



## Appeal Decision

Site visit made on 22 February 2022

**by William Cooper BA (Hons) MA CMLI**

**an Inspector appointed by the Secretary of State**

**Decision date: 1<sup>st</sup> March 2022**

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**Appeal Ref: APP/Z2505/W/21/3283241**

**Land East of Llewellyn House, Main Road, Wigtoft, Boston PE20 2NZ**

- 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 and Mrs Stevens against the decision of Boston Borough Council.
  - The application Ref: B/21/0011, dated 14 January 2021, was refused by notice dated 6 April 2021.
  - The development proposed is four detached chalet bungalows.
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### Decision

1. The appeal is allowed and planning permission is granted for four detached chalet bungalows at Land East of Llewellyn House, Main Road, Wigtoft, Boston PE20 2NZ in accordance with the terms of the application, Ref: B/21/0011, dated 14 January 2021, and the plans submitted with it, subject to conditions set out in attached Schedule A.

### Preliminary Matters

2. The spelling of the neighbouring property name in the site address in the banner heading and decision above is taken from the house sign displayed on that site, in the interests of precision.
3. A new version of the National Planning Policy Framework (the Framework) was published in July 2021. The parties have had opportunity to comment on the engagement of this new policy document in relation to the appeal, and so will not be disadvantaged by my consideration of it.

### Main Issues

4. The main issues in this case are:
  - Whether the proposed development would be suitably located, with particular regard to its fit with the local spatial strategy; and
  - The effect of the proposal on the character and appearance of the area.

### Reasons

#### *Locational suitability*

5. The appeal site is located beyond the settlement boundaries of the villages of Wigtoft and Sutterton defined in the South East Lincolnshire Local Plan 2011-2036 (LP).

6. The site is part of an area of fields that flows east of the junction of Burtoft Lane and Main Road on the south side of Main Road, and east of housing on Asperton Road on the north side of Main Road. As such, the site is noticeably located beyond the built up area of Wigtoft village. Furthermore, the site is noticeably part of a substantial area of fields that flows west of the built up area of Sutterton, within an area of more dispersed development character west of the junction of Blow's Lane and Wigtoft Road. Also, while views across the site are less open than across some other fields in the area given the site's perimeter vegetation and southern bund, the presence of the countryside to the south and north is still noticeable from the site, looking through gaps in the site's perimeter vegetation.
7. Given this combination of factors, Wigtoft and Sutterton's settlement boundaries appear to be logically drawn, and the appeal site is within countryside beyond them.
8. Section D of Spatial Strategy Policy 1 of the LP allows for the possibility of development in the countryside beyond settlement boundaries, if necessary to its location and/or it would demonstrably meet the sustainable development needs of the area in terms of economic, community or environmental benefits. Supporting text paragraph 3.2.17 of the LP indicates that such development, by exception, may include housing that meets local needs.
9. The proposal would contribute four three-bedroom dwellings to local housing supply. This would include contributing to meeting a localised need for housing within the community in the Wigtoft locality. This localised need is indicated by the South East Lincolnshire Local Plan Housing Paper on Wigtoft (2016)<sup>1</sup>, the analysis that only a small proportion of new dwellings required by the LP for Wigtoft has been granted planning permission<sup>2</sup>, and the absence of substantive evidence to the contrary to show fulfilment of this need.
10. Furthermore, the proposed housing would be located a short vehicle or cycle journey away via a relatively flat, lit road, to facilities in the village of Sutterton<sup>3</sup>, which include a nursery, preschool, church and enterprise park. The housing would also be a short walk along a pavement on a lit highway to the village of Wigtoft<sup>4</sup>, with its church. This accessibility of the proposed housing to the villages would facilitate additional patronage by residents to help support these rural facilities. This is in addition to local economic benefit from the construction phase.

Together, these factors demonstrate that the proposed development is necessary in its location, and would provide economic and community benefits that contribute to meeting the sustainable development needs of the area. This would accord with Section D of LP Policy 1, and so fit with the local spatial strategy. In meeting local need, the proposal would also accord with the social objective of paragraph 8 of the Framework, and the supportive and responsive approach to providing rural housing in paragraph 78 of the Framework.

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<sup>1</sup> Appendix A of the appellants' Appeal Statement (AAS).

<sup>2</sup> As set out on page 12 of the AAS.

<sup>3</sup> Which is designated as a Main Service Centre in the LP.

<sup>4</sup> Which is designated as a Minor Service Centre in the LP.

