

**This meeting will be recorded and published on the website**

**AGENDA**

**Development Management Committee  
Wednesday 8 February 2012 at 6.30 pm  
The Council Chamber, Guildhall, Gainsborough**

**Members:** Councillor Chris Underwood-Frost (Chairman)  
Councillor Stuart Curtis (Vice-Chairman)

Councillors Owen Bierley, Alan Caine, David Cotton, Richard Doran,  
Ian Fleetwood, Malcolm Leaning, Jessie Milne, Roger Patterson, Judy  
Rainsforth

1. Apologies for absence.
2. Public Participation Period. Up to 15 minutes are allowed for public participation. Participants are restricted to 3 minutes each.
3. Minutes.  
Meeting of Planning Committee held on 14 December 2011, previously circulated
4. Members' Declarations of Interest.  
  
Members may make any declarations of interest at this point but may also make them at any time during the course of the meeting.
5. Update on Government/Local Changes in Planning Policy

6. Planning Applications for Determination  
(summary attached at Appendix A to this agenda)  
Print herewith DM.21 11/12

**PAPER A**

7. To note the following determination of appeals:

- i) Appeal by Mrs C South against West Lindsey District Council's refusal to grant planning permission for the erection of a detached house at Laburnum Cottage, 15 Grimsby Road, Caistor

**Appeal Dismissed** – see copy letter attached as Appendix Bi

Officer's original recommendation to grant permission with conditions.

- ii) Appeal by Mrs C South for an award of costs against West Lindsey District Council's for the appeal as above.

**Application for costs refused** – see copy letter attached as Appendix Bii

- iii) Appeal by Mr R Goodridge against West Lindsey District Council's refusal to grant planning permission for fishing lakes and caravan site with relocation of building for ancillary facilities.

**Appeal allowed and planning permission granted** – see copy letter attached as Appendix Biii

Officer's original recommendation to refuse permission

- iv) Appeal by Kisimul Group Limited against West Lindsey District Council's decision to refuse planning permission for change of use from domestic dwelling to residential care home, including alterations to provide 10no. bedrooms, some external alterations and reinforcement of boundaries at The Brownlow Arms, Lincoln Road, Faldingworth.

**Appeal allowed and planning permission granted subject to conditions** – see copy letter attached as Appendix Biv

Officer's original recommendation to grant permission with conditions.

- v) Appeal by Mr C Pickering against West Lindsey District Council's decision to refuse planning permission for a Residential development on land r/o Firgrove, Low Church Road, Middle Rasen.

**Appeal allowed and planning permission granted subject to conditions** – see copy letter attached as Appendix Bv

Officer's original recommendation to refuse permission

- vi) Appeal by Mr Nasarczuk against West Lindsey District Council's decision to refuse planning permission for erection of flying freehold between 38 & 41 Manor Rise Reepham, for office accommodation, storage and additional bedroom.

**Appeal Dismissed** – see copy letter attached as Appendix Bvi

Officer's original recommendation to refuse permission

## 8. Future Meetings

M Gill  
Chief Executive  
The Guildhall  
Gainsborough  
31 January 2012

1. **127585** - Planning application for construction of water treatment works, pumping station and open reservoir.

**LOCATION:** Land to south of Newton on Trent

**RECOMMENDED DECISION:** Grant permission subject to conditions.

2. **127741** - Planning application for erection of public house-restaurant, access, car parking and associated works

**LOCATION:** Land off Somerby Way Gainsborough

**RECOMMENDED DECISION:** That the decision to grant planning permission subject to the conditions detailed in this report be delegated to the Planning and Development Services Manager upon the expiration of the statutory publicity period subject to no representations being received raising issues not covered in this report.

3. **128070** - County Matters application to construct a waste transfer station with associated weighbridge, single storey office/welfare building, car park and supporting access road and drainage infrastructure.

**LOCATION:** Marshall Way Heapham Road Industrial Estate Gainsborough

**RECOMMENDED DECISION:** To advise Lincolnshire County Council that there are no objections to this proposal subject to additional tree planting on the eastern and western boundaries of the site and consideration being given to relocating the balancing pond to the south western corner of the site and planting hawthorn along the line of the security fence.

