



Appeal Decision

Site visit made on 1 August 2024

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2024

Appeal Ref: APP/D2510/W/24/3337395

Land Rear of 125 Crowtree Lane, Louth LN11 0QW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Philip Smith against the decision of East Lindsey District Council.
 - The application Ref is N/105/02017/23.
 - The development proposed is erection of 1no. house and detached garage, existing stable block to be demolished.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the development provided on the planning application form has been replaced by an amended version on the decision notice and in subsequent appeal documents. I consider that subsequent description to accurately represent the proposal and I have therefore used it within this decision.
3. In their Final Comments, the appellant refers to copies of documents that have not been provided to them. These were subsequently provided to the appellant and no further substantive comments were received.

Main Issues

4. The main issue is whether the appeal site is a suitable location for housing having regard to development plan policy, with due regard to the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB).

Reasons

5. Policy SP3(4) of the Core Strategy¹ sets out that housing growth on windfall sites in appropriate locations outside of but, immediately adjacent to the developed footprint of towns such as Louth will be supported. The Policy specifies a number of criteria for a site to qualify as an 'appropriate location', including that development should retain the core shape and form of the settlement and not significantly harm the character and appearance of the surrounding countryside. The Policy also specifies that the 'developed footprint' of a settlement excludes individual buildings which are clearly detached from the continuous built up area of the settlement; as well as gardens, paddocks and other undeveloped land within the curtilage of

¹ East Lindsey Local Plan: Core Strategy 2018

- buildings on the edge of the settlement where land relates more to the surrounding countryside than the built up area of the settlement.
6. The appeal site is located on the edge of the developed footprint of the town. However, the developed footprint of the settlement in this area primarily consists of ribbon development extending along roads leading from the town, although there is also a linear extent of housing along the cul-de-sac of Little Crowtree Lane near the site. The appeal site is predominantly open land set behind these extents of linear development, and therefore does not reflect the shape and form of the settlement in this area. There is an existing stable building on the site which would be demolished. Although this building is of a utilitarian appearance, it is of a form and character that is representative of the countryside rather than being viewed as part of the built footprint of the settlement.
 7. Despite its proximity to the developed footprint of the town and the existing stable on the site, the appeal site is of a distinctly different character from the linear extents of built development in the area, and is part of the surrounding countryside rather than the built form of the settlement. Within this context, the proposed dwelling would appear as an unacceptable encroachment of built development into the countryside around the town and would not retain the core shape and form of the settlement in this area, contrary to the requirements of Policy SP3 of the Core Strategy.
 8. Due to the site's location away from the public highway and screening from existing development, the proposal would not be readily visible from the public realm, although I consider it would be apparent in some glimpsed views. However, the site would be visible from nearby residential plots, and in any event a limited degree of visibility does not negate the countryside character of the site and the policy requirement to retain the core shape and form of the settlement.
 9. Reference is made to the Council's Landscape Character Assessment, and based on the appellant's evidence the appeal site lies within character area I1 which relates to traditional and distinctive historic market towns such as Louth. This specifically sets out that Louth "*...has an intact historical core and distinctive modern urban outskirts with mixed land uses, including a bypass and industrial estates to the north*". However, the boundaries between different character areas are delineated at a relatively general level, and I am mindful that the appeal site is close to character area G2, which the Council describes as farmland with a high level of landscape and nature conservation designations. The inclusion of the appeal site within character area I1 does not lead me to a different conclusion based on my own observations of the countryside character of the site and its relationship with the shape and form of the settlement.
 10. The area in which the site sits is separated from the wider rural landscape by the Louth Bypass. The area also includes the managed landscape of a golf course, however Policy SP3 of the Core Strategy specifies that outdoor sports and recreation facilities and other formal open spaces are excluded from the developed footprint of a settlement. Although a previous Inspector may have considered the golf course to be 'development', it has not been demonstrated that this conclusion was made within the context of current development plan policy. In any event, despite the managed character of the golf course, I

consider that it is an open area more closely associated with the countryside around Louth rather than being part of the developed footprint of the town.

