



Appeal Decision

Site visit made on 5 November 2019

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18 November 2019

Appeal Ref: APP/D2510/W/19/3230656

Land off Church Lane, North Thoresby DN36 5QG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Trustees of Haigh Family Settlement Number 2 against the decision of East Lindsey District Council.
 - The application Ref N/133/02335/18, dated 26 November 2018, was refused by notice dated 22 January 2019.
 - The development proposed is outline erection of 1 no. dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 1 no. dwelling at Land off Church Lane, North Thoresby DN36 5QG in accordance with the terms of the application, Ref N/133/02335/18, dated 26 November 2018, subject to the attached schedule of conditions.

Procedural Matters

2. The application is in outline with all matters reserved. I have treated the proposed block plan which shows the access, footprint and layout of the site as indicative.
3. The Council have conceded their second reason for refusal which related to archaeology, stating that they are content that this could be dealt with by condition. I have therefore not considered this matter as a main issue in my reasoning.

Main Issue

4. The main issue is whether the site would be an appropriate location for development having regard to the development plan and the effect upon the character and appearance of the area.

Reasons

5. The appeal site forms a broadly triangular shaped plot which comprises of a grassed verge and trees. An open dyke forms the rear boundary of the site with further trees and open agricultural fields beyond. Opposite the site to the north are open agricultural fields. To the west is the Red House (also known as Winderling) with playing fields beyond, and to the east of the site are further trees and a field access and a new development adjacent to Quidi Vidi. Access

- is from Church Lane, and this is an adopted highway up until around the new development site at Quidi Vidi. The highway leading to the appeal site and the Red House is a private and unmade single track road and falls within the red line site plan. It continues west to link with the A16 as well as a small enclave of dwellings which adjoin this highway.
6. North Thoresby is classified by the East Lindsey Local Plan Core Strategy 2018 (CS) as a large village with a range of facilities which provide for their own needs and the needs of smaller villages. Policy SP3 supports windfall growth in appropriate locations within the settlement and outside but immediately adjacent to the developed footprint. The terms 'appropriate location' and 'developed footprint' are further qualified by the policy. Policies SP23 and SP25 seek to protect the character of the landscape and open spaces which provide visual relief in an otherwise built up frontage, particularly for ribbon development extending into the open countryside.
 7. The site is an undeveloped plot located between built developments, including the new dwelling adjacent to Quidi Vidi, albeit separated from this by a field access track. The trees do give somewhat of a rural character, but this has an overgrown and unkempt appearance with many of the trees being self-set and relatively young species. There is also significant ivy growth and other invasive species within the site and thus this provides only limited visual relief along the road frontage.
 8. When approaching the site from the east, Church Lane leads away from the village core, and comprises of detached properties of different sizes, ages and architectural styles but they are generally detached and set in reasonably large plots. These properties form ribbon development along Church Lane which gradually tapers out.
 9. The Red House is not clearly detached from other dwellings along Church Lane. Instead, given the distances involved and the semi- rural character of the area, I am satisfied that the Red House forms the end property as part of the developed footprint of the settlement, before the open sports fields and dwellings along the A16. In this regard, the appeal site would form a small further infill plot in this location and the development of this for a dwelling would be consistent with the sporadic built form as part of the tapered ribbon character of Church Lane. This would meet the policy requirements of SP 3 in terms of being part of the developed footprint and retaining the core shape and form of the settlement and its rural setting.
 10. When approaching from the A16, views of the Red House are gauged across the sports fields with the trees within the appeal site providing a backdrop and visual screen to the properties further to the east along Church Lane. Policy SP 3 specifically excludes outdoor sports and recreation facilities as being part of a 'developed footprint' of a large village. However, the outdoor recreation facilities do have a different character to the open countryside as part of a managed environment which form part of the village facilities for residents. Therefore, in terms of general character, it cannot be said that the landscape surrounding the site is agricultural countryside to which the site has a particularly strong affinity with, and instead I find that there is a semi-rural character surrounding the site.
 11. I am also mindful that a significant number of trees would be retained and would help maintain the visual screen between the Red House and the

remaining properties along Church Lane in longer distance views. The separation of the site from other properties along Church Lane would also maintain the open character here. Matters such as design and layout would be considered as part of any reserved matters application and while the site levels do vary, I see no reason why the proposed dwelling would be visually prominent. Overall I consider that the semi-rural character of the area would be preserved in accordance with SP 3 as well as SP 23 and SP 25.

