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## Appeal Decision

Site visit made on 28 November 2011

by **Jeremy Eagles DipTP DMS MRTPI**

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

Decision date: 14 December 2011

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**Appeal Ref: APP/E2530/A/11/2159749**

**Land at Witham on the Hill, Bourne, Lincolnshire**

- 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 S Hazelwood against the decision of South Kesteven District Council.
  - The application Ref S10/2296/MJNF, dated 8 October 2010, was refused by notice dated 1 June 2011.
  - The development proposed is the change of use of land and formation of golf course.
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### Procedural matter

1. The description of the appeal proposal given above is the same as that set out in the original application form. However, the application was amended whilst under consideration by the Council by the exclusion of any engineering works other than the creation of the car park and access and the construction of 2 footbridges. I have considered the appeal on the basis of the revised proposal.

### Decision

2. The appeal is dismissed.

### Main Issue

3. The main issue in this case is whether the proposed development constitutes a sustainable form of development appropriate to this rural location.

### Reasons

4. The appeal site comprises 5.6ha of a large arable field located in open countryside to the west of the small village of Witham on the Hill and set in a gently rolling, well wooded, rural landscape. The gently sloping site is crossed by an open drain which is lined by small trees and shrubs and the site is enclosed to the north-east and east by open woodland containing two sizable ponds. Access to the proposed car park, with a capacity of approximately 15 cars, would be obtained from the C432 which runs along the open southern boundary of the site. The site would be used as a 9-hole golf course with the existing land form being retained and two footbridges erected over the open drain. Landscaping would be carried out. I agree with the Council that on the basis of this revised proposal there would be no adverse impact on the character and appearance of the landscape of the appeal site and its surroundings in accord with Policy EN1 of the adopted *South Kesteven Core Strategy* (CS).

5. The larger part of the appellant's holding at Witham on the Hill would remain in agricultural use and the appellant, with her husband, also farms land at two other locations, some distance from the appeal site. Although the Council considers that the proposal would be a largely independent enterprise, no significant evidence is submitted to challenge the appellant's assertion that the income from the golf course would go into the farm business and I agree that the development would constitute a rural diversification scheme. CS Policy SP1 seeks to focus the majority of all new development in the towns and Local Service Centres (LSC) of the District whilst restricting the types of development in other villages and the countryside to a limited range of rural activities. This includes rural diversification projects although these are subject to the overriding condition that, in all cases, permission will only be granted on a less sustainable site where it has been proven that there are no other, more sustainable, options available.
6. CS Policy E1 generally reflects advice on Planning Policy Statement 4: *Planning for Sustainable Economic Growth* (PPS4) insofar as it supports proposals that need to be in a rural location that would help to support or regenerate a sustainable rural economy. More specifically PPS4 Policy EC7 supports the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.
7. In relation to emerging policy, Policy SAP4 of the Council's *Site Allocation and Policies Development Plan Document* supports proposals for business development in the countryside, including rural diversification schemes. However, proposals which generate high levels of visitor traffic such as large scale sport or leisure uses will only be permitted on the edge of towns and LCSs or where they can be easily accessed by alternative means of transport. The document is some way from adoption and carries limited weight but is generally compatible with the *National Planning Policy Framework* (NPPF) which, although again is in draft form only at present, similarly sets out a presumption in favour of sustainable development, including sustainable rural tourism and leisure developments.
8. There is a clear national and local policy presumption in favour of farm diversification projects including recreation, leisure and tourism schemes, but there is equally a need to ensure that their economic benefits are sustainable. The site comprises Grade 2 agricultural land and Planning Policy Guide 7: *Sustainable Development in Rural Areas* (PPS7) advises that the presence of the best and most versatile agricultural land, such as this, should be taken into account alongside other sustainability considerations. Where significant development of agricultural land is unavoidable, areas of poorer quality land (grades 3b, 4 and 5) should be sought in preference to that of a higher quality. Whilst, in this case I accept that, for practical and financial reasons, the use of agricultural land as a golf course can be appropriate, there is no evidence to suggest that a wider search has been undertaken to locate the proposed use on poorer quality land. The use of the best quality agricultural land for the development weighs significantly against the appeal proposal.
9. In terms of its location the appeal site is fairly isolated and is not close to any centres of population or LSC; public transport routes; related tourist uses or other visitor facilities. The appellant accepts that although some local residents from neighbouring villages will use the facility it is inevitable that people will usually travel to the course by car. This is also the case with the appellant's

