



Appeal Decision

Site visit made on 14 January 2026

by M J Francis BA (Hons) MA MSc MCIfA

an Inspector appointed by the Secretary of State

Decision date: 16 June 2026

Appeal Ref: APP/D2510/W/25/3368029

Land at Main Road, Raithby, Spilsby PE23 4DS

- 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 Alistair Hall-Jones against the decision of East Lindsey District Council.
 - The application Ref is 00265/25/FUL.
 - The development proposed is one new dwelling.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for an award of costs has been made by Mr Alistair Hall-Jones which is the subject of a separate decision.

Preliminary Matters

3. It has been brought to my attention that a previous proposal for nine houses at this site was dismissed on appeal¹.

Main Issue

4. The main issue is whether the site is a suitable location for a dwelling with respect to the effect on the character and appearance of the area.

Reasons

5. Policy SP1 of the East Lindsey Local Plan Core Strategy, 2018, (ELLP) defines Raithby as a small village in the settlement pattern, whilst ELLP Policy SP4 sets out criteria in which housing would be allowed in inland medium and small villages. However, the Council has stated that Policy SP4 is out-of-date. This will be considered further in the planning balance.
6. Raithby is an historic village consisting of cottages, interspersed with more modern housing, as well as a public house, community centre and churches. The appeal site is located at the edge of the village where it is part of a large, relatively flat, grass covered agricultural field. It is open at the front where there is a steep incline providing an informal access from the road below.
7. Approaching the site from the south-east, two estate cottages are sited at the junction with Laundry Lane. Beyond this, the elevated field in which the dwelling is

¹ APP/D2510/W/17/3177497

proposed is undeveloped. The lane at this point rises around the edge of the field towards the village. With its high, wide, bank of vegetation, including trees, the appearance of the site and its environs, strongly contribute to the verdant, rural, character of this side of the village.

8. The proposed dwelling would be in one corner of the field but set back some distance from the front of the site where the access road would be located. It would be built parallel to, but away from the boundary between the adjoining property, Forge Cottage. Opposite the site, on the other side of the road, are buildings formerly part of the Raithby Hall estate.
9. Although the field is near to existing housing, it is located at the edge of the village where there has been no recent development. Visually, it appears separate to other buildings in the vicinity. The proposed house is referred to by the appellant as a traditional barn style dwelling with an open cart shed, designed to reduce visual bulk. However, the L-shaped building would introduce built development into a site currently undeveloped. Consequently, a new dwelling, set back some distance into the field, would appear detached from the rest of the settlement. This, from what I saw, would contrast with the general pattern of defined residential plots facing the road throughout the village centre.
10. Because the field is 3 metres higher than the road and the ground level of surrounding housing, the proposal, despite its design, would be more prominent than those buildings around it, particularly during the winter when leaves on the trees have fallen. This, combined with the attendant domestic paraphernalia, means that the proposal would encroach into an open field, changing the character of what is currently a pastoral village setting.
11. Either side of the opening, at the front of the site, is a dense hedgerow interspersed with trees. Although there would be no vegetation removed at the entrance, some would need to be taken out for the creation of the visibility splay, with the Highway Authority requiring it to be restricted to 0.6m in height. A formal access, with a resin bound gravel driveway and a turning area within the site would be constructed. However, because of the pronounced rise in height from the road into the site, the access drive would be obtrusive in this location. This, combined with the removal of vegetation, would urbanise what is currently an open green space.
12. Consequently, even if additional landscaping could ameliorate the impact of a building on the site, because of the differing land levels and the visibility of the proposal, it would have a harmful effect on the character and appearance of the area.
13. I therefore conclude that the proposal would not be a suitable location for a dwelling with respect to the effect on the character and appearance of the area. It would not accord with ELLP Policy SP1 as set out above, as well as policies SP10 and SP25. These policies, together and in part, only support development which maintains, enhances and reflects the character of the district, including that on prominent sites at the entrance to settlements that provides the setting for the built environment.