12. I therefore conclude that the development would be in a suitable location having regard to the development plan provisions and that the character and appearance of the area would be preserved. The development would accord with CS Policies SP 3, SP 23 and SP 25.

Other Matters

13. Design, access, landscaping, layout and scale are all reserved matters and as such matters relating to privacy, outlook and design would be dealt with as part of the reserved matters application. In general, I do consider that there would be sufficient distance between the dwelling under construction and the appeal development to avoid any adverse effects.
14. Ecological effects would be negligible, as demonstrated by the submitted assessment and I am confident that future landscaping considerations could also deal with any such matters, as well as providing enhancements.
15. No concern was raised by the Highways Authority and the addition of a further single dwelling to the unmade part of Church Lane as a private road is unlikely to have any highway safety implications. Detailed drainage proposals can be dealt with by way of a condition to ensure that flood risk to neighbouring residents is limited and I am satisfied that the strategy within the design and Access Statement would be adequate.
16. Each application and appeal must be dealt with based on their own merits, and accordingly fears about leaving the whole surrounding area liable to development are unfounded.
17. Finally, in terms of heritage matters, due to the separation of the site and the lack of intervisibility between the site and the Grade II* listed church, I consider that there would be no harm to this.

Conditions

18. Conditions relating to the timescales, level of development and reserved matters details are necessary for compliance. I have imposed a plans condition for clarity but I have not conditioned the proposed block plan, as this shows an indicative layout and access which is reserved.
19. A condition relating to archaeology is necessary in respect of the potential for finds at the site. I have combined the Council's suggested conditions for conciseness as I am satisfied that timescales and matters relating to the submission of reports can be dealt with as a part of the approved written scheme of investigation. A condition relating to the restriction of construction and delivery hours is necessary in order to preserve residential amenity of neighbouring residents. Again I have combined the Council's suggested conditions for conciseness.

20. Conditions relating to surface and foul water drainage are necessary in order to prevent flooding and in the interest of residential amenity. A condition relating to the restriction of water consumption is also necessary to ensure policy compliance with CS Policy SP 10. Finally, an ecological condition is necessary in order to conserve and enhance the natural environment.

Conclusion

21. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

C Searson

INSPECTOR

Schedule of Conditions

- 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 3) The reserved matters application required by condition 1 shall show no more than 1 dwelling.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 18/131/0001.
- 5) No demolition/development shall take place until a Written Scheme of Investigation shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions - and
 - i) the programme and methodology of site investigation and recording;
 - ii) the programme for post investigation assessment;
 - iii) the provision to be made for analysis of the site investigation and recording;
 - iv) the provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - v) the provision to be made for archive deposition of the analysis and records of the site investigation and timescales for the deposit of such work;
 - vi) the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.

The development shall be carried out in accordance with the approved Written Scheme of Investigation and the applicant will notify the local planning authority of the intention to commence at least 14 days before

- the start of archaeological work in order to facilitate adequate monitoring arrangements.
- 6) Construction of the development and related deliveries must only be carried out between the hours of 07:0-18:00 Monday-Friday, 08:00-13:00 Saturday and must not be carried out at any time on Sundays or on Bank or Public Holidays.
 - 7) Before any works above the damp proof course a surface water strategy shall be submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the works have been carried out in accordance with the surface water strategy so approved.
 - 8) Before any works above the damp proof course a foul water strategy shall be submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the works have been carried out in accordance with the foul water strategy so approved.
 - 9) The development shall be constructed to Building Regulations Part G (2) (b) standards limiting water consumption to 110 litres per person per day.
 - 10) The development shall be carried out in accordance with the "Assessment of Impacts and mitigation measures" section detailed in the Ecological Impact Assessment dated February 2018.