



Appeal Decision

Hearing held on 6 April 2016

Site visit made on 6 and 7 April 2016

by Tim Wood BA(Hons) BTP MRTPI

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

Decision date: 10 May 2016

Appeal Ref: APP/R2520/W/15/3132823

Land at Top Farm, Green Man Road, Navenby, Lincolnshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Linden E B(Lincoln) Ltd and Lindum Group Ltd against North Kesteven District Council.
 - The application Ref 14/1124/FUL, is dated 20 August 2014.
 - The development proposed is the erection of 160 dwellings with associated landscaping, parking and infrastructure.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal relates to the failure of the Council to issue a decision within the relevant time limit. The Council has resolved that, had it been in a position to do so, the application would have been refused; its reason for refusal relates to the effects of the proposal on the character of the surrounding area and on matters of detail including parking.

Main Issues

3. The main issues in this appeal are:
 - The effects of the proposal on the character and appearance of the surrounding area, including the adjacent Conservation Area
 - The effects of the proposal in relation to the parking provision.

Reasons

Background

4. The development plan includes the saved policies of the North Kesteven Local Plan (2007) (LP). As part of work for the emerging Central Lincolnshire Local Plan (CLLP) an objectively assessed housing need (OAHN) has been established which would require the construction of 1540 homes per annum. The Council readily accepts that the policies and provisions in the LP cannot meet the OAHN and so its policies for the supply of housing are out of date and in this respect, the Council cannot demonstrate a 5 year supply of housing sites. However, the

Council points out that the provisions of the CLLP and its allocated sites would enable a 5 year supply of housing sites to be demonstrated.

5. The CLLP has now reached the stage where the Proposed Submission version has been approved by the Central Lincolnshire Joint Strategic Planning Committee. It is notable that the CLLP in its current form includes the appeal site as one of its site allocations for housing development. Therefore, in the context of the CLLP, the Council confirms that it does not object to the principle of the development of the site for housing. However, from my perspective, I consider that only limited weight can be given to the provisions of the CLLP due to the early stage that it has reached and it would be inappropriate to rely on its provisions in calculating a supply of housing sites. With these points in mind, I shall determine the appeal on the basis that the Council cannot demonstrate a suitable supply of housing sites and so the relevant policies for the supply of housing should not be considered up-to-date, as paragraph 49 of the National Planning Policy Framework (the Framework) sets out. Paragraph 14 of the Framework states that, where the development plan policies are out of date permission for development should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

The effects of the proposal on the character and appearance of the surrounding area, including the adjacent Conservation Area

6. The appeal site is approximately 5ha in size and sits just beyond the existing northern edge of the village of Navenby. The land is flat and consists of paddocks, arable fields and a relatively small area of farmyard. The main farm house of Top Farm is designated as a Sensitive Building which, along with the traditional farm buildings, is located within the Navenby Conservation Area. None of the appeal site is within the Conservation Area, but it shares a boundary with it at this western end. The Conservation Area then extends south and west and includes the historic village.
7. On the south side of Green Man Road are a mixture of bungalows and 2 storey houses which are outside the Conservation Area, apart from those at the extreme western end. When entering Green Man Road from the west the impression on the northern side is one of increasing spaciousness due to the set back of the farm buildings and the unobtrusive nature and set-back of the bungalow at 'Romar'. On the south side, a small number of detached 2 storey houses present a harder edge but due to the gaps between them and their generally modest form, some spaciousness exists. These houses then terminate with 2 houses set significantly further back, close to the entrance of Ermine Drive; these are opposite the beginning of the appeal site frontage. At this point, there is a much greater impression of space and the rural character of the area takes over due to the openness of the appeal site. Properties on the south side of the road are formed by a large number of modest bungalows with large front garden areas. The overwhelming impression created is of the transition between the village and the countryside being created by lower, modest buildings with generous front gardens blending into the open countryside on the opposite side of the road. The lengthy run of bungalows then terminates with 2 pairs of semi-detached 2 storey houses, again having some degree of space at the front; these then form the end of this section of the road at the junction with High Dike, which is a spacious junction with wide

