



Appeal Decision

Site visit made on 24 September 2018

by Graeme Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 January 2019

Appeal Ref: APP/N2535/W/18/3204838

Land at Honeyholes Lane, Dunholme, Lincolnshire

- 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 Steven Ibbotson (Cyden Homes Ltd) against the decision of West Lindsey District Council.
- The application Ref 136785, dated 18 September 2017, was refused by notice dated 14 December 2017.
- The development proposed is 64 dwellings with roads, garages and residential parking including community parking and public open spaces.

Decision

1. The appeal is allowed and planning permission is granted for 64 dwellings with roads, garages and residential parking including community parking and public open spaces at land at Honeyholes Lane, Dunholme, Lincolnshire in accordance with the terms of the application, Ref 136785, dated 18 September 2017, subject to the conditions set out in the attached Schedule.

Procedural Matters

2. A revised and updated National Planning Policy Framework (the Framework) was published on 24 July 2018. The main parties have been given an opportunity to comment on the revised Framework in terms of implications for their respective cases. I have taken the revised Framework into account in reaching my decision.
3. The application was refused with four reasons for refusal, the second of which stated that:

The site layout fails to take the opportunity for providing an appropriate amount of new open space, sports and recreation facilities, contrary to policy LP24 of the Central Lincolnshire Local Plan.

4. With regard to this particular refusal reason, the Council noted that, despite an increase in the proposed number of dwellings to 64 from the previously approved scheme for 49 dwellings¹, the open space provision had not increased proportionally. However, since the application was determined, the Central Lincolnshire Developer Contributions Supplementary Planning Document (SPD) has been adopted² by the Council. The effect of this, I am advised, is that the calculation for assessing open space requirements has changed and that, on that basis, the appeal scheme would make adequate open space provision.

¹ LPA Ref Nos: 131087 (outline) and 136225 (reserved matters)

² Adopted 25 June 2018

5. The Council have confirmed that the proposal would now accord with the provisions of policy LP24 of the Central Lincolnshire Local Plan (CLLP) and no longer wish to defend the second refusal reason. I note that the appellant accepts this, and I have not been presented with any further compelling evidence that would lead me to a different conclusion. I have therefore determined the appeal accordingly.
6. A unilateral undertaking prepared pursuant to section 106 of the Town and Country Planning Act 1990 (as amended) (the Act) has been submitted to secure the provision of affordable housing and financial contributions as education, leisure and art contributions. I will return to this matter later.

Main Issues

7. Having regard to the above in relation to the second of the Council's refusal reasons, I consider the main issues to be:
 - The effect of the proposed development on the character and appearance of the surrounding area; and
 - Whether the proposed development would make appropriate provision for affordable housing.

Reasons

Character and appearance

8. The appeal site is allocated for residential development by CLLP policy LP52, in which the site is described as having an indicative capacity of 49 dwellings. The site is also allocated for residential development 'of approximately 49 dwellings' in the Dunholme Neighbourhood Plan (DNP) by virtue of DNP policy 1. Planning permission was also granted³ for the erection of 49no. dwellings in 2015 and 2017. There is, therefore, a significant basis upon which to consider that the site is capable in principle of delivering housing development, and that it can do so at a quantum of in the region of 49 dwellings.
9. The settlements of Dunholme and Welton lie close to each other. Indeed, they are separated by a 'Green Wedge' defined by CLLP policy LP22. The purpose of this, CLLP policy LP22 states, is to fulfil one or more of a number of functions and policy aims, but includes the aim of preventing the physical merging of settlements and maintaining their separate identity. The wedge also aims to create a 'green lung' for communities to provide a direct link to the countryside beyond the urban area, to provide an accessible recreational resource close to where people live, and to conserve and enhance local wildlife, wildlife sites and the links between them.
10. Although adopted prior to the adoption of the CLLP, and therefore referring to the concept of 'green wedges' enshrined in the now no longer extant West Lindsey Local Plan (2006), DNP policy 11 identifies a settlement break between Dunholme and Welton. The DNP identifies the gap between the settlements as varying between 500m at the current appeal site to as little as 80 metres on Ryland Road. Proposals that would detract from the purpose of the 'Green Wedge' would not be supported.