4. **127890** - Planning application for construction of a detached 2 bedroom bungalow to replace dilapidated outbuildings

**LOCATION:** R/O Red Roofs 31 Saxilby Road Sturton By Stow

**RECOMMENDED DECISION:** Refuse planning permission

5. **128058** - Planning application for demolition of existing garage block - comprising 3no. domestic single garages - and erection of pair of semi-detached dwellings on site of garages - resubmission of 127060

**LOCATION:** Garage Block Pasture Lane Market Rasen

**RECOMMENDED DECISION:** Grant Planning Permission subject to conditions.

6. **127976** - Full Planning Application for change of use from residential garage to dog grooming salon, and addition of conservatory to the front.

**LOCATION:** 30 Sudbrooke Lane Nettleham Lincoln, Lincolnshire LN2 2RP

**RECOMMENDED DECISION:** Grant Planning Permission subject to conditions.



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# Appeal Decision

Site visit made on 15 November 2011

**by Ron Boyd BSc (Hons) MICE**

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

**Decision date: 6 December 2011**

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**Appeal Ref: APP/N2535/A/11/2154808**

**Laburnum Cottage, 15 Grimsby Road, Caistor, Market Rasen, Lincolnshire LN7 6QY**

- 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 Mrs Clare South against the decision of West Lindsey District Council.
  - The application Ref 126843, dated 10 December 2010, was refused by notice dated 5 May 2011.
  - The development proposed is erection of a detached house and provision of parking and turning space – re-submission of 125775 following refusal.
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## Application for costs

1. An application for costs was made by Mrs Clare South against West Lindsey District Council. This application is the subject of a separate Decision.

## Decision

2. The application is dismissed.

## Main Issue

3. I consider this to be the effect the proposed development would have on the character and appearance of the surrounding area and the adjoining Caistor Conservation Area.

## Reasons

4. The appeal site comprises an area of side garden to Laburnum Cottage fronting the north side of Grimsby Road. The proposal is an amended version of an earlier proposal for a detached 2½-storey 4-bedroom house on the site. This was refused on the grounds that the size of the proposed dwelling would be overly dominant in the street scene and would provide inadequate outdoor amenity space.
5. The present proposal is intended to overcome these reasons by reducing the height and footprint of the proposed dwelling, which is now proposed as a 2-storey 3-bedroom house, and re-locating it closer to the front boundary of the site. Whilst this would result in a satisfactory area of outdoor amenity space by virtue of a deeper back garden the Council again considered the proposed dwelling to be too dominant in the street scene and refused the application for that reason.

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*Character and appearance*

6. Development of the site, which is separated from Laburnum Cottage and the greater part of its side garden by a right of access to No.15A to the rear, has the potential to make a positive contribution to the street scene. I consider the size, scale and design of the proposed house acceptable. Development further forward than the neighbouring Nos. 13a and b could satisfactorily introduce a greater degree of enclosure to this part of Grimsby Road. However, the siting now proposed would be so close to the back of the footpath that the new house would appear cramped against the front boundary retaining wall and would have an over dominant presence on the surrounding area, an effect which would be exacerbated by its elevation above the adjacent footway. Whilst I note the references in the officer's report, and the appellant's statement, to the proposal forming a gateway to the town, I consider the effect would be harmful to the character and appearance of the surrounding streetscape. In this respect the proposal would conflict with Policies STRAT 1(i) and RES 1(i) of the West Lindsey local Plan First Review June 2006 (the Local Plan).
7. The proposed house would be unduly prominent in views into and out of the Conservation Area. At present, views from within the Conservation Area looking along Grimsby Road include Laburnum Cottage which draws the eye from, and softens the impact of, Nos. 13a and b and the development at Greenacres. Development of the site would screen Greenacres from such views but the forward siting of the proposed new dwelling would also effectively remove Laburnum Cottage from sight. The loss of Laburnum Cottage and the over prominence of the proposed dwelling, despite its traditional style, would alter the composition of views out of the Conservation Area to their detriment. On balance, I conclude that the proposed siting of the new dwelling would render it harmful to views both into and out of the Conservation Area and as such contrary to Local Plan Policy STRAT 1(vii).

