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## Appeal Decision

Site visit made on 13 October 2014

by **B S Barnett BA MCD MRTPI**

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

Decision date: 17 October 2014

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**Appeal Ref: APP/R2520/A/14/2222909**

**Land off Chapel Lane, North Scarle, Lincoln, LN6 9EX**

- 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 Plan-it-design Ltd against the decision of North Kesteven District Council.
  - The application Ref 13/1256/OUT, dated 22 August 2013, was refused by notice dated 24 February 2014.
  - The development proposed is the erection of 10 single storey dwellings with amenity areas and car parking.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues to be considered are:
  - (a) the effect of the development on the character and appearance of the area;
  - (b) the risk of flooding;
  - (c) whether this would be sustainable development.

### Reasons

#### *Character and Appearance*

3. Although an illustrative layout has been produced, outline planning permission only is sought and all matters of detail have been reserved for subsequent determination.
4. The site is on the periphery of North Scarle. Housing in the village is concentrated around the junction of High Street and Chapel Lane but ribbons of development extend out from this area. There is a line of dwellings along the west side of Chapel Lane but the east side of this Lane is largely undeveloped north of School Lane. The appeal site is on the east side of Chapel Lane and largely beyond the line of dwelling on the opposite side of the road.
5. There is one house immediately to the north. A small public park with a stand of trees separates the bulk of the site from the Lane and on the opposite side of the Lane is farmland. The site is adjoined to the east and south by more farmland. The land along Chapel Lane to the south contains allotments and one house but has a generally open and undeveloped character. The site is outside and separate from the built-up area of the village. I consider it to be

part of the countryside and that is how a reasonable observer would have regarded it even when horses were kept there.

6. The National Planning Policy Framework (NPPF) states that the intrinsic character and beauty of the countryside should be recognised and that isolated homes in the countryside should be avoided. Although the site is close to the village, its separation from the built-up area is such that I regard it as isolated. The development would be inconsistent with this national Policy. It would erode the rural character of the site and the area and for this reason would also be inconsistent with Policy C2 of the North Kesteven Local Plan (LP). This Policy is broadly consistent with the National Planning Policy Framework (NPPF) and I attach considerable weight to it.
7. I conclude that the development would harm the character and appearance of the area.

#### *Flooding*

8. The NPPF says that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The appeal site is in the Environment Agency's Flood Zone 3 so is at significant risk of flooding. The appellant asserts that there are no other suitable sites in the area which are at lower risk, however no significant evidence has been put forward to justify this assertion. There is land within and around North Scarle in Zone 1 where the risk of flooding is much less and I have no reason to believe that some of this could not be developed. Other Zone 1 sites probably exist in nearby villages.
9. I have no doubt that, if the site were to be developed, the dwellings could be made flood proof by raising their floor level, but this would still leave occupants at risk of being cut off in the event of a flood. The NPPF is clear that this situation should be avoided unless there is no alternative.
10. I conclude that occupants of the proposed dwellings would be at significant risk of having their safety and living conditions adversely affected by flooding.

#### *Sustainable Development*

11. At the heart of the NPPF is a presumption in favour of sustainable development. The Council acknowledge that it cannot demonstrate sufficient deliverable sites to accommodate five years of house building. LP Policies relating to the supply of housing are, therefore, out of date and development should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Policies in the NPPF taken as a whole.
12. The provision of 10 new dwellings would help address the present shortage. However, I consider that this beneficial effect of the development would be significantly and demonstrably outweighed by the harm that would be caused to the character and appearance of the area and by the risk that flooding would affect the site. I conclude that because of the harm it would cause, the development is not sustainable and the presumption in favour of sustainable development does not apply.

*Other Matters*

13. I do not share the Council's view that the need to elevate floor levels would make the appearance of the buildings unacceptable. It could be satisfactorily accommodated by good design. I also see no reason why a cul-de-sac form of development would necessarily be inconsistent with the character of the village. There are several cul-de-sacs already in the North Scarle. As the site adjoins the Lane at two points it would be possible to have at least a pedestrian access at its southern end.
14. I conclude overall, however, that because the harm it would cause exceeds the benefit it would produce the development is unacceptable.

*B Barnett*

INSPECTOR

Richborough Estates