



Appeal Decision

Site visit made on 27 July 2015

by Mark Caine BSc (Hons) MTPL MRTPI

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

Decision date: 21 August 2015

Appeal Ref: APP/N2535/W/15/3017289

Land to the west of Manor Farm, High Street, Scampton, Lincoln, LN1 2SS

- 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 GS Hughes Ltd & JCM Glassford Ltd against the decision of West Lindsey District Council.
 - The application Ref 131907, dated 11 September 2014, was refused by notice dated 2 April 2015.
 - The development proposed is the erection of 18 new dwellings comprising 7 homes for local people with a specific housing need and 11 open market homes with a new site access and associated roads, drives, garages and public open space.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 18 new dwellings comprising 7 homes for local people with a specific housing need and 11 open market homes with a new site access and associated roads, drives, garages and public open space at Land to the west of Manor Farm, High Street, Scampton, Lincoln, LN1 2SS in accordance with the terms of the application, Ref 131907, dated 11 September 2014, subject to the conditions in the attached Schedule.

Procedural and Preliminary Matters

2. The Council has referred to The Preliminary Draft Central Lincolnshire Local Plan. However this plan is at a relatively early stage of preparation and is yet to be the subject of independent examination. It does not form a part of the statutory development plan and I have therefore given it limited weight as a material consideration.
3. A completed unilateral planning obligation deed has been submitted by the appellant in respect of financial contributions towards primary education, the provision of affordable housing and the delivery and maintenance of the on-site open space in perpetuity. I return to this matter below.

Main Issue

4. The main issue is whether the proposal would represent a sustainable form of development, having particular regard to accessibility to local services.

Reasons

5. The appeal relates to a large relatively flat grassed area of open agricultural land that is enclosed by a number of mature trees. Whilst open countryside

- bounds the southern boundary, the site is reasonably well contained with existing development in close proximity to three sides of the site.
6. The Council accepts that it does not have an identifiable five-year housing land supply. Paragraph 49 of the National Planning Policy Framework (the Framework) states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate such a supply. In this case I consider that Policies STRAT 3, STRAT 7, STRAT 9 and RES7 of the West Lindsey Local Plan First Review (Local Plan) 2006 should be regarded as not up-to-date. The Framework advises that where the development plan is absent, silent or relevant policies are out-of-date planning permission should be granted unless the harm would demonstrably outweigh the benefits, or, specific policies within the Framework indicate that development should be restricted.
 7. Subsidiary rural settlements do not have defined boundaries in the Local Plan, nonetheless, the appeal site, albeit a large undeveloped field, is clearly within the centre of the settlement. There is development to three sides of it, and its southern boundary respects that set by existing properties and the public footpath. It would therefore be in keeping with the core shape and form of the settlement, and not encroach into open countryside.
 8. On my site visit I saw that local facilities within Scampton are limited to a public house, primary school, and a church, and that the appeal site is outside convenient walking distance of shopping, secondary schools and mainstream employment facilities. However, whilst it is a small settlement it is not in a remote rural location. Bus stops are conveniently sited on the footway directly in front of the appeal site and on the opposite side of High Street. A regular daily bus service that links Scampton to other nearby villages on-route to Scunthorpe and Lincoln is provided.
 9. Notwithstanding the Council's argument regarding frequency, the bus service would provide access to services and facilities in other nearby areas, and allow people to commute to potential areas of work in Scunthorpe and Lincoln. This would offer scope for accessing facilities and services by means other than private cars and also provide further support for local services and facilities in villages nearby.
 10. I therefore conclude that the proposal would represent a sustainable form of development, having particular regard to accessibility to local services. In this regard it would not conflict with the aims of Local Plan Policy STRAT 1 which requires, amongst other things, for scope to be provided for access to public transport and reducing the length and number of car journeys.

Other Matters

11. I do not consider that the proposal can be considered to be a rural exception site due to the proportion of open market housing needed to subsidise the scheme. Nonetheless it would provide seven affordable houses that would meet a previously identified need in a Parish Survey. I appreciate that this survey is around 5 years old however the Council accept that there has been no development in the intervening period to address this need. In the absence of any firm evidence to the contrary it is reasonable to consider that this need is likely to remain. Moreover, this would provide affordable housing for the wider district even if this local need has diminished.