*Other issues*

8. The proposed house would be directly opposite No. 16 with a minimum of 12.4m between them. Whilst such, and shorter, separation distances are common within the historic centre of Caistor, this would be a material change in the situation of No. 16 in respect of overlooking. It would represent an unacceptable degree of deterioration in the living conditions at present enjoyed by the occupants of that dwelling and as such would be contrary to Local Plan Policy RES 1(v).

**Conclusion**

9. I have taken into account all the other matters raised in the evidence, including that outline planning permission for a dwelling on the site was granted in 2006. However, neither this, nor any of the matters raised, is sufficient to outweigh my conclusions on the above issues which have led to my decision on this appeal. For the reasons given above I conclude that the appeal should fail.

*R.T.Boyd*

Inspector



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## Costs Decision

Site visit made on 15 November 2011

**by Ron Boyd BSc (Hons) MICE**

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

**Decision date: 6 December 2011**

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**Costs application in relation to Appeal Ref: APP/N2535/A/11/2154808  
Laburnum Cottage, 15 Grimsby Road, Caistor, Market Rasen, Lincolnshire  
LN7 6QY**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Mrs Clara South for a full award of costs against West Lindsey District Council.
  - The appeal was against the refusal of planning permission for the erection of a detached house and provision of parking and turning space – re-submission of 125775 following refusal.
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### Decision

1. The application for an award of costs is refused.

### Reasons

2. Circular 03/2009 advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused another party to incur or waste expense unnecessarily. Paragraph B13 of the Circular states that the right of appeal should be exercised in a reasonable manner.
3. The officer's report recommended, following pre-application discussions with the applicant, that planning permission should be granted. Members of the Planning Committee disagreed and refused the application. Paragraph B20 of the Circular advises that planning authorities are not bound to accept the recommendations of their officers but that in such situations *'they will need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence on appeal to support the decision in all respects. If they fail to do so, costs may be awarded against the authority.'*
4. The submitted Committee minutes record the Members' consideration of the application. Whilst acknowledging that the second previous reason for refusal (inadequate amenity space) had been overcome, they considered the footprint of the proposed building had not been sufficiently reduced to avoid the proposal representing an overdevelopment of the site. In addition, the siting of the building at the front of the plot would not improve the street scene.
5. Whilst the Committee's conclusion is contrary to that of the officers it does not in my opinion amount to unreasonable behaviour. The Members' concerns, stated in the minutes are, notwithstanding the previous outline permission for development of the site, reasonable planning grounds and have clearly

informed their decision to refuse the application, a decision with which, in respect of the effect of the siting of the proposed dwelling, I agree. I consider the requirements of Paragraph B20 have been met.

6. I conclude that unreasonable behaviour, resulting in unnecessary expense, as described in Circular 03/2009, has not been demonstrated. For the reasons stated above I refuse the application for an award of costs.

*R.T.Boyd*

Inspector





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# Appeal Decision

Site visit made on 29 November 2011

**by J.P. Watson BSc MICE FCIHT MCMI**

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

**Decision date: 6 December 2011**

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**Appeal Ref: APP/N2535/A/11/2155683**

**The White House, Tillbridge Road, Sturton by Stow, Lincolnshire LN1 2BP**

- 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 R Goodridge against the decision of West Lindsey District Council.
  - The application Ref 126693, dated 5 November 2010, was refused by notice dated 16 February 2011.
  - The development proposed is fishing lakes, touring and static caravan site together with relocation of a building to form showers and toilets and storage.
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## Decision

1. The appeal is allowed and planning permission is granted for fishing lakes, touring and static caravan site together with relocation of a building to form showers and toilets and storage, at The White House, Tillbridge Road, Sturton by Stow, Lincolnshire LN1 2BP in accordance with the terms of the application, Ref 126693, dated 5 November 2010, subject to the conditions set out in the final paragraph of this Appeal Decision.