Other Matters

Heritage Assets

14. The proposed site is within the setting of several listed buildings (LBs) and so I am required by section 66(1) of the Planning (Listed Buildings and Conservation (Areas) Act 1990 (the Act) to have regard to the desirability of preserving the buildings or their setting. I have also had regard to chapter 16 of the National Planning Policy Framework (the Framework), conserving and enhancing the historic environment, in relation to the LBs, as well as the Raithby conservation area (CA) and noting that the field within which the site is located is of archaeological interest.
15. Visible from the site is the grade II* listed Church of the Holy Trinity². Its significance derives from its architectural and historic interest as a 12th century parish church, altered over the course of the 19th century, including by Sir George Gilbert Scott, and its importance over many centuries to this rural community. In front of the church, the wall to the churchyard and the lychgate³, date to 1917 and are grade II listed. The historic and architectural significance derive from the decorative woodwork and panels of the structure and the local association with Sophy Janet Rawnsley of Raithby Hall.
16. Within the churchyard is the grade II listed churchyard cross⁴ of 14th century date. Its architectural and historic significance derive from its decorative carving, and as the heads of many such crosses were lost during the 16th and 17th centuries, it is an important survival. A grade II, early 19th century, cast and wrought iron lantern archway⁵ is also located in the churchyard, the significance being that it represents a period when lanterns were provided to enable parishioners to access the church in periods of darkness.
17. Opposite the site are several listed buildings associated with Raithby Hall. Whilst the hall is further away and would not be in the setting of the site, the grade II listed coach house and archway to the hall⁶ and entrance gates, piers and walls⁷ are. Their significance derives from their historic and architectural interest, being of late 18th century date, with decorative features, and their association with Raithby Hall, a small country house and estate.
18. The significance of the grade I listed Methodist Chapel and stables at Raithby Hall⁸ derives from its architectural interest and historical association with John Wesley who dedicated the building in 1779. Built originally around 1760, the first-floor chapel was added to the stables, and Wesley later preached here in 1788.
19. The Raithby Conservation area (CA) covers the historic core of Raithby, including the listed buildings above, and 18th and 19th century cottages and buildings. Many of these, similarly, built and decorated, were closely associated with Raithby Hall. The boundary of the CA follows the road and the eastern edge of the field in which the appeal site is located. Therefore, the open, agricultural character of the site makes an important contribution to the setting of this part of the CA.

² List entry number: 1063584

³ List entry number: 1146578

⁴ List entry number: 1063585

⁵ List entry number: 1359729

⁶ List entry number: 1166378

⁷ List entry number: 1063582

⁸ List entry number: 1063583

20. The field in which the site is located was subject to an archaeological evaluation in 2016. This found an assemblage of worked lithics of Mesolithic or early Neolithic date, the first evidence of these periods within the village. A series of linear boundaries and enclosure features of the Roman and medieval periods were also found. The site has a high likelihood of surviving, undisturbed archaeological remains, which the previous assessments on the site considered were of local to regional significance. I concur that the site has known archaeological significance

Heritage benefits and conclusion

21. Paragraph 212 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation. Paragraph 213 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets and that any such harm should have clear and convincing justification.
22. I find the proposal would not harm the setting of the listed buildings associated with Raithby Hall, or the cross and archway within the churchyard. However, the proposal would lead to less than substantial harm to the setting of the listed Church of the Holy Trinity, and its lychgate. This is because of the position of the site within the elevated field which would result in development within the wider rural setting of the church. This harm would be at the lower end of the scale. I also find that there would be less than substantial harm to the CA by development within its setting, which would be limited in scale. Nevertheless, the proposal would harm the significance of these designated heritage assets, in conflict with ELLP Policy SP11, and I give this harm considerable importance and weight.
23. Where a proposal would lead to less than substantial harm to the significance of designated heritage assets, paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
24. The development would provide one new dwelling where there is an undersupply of deliverable housing. In addition, there would be some limited economic benefits during the building of the house, and longer-term economic benefits from future occupiers of the dwelling supporting local services and the local economy. Therefore, I find that the public benefits from the provision of one house would outweigh the limited harm to the CA and the church.
25. The development of the site has the potential to disturb archaeological deposits. However, in line with paragraph 207 of the Framework, a programme of geophysical survey and trial trenching has been undertaken as part of an archaeological evaluation. The Council's archaeologist has recommended a mitigation strategy including the excavation of the site prior to any development. As the site is of local to regional significance, this would be a satisfactory response. Therefore, appropriately worded conditions would ensure the excavation of the site, the deposition of finds, and the creation of an archive and future publication.