existing golf courses but no information about the age of these other facilities or the policy background to their planning permissions has been put before me to enable me to judge whether they represent a significant precedent. Emerging Policy SAP4 specifically limits large scale sport or leisure uses which would generate high levels of visitor traffic, to the edge of towns and LCSs, or where they can be easily accessed by alternative means of transport. A golf course, even of only 9 holes, is capable of being a large scale leisure use and although the proposed car park would accommodate a fairly limited number of cars there is ample room to expand it should it prove inadequate. No traffic figures for comparable facilities have been submitted and I cannot be sure that this is an appropriate location for the proposal as advocated by Policy SAP4 or PPS4 Policy EC7. In addition there is no evidence of any wider search by the appellant for any more sustainable options as required by CS Policy SP1 and the unsustainable location of the site weighs significantly against the appeal proposal.

10. PPS4 Policy EC7 specifically supports the provision of tourist facilities where identified needs are not met by existing facilities in rural service centres. I accept the appellant's argument that it is very difficult to demonstrate the need for a golf course but the current initiative by Lincolnshire Tourism which seeks to raise the profile of Lincolnshire's golfing product and increase the number of visiting golfers from outside the region does not appear to have a view on the adequacy of existing facilities. Interested parties point out that there is an 18-hole course and driving range within 2 miles of the site and three others within 8 miles. No information on waiting lists or spare capacity at these other courses has been submitted and although a simple, affordable course will undoubtedly appeal to a different sector of the market than the course at Toft there is no evidence of any over-riding current demand for further provision.
11. The proposed development would involve a grounds keeper and bailiff who would also look after the other two courses run by the appellant and the proposal would to that limited extent support the local economy. The appellant refers to the multiplier effect which would help local firms, but no estimate of the scale of such benefits have been submitted and if she is correct about the modest, predominantly local, number of visitors likely to be attracted to the course, then the economic spin-off from the scheme would not be substantial. I conclude on this issue that the limited economic benefits arising from the proposal are insufficient to outweigh the unsustainable form of the proposed development contrary to relevant national and local policy.
12. In relation to the other matters raised, the neighbouring land owner is concerned about the safety of the future users of the proposed golf course and users of the adjoining land. The fairways to holes 2 and 3 would run parallel and close to the unmarked boundary with the adjoining wood and its pond. Witham Hall School leases the fishing pond for use by members of the school and pupils have access to the wood for wildlife activities. There is a real prospect of golfers playing their tee shots on these two holes into the wood and inadvertently hitting pupils or staff standing close to the boundary. When the school is not using the woods, organised game and pigeon shooting takes place in season with more informal shooting at weekends. Guns use both shotguns and rifles and stand close to the boundary when birds are driven down the wood towards them. There appears to be little room within the appeal site to reorganise the design of the course and move the two holes in question significantly further from the boundary, and there is a real danger of harm

arising to the users of both the golf course and the wood. The appellant's Design and Access Statement makes no reference to this issue and it is unclear whether this it was been taken into account at the design stage. The potential harm to the users of the site and the adjoining land adds significantly to my previous concerns about the unacceptability of the proposal.

13. In relation to road safety I saw that traffic on the C432 was travelling at speeds well below the national speed limit of 60mph. Good visibility for emerging vehicles exists in both directions and a condition of any planning permission would be capable of ensuring that vegetation within the visibility splay is kept to a safe maximum height. The access would be designed to modern standards and I agree with the highway authority that, subject to conditions, the proposal would not have an adverse effect on road safety. However, this is insufficient to outweigh the harm I have identified above.
14