



Appeal Decision

Site visit made on 28 August 2025

by Graham Wyatt BA (Hons) MRTPI
an Inspector appointed by the Secretary of State
Decision date: 09 September 2025

Appeal Ref: APP/Y2003/W/25/3367635

Land off Ings Road, Kirton in Lindsey DN21 4BJ

- 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 Steven Andrew Nicholson, Kerrie Waters, Rachael Claire Schofield, The Strategic Land Group, and Newett Homes Ltd against the decision of North Lincolnshire Council.
 - The application Ref is PA/2023/1166.
 - The development proposed is described as the approval of reserved matters (appearance, landscaping, layout and scale) pursuant to outline planning permission PA/2020/588 granted on appeal (Ref APP/Y2003/W/20/3261878) dated 26 March 2021 for a residential development comprising 74 dwellings, open space and associated infrastructure.
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Decision

1. The appeal is allowed and reserved matters are approved, namely appearance, landscaping, layout and scale pursuant to condition 1 of outline planning permission PA/2020/588 granted on appeal (Ref APP/Y2003/W/20/3261878) dated 26 March 2021 for a residential development comprising 74 dwellings, open space and associated infrastructure at Land off Ings Road, Kirton in Lindsey DN21 4BJ in accordance with the terms of the application, Ref PA/2023/1166, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Steven Andrew Nicholson, Kerrie Waters, Rachael Claire Schofield, The Strategic Land Group, and Newett Homes Ltd against North Lincolnshire Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues in this appeal are the effect of the development on:
 - the character and appearance of the area, and
 - the living conditions of adjoining occupiers with specific regard to overlooking.

Reasons

4. The appeal site benefits from outline planning permission for a residential development, including open space and associated infrastructure, which was

granted consent at appeal on 26 March 2021 (the previous appeal)¹. Consequently, the principle of residential development at the site has been accepted.

Character and Appearance

5. The appeal site forms a parcel of land that is split centrally by a belt of trees and hedging and comprises mainly unmanaged grass and other landscaping. Immediately east of the site is the built-up area of Kirton in Lindsey, which contains a variety of style and size of homes, business, and commercial areas that are connected by a series of roads.
6. Entrance into the proposed development is taken from a single access off Ings Road where it splits, forming a 'U' shaped layout, with homes set back off the road. The proposal seeks to provide areas of garden land to the front of properties, with other larger areas of landscaping proposed at key junctions and where the road layout bends throughout the site. It is also proposed to provide a large open space which includes a Locally Equipped Area of Play (LEAP), with the retention of hedges and trees on its boundary. Dwellings would be arranged in a linear manner, each with private parking and garden areas, with a layout not dissimilar to that found in the immediate area, such as those at Highfield Drive, Lane End, and Westdale Crescent, and indeed other areas that make up Kirton in Lindsey.
7. In this instance, I am not persuaded that the development would be at odds with the character of the area that forms Kirton in Lindsey. Whilst the proposal would not slavishly reflect the strict layout of adjoining roads and dwellings, it does nonetheless take cues through the provision of open spaces, landscaped areas, and a linear layout with dwellings set back from the road with garden areas provided to soften the built environment. I am satisfied that the proposal has been sensitively designed to maximise the amount of development that can take place on the site, whilst having regard to the character, layout, and scale of surrounding developments.
8. Furthermore, although some dwellings would be 2.5 storeys in height, these would only make up six of the 74 dwellings that are proposed. Moreover, their position within the main body of the site, along with the topography of the land, means that these particular dwellings will not have the negative impact on the character and appearance of the area as suggested by the Council.
9. The Council also raise the issue of the development being seen from the main access into the site and from the adjoining Public Right of Way. Whilst I accept that this will indeed be the case, it is also the same for the vast majority of developments that take place on undeveloped land. For the reasons already rehearsed, I find the development would sit comfortably within its surroundings without harming the character and appearance of the area or indeed the surrounding countryside.
10. Consequently, the development would not be in conflict with Policies DS1 and RD2 of the North Lincolnshire Local Plan (LP) 2003 and Policies CS5 and CS7 of the North Lincolnshire Core Strategy (CS) 2011, which seek, amongst other things, to ensure that development proposals are not detrimental to the character and appearance of a nearby settlement.