## Main Issue

2. The main issue is the effect the appeal proposal would have on the character and appearance of the area.

## Reasons

3. The appeal site is near the eastern limit of Sturton by Stow and can be seen for some distance as one approaches along the A1500 Tillbridge Road across the open, fairly flat country to the east. The Council's decision notice identifies the A1500 eastbound approach to the site as the area of concern, from which relevant views of the site would be taken. During the site visit I asked the Council's representative to show me any other relevant views and was told that there is none.
4. Even though a Council depot, with its large functional buildings, is to the immediate west of the appeal site and visible from the road, it seems to me that the addition of caravans to the appeal site could introduce a further intrusive element into the landscape – particularly in the case of touring caravans (as proposed) which are generally of light pastel colours and therefore conspicuous in the countryside. That would be contrary to Policy NBE10 of the West Lindsey Local Plan First Review Adopted June 2006, which

gives high priority to conserving the landscape character and landscape amenity value of the District.

5. The Appellant contends that the site could be adequately screened, refers to tree planting already undertaken, to proposals in the submitted drawings, to the Appellant's wish to develop a landscaping scheme, and suggests a planning condition. The submitted proposals lack detail, and evidence that they would be effective. For example, for any screening on the eastern side of the site to be effective it would need to be visually impenetrable up to at least the height of lines of sight between people using the A1500 and the tops of caravans on the site, and at all times when caravans are on the site; and it is not shown that that would be the case. The Council considers that such a scheme could not be achieved but that seems to me a matter for the designer in the first place. If it could be achieved, the only reason for the Council's refusal would be met and the effect on the character and appearance of the area would be satisfactory. This is a matter for a condition.
6. I have considered all other matters raised but find nothing to alter my decision.

### **Conditions**

7. The Council has suggested conditions, should planning permission be granted. A time condition is needed to comply with the Town and Country Planning Act 1990. A landscaping scheme is needed to provide effective perimeter screening to conserve the landscape character and appearance. Suitable drainage should be provided to prevent flooding or the contamination of ground water. The form of the access to Tillbridge Lane should also be subject to approval in the interest of road safety but, in view of the length and width that a car and caravan combination may achieve in accordance with the Road Vehicles (Construction and Use) Regulations 1986 (as amended) I change the suggested condition. The acceptability of this proposal relies in large part on the benefits that tourism is expected to bring, and those benefits would be lost or reduced if caravans at the site came into permanent residential use. Additionally, a condition is needed to control the appearance of the external surface finishes of the relocated building at the site. The approved drawings should be identified to define the permission.
8. The planning permission that I grant is therefore subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) No development shall take place until a scheme of landscaping has been approved by the local planning authority. The scheme shall include details of the finished surface level at each caravan base where a caravan is to be sited, the finished ground level along the eastern boundary of the site and along its frontage to Tillbridge Road, surface levels along Tillbridge Road, the species and density of planting on those frontages and the heights to which they must grow so as to provide a visually impenetrable screen, high enough to conceal the caravans, between the site and Tillbridge Road at all seasons when the site is open. The scheme shall also include details of structural planting elsewhere on the site. The landscaping scheme shall be implemented as approved. Unless otherwise approved in writing by the local planning authority, no caravan shall stand on the site unless it is effectively screened from view from

- Tillbridge Road, and caravans on the site shall stand only on a caravan base shown on the approved drawings.
- 3) No development shall take place until a scheme for the disposal of foul water and surface water from the site has been approved in writing by the local planning authority. Development shall be in accordance with the approved scheme.
  - 4) No development shall take place until a scheme for vehicular and pedestrian access to the site has been approved in writing by the local planning authority. Development shall be in accordance with the approved scheme. The site shall not be opened to public use unless the approved access is complete. The access shall not be altered from its approved form without the prior written approval of the local planning authority.
  - 5) Caravans at the site shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The owners or operators of the site shall maintain at the site an up to date register of the names and main homes addresses of the owners of each caravan on the site, and shall make this information available to the local planning authority immediately upon request at any time during Council office opening hours.
  - 6) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the relocated 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.
  - 7) Subject to the foregoing conditions, the development hereby permitted shall be carried out in accordance with the following approved plans: 10657/01, 10657/03, 10657/04B, 10657/05C, 10657/06, 10657/07, 10657/08, 10657/09, all except as otherwise approved in writing by the local planning authority.