Other planning considerations

26. The appellant has stated that the proposal would be a self-build housing project and that they have been on the register for a plot in Raithby since 2024. Paragraph 73 b) of the Framework supports small sites coming forward for self-build and

custom-build housing. There is a statutory duty on the Council to keep a register⁹, although I have no evidence before me as to whether it is providing a supply of self-build housing plots within the district. Notwithstanding this, there is no legal agreement before me that would secure the dwelling as self-build and custom-build housing. Therefore, I give this only limited weight.

27. Reference is made to a prior approval application¹⁰ on the site, although no substantiated evidence is provided and, therefore, has limited weight in the determination of this appeal.
28. The appellant has confirmed that a package treatment plant would deal with foul water, a scheme for the treatment of surface water would be designed following a percolation test and that photographs by third parties of flooding on the road are outside the site. However, as I am dismissing the appeal on other issues, I do not need to consider these matters further.
29. Although the appellant would accept a condition for commencement within two years of any permission and has suggested an alternatively worded condition regarding self-build housing¹¹, as I am dismissing the appeal, I do not need to consider conditions.
30. The appellant refers to recent permissions¹² for housing within the village, which the Council has said relate to a brownfield site or where they were in the developed footprint of the village and at the time accorded with ELLP Policy SP4. However, I do not have full details of these applications so I cannot be sure of the exact circumstances of these cases. Notwithstanding these examples, I have determined the appeal on its own merits, based on the evidence before me.
31. Whilst there is a pavement opposite the appeal site, I have been provided with no evidence of any local transport or other services within the village. Despite the facilities that I did see, it is likely that any future occupiers would be dependent on a private vehicle to access services from the surrounding area.
32. The appellant has referred to an appeal decision¹³ which allowed one dwelling where the Council was unable to deliver a five-year supply of housing sites. However, this site had previously been granted prior approval under Class Q¹⁴ for the conversion of an existing barn to a dwellinghouse. Therefore, it is not comparable to this appeal where there is no building on the site.
33. A permission for glamping pods¹⁵ near the village has been brought to my attention. However, I have no details of this development, and in any case, different policies would apply to a tourism proposal compared to the construction of a new dwelling.

Planning Balance

34. It has been put to me that ELLP Policy SP4 is inconsistent with the Framework. Irrespective of this, the Council has stated that it cannot demonstrate a five-year supply of deliverable housing, citing the housing supply as being 3.08%.

⁹ The Self-Build and Custom Housebuilding Act (2015) (as amended)

¹⁰ Ref: 02795/25/ABC

¹¹ APP/E3335/W/23/3322002 and APP/E3335/W/23/3322138

¹² Ref N/137/02220/23; N/137/01933/24; N/137/00377/24

¹³ APP/D2510/W/25/3362844

¹⁴ Schedule 2 of Part 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

¹⁵ Ref N/137/01056/24

Therefore, paragraph 11(d) of the Framework is engaged. This states that where there are no development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless, as set out in paragraph 11 d) i the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed. Footnote 7 includes designated heritage assets. I have found that the proposal would lead to less than substantial harm to the significance of designated heritage assets. However, I found that the limited heritage harm would be outweighed by the public benefits, and that the disturbance to archaeological deposits can be mitigated by a condition.

35. Therefore, turning to paragraph 11 d) ii of the Framework, this states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. I have set out that there would be some limited economic benefits, and the proposal would provide a small contribution to housing supply and to the vitality of a rural community. Against these benefits, the proposal would only provide one dwelling and there are limited services for future residents. In addition, I have found that it would have a harmful effect on the character and appearance of the site and its rural surroundings. This would conflict with paragraph 187 of the Framework in so far as it requires development to contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside. Consequently, I find that the harm I have identified would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

36. The proposed development conflicts with the development plan when considered as a whole and there are no other considerations, including the provisions of the Framework, that outweigh the identified harm and that warrant a decision other than in accordance with the development plan.
37. For the reasons given above, I conclude that the appeal should be dismissed.

M J Francis

INSPECTOR