



Appeal Decision

Site visit made on 4 November 2024

by Zoe Raygen DipURP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2024

Appeal Ref: APP/D2510/W/24/3346739

Land north of Spring Rose House, Churchthorpe, Fulstow, Louth LN11 0XL

- 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 Robert Willerton against the decision of East Lindsey District Council.
 - The application Ref is N/056/00324/24.
 - The development proposed is two semi-detached bungalows, each with a detached garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the character and appearance of the area; and
 - Whether the appeal site is an acceptable location for development having regard to the spatial strategy and flood risk.

Reasons

Character and appearance

3. The appeal site is located to the north of the village where the pattern of development is dispersed. Although there is a cluster of development around the Church, not only is it separate from the main body of the settlement, but it is well screened by planting and trees. As such, the character of the village changes north of Spring Rose House from the pleasant suburban built form of the village to the open countryside. This is particularly reinforced by the difference in the cultivated side garden of Spring Rose House and the open countryside beyond the boundary of which is marked by a row of trees.
4. The appeal site is located immediately to the north of Spring Rose House and is uncultivated pastureland. Notwithstanding the continuity of the lighting and the speed limit, visually it therefore sits firmly within the open countryside contributing positively to the rural character and appearance of the area.
5. The proposal to introduce two bungalows would encroach into the countryside, introducing built form along with associated driveways, garages and paraphernalia which would materially, detrimentally erode the rural character and appearance of the area. Although they would be bungalows, presenting a

low rise form of development, they would nevertheless harmfully interrupt views across the site towards open countryside beyond.

6. For the reasons above, I conclude that the proposal would be harmful to the character and appearance of the area. It would therefore conflict with Policies SP4, SP10 and SP25. Together these require that development maintains and enhances the character of the Districts villages and countryside.

Location

Flood Risk

7. The appeal site is in Flood Zone 2 and therefore an area at medium flood risk. The proposal to provide housing would be for a more vulnerable use and both the National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG) require that a sequential test be undertaken.
8. Paragraph 168 of the Framework states that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. The PPG advises that the sequential test is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. This means avoiding, as far as possible, development in current and future medium and high flood risk areas considering all sources of flooding including areas at risk of surface water flooding¹.
9. No sequential test has been submitted and the PPG advises that even where a flood risk assessment shows the development can be made safe throughout its lifetime without increasing risk elsewhere, the sequential test still needs to be satisfied.
10. For the reasons above therefore I conclude that the proposal is not in an acceptable location with regard to flood risk. The proposal would therefore conflict with the Framework in this respect.

Spatial strategy

11. The appeal site is located within Fulstow which is identified in Policy SP1 of the East Lindsey Local Plan Core Strategy 2018 (the Local Plan) as a medium village for the purposes of guiding the distribution, scale and nature of future development.
12. Policy SP4 of the Local Plan supports the provision of housing in medium villages provided it is in an appropriate location within the developed footprint of the settlement as infill, frontage development of no more than two dwellings.
13. An appropriate location is defined as one which does not conflict, when taken as a whole, with national policy or policies in the Local Plan. Developed footprint is defined as the continuous built form of the settlement and excludes individual buildings or groups of dispersed buildings which are detached from the continuous built up area of the settlement.
14. As I have already found that the site is not in an acceptable location with regard to flood risk and character and appearance, conflicting with

¹ Paragraph: 023 Reference ID: 7-023-20220825

development plan policies, then arguably it would not be in an appropriate location for the purposes of Policy SP4.

15. However, even if it was an appropriate location, the village of Fulstow is developed mainly in a linear fashion alongside Churchthorpe, Northway and Main Street. Spring Rose House forms an end stop to development along Churchthorpe. Although there is a very small group of houses and buildings around St Lawrences Church to the north, even though the streetlighting and speed limit extends to this group, the pattern of development on the ground suggests that they are detached from the main settlement. The location of the appeal site would therefore be beyond the developed footprint of the settlement.
16. The green area between Spring Rose House and September Cottage is substantial and forms a significant gap between the built form. Even if development were to occur on the appeal site as proposed, the remaining gap to September Cottage formed from the intervening green space, and road would still be large. The proposal would not therefore constitute infill development.
17. For the reasons above I conclude that the proposal is not in an acceptable location with regard to the Council's spatial strategy. It would therefore conflict with Policy SP4 of the Local Plan.

Planning Balance and Conclusion

18. The proposal would conflict with the spatial strategy, would not be acceptable with regard to flood risk or its effect on the character and appearance of the area drawing it into conflict with the development plan as a whole.
19. There would be two new dwellings in a relatively accessible location. It would also provide economic and social benefits associated with the construction of the dwellings and the spend of occupants in the local economy. However these modest benefits would not be sufficient to outweigh the conflict with the development plan.
20. For the reasons above the appeal should be dismissed.

Zoe Raygen

INSPECTOR