*J.P. Watson*

INSPECTOR



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# Appeal Decision

Site visit made on 15 November 2011

**by Ron Boyd BSc (Hons) MICE**

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

**Decision date: 8 December 2011**

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**Appeal Ref: APP/N2535/A/11/2157164**

**The Brownlow, Lincoln Road, Faldingworth, Lincoln, Lincolnshire LN8 3SF**

- 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 Kisimul Group Limited against the decision of West Lindsey District Council.
  - The application Ref 127085, dated 19 March 2011, was refused by notice dated 7 June 2011.
  - The development proposed is change of use of 'The Brownlow' from domestic dwelling to residential care home. Alterations to provide 10 No. bedrooms. Some external alterations and reinforcement of boundaries.
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## Decision

1. The appeal is allowed and planning permission is granted for change of use of 'The Brownlow' from domestic dwelling to residential care home. Alterations to provide 10 No. bedrooms. Some external alterations and reinforcement of boundaries at The Brownlow, Lincoln Road, Faldingworth, Lincoln, Lincolnshire LN8 3SF in accordance with the terms of the application, Ref 127085, dated 19 March 2011, subject to the conditions on the attached schedule.

## Main issue

2. Whether the proposed care home would be appropriately located having regard to existing services and facilities including public transport and health services.

## Reasons

3. The appeal property is a substantial detached dwelling in a large garden alongside the A46 in the centre of Faldingworth village. The garden contains a number of trees the subject of a tree preservation order. The property is currently in operation as a dwelling house, Use Class C3, containing 6 residents. The proposed use is to cater for up to 10 young adults with severe learning difficulties living together, with care workers, as a family unit. This would fall within Use Class C2 - Residential Institutions. The alterations, other than the reinforcement of the front boundary, have already been carried out.
4. Saved Policy CRT14 of the West Lindsey Local Plan First 2006 Review (the Local Plan) states that development proposals for such use will be permitted subject to compliance with a number of conditions. The Council contends that the care home does not meet one of these conditions, namely that it should be located close to existing services and facilities, including public transport and health services. It has refused the application for that reason. The supporting text in

- justification of the Policy states the expectation that all residential and nursing homes should be located close to existing communities, on good public transport routes to meet the needs of residents without personal transport, as opposed to in isolated premises outside settlements.
5. The appellants specialise in educational and care for children and young adults with complex learning difficulties. The residents of the proposed care home would be aged 19 and over, and would have previously been at the appellants' Upper School for 16 to 19 year olds at Friesthorpe, some 1.5km south of Faldingworth.
  6. The appellants explain that homes for the young adults need to be in locations where the occupants would be living in a safe small community in which they would be at a lesser risk of abuse and unacceptable behaviour from those who reside around them. They consider Faldingworth to be suitable in this respect. Whilst community facilities are limited in Faldingworth the wider mainstream facilities which may be available in larger settlements would not necessarily be of benefit to the home's residents whose learning difficulties limit their ability, or desire, to make use of such facilities. Any facilities and opportunities outside Faldingworth, required to meet individual needs, would be accessed either by the Group's own transport (2 mini-buses would be based at the home) or by public transport. Faldingworth is on a regular, Monday to Saturday, broadly hourly, bus service between Lincoln and Market Rasen. The 10 minute journey into Market Rasen would provide access to the health facilities which at present serve the Group's Friesthorpe establishment.
  7. I find the appellants' argument convincing and consider the facilities specifically mentioned in the Council's reason for refusal, public transport and health care, would be adequately provided for. As to other facilities, Circular 03/2005 advises that the adequacy of services or facilities reasonably required by the residents of care homes is primarily a matter for the registration authority, (currently the Care Quality Commission) and that in considering an application for Use Class 2 development planning authorities should concentrate on its impact on amenity and environment.
  8. Nevertheless, a number of responses to the planning application express the concern that the paucity of facilities in Faldingworth would act against the best interests of the welfare of the residents of the proposed care home. However, I have been provided with no compelling evidence that the satisfactory operation of the proposed home or the well being of its occupants would be prejudiced either by the limited range of community facilities, or the lack of any particular facility, within Faldingworth itself.
  9. The Council has not made any argument that the proposal would be harmful in respect of impact upon amenity or environment or that it would conflict with any other Development Plan policies. Nevertheless, the need to use the appellants' own transport to access some of the specific facilities which would be used by the residents, such as those at Friesthorpe, would impact on the sustainability of the proposal. I consider it unrealistic to expect that all facilities and services which may be required could either be easily accessible by public transport or provided for on one site which also met the location requirements referred to above whilst enabling residents to gain experience of normal day to day living. As to the facilities at Friesthorpe these are a very short drive away. Overall, I conclude that the proposal would adequately satisfy the requirements of Local Plan Policy CRT 14 (ii) in respect of access to