³ LPA Ref Nos: 131087 (outline) and 136225 (reserved matters)

11. I have been provided with copies of a number of appeal decisions⁴ relating to sites on either side of Ryland Road between the two settlements, and on Honeyholes Lane that explore the importance of the settlement break and green wedge in great detail. Whilst I have carefully noted those decisions, I am also mindful that planning permission exists on the appeal site for the development of 49 dwellings and that the site is no longer part of the Green Wedge as defined by CLLP policy LP22. For these reasons, I give these decisions limited weight in my deliberations and find no conflict with the first sentence of DNP policy 11 as the proposal would no more result in the coalescence of the two settlements than the permission previously granted or the allocation of the land for residential purposes.
12. There is much supposition on behalf of both main parties as to how many dwellings the site might have been allocated to accommodate in the CLLP and DNP had permission not already existed for 49 dwellings, or what might have been the outcome of an application for a higher density scheme resulting in a greater quantum of development. It remains the case that permission exists for 49 dwellings though. It is agreed that neither CLLP policy LP52 nor DNP policy 1 are a ceiling on the quantum of development. A proposed increase of 15 dwellings, approximately 31%, against that number would represent a not-insignificant increase in the number of dwellings across the site. However, whilst that may be so, I am not persuaded that the proposal for 64 dwellings would be harmful in the context of the detail of the proposal or the nature of the site's surroundings.
13. There is an extensive local network of public footpaths in the area around the appeal site. I walked those that run along the site's western boundary, and which link with Welton to the north, and also those which run along the southern perimeter of housing in Welton. Across the flat, open field between Welton and Dunholme, the existing housing is barely disguised by the existing denuded site frontage, and is therefore clearly visible.
14. The site's boundaries would however remain unaltered from the approved proposal. This is particularly important because the site is highly visible in the local landscape, not just from Honeyholes Lane along which the site would have a significant street frontage, but also from western and northern viewpoints.
15. Although the proposal would introduce residential development into the foreground from Honeyholes Lane, so too would the approved scheme. In any event, from these views, I am satisfied that the proposal would not adversely affect the extent or function of the green wedge. Moreover, the incorporation of a 5 metre wide landscaping strip along the northern edge of the site, and a substantial landscaped swathe of public open space at the western edge, would reinforce the role of the green wedge beyond the site and allow the site to blend with existing built development to the east, south and west of the appeal site.
16. I note that the Council accept that the appeal proposal would not increase the quantum of development close to the site's northern boundary. The appellant concurs, and I have no reason to disagree. I can also see that the proposed swathe of public open space, along the western boundary and opposite the

⁴ APP/N2535/W/16/3146208; APP/N2535/A/13/2207053; APP/N2535/W/15/3138491 and APP/N2535/W/16/3145353

- sports and community complex on the other side of the public footpath, would also reflect the arrangements of the previously approved scheme. Thus, in terms of the proposal's northern and western perimeter areas, and their relationship and interaction with the defined Green Wedge, there would be little or no material difference between the approved and proposed schemes.
17. The Council previously justified the approved scheme in terms of its low density nature being appropriate to an edge of settlement site that marked the transition from open countryside to built-up area and, crucially, one that was, at that time, defined as being within both settlement break and green wedge. The latter is no longer the case, however. It is agreed between the parties that, notwithstanding the additional dwellings, the proposal would be of a density not dissimilar to that of the housing areas to the south and east of the site.
 18. From my observations of the areas of housing close to the appeal site, I agree. Moreover, the proposal would also provide an opportunity to soften the approach to Dunholme from the west, where the proposal would largely screen the somewhat stark and imposing presence of Tennyson House with development of a scale and form more consistent with the surroundings, and Dunholme as a whole. Thus, for the reasons I have set out above, the proposed layout, boundary landscaping, approach to the perimeter areas of the site and the overall quantum of the site would achieve a pleasing form of development entirely appropriate to the site's setting and the context of village development around it.
 19. Notwithstanding the additional dwellings within the scheme, over and above either the approximate allocations or the approved scheme, I am satisfied that the current proposal would not result in additional, undue or harmful pressure upon the area of land between Welton and Dunholme. The proposal would not result in the coalescence of the two settlements, the site being located at one of the wider points of the settlement break between Welton and Dunholme. Nor would it result in a form or density of development that would materially or harmfully differ from the prevailing pattern of development to the south or east of the site. Thus, I am not persuaded that the presence of an additional 15 dwellings, over and above the 49 that have previously been granted planning permission within the site, would be particularly noticeable or keenly felt.
 20. I accept that the scale of development, and the increase in number of dwellings from that previously approved, and allocated within the CLLP and DNP, would go beyond what might be reasonably expected to fall within the approximate scope of the quantum of development envisaged. However, for the reasons I have set out above, I am satisfied that the proposal before me would be an appropriate form of development in its own right. Neither CLLP policy LP52 nor DNP policy 11 preclude development at levels above the indicative numbers set out therein. Although the proposal would exceed the indicative number of dwellings set out this would not amount to the overdevelopment of the site for the reasons I have set out above, nor would it adversely impact on the function of the adjacent 'Green Wedge' or the character or appearance of the surrounding area. There would, as a consequence, be no conflict with CLLP policy LP22 or DNP policy 11.