¹ APP/Y2003/W/20/3261878 dated 26 March 2021

Living Conditions

11. The Council state that the development would give rise to overlooking to properties on the eastern boundary of the site, notably from plots 61-74 to properties on South Dale Close and Highfield Drive. Additionally, plots 23-26 are considered to be very close to 1, 3 and 5 Lane End. However, despite the existing and proposed landscaping that sits on the eastern boundary and between plots 23-26 and Lane End, it is proposed to erect 1.8m fencing along the boundaries. This fencing, coupled with the generous separation distances and changes in levels, would alleviate any direct overlooking concerns. Moreover, as already stated, the 2.5 storey dwellings proposed would be within the main body of the site and away from the eastern boundary where existing properties are located.
12. Furthermore, a similar layout of dwellings can be found elsewhere in Kirton in Lindsey, with properties backing on to one another without causing undue harm. Consequently, on the matter of overlooking I am not persuaded that the proposed layout would cause significant harm to the living conditions of adjoining occupiers. In addition, there is scant evidence before me to suggest that anyone would seek to climb a fence and/or gate at Lane End to access the open space and LEAP. However, the appellant has agreed to a condition to provide additional details of boundary treatments at the site, which will include those at the LEAP.
13. Thus, the development would not be in conflict with Policies DS1 and RD2 of the LP and Policies CS5 and CS7 of the CS, which seek, amongst other things, that development proposals are not detrimental to residential amenity.

Planning Obligation

14. The parties have provided a deed of variation to the planning obligation that was considered under the previous appeal which allowed outline planning permission at the site. This obligation secures affordable housing, as well as open space, the LEAP, contributions towards leisure, recreation, and public transport.
15. Given the policy requirements and the infrastructure needs arising from the development, I am satisfied that all of the above obligations are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. I am satisfied that this obligation would meet the test set out within paragraph 58 of the National Planning Policy Framework 2024 (the Framework) and the Community Infrastructure Regulations 2010. Therefore, I can take all of the proposed obligations into account as part of my decision.

Other Matters

16. I note that local residents have raised concerns over the availability of public services, such as school places and those at local surgeries. However, these matters would have been considered under the outline application. Moreover, I have not been provided with any substantive evidence that local services cannot cater for the demands created by the additional houses that are proposed.
17. In addition, I accept that this is the second reserved matters application that has been submitted and that there are differences between what has already

been approved and what is proposed as part of this appeal. As I have found the scheme before me to be acceptable on its own merits, it would be for the appellant to decide what scheme it wishes to implement.

18. With regard to the LEAP, the layout depicts dwellings at plots 32-35 and 47-49 overlooking the play area. I am satisfied that sufficient surveillance to the LEAP would be provided. Matters relating to flooding, biodiversity, habitats, and drainage were all considered as part of the previous appeal and are the subject of conditions. Furthermore, concerns raised regarding the proposed access arrangements have already been considered under the previous appeal.

Conditions

19. The conditions suggested by the Council have been considered in light of the advice within the Planning Practice Guidance and the Framework. To provide certainty, the approved plans must be specified (1). To protect the living conditions of adjoining occupiers, all bathrooms, shower rooms, WCs, and en-suites must have obscurely glazed windows (2). Additionally, the appellant has agreed to submit details of boundary treatments to be approved by the Council (3).

Conclusion

20. For the reasons set out above, I conclude that the reserved matters details are acceptable in respect of layout, scale, landscaping and appearance. Thus, the appeal should therefore be allowed.

Graham Wyatt

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be carried out in accordance with the following plans: -
 - Site Location Plan Z109.001 Rev B
 - Planning Layout Z109.002 Rev H
 - Materials Plan Z109.005 Rev E
 - Streetscenes Z109.006 Rev B
 - House Type Pack Z109.007 Rev D
 - Cross Sections Z109.008 Rev B
 - Wider Context Plan Z109.009
 - Detailed Plot Landscaping Plan Sheet 1 H24-0001-001 Rev C
 - Detailed Plot Landscaping Plan Sheet 2 H24-0001-002 Rev C
 - Detailed Landscaping Design Sheet 6 – Off-site Native Planting P22-1543.001 Rev C
 - Play Area Proposals Z109.007 Rev B
 - Surface Water Pump Station Plan View PR10729-004
 - Surface Water Pump Station Elevation View PR10729-003
 - Foul Water Pump Station Plan View PR10729-002
 - Foul Water Pump Station Elevation View PR10729-001
 - Common Pump Station Storage Kiosk & Plinth PR10729-006
 - Common Pump Station Site Plan PR10729-007
 - Common Pump Station Kiosk & Plinth Detail PR10729-005
 - Common Pump Station Hazardous Zoning PR10729-008
 - Engineering feasibility Rev A op 1
 - Twin Garage - Double Skin Sales 2023-TG-102 - Elevations and Sections (Sales Office).

2. Before any dwelling is first occupied, any bathroom, shower room, en-suite or WC windows shall be obscure glazed to a minimum of Privacy Level 3 in accordance with the Pilkington Scale of Obscuration and shall be retained in that condition thereafter.

3. Prior to the occupation of the development hereby permitted, details of all the proposed boundary treatments, including additional boundary treatment adjacent to the Lane End and the LEAP, including a specification of the height, design and materials of all fencing, walls, and heights and species of boundary hedgerows proposed shall be submitted to and approved in writing by the LPA. Thereafter only the approved scheme shall be implemented and retained.

End.