facilities to meet the needs of residents and that in this regard the proposed care home would be appropriately located.

10. A number of other concerns have been raised by those objecting to, or commenting on, the proposal. These include highway safety; risk of anti-social behaviour, the proximity to the primary school and possible expansion of the facility or a change in the number or category of residents. The highway authority has no objection to the proposal and has advised that the arrangements for parking and access would be acceptable. The appellants explain that whilst the residents would be unable to cross a road unaided they would always be accompanied by a carer when outside the home. No evidence to justify fears of anti-social behaviour has been put forward. Correspondence in response to the application records that the Head Teacher and School Governors had no objection to the proposal.
11. I have taken account of all the other matters raised in the evidence but find nothing to outweigh my conclusion on the main issue which has led to my decision on this appeal. For the reasons given above I conclude that the appeal should succeed.
12. I have considered the Council's suggested conditions and their detailed wording in the light of the advice in Circular 11/95. The Council has advised that any proposal to change the facility to Use Class C2A or any other use falling outside Class C2 would require a planning application, as would any extension to the property, and that the internal layout comprising 10 en-suite bedrooms could not accommodate more than 10 residents. However, I have considered the appropriateness of the location of the proposed care home on the basis of the specific proposed use as explained by the appellants. I am not convinced that all uses which could be permitted without further planning permission would be suitable for this particular location. I therefore consider that for the proposed development to proceed a condition restricting use to that specified by the appellants is necessary. I note that the appellants have stated no objection to a suitably worded condition to this end. I am, therefore, imposing such a condition in addition to those suggested by the Council, all of which I consider to be reasonable and necessary. The conditions deal with:
  - the protection of the roots of existing trees in the connection with the provision of fencing, in the interests of a satisfactory appearance;
  - the provision of any external lighting or plant or machinery in the interests of the living conditions of neighbours; and
  - the permitted use of the premises, to ensure that such use remains appropriate for the location.

*R.T.Boyd*

Inspector

**Schedule of conditions**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) Provision of the additional fencing proposed to reinforce the front boundary of the premises the subject of this permission shall not take place until a method statement for the digging of the fence post holes within the root protection areas of the protected trees has been submitted to and approved in writing by the local planning authority. The fence shall only be erected in accordance with the approved method statement.
  - 3) No external lighting shall be erected until details of the type, position and angle of glare of the lighting has first been submitted to and approved in writing by the local planning authority. No external lighting other than that comprised in the approved scheme shall be erected within the site.
  - 4) No plant or machinery (including extraction, ventilation and air conditioning units) shall be erected within the site until details of the nature, type and position of the equipment has been submitted to and approved in writing by the local planning authority. No plant or machinery other than that comprised in the approved scheme shall be erected within the site.
  - 5) The residential occupancy of the building the subject of this permission, shall, at any one time, be limited to 10 young adults with severe learning difficulties. There shall be no increase in numbers of residential occupants, no accommodation of residents other than young adults with severe learning difficulties, and no use of the premises for any other category of use within Use Class C2 without the prior benefit of planning permission granted by the local planning authority.
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# Appeal Decision

Site visit made on 13 December 2011

**by Louise Crosby MA MRTPI**

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

**Decision date: 10 January 2012**

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**Appeal Ref: APP/N2535/A/11/2158650**

**Low Church Road, Middle Rasen, Market Rasen, Lincoln, Lincolnshire, LN8 3TY**

- 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 C Pickering against the decision of West Lindsey District Council.
  - The application Ref: 126924, dated 23 September 2010, was refused by notice dated 3 May 2011.
  - The development proposed is residential development.
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## Decision

1. The appeal is allowed and planning permission is granted for residential development at Low Church Road, Middle Rasen, Market Rasen, Lincoln, Lincolnshire, LN8 3TY in accordance with the terms of the application, Ref: 126924, dated 23 September 2010, subject to the conditions in the attached schedule.