12. It is recognised that the proposal would increase the amount of traffic to and from this site, and that a primary school is situated nearby. However the Highways Authority has not raised any objections to the proposal in regards to the level of car parking provision, congestion or highway safety and I have no substantive reason to question this. This is, however, subject to the imposition of planning conditions, which seek to ensure, amongst other things, that a safe access and footway link are provided.
13. I also recognise that the proposal would inevitably reduce the sense of openness of the site and its green character would diminish as a result of the development. However, trees are to be retained along the frontage and the proposed houses would be set back from the High Street highway. They would also use traditional Lincolnshire materials, and be laid out in a similar cul-de-sac arrangement as the existing residential developments to the east and west. A significant area of landscaped public open space would also be provided within the site. The effect of all of these factors would be a relatively green, open layout which relates to the local pattern of existing development and retains some qualities of its spacious character. As such I do not consider that the proposal would have a harmful effect on the character and appearance of the area.
14. There is also no substantive evidence before me to demonstrate that the proposed development would, of necessity exacerbate existing flooding problems in the locality. A Flood Risk Assessment (FRA) was submitted with the original application and the Environment Agency has not raised any objections to the proposal, subject to a condition for details of a surface water drainage scheme, and I have no reason to question this. Property devaluation and loss of views are also outside the remit of the appeal and there is little firm evidence to substantiate that the development would lead to an increase in anti-social behaviour.
15. My attention has been drawn to a planning application that was refused for two detached dwellings on land immediately adjacent to the site. However I do not have the full details of this case before me so cannot be sure that it represents a direct parallel to the appeal proposal. I have, in any case, determined the appeal on its own merits.

Planning Obligation

16. The planning obligation would secure the provision of the affordable housing and on-site open space, and is, therefore, compliant with the tests within paragraph 204 of the Framework.
17. In respect of the education contribution, the Council has estimated that the appeal scheme would generate the need for 4 new primary school and 4 new secondary school places. A total contribution of £113,071 (£49,028 for primary school places and £73,876 for secondary school places) has been calculated.
18. A letter has been submitted by Scampton Church of England Primary School which confirms that they are very close to full capacity and I consider the required contribution in this regard to be necessary and directly related to the development. However I have not been provided with any detailed evidence to substantiate the extent of an existing shortfall at a specific secondary school. Accordingly I cannot be certain that the contributions sought for secondary

school places would be necessary to make the development acceptable, be directly related to the development and fairly related in scale and kind. I have therefore taken no account of this in reaching my decision.

19. Nonetheless the appellant has only provided £45,000 towards the provision of primary school places. Whilst the Council accepted this reduced amount in their Officer's Planning Application Report on the grounds of viability, I do not have a viability assessment before me. In the absence of this information the failure to fully address this requirement weighs against the proposal. However, £45,000 would still make a considerable contribution towards the provision of additional primary school places and I have therefore taken this into account.

Planning balance and conclusion

20. Relevant policies in the Framework place considerable emphasis on the need to boost housing supply, build a strong economy, and promote sustainable development. Although I have concluded that the proposal would fall short of the required educational contribution, it would still make a considerable financial offering towards additional primary school places. The proposal would make a substantial contribution towards addressing the undersupply of housing, providing affordable housing to meet local needs, and supply an area of on-site public open space. I have also found that the proposed development would have accessibility to local services. It would therefore perform the social and environmental roles of sustainable development. There would also be likely to be some significant economic benefits to the local economy from a development of this scale. These would include jobs for the construction industry and support to local services. Collectively these factors weigh heavily in favour of the allowing the appeal.
21. Overall, I therefore conclude that the proposal would comprise sustainable development for which there is a presumption in favour. The adverse impacts of the development, primarily the shortfall in the contribution for additional primary school places would not significantly and demonstrably outweigh the benefits, when assessed against the Framework as a whole.
22. I recognise that this decision will be disappointing for local residents, and am mindful, in this regard, of the Government's 'localism' agenda. However, even under 'localism', the views of local residents, very important though they are, must be balanced against other considerations. In reaching my conclusions I have taken full and careful account of all the representations that have been made, which I have balanced against the provisions of the development plan and the Framework. For the reasons set out above, the evidence in this case leads me to conclude that the appeal should be allowed.

Conditions

23. I have considered the conditions suggested by the Council against advice in the Planning Practice Guidance: *Use of planning conditions* (PPG). I agree that a condition is needed to secure compliance with the submitted plans, for the avoidance of doubt and in the interests of proper planning. In the interests of the character and appearance of the surrounding area I also consider it necessary to attach a condition to ensure that samples of the materials to be used on the buildings are submitted for the local planning authority's approval.