Affordable housing

21. The sub-text to CLLP policy LP11(c) states that affordable housing should 'integrate seamlessly in to the site layout amongst the private housing'. This, the Council contend in somewhat emotive language, would not be achieved by the proposal and would result in 'virtually self-contained ghettos' that would isolate the affordable housing from market housing, and vice-versa.
22. It is true that the affordable housing would be located in two distinct groupings within the overall development. However, I do not consider it fair to say that this approach would result in the type of 'self-contained ghettos' suggested by the Council. Rather, I am content that the submitted elevations do not appear to distinguish between market and affordable housing in terms other than differing house type and size. Moreover, the cluster of affordable housing at plots 13-22 is little different to the clusters of housing around other culs-de-sac within the scheme, and which are a recurring feature of the proposed layout. With regard to the affordable housing units at plots 47 – 52, these would be at a focal point of scheme's layout at a main transition point from developed area to green swathe. Furthermore, this group also fronts on to two distinct street scenes and features a house-type also employed as a market housing unit.
23. There is no objection to the quantum of affordable housing provision within the scheme, nor to the mix of size or tenure of the affordable housing provision. Thus, I am satisfied that the proposal would contribute to the Government's broad aim, stated at paragraph 59 of the Framework in seeking to not just significantly boost the supply of homes, but also to ensure that the needs of groups with specific housing requirements are addressed. For these reasons, I conclude that the proposal would contribute to the objective of creating mixed and balanced communities sought by the Framework and CLLP policy LP11.

Planning obligation

24. The appellant has submitted a unilateral undertaking (UU), subsequently revised in response to comments submitted by the Council, as a planning obligation pursuant to the provisions of Section 106 of the Town and Country Planning Act 1990 (as amended) (the Act). The UU would secure the provision of affordable housing at 25% (16no. units) of the total number of dwellings, financial contributions towards health provision and local highway infrastructure and the provision of on-site public open space. I have considered the UU against the provisions of the Framework and Planning Practice Guidance (the Guidance).
25. I note that the Council's officer report sets out the agreed heads and terms of the section 106 planning obligation. I note, too, the Council's subsequent confirmation that the content of the unilateral undertaking repeats the details previously agreed. There is a shortage of affordable housing within the District and the residential development would deliver an appropriate proportion of affordable housing. So too, with regard to the provision of contributions towards health provision and local highway infrastructure, whilst the UU would also secure the provision, and establish subsequent management, of on-site public open space.
26. I have noted the content of CLLP policies LP12 and LP14 with regard to these matters and, in securing such provision, the proposal would, where necessary and appropriate, align with the aims of the Framework in seeking to meet the

needs of groups with specific housing requirements. The provision of contributions towards health provision and local highway infrastructure would, where necessary and proportionate, offset the additional impact arising from the use of community infrastructure by the residents of the residential development.

27. Thus, I am satisfied that the UU satisfies the statutory tests set out in the Community Infrastructure Regulations and paragraph 56 of the Framework. I have therefore taken its provisions into account in reaching my decision.

Conditions

28. I have considered the Council's suggested conditions in light of the Framework and Planning Practice Guidance. Where necessary, I have made minor amendments to the conditions in the interests of precision.
29. In addition to time limit and plans conditions, which I consider to be necessary in order to provide certainty, conditions relating to materials, landscaping, landscape management plan and timing of works are necessary in the interests of character and appearance, ecology and biodiversity. However, the appellant considers that the suggested landscape management plan condition⁵ and northern boundary landscape treatment condition⁶ duplicate each other. I agree, and have deleted the northern boundary landscape condition but incorporated elements of it into a revised landscape management condition. I have also amended the suggested landscape implementation condition⁷ accordingly to reflect these changes.
30. In addition to a condition regarding a detailed Construction Management Plan (CMP), conditions regarding the laying out of access roads and phasing of streets are also necessary in the interests of highway safety. Surface and foul water drainage conditions are necessary in the interests of minimising flood risk.
31. A condition to ensure that 30% of the total number of homes developed on the site meet higher access standards set out in the Building Regulations is supported by CLLP policy LP14. In order to provide housing that meets the needs of groups with specific housing requirements, a condition of this nature would align with the Government's overall objectives for delivering a sufficient supply of housing, as set out at paragraph 59 of the Framework. I therefore agree that a condition to this effect is both reasonable and necessary.

Conclusion

32. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be allowed.