## Main Issue

2. The main issue is the effect of the proposal on the managed and sustainable release of housing land in the District.

## Background

3. Outline planning permission was granted here for 4 dwellings, on appeal, in 1998. This was not implemented and has since lapsed. That application was considered against policies within the West Lindsey Local Plan, which has since been superseded.

## Reasons

4. The appeal site is set within a built-up residential area, bounded by existing dwellings, a public footpath and Low Church Road. I saw when I visited the site that it is open and the ground vegetation, which is apparent on the photographs in the submitted design and access statement, has been cleared. Some landscaping still exists around parts of its boundary.
5. Mr Pickering suggests that a building previously occupied part of the site and therefore it should be classed as previously-developed land. I saw no evidence of this when I visited the site. Therefore, having regard to Annex B of PPG3<sup>1</sup>, it seems to me that the appeal site is land that was previously-developed but

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<sup>1</sup> Planning Policy Statement 3: *Housing*



where the remains of the permanent structure have blended into the landscape in the process of time. Consequently it cannot be classified as previously-developed land.

6. Policy STRAT 3 of the West Lindsey Local Plan First Review 2006 (LP) defines Middle Rasen as a town and therefore top of the settlement hierarchy in this District. Policy STRAT 5 advises that windfall and infill housing development in Middle Rasen will be granted on previously developed land, subject to a number of criteria. Policy STRAT 9 seeks to guide the phased release of housing land and focus most new housing on previously developed land with the release of greenfield sites, such as this, being a last resort.
7. The Council currently have a housing land supply in excess of 7 years and therefore strict application of the relevant LP policies would lead one to conclude that this proposal is unacceptable. However, I am conscious that it is more than 5 years since the plan was adopted and the economic climate has changed significantly since then.
8. Mr Pickering has drawn my attention to The Central Lincolnshire Annual Monitoring Summary 2010. In his grounds of appeal he advises that this provides the most up to date summary of actual and predicted housing completions in West Lindsey District (WLD) and the Council have not sought to dispute this. This recognises that Central Lincolnshire (including WLD), is able to demonstrate a healthy 5 year land supply, but that this is based on the assumption that all extant planning permissions will be built out in the next 5 years. It acknowledges that this may not be the case.
9. According to Mr Pickering the report also shows that the trend for both historic and projected housing completions is falling significantly below requirements for this part of Lincolnshire. Consequently, it advises that it is not possible to predict a realistic developable land supply beyond 5 years and thus identifies the need to allocate more land through a Joint Core Strategy for Central Lincolnshire. I understand that this Joint Core Strategy is not at an advanced stage.
10. The proposal would provide an opportunity to build 4 dwellings on this centrally located, unused parcel of land in one of the most sustainable locations in the District. This would contribute towards maintaining a flexible and responsive supply of land for housing, as encouraged by the ministerial statement – 'Planning for Growth'. Taking into account all of the above, I am not convinced that this development of 4 modest sized dwellings would undermine the Council's aims and objectives in relation to the managed release of housing land in the District. This lack of material harm in relation to the main issue and the other material considerations in support of the proposal far outweigh the conflict with the identified LP policies.
11. Turning to consider the other matters raised by local residents and the Parish Council, the small increase in traffic onto this road would not be detrimental to highway safety. Visibility for drivers exiting the site would be acceptable and this view is shared by the Council's highway engineer. I understand that there have been problems with surface water flooding in this area in the past, but other legislation would ensure that any development here would be designed with appropriate drainage.