- grass verges where the houses are set well back. This is opposite the eastern end of the appeal site.
8. Close to the western end of the appeal site on Lincoln Road (A46 and sometimes referred to as Grantham Road), when approaching from the north, the impression is of well spaced buildings mostly set well back from the road, including the farm buildings and the gaps created by the open parts of the appeal site. This then forms the transition from countryside to village.
 9. The proposal would result in 160 dwellings of 2 or 2.5 storeys being distributed over the site. An open area forming a crescent would be created about half way along the Green Man Road frontage with open space at either side of the main entrance to the site and houses set back behind the open space. One other small area of open space is proposed within the body of the site. The proposal shows the dwellings being provided in a mix of detached, semi-detached and small terraces within a close arrangement of buildings. They would mainly have small front garden areas and fairly modest rear gardens. The main central road would have a verge on its southern side and the crescent of open space referred to above would soften the character to some extent but apart from this, the houses would be sited very close to their front boundaries and the impression on most of the roads would be one of an urban form of development; this is particularly so on the northern half of the site where a number of terraces and semi-detached houses would be intimately arranged, some around areas dominated by surface parking. A large number of the proposed houses would be sited close to the northern boundary of the site, some with their flank gable walls very close to the boundary and some separated by vehicle accesses. Notwithstanding the vehicle access ways, the distance between the proposed dwellings and the site boundary, combined with the form and number of dwellings would create a very hard edge to the development where it would abut open countryside.
 10. On Green Man Road, I appreciate that some positive effects would arise from the proposed open space. However, the form and arrangement of the buildings on either side would not complement the impression created by the existing bungalows where their modest height and scale along with larger front gardens complements this edge-of-village location. This is particularly so at the far eastern end where a significantly sized building would be sited close to the site boundaries, opposite the spacious junction with High Dike, as described above. The appellant considers that this would form a 'book-end' and complement the form of Top Farm house at the opposite end of Green Man Road. My observation is that there is far more space around the farm house than is proposed around the relevant new building and also the context is different, wherein the proposed building would be directly adjacent to open countryside and the farm house is not.
 11. I appreciate that the appellant has undertaken a number of revisions of the scheme and some efforts have obviously been made to incorporate some open spaces into the scheme. However, the overwhelming impression would be of a distinctly urban form of development which fails to take account of its context at the edge of a village within a rural and open setting. There is no attempt to blend the form or disposition of the dwellings within the development so that it would create a suitable transition between the village and the open countryside; on the contrary, it would result in a harsh and hard edge made up of a series of closely sited 2 storey dwelling sited along the length of its long

northern boundary. Whilst people within the development would be afforded some views into the open countryside, the development would not contain any realistic opportunities for views through it from the south to the north. In relation to this point, the appellant states that any views would not contain important aspects such as rolling countryside, due to the topography here. My view is that visual permeability to the openness beyond would acknowledge its location and position even if the character of the open countryside is not acknowledged to be of a specific interesting form.

12. In relation to the Lincoln Road frontage, again, it is clear that some attention has been given to the effects of the scheme. The appeal site frontage is shorter and is broken up by other land along this section and so the appeal scheme would appear more punctuated. Notwithstanding this, I consider that the close siting together of the 2 houses in the northern-most section along with their siting forward of the existing single house would unacceptably disrupt the spaciousness created by the gaps between the dwellings and to their front.
13. In relation to the effects of the proposal on the adjacent Conservation Area, the only section of common boundary with the appeal site is a relatively short section behind the stone barn of Top Farm where the rear gardens of proposed houses would abut. Part of the Lincoln Road frontage of the site is opposite a short section of the Conservation Area boundary. The proposal would be for 2 detached houses here set back from the road frontage. I have examined these and other areas where the proposal may be visible from within the Conservation Area but I find that the effects of the proposal would not be such that the significance of the conservation area would be affected.
14. The Framework states that great importance is attached to the design of the built environment and that it is a key aspect of sustainable development. Paragraph 61 of the Framework sets out that whilst appearance and architecture of buildings are important, high quality and inclusive design should address the connections between people and places and the integration of new development into the natural, built and historic environment. For the reasons set out above, I consider that the proposal does not achieve these aims.