Graeme Robbie

INSPECTOR

⁵ LPA suggested condition No. 8

⁶ LPA suggested condition No. 15

⁷ LPA suggested condition No. 14

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following approved plans:
 - 178/002F – Proposed Site Layout;
 - 178/004B – Proposed Site Layout Landscaping Plan;
 - 178/005B – Proposed Site Layout Material Plan;
 - 178/027 – Location Plan;
 - 178/101B – Proposed Plans and Elevations – dH418;
 - 178/102A – Proposed Plans and Elevations – dH418;
 - 178/103B – Proposed Plans and Elevations – dH418;
 - 178/104A – Proposed Plans and Elevations – dH417;
 - 178/105A – Proposed Plans and Elevations – dH407;
 - 178/106B – Proposed Plans and Elevations – dH414;
 - 178/107A – Proposed Plans and Elevations – dH413;
 - 178/108C – Proposed Plans and Elevations – dH409;
 - 178/109A – Proposed Plans and Elevations – dH408;
 - 178/110C – Proposed Plans and Elevations – dH404;
 - 178/111B – Proposed Plans and Elevations – dH402;
 - 178/112B – Proposed Plans and Elevations – dH402;
 - 178/113B – proposed Plans and Elevations – dH401;
 - 178/114C – Proposed Plans and Elevations – dH325;
 - 178/115A – Proposed Plans and Elevations – dH325;
 - 178/116A – Proposed Plans and Elevations – dH325;
 - 178/117A – Proposed Plans and Elevations – sH303 330;
 - 178/118B – Proposed Plans and Elevations – sH320 319;
 - 178/119A – Proposed Plans and Elevations – sB102W sF110;
 - 178/120B – Proposed Plans and Elevations – tH330 202 201 205 and 323W; and
 - 178/150A – Proposed Plans and Elevations – Garages.
- 3) No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i) the routing and management of construction traffic;
 - ii) the parking of vehicles of site operatives and visitors;
 - iii) loading and unloading of plant and materials;
 - iv) storage of plant and materials used in constructing the development;
 - v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - vi) wheel cleaning facilities;
 - vii) measures to control the emission of dust and dirt during construction;
 - viii) details of noise reduction measures;
 - ix) a scheme for recycling/disposing of waste resulting from demolition and construction works;

- x) the hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on the site; and
 - xi) measures for tree and hedgerow protection.
- 4) No development shall take place until details of all external and roofing materials to be used have been submitted to and approved in writing by the Local Planning Authority and the development shall only be carried out using the agreed materials.
 - 5) Notwithstanding the submitted details, no development shall take place until a final surface water drainage scheme for the site, based on sustainable urban drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall:

- a) Provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
- b) Provide attenuation details and discharge rates which shall be restricted to 5 litres per second;
- c) Provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- d) Provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

The development shall be carried out in accordance with the approved drainage scheme and no dwelling shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full in accordance with the approved details.

- 6) No development shall commence until a foul water drainage strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.
- 7) No dwellings shall be commenced before the first 60 metres of estate road from its junction with the public highway, including visibility splays, as shown on drawing number 178/002F has been completed.
- 8) No development shall be commenced until an Estate Street Phasing and Completion Plan has been submitted to and approved in writing by the Local Planning Authority. The Estate Street Phasing and Completion Plan shall set out the development phases and the standards that estate streets serving each phase of the development will be completed, and details of the proposed arrangements for future management and maintenance of the proposed streets within the development.

- 9) Notwithstanding the details submitted, no development hereby permitted shall take place until a Landscape Management Plan setting out management responsibilities and maintenance schedules (including arrangements for the replacement of any trees, hedges or shrubs which die, are removed or become seriously damaged or diseased within five years of the completion of the development) for all landscaped areas (excluding private gardens), inclusive of trees, hedges, ditches and balancing ponds; and a Biodiversity Enhancement Scheme setting out measures for habitat creation and management, has been submitted to, and agreed in writing with, the Local Planning Authority. Development shall thereafter proceed wholly in accordance with the approved details.
- 10) No less than 30% of the total number of dwellings shall be built to the higher access standards of Part M4(2) (accessible and adaptable dwellings) of the Building Regulations, in accordance with the Schedule of House Types (reference 178/B3/Sh-3 20.10.2017).
- 11) No works shall take place involving the demolition of any existing buildings or the loss of any hedgerow, tree or shrub other than outside the bird nesting season (1st March to 31st August), unless a nesting bird survey has been undertaken by a suitably qualified person who has confirmed in writing to the Local Planning Authority that there are no active nests present.
- 12) No dwelling shall be occupied until the estate street(s) affording access to that dwelling has been completed in accordance with the approved Estate Street Phasing and Completion Plan.
- 13) No dwelling hereby permitted shall be occupied until a Travel Plan has been submitted and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.
- 14) All planting, seeding or turfing comprised in the approved details of landscaping (drawing 178/004B) shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.