12. The proposed number of dwellings would result in an acceptable level of development for the size of the site, particularly given its location within a town. Regarding protected species, the site has been cleared since the Council officer wrote his report and described the site as being overgrown with grass and brambles. On the basis of the evidence before me and my visit to the site it is unlikely that the proposal would adversely affect any protected species.
13. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

**Conditions**

14. In addition to the standard time condition I have imposed conditions to ensure that the materials used in the construction of the dwellings and boundary treatments respect the character and appearance of the surrounding area. For visual amenity reasons and to help assimilate the development into its surroundings conditions are necessary to ensure that good quality landscaping is provided and where appropriate the existing is retained.
15. Highway conditions are required for highway safety reasons. A condition to ensure that the development is carried out in accordance with the submitted plans is necessary for the avoidance of doubt and in the interests of proper planning. I have amended some of the Council's suggested conditions so that they better accord with the advice in Circular 11/95. The suggested drainage conditions are not necessary since this matter is covered by other legislation.

*Louise Crosby*

INSPECTOR

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**Schedule of conditions**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the dwellings 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.
- 3) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the dwellings are occupied. Development shall be carried out in accordance with the approved details.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: CP/0910/01; CP/0910/02 & CP/0910/03.
- 5) No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development
- 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 development shall take place until further details relating to the vehicular access to the public highway, including materials, specification of works and construction method have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented on site before the development is first brought into use and thereafter retained.
- 8) Prior to any of the dwellings being occupied the private drives shall be completed in accordance with the details shown on the submitted plans and thereafter retained.



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# Appeal Decision

Site visit made on 13 December 2011

**by Louise Crosby MA MRTPI**

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

**Decision date: 4 January 2012**

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**Appeal Ref: APP/N2535/A/11/2158881**  
**38/41 Manor Rise, Reepham, Lincoln, LN3 4GA**

- 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 G Nasarczuk against the decision of West Lindsey District Council.
  - The application Ref: 127124, dated 28 March 2011, was refused by notice dated 25 May 2011.
  - The development proposed is erection of flying freehold between 38 and 41 Manor Rise in order to create office accommodation and storage for 38 Manor Rise and additional bedroom with en-suite for 41 Manor Rise.
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## Decision

1. The appeal is dismissed.

## Procedural Matter

2. The details of the appellant's agent have been inserted in the submitted planning application form where the applicant's details should have been. Therefore I have taken the name of the appellant from the submitted appeal form for use in the banner heading above.

## Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

## Reasons

4. No 38 is a modern detached dwelling and No 41, a modern semi-detached dwelling. Although No 41 is semi-detached, the adjoining dwelling is also linked to the next pair of semi-detached dwellings by a pitched roofed canopy at ground floor level. This gives the effect of closing up the already small gap between this pair of semi-detached dwellings. There is currently a wide gap between the appeal dwellings. This provides access to an enclosed communal parking area at the rear. This access would be retained.
5. At No 38, a small side extension would be built at ground floor level and a first floor extension would link Nos 38 and 41. This would result in the linking of 3 properties (at first floor level). However, since the 2 pairs of semi-detached dwellings are already very close and linked by a canopy, a more pronounced terracing effect at first floor level would occur. I appreciate that attempts have been made to alleviate this by breaking the ridgeline of the extension and setting it back from the front elevation of No 38. However, the proposal would

as a result of its detailed design, scale and mass result in a harmful terracing effect and appear incongruous in the streetscene. While the single storey element would be acceptable, this is an integral part of the proposed scheme and therefore this must also fail.

6. As such, the proposal would have a significant adverse effect on the character and appearance of the surrounding area and conflict with West Lindsey Local Plan First Review 2006 policies STRAT 1 and RES 11.
7. Regarding matters raised by local residents, the proposal would not prevent access to the communal parking area. It would preclude access to very high vehicles, but larger delivery and emergency vehicles would be able to park close to the front of nearby dwellings. While the space within part of the extension is shown as an office, I note that the Council have raised no objections to this use and on the basis of the information before me I have no reason to disagree.
8. Finally, having visited the site I am not convinced that the proposal would materially increase the overlooking of nearby dwellings since it would not project beyond the front or rear elevations of the appeal dwellings. Nevertheless, my positive findings on these matters are far outweighed by the significant harm I have identified in relation to the main issue.
9. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Louise Crosby*

INSPECTOR