11. The site is within the AONB and the National Planning Policy Framework (the Framework) states that great weight should be given to conserving and enhancing the landscape and scenic beauty of AONB's which have the highest status of protection in relation to these issues. Although I am mindful of the setting of the site on the edge of the settlement and the separation from the wider landscape created by the Bypass, I have concluded that the appeal site is part of the countryside around the town. Within that context, the proposal would be viewed as an unwelcome encroachment of residential development into the AONB.
12. The appellant emphasises that no objections were received from the Lincolnshire Wolds Countryside Service, Natural England or nearby residents. However, a lack of objection from third parties does not undermine the harm I have identified.
13. I conclude that due to its location and layout, the proposal would not retain the core shape and form of the settlement, and due to the encroachment of residential development it would harm the character and appearance of the countryside setting of this area. Due to the unacceptable encroachment into an area of countryside within the AONB, the proposal would also fail to conserve and enhance the landscape and scenic beauty of the AONB and I attach great weight to that harm. The proposed housing development would therefore be contrary to Policies SP1, SP3, SP10 and SP23 of the Core Strategy with regard to the settlement pattern and the effect on the core shape, form and character of the settlement, landscape and AONB. The proposal would also be contrary to the Framework due to the harm to the intrinsic character and beauty of the AONB.

Other Matters

14. The appellant has provided a summary of permitted residential and other forms of development in the area of the appeal site and within the AONB. However, it has not been demonstrated that these are a direct parallel to the circumstances of the appeal proposal with regards to matters including the development plan policies in place at the time, the relationship with the built form of the town, and the nature of previous development on the site. Although large utilitarian buildings have been built in association with the golf course, these are ancillary to an established sport and recreation use and do not establish an overriding principle in favour of the residential development before me.
15. The proposed dwelling and outbuilding would be of an attractive design and would have a high environmental performance. The appellant refers to the proposal delivering a net reduction in carbon emissions, although I am mindful that this could be achieved on a site in a more appropriate location. Despite the attractive design and environmental performance of the proposal, these matters are not so outstanding or innovative as to outweigh the conflict with development plan policy and the harm to the AONB. Furthermore, even though the Framework gives significant weight to outstanding or innovative designs, it also sets out that these should fit in with the overall form and layout of their surroundings which is not the case with the proposal before me.

16. The proposal would add to the mix and supply of housing in the area, although given the scale of the proposal such a benefit would be very limited. Reference is also made to providing accommodation for the appellant's family, although this is a personal rather than public benefit and it has not been proposed that permission should be granted on a personal basis even if this was considered appropriate.
17. On 30 July 2024 the Government published a consultation on proposed reforms to the Framework and other changes to the planning system. A direction of travel has been outlined within the Written Ministerial Statement (WMS) 'Building the homes we need', which carries significant weight as a material consideration.
18. I am mindful that the consultation includes proposed changes to the method of calculating local housing need as set out in the Draft Framework, and that this may have a significant effect on the Council's housing land supply. However, the Draft Framework is still being consulted on. As such, its wording could change and draft revisions in respect of the calculation of housing need amongst other things could be revised further. I therefore cannot be certain of the exact circumstances arising from potential revisions to the Framework at this time. On that basis, I cannot attribute more than very limited weight to the draft revisions of the Framework, and this is not a determinative matter in this appeal.
19. Furthermore, I have found harm in respect of the AONB. The policies of the Framework that protect the AONB as an area of importance provide a clear reason for refusing the proposed development. On that basis, in accordance with Footnote 7 of the Framework, the 'tilted balance' of paragraph 11(d) of the Framework would not apply.
20. Considered individually and cumulatively, the benefits arising from the proposal are not sufficient to outweigh the harm to the AONB and the conflict with development plan policy. The WMS and the proposed reforms to the Framework do not negate my conclusions on this appeal.

Conclusion

21. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be dismissed.

David Cross

INSPECTOR