24. Conditions requiring the provision of schemes for landscaping, the design and specification of the access road, contamination, surface water drainage, biodiversity enhancement measures and a construction method statement are also considered to be necessary for the reasons put forward by the Council. However the implementation requirements for the surface water drainage scheme as set out in suggested condition 12 can be incorporated into suggested condition 2. I have also deleted the requirement for details of measures to protect trees during construction from the construction method statement as this is required to be submitted as a part of the landscaping scheme and does not need to be duplicated.
25. Conditions are also needed to retain trees or hedges on the site and ensure that other vegetation is not removed in the bird-breeding season. However I have incorporated the requirements of suggested condition 9 into the details that are to be submitted as a part of the landscaping scheme.
26. I am also satisfied that suggested conditions 6, 14 and 15 are reasonable and necessary in the interests of highway safety.

Mark Caine

INSPECTOR

SCHEDULE OF 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: (08)001 A00 Existing Site Location Plan, (08)005 A05 Proposed Site Layout Plan, (08)006 A05 Proposed Site Layout Plan, (08)007 A00 Proposed Street Sections, (08)008 A04 Proposed Site Ground Floor & Drainage Plan, (08)009 A03 Proposed Boundary Treatments Plan, (08)010 A00 Proposed Dwelling Plot 1-2 (Local Housing Needs Homes), (08)011 A00 Proposed Dwelling Plot 3 (Local Housing Needs Homes), (08)012 A00 Proposed Dwelling Plot 4-7 (Local Housing Needs Homes), (08)013 A01 Proposed Dwelling Plot 8, (08)014 A00 Proposed Dwelling Plot 9, (08)015 A00 Proposed Dwelling Plot 10, (08)016 A01 Proposed Dwelling Plot 11, (08)017 A01 Proposed Dwelling Plot 12, (08)018 A00 Proposed Dwelling Plot 13, (08)019 A00 Proposed Dwelling Plot 14, (08)020 A01 Proposed Dwelling Plot 15, (08)021 A00 Proposed Dwelling Plot 16, (08)022 A00 Proposed Dwelling Plot 17, (08)023 A00 Proposed Dwelling Plot 18, and (08)024 A01 Proposed Garages.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local

- planning authority. Development shall be carried out in accordance with the approved details.
- 4) 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 hoardings;
 - vi) wheel washing facilities;
 - vii) measures to control the emission of dust and dirt during construction;
 - viii) measures to protect the water course on the southern boundary;
 - ix) details of noise reduction measures;
 - x) a scheme for recycling/disposing of waste resulting from construction works;
 - xi) the hours during which machinery will be operated, vehicles may enter and leave, and works will be carried out on the site.
 - 5) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include the size, species and position or density of all trees to be planted, details of all retained trees and hedgerows, and measures for the protection of trees to be retained during construction.
 - 6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and 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 approval to any variation.
 - 7) No vegetation shall be removed from the appeal site between 1 March and 31 August unless an ecologist has first confirmed in writing that no active birds' nests are present.
 - 8) No development shall take place until a scheme for biodiversity enhancement measures has been submitted to and approved in writing by the Local Planning Authority. Subsequently the development shall be implemented in accordance with the approved details and any features thereafter retained.
 - 9) No development shall take place until details of a surface water drainage scheme, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i) detailed calculations for the plot soakaways and permeable paving infiltration, and
 - ii) details of its implementation; maintenance and management.
- 10) No development shall take place until full engineering, drainage; street lighting and construction details of the streets proposed for adoption have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.
- 11) No development shall take place until a scheme for the management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the local planning authority. Thereafter the streets shall be maintained in accordance with the approved details.
- 12) No frontage plot shall be occupied unless the pedestrian cross-over point and footway link across the island/verge on the opposite side of High Street to link to the existing footway on High Street has been implemented in accordance with drawing (08)006 A05.
- 13) Before the occupation of the dwellings hereby permitted all of the estate road and associated footways that form the junction with High Street shall be laid out and constructed to finished surface levels in accordance with details that are first submitted to and approved in writing by the local planning authority.
- 14) If during development contamination not previously considered, is identified, the local planning authority shall be notified immediately and no further work shall be carried out until a method statement, detailing a scheme for dealing with the contamination discovered, has been submitted to and approved in writing by the local planning authority. Thereafter development shall proceed in accordance with the approved details.

Richborough Estates