



Planning Committee

15 November 2017

Subject: Determination of Planning Appeals

Report by:

Chief Operating Officer

Contact Officer:

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Purpose / Summary:

The report contains details of planning applications that had been submitted to appeal and for determination by the Planning Inspectorate.

RECOMMENDATION(S): That the Appeal decisions be noted.

IMPLICATIONS

Legal: None arising from this report.

Financial: None arising from this report.

Staffing: None arising from this report.

Equality and Diversity including Human Rights: The planning applications have been considered against Human Rights implications especially with regard to Article 8 – right to respect for private and family life and Protocol 1, Article 1 – protection of property and balancing the public interest and well-being of the community within these rights.

Risk Assessment: None arising from this report.

Climate Related Risks and Opportunities: None arising from this report.

Title and Location of any Background Papers used in the preparation of this report:
Are detailed in each individual item

Call in and Urgency:

Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

Yes

No

Key Decision:

A matter which affects two or more wards, or has significant financial implications

Yes

No

Appendix A - Summary

- i) Appeal by Mr and Mrs Darkins against the decision of West Lindsey District Council to refuse planning permission for a new access to the property at Cross Roads Farm, Caistor Road, Middle Rasen, Market Rasen LN8 3JE.

Appeal Dismissed - See copy letter attached as Appendix Bi.

Officer Decision – Refuse permission

- ii) Appeal by Mr and Mrs R Watson against the decision of West Lindsey District Council to refuse planning permission for the erection of one dwellinghouse with associated new vehicular access at Land East of Corrie Cottage, Gainsborough Road, Middle Rasen, Market Rasen LN8 3JU.

Appeal Allowed – See copy letter attached as Appendix Bii.

Officer Decision – Refuse permission

- iii) Appeal by Mike Watson against the decision of West Lindsey District Council to refuse planning permission for change of use of agricultural building to a single dwelling and extension at 7 Grange Lane, Willingham by Stow, Gainsborough DN21 5LB.

Appeal Allowed – See copy letter attached as Appendix Biii.

Officer Decision – Refuse permission

- iv) Appeal by Mr Colin Gibson against the decision of West Lindsey District Council to refuse planning permission for an 'outline planning application to erect 1 no. two storey detached dwelling – access to be considered and not reserved for subsequent applications' at 9a Front Street, Grasby, Barnetby, Lincolnshire, DN38 6AN.

Appeal Dismissed – See copy letter attached as Appendix Biv.

Officer Decision – Refuse permission

Appeal Decision

Site visit made on 5 October 2017

by D Guiver LLB(Hons) Solicitor

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

Decision date: 18 October 2017

Appeal Ref: APP/N2535/W/17/3177804

Cross Roads Farm, Caistor Road, Middle Rasen, Market Rasen LN8 3JE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Darkins against the decision of West Lindsey District Council.
 - The application Ref 135073, dated 5 October 2016, was refused by notice dated 19 December 2016.
 - The development proposed is a new access to the property.
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Decision

1. The appeal is dismissed.

Preliminary Issues

2. Since the date of the decision the Central Lincolnshire Local Plan 2017 (the Local Plan) has been adopted and therefore this appeal is determined in accordance with that Plan. The Council has not identified the specific policies that it believes should apply in place of Policy STRAT1 of the former West Lindsey Local Plan 2006 referred to in the decision notice. However, Policy LP13 of the Local Plan deals with highway safety and I have therefore considered this appeal against that Policy.
3. I have adopted the Council's description of the proposed development as this is more precise.

Main Issue

4. The main issue is the effect of the proposed development on highway safety in the vicinity of the appeal site.

Reasons

5. The appeal site operates as a kennels and is approximately 1.5 miles north of Market Rasen. The surrounding area is largely rural and therefore customers of the business are largely reliant on vehicles to deliver and collect their animals. The appeal site sits adjacent to Caistor Road, which is a busy, single-carriageway section of the A46. Access is by way of a vehicle crossover on the highway verge and this entrance sits close to the northern edge of the site.
6. The appellants state that the existing entrance is hard to find for customers travelling south. The proposal is for the construction of a new access point approximately 70 metres south of the existing entrance and close to the

southern edge of the site. The appellants state that the northern entrance would remain in use and the proposal would serve as an additional, secondary access point.

7. The Council accepts there are problems with the existing entrance and does not dispute the appellants' comment about customers finding it difficult to locate. However, the Council's concern is that the proposed access point would undermine highway safety in the area as any traffic exiting the site at that point would have a significantly reduced view to the north. In the vicinity of the appeal site the A46 is subject to the national speed limit and vehicles travel at speed past the site entrance.
8. Over a period of ten minutes or so from both the existing entrance and the location of the proposed southern access I observed traffic approaching from the north and south. The view to the south from either location was unimpeded as the A46 runs approximately straight for half a mile or so at this point.
9. However, immediately north of the existing entrance the A46 bends slightly to the right before cresting a small hill. Traffic travelling south can be seen as it tops the hill close to the junction with Top Road, some 200 metres or so to the north of the site.
10. From the location of the proposed access, oncoming traffic is only visible as it rounds the bend close to the existing entrance, which provides less than half the current visible distance. I estimated traffic approaching from the north became visible between four and six seconds sooner from the existing entrance than from the location of the proposed access.
11. Given the visibility problems for customers in locating the existing entrance, I consider it likely that the proposed southern location would become the principal means of access rather than a secondary entry point.
12. I consider that the proposed southern access would result in an increased level of traffic merging onto the A46 with significantly reduced visibility both of and for oncoming traffic. Given the speed of vehicles travelling on the road in the vicinity of the appeal site, any reduction in visibility is likely to have an unacceptable detrimental effect on highway safety.
13. Therefore, I conclude that the proposed development would be contrary to Policy LP13 of the Local Plan, which seeks to ensure that developments contribute to an efficient and safe transport network.

Conclusion

14. For the reasons given above, and taking into account all other material considerations, I conclude that the appeal should be dismissed.

D Guiver

INSPECTOR

Appeal Decision

Site visit made on 5 October 2017

by D Guiver LLB(Hons) Solicitor

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

Decision date: 18 October 2017

Appeal Ref: APP/N2535/W/17/3178121

Land East of Corrie Cottage, Gainsborough Road, Middle Rasen, Market Rasen LN8 3JU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs R Watson against the decision of West Lindsey District Council.
 - The application Ref 136035, dated 30 March 2017, was refused by notice dated 8 June 2017.
 - The development proposed is the erection of one dwellinghouse with associated new vehicular access.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of one dwellinghouse with associated new vehicular access at Land East of Corrie Cottage, Gainsborough Road, Middle Rasen, Market Rasen LN8 3JU in accordance with the terms of the application, Ref 136035, dated 30 March 2017, subject to the conditions in the attached Schedule.

Main Issue

2. The main issue is whether the proposed dwelling would be a sustainable form of development.

Reasons

3. The appeal site is part of an area of open land to the east of the host building and sits to the south of Gainsborough Road as it passes through the village of Middle Rasen. The proposal is for the construction of single dwelling on the site, together with a garage for two cars and space for vehicles to turn within the site.
4. The Central Lincolnshire Local Plan 2017 (the Local Plan) is a cross-boundary strategic development plan for a number of local planning authorities in Lincolnshire. Policy LP2 of the Local Plan provides a spatial strategy that seeks to ensure housing growth is concentrated in the main urban settlements and provides for a settlement hierarchy of eight tiers to prioritise development.
5. Middle Rasen is a tier four large village for the purposes of Policy LP2 of the Local Plan. The Policy states that tier four settlements will be a focus for growth to maintain and enhance their role in providing housing, key services and facilities for the local area. The Policy seeks to ensure that most of the

- growth occurs on allocated sites or by way of appropriate infill, intensification and renewal within the existing developed footprint of the village.
6. The Policy defines the developed footprint as the continuous built form of the settlement and excludes, amongst other things, 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.
 7. There are fields and open spaces in Middle Rasen interspersed between areas of housing, which is characteristic of a rural settlement. The properties on the southern side of Gainsborough Road are characterised by relatively large houses in significant plots. The appeal site comprises an undeveloped fenced paddock with open countryside to the south.
 8. However, there are clusters of housing built to the east, west and north of the site. The housing to the east extends further south than the southern border of the appeal site. I consider that the appeal site relates more to the village's continuous built form, than to the countryside which is located to the south of the paddock rather than surrounding it. Therefore, I conclude that the proposed development would be in accordance with Policy LP2 of the Local Plan.

