrate over a five-year supply of deliverable housing land. Furthermore, paragraph 73 only suggests that great weight is given to the benefits of suitable sites within existing settlements, which is not the case here. Paragraph 125, when read as a whole, is directed more at promoting the reuse of vacant premises and previously developed sites in urban areas, where land is constrained, than to undeveloped garden land in rural areas. Therefore, whilst I have had regard to these policies as material considerations, they do not alter my findings on the main issue.
19. Although the Council referred in its report and appeal statement to local plan policy S53 and the effect of the development on the character and appearance of the countryside, these were not referred to in the reason for refusal. However, I acknowledge that the purpose of planning policies and definitions, which restrict development in hamlets to single dwellings on infill plots within the existing developed footprints of these settlements, is in part to protect the character and appearance of the surrounding countryside, and to prevent the expansion of built form beyond the existing edges of such settlements.
20. I have also considered the letter of support received from occupiers of the dwelling opposite the site, but this does not outweigh planning policy.

Conclusion

21. The proposal would not accord with the development plan taken as a whole and the other considerations before me do not indicate that a decision should be made other than in accordance with it. I therefore conclude that the appeal should be dismissed.

R Bartlett

INSPECTOR