### *Character and appearance*

11. The site is located among a dispersed cluster of residential development east of Llewellyn House that is set within an area of mainly open fields between Wigtoft and Sutterton. The site is bounded by privet and conifer hedging on three sides. Also, it reads as an infill site between residential development that adjoins its eastern and western boundaries. This adjacent residential development comprises a row of mainly two storey red brick, pitched roof twentieth century, semi-detached dwellings to the east of the site (the eastern row), which exerts some suburban influence, and the older detached dwelling Llewellyn House to the west. Also, a rendered house is located slightly obliquely from the site, across Main Road.
12. This particular combination of locational factors somewhat dilutes the appeal site's countryside character. That said, the absence of buildings is a distinctive characteristic of the appeal site and fields in the vicinity.
13. Within this context, the proposed built mass, including its roofscape would be visible above and through the front boundary vegetation, including through the access gap in the frontage hedging. This built mass would be visible walking and driving past on Main Road and from neighbouring land. Thus, the proposal would reduce the unbuilt, open character of the site and its host area of fields. This would erode the countryside character of the area between the villages of Wigtoft and Sutterton.
14. That said, the erosion of character would be of a limited, localised nature given the scale of proposed development, and the cluster of other residential development that draws the eye in the vicinity of the appeal site. Also, the relative uniformity of form and linear placement of the proposed row of dwellings would harmonise to some extent with the relatively uniform and linear character of the neighbouring eastern row. This core uniformity, together with the proposed bungalows' setback from the road, and retained and new perimeter vegetation would help visually absorb some variation in external wall materials. Also, the use of brick, render and timber would reflect materials found on other residential buildings and gardens in the area, further assisting assimilation.
15. Their lower bungalow form, compared to the mainly two storey form of the eastern row would offset the fact that the proposed buildings would be sited further forward and closer together than the neighbouring row. Also, the detached L-shape of the proposed dwellings, together with their front and rear garden spaces and the setting of fields to the north and south would result in a compact rather than cramped feel to the development.
16. In conclusion, the limited, localised nature of the erosion of openness and verdancy that would arise from the proposal would result in a limited impact on the countryside character of the area. As such, the proposal would give rise to some conflict with Policies 2 and 3 of the LP which together seek to ensure, among other things, that development respects local character.
17. Policy 30 of the LP focuses on pollution rather than spatial strategy and character and appearance, and so is not engaged in this instance.

## **Conditions**

18. The conditions suggested by the Council have been considered against the tests of the Framework and advice provided by Planning Practice Guidance. They have been found to be reasonable and necessary in the circumstances of this case. I have made modest drafting changes for clarity.
19. In addition to the standard commencement condition, a condition is necessary requiring that the development is carried out in accordance with the approved plans, in order to provide certainty. Conditions covering materials and landscaping are necessary in the interests of safeguarding the character and appearance of the area. Conditions regarding water consumption, low carbon measures and electric vehicle charging are necessary in the interests of environmental sustainability. A condition covering contamination is required to avoid pollution.

## **Planning Balance and Conclusion**

20. Together, the social and economic benefits identified under the first main issue carry more weight than the limited harm arising from the impact on the character and appearance of the area. On balance, the social and economic benefits would outweigh the limited harm arising from the development plan policy conflict in respect of character and appearance. This balance is clearly in favour of allowing the appeal, and so comprises a material consideration of sufficient weight to indicate my decision be otherwise than in accordance with the development plan.
21. For the reasons given above I conclude that, subject to conditions, the appeal be allowed.

*William Cooper*

INSPECTOR

## **Schedule A) Conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: LH-GA-400 Rev A General Arrangements Plan; PL-001 - Location Plan; PL-003 - Pro.Block Plan; PL-004 - House Type 1; PL-005 - House Type 2; PL-006 - House Type 3; PL-007 - Tree Survey; PL-008 - Landscaping Scheme.
- 3) No development above ground level shall commence until there shall have been submitted to and approved in writing by the local planning authority details of the proposed external materials for the proposed dwellings. The development shall be carried out in accordance with the approved details.

- 4) Prior to occupation of the development hereby permitted, there shall have been submitted to and approved in writing by the local planning authority full details of both hard and soft landscaping works, including means of enclosure. The details shall include the formation of any banks, terraces or other earthworks, hard surfaced areas and materials, planting plans, specifications and schedules (including planting size, species and numbers/densities), existing plants/trees to be retained and a scheme for the timing/phasing of implementation works. The landscaping works shall be carried out in accordance with the approved scheme, and programme or within the next planting season following final occupation of the development hereby permitted, whichever is sooner. Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those lost.
- 5) The water consumption of the dwellings hereby permitted should not exceed the requirement of 110 litres per person per day (as set out as the optional requirement in Part G of the Building Regulations 2010 and the South East Lincolnshire Local Plan 2011-2036). The person carrying out the work shall confirm to the building control body observance of this requirement. A notice confirming that this water consumption requirement has been met shall be submitted to the building control body and local planning authority no later than five days after the completion of each individual dwelling.
- 6) Prior to the commencement of development above slab level, there shall have been submitted to and approved in writing by the local planning authority final details of measures to reduce pollution and promote renewable and low carbon energy. These shall include measures such as facilities for electric car charging, and details relating to the timing of their implementation. The development shall be constructed in accordance with the approved measures.
- 7) Prior to occupation of the development hereby permitted an electric vehicle charging point or points available to occupants of all the dwellings shall be installed, and retained thereafter.
- 8) If, during development, contamination which was not previously identified is found to be present on the site then no further development shall take place on the affected part(s) of the site until a report containing details of an investigation and risk assessment to determine the nature and extent of any contamination on the site (including whether it originates on the site) has been submitted to and approved in writing by the local planning authority. The development shall be carried out thereafter in full accordance with the duly approved remediation strategy, and a verification report shall be submitted to and approved in writing by the local planning authority before the dwellings are first occupied.