Conditions

9. The conditions set out in the accompanying schedule are based on those suggested by the Council. Where necessary I have amended the wording of these in the interests of precision and clarity in order to comply with the advice in the Planning Practice Guidance.
10. In the interests of proper planning I have imposed the standard conditions in respect of time limits. For certainty I have imposed a condition requiring compliance with the plans. To protect the character and appearance of the area I have imposed a condition relating to the approval of external materials. To ensure that foul and surface water is appropriately dealt with I have imposed a condition regarding approval of a drainage scheme.
11. Lincolnshire County Council's archaeology department has identified that the appeal site is in an area of likely Roman settlement and I have therefore imposed a condition to provide for a scheme of archaeological investigation. In the interests of highway safety I have imposed a condition to ensure that parking and turning will be provided.

Other Matters

12. The Parish Council has questioned whether, by reason of size, bulk and design, the proposed building would cause harm to the character and appearance of the area. The proposed building is relatively large but its footprint is not excessive when compared to neighbouring properties.
13. The pitched roof and mixture of hipped and gable ends proposed would be conventional in design and reflect the appearance of many other properties in the vicinity. I consider that the development would not cause harm to the character and appearance of the area and note that the Council takes no issue with the size or design of the proposed building.

Conclusion

14. For the reasons given above, and taking into account all other material considerations, I conclude that the appeal should be allowed.

D Guiver

INSPECTOR

Schedule

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 737E-07, 737E-08A, 737E-09 and 737E-10A.
- 3) No development shall take place until details of all external facing and roofing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 4) Development shall not commence until drainage works for foul and surface water shall have been carried out in accordance with details which shall have been submitted to and approved in writing by the local planning authority.
- 5) No demolition/development shall take place on the site 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;
 - vi) the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.
- 6) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 4.
- 7) No dwelling shall be occupied until space has been laid out within the site in accordance with drawing no. 737E-10A for two cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear and that space shall thereafter be kept available at all times for those purposes.



Appeal Decision

Site visit made on 5 October 2017

by D Guiver LLB(Hons) Solicitor

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

Decision date: 18 October 2017

Appeal Ref: APP/N2535/W/17/3177306

7 Grange Lane, Willingham by Stow, Gainsborough DN21 5LB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mike Watson against the decision of West Lindsey District Council.
 - The application Ref 135950, dated 11 March 2017, was refused by notice dated 4 May 2017.
 - The development proposed is change of use of agricultural building to a single dwelling and extension.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of agricultural building to a single dwelling and extension at 7 Grange Lane, Willingham by Stow, Gainsborough DN21 5LB in accordance with the terms of the application, Ref 135950, dated 11 March 2017, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 'Proposed Block Plan', 'Proposed Access and Parking to 7 Grange Lane', 'Proposed Dwelling (elevations)' and 'Floor Plans – Proposed Dwelling'.
 - 3) The external surfaces and boundary treatments of the development hereby permitted shall be constructed in materials to match the existing structures.

Preliminary Matter

2. The description of the appeal site used by the appellant and the Council refers to the change of use of an agricultural building. While this might reflect the original use of the building, it was partly converted into bed and breakfast accommodation pursuant to planning permission granted in 2005.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of the occupiers of the host property and proposed dwelling with particular regard to parking.

Reasons

4. Willingham by Stow is a small rural village approximately five miles from Gainsborough. The appeal site is close to the eastern edge of the village and comprises a large detached house and an ancillary outbuilding, formerly an agricultural building and now used partly for bed and breakfast accommodation and partly for storage.
5. The proposed development is for the change of use of the existing building into a single dwelling. The development would require erection of a small extension to the eastern end of the outbuilding together with some minor internal construction works. The Council states that the proposed development would result in a substandard relationship between the proposed dwelling, the host dwelling and the surrounding area.
6. However, the Council states that the proposal is acceptable in principle and there are good transport links and access to local services so is a sustainable form of development. The Council also accepts that the scheme would not result in any detrimental impact on occupiers of other premises in terms of privacy, light or overbearing. The Council states that the visual impact of the scheme would not be detrimental to the character and appearance of the area.
7. In respect of the proposed dwelling, the Council accepts that the internal space exceeds the minimum standards for a two-bedroom property and that bedroom sizes are adequate. Similarly, the proposed garden space would provide sufficient external amenity space while leaving an adequate parcel of garden land for the host building.
8. The Council accepts that the driveway and turning space for cars proposed in the scheme is adequate for the dwelling and would still leave the host building with adequate vehicle space of its own. However, the Council states that the distance from the proposed dwelling to the car-parking area of approximately 30 metres would prevent the future occupiers from exercising any natural surveillance of parked vehicles. Because of the site layout, the driveway would not be visible from the proposed dwelling.
9. The Council gives little detail as to how the proposed parking arrangement has a detrimental impact on the relationship between the proposed dwelling and the host building and surrounding area. There is also no evidence before me to show how the arrangements would have a detrimental impact on the living conditions of the occupiers of the host building and neighbouring properties.
10. While there would be a significant distance between the driveway and the proposed dwelling, this is not an unusual occurrence. While future occupiers might not be able to carry out natural surveillance of the drive it would remain in the clear sight of the host property and several surrounding houses.
11. I consider that the distance between the drive and the proposed dwelling is unlikely to have any adverse impact on the living conditions of future occupiers, or the living conditions of the occupants of other properties. Therefore, I conclude that the proposal would be in accordance with policy LP26 of the Central Lincolnshire Local Plan 2017, which seeks to ensure that developments do not unduly harm the living conditions of the occupants of the proposed dwelling and neighbouring properties.

Conditions

12. I have imposed conditions based on those suggested by the Council. Where necessary I have amended the wording of these in the interests of precision and clarity in order to comply with the advice in the Planning Practice Guidance.
13. In the interests of proper planning I have imposed the standard conditions in respect of time limits. For certainty I have imposed a condition requiring compliance with the plans.
14. To protect the character and appearance of the area I have imposed a condition requiring external materials and boundary treatments to match the existing materials.
15. The application form confirms that foul and surface water drainage would be connected to existing sewers which the Council agreed was acceptable. Drainage would be dealt with by compliance with the application and I have therefore not imposed a drainage condition.

Conclusion

16. For the reasons given above, and taking into account all other material considerations, I conclude that the appeal should be allowed.

D Guiver

INSPECTOR



Appeal Decision

Site visit made on 25 October 2017

by D R Cullingford BA MPhil MRTPI

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

Decision date: 31 October 2017

Appeal Ref: APP/N2535/W/17/3176779

9a Front Street, Grasby, Barnetby, Lincolnshire, DN38 6AN

- This appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is by Mr Colin Gibson against the decision of the West Lindsey District Council.
 - The application (ref: 135877 and dated 24 February 2017) was refused by notice dated 25 April 2017.
 - The development is described as an 'outline planning application to erect 1 no. two storey detached dwelling – access to be considered and not reserved for subsequent applications'.
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Decision

1. I dismiss this appeal.

Main issue

2. From what I have read and seen, I consider that this appeal turns on whether the proposal would inappropriately harm the open character of the settlement here, contrary to policies LP2 and LP4 of the recently adopted Central Lincolnshire Local Plan 2012-2036 and the guidance offered by the Framework (NPPF).

Reasons

3. Grasby is a pleasant village spread out on the lower slopes of the Wolds beneath Brigg Road (the A1084). Most of the dwellings are strung along the village streets; Vicarage Lane and Clixby Lane are aligned roughly along the contours, Church Hill and Front Street traverse the slopes and more modern development encroaches into the plains below astride Station Road. There are exceptions. Bungalows coagulate around culs-de-sac at Holland Drive and Wilmore Lane and houses are grouped around a courtyard at The Old Quarry. However, the appeal property stands on the eastern side of Front Street amongst cottages, bungalows and substantial dwellings that all face the street. The rear gardens back on to fields and farmland or to other long back gardens. Indeed, the appeal plot is part of the neat and extensive rear garden at No.9a adjoining open fields to the south and east and the long rear gardens behind the properties in Clixby Lane to the north. There are views eastwards to the Wolds: to the south, the tops of the cottages in Bentley Lane can be seen above, or between, the intervening foliage: to the north, thick hedges and some fine trees obscure all but an occasional glimpse of the properties on Clixby Lane. A footpath connecting Bentley Lane and Clixby Lane runs through the adjoining field and beside the eastern boundary of the appeal site.
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4. In 'small villages' like Grasby, small scale schemes limited to around 4 dwellings in 'appropriate locations' would normally be permitted (policy LP2). The proposal would certainly be small scale and entail only 1 additional dwelling. Moreover, as it is envisaged that the village might reasonably accommodate up to 20 additional dwellings over the Plan period and only 1 has currently materialised, the scheme would be well within the levels of growth outlined in the Plan for Grasby (policy LP4). However, it is also necessary to test whether the proposed dwelling would occupy an 'appropriate location'. For this to be so, policy LP2 indicates (amongst other things) that a scheme should not significantly harm the character and appearance of the settlement and retain its core shape and form, criteria endorsed by guidance in the Framework that development should respond to local character and reflect the identity of local surroundings while not preventing appropriate innovation.
5. The proposed dwelling, as currently illustrated, would stand some 50m behind No.9a marooned amongst surrounding open fields and long rear gardens. Its oddly isolated position would be evident from the nearby footpath, from several of the rear elevations and rear gardens of the dwellings lining Front Street and the structure would be glimpsed from the street itself through the occasional gap in the frontage development. This part of the village is open and verdant, attributes to which the appeal plot contributes. The proposed dwelling would thus represent an incongruous intrusion into the swathe of undeveloped land (either field or garden) behind Front Street reflecting neither the shape nor form of the village here and, thereby, spoiling the character and appearance of the place. I consider, therefore, that the scheme would be contrary to the Development Plan, particularly the requirements set out in policy LP2.
6. I have considered all the other matters raised. I do not agree that the driveway currently under construction to serve the garages behind the adjacent new dwellings offers any kind of precedent warranting the present proposal. The garages are not dwellings and neither they nor the driveway extend noticeably beyond the other plots in the vicinity. The appeal proposal would be quite different. Nor do I regard the appeal plot as being obviously 'enclosed'. Although hedges and trees line the northern boundary, most of that vegetation is deciduous while other boundaries do not offer particularly effective screens; indeed, it is recognised that open views through the site would still be evident from the public footpath on completion of the scheme. In any case, the proposed dwelling would not reflect the form and character evident in this part of the village. I appreciate that there is some 'development in depth' elsewhere, as indicated above. But, it is fairly limited and, importantly, located elsewhere; it could not be described accurately as a 'distinctive feature' of the place, in my view.
7. As for the decisions referred to at Snitterby and Covenham, it is acknowledged, quite properly, that such decisions are to be determined on their own merits. In this case Snitterby is a different village in a very different part of the District while Covenham is subject to different policies applied by a different Local Planning Authority. Of course a new dwelling would provide a new home and foster employment. But it is not Government policy to erect new housing anywhere. On the contrary, the Framework advises that schemes should be of 'good design' that reflect the character, identity and appearance of their surroundings. For the reasons indicated, I

am afraid that this proposal would fail to reflect that advice or comply with the statutory planning policies that apply here. Hence, I find nothing sufficiently compelling to alter my conclusion that this appeal should be dismissed.

David Cullingford
INSPECTOR