The effects of the proposal in relation to the parking provision

15. Some of the proposed parking spaces within the development would be located in combined parking areas which, in some instances, involve spaces not being adjacent to the properties that they serve. The Council are also critical of the overall number of spaces which it considers would be insufficient.
16. I consider that the inclusion of parking areas, which the Council refer to as parking courts, would appear distinctly urban in character and is perhaps reflective of the nature of the proposed layout and numbers of dwellings proposed. Within the context that I have described above, I consider that these features add to my concerns about the character of the proposed development and its failure to harmonise with its context.
17. In relation to the overall number of spaces and the allocation of some spaces in non-adjacent positions, I consider that there is a prospect of residents parking in the adjacent roads as a result of these matters. Whilst this is not of sufficient concern to result in dismissing the appeal by itself, it adds to my concerns about the nature, form and layout of the proposal.

18. Although not stated by the Council, others at the Hearing raised concerns in relation to the effects of short-term parking by delivery vehicles. I consider that any effects in relation to this matters would be small in scale and duration and do not add to my concerns in relation to the scheme.

Other Matters

19. Local residents raised concerns that the proposal would put undue pressure on the local GP surgery, public transport and the local primary school. In relation to the latter 2 points, consultation responses to the planning application gave rise to requests for contributions which would be secured by the submitted S106 Agreement. Notwithstanding the fact that the contributions are based on the figures requested by the County Council, residents questioned the appropriateness of the amount and the practicality of providing for additional pupils at the school. Although some residents have had a close relationship with the school for some time, without a detailed assessment of precisely how the contribution would be spent and the potential for more accommodation at the school, I have insufficient reason to conclude that the request from the County Council is in some way unrealistic. Similarly, the public transport contribution is as requested of the developer and the Council is content with it; I have no detailed evidence to disagree with that shared position. In relation to the GP surgery, relevant consultation responses did not give rise to any concerns being raised, a point confirmed by the Council at the Hearing.
20. In relation to surface water flooding, if the scheme were to go ahead, it was confirmed that the proposal would be required to cater for any surface water from the site plus an additional amount. This would be likely to give rise to some localised improvement to surface water sitting on the carriageway at Green Man Road and would make matters no worse elsewhere. Regarding potential tree loss on the Green Man Road frontage, if permission were to be granted it would be possible to secure an agreed scheme to protect these trees during construction and with suitable measures to protect them and their roots from the physical imposition of aspects of the development. In the context of these comments, I find that none of these or any other matters add to my concerns for the scheme.

Planning Balance and Conclusions

21. The Framework identifies 3 dimensions to sustainable development namely, economic, social and environmental. In relation to the economic aspects of the appeal, it would support some jobs in the construction industry, albeit for a temporary period, and there would be contribution to the local economy from the spending of additional residents. In relation to the social factors, there is a benefit of providing additional homes in an area where there is a shortfall; some of the homes would be affordable and this too is a positive aspect of the scheme. However, it is notable that the Council's resistance to the scheme is not as a matter of principle but is one relating to detail and it would seem to me that, if that position were to be carried forward, their concerns and the ones that I have set out, may be met by a different form of residential development of the site. In that context, the site could still make a significant contribution to housing supply, albeit in a different form to the one proposed herein. The social dimension also includes the creation of a high quality built environment and I have determined that this would not be satisfied by the proposal.

22. In relation to the environmental dimension, I have come to the view that the proposal would not protect or enhance the built and natural environment, for the reasons set out above. I have sought to balance these factors and in my view the considerable adverse effects that would arise from the scheme are sufficient to significantly and demonstrably outweigh the benefits that it would bring. As a result of my findings, I conclude that the proposal would conflict with Policy C18 of the LP. Accordingly, the appeal is dismissed.

S T Wood

INSPECTOR

Richborough Estates

APPEARANCES

FOR THE APPELLANT:

N Osborn
P Brady
B Maynard

FOR THE LOCAL PLANNING AUTHORITY:

S Watson
G Hall

INTERESTED PERSONS WHO SPOKE :

C Sherriff
R Orange
M Overton
L Conway
E Parker
P Smith
J Lamb
T Bond
J Neale
F Stowes
J Garner

DOCUMENTS SUBMITTED AT THE HEARING

- 1 Completed S106 Agreement
- 2 Photographs from Mrs Parker
- 3 Part of Mrs Sherriff's statement
- 4 Copy of judgement of *Crown House Developments Ltd*
- 5 SoS Decision, Ashby-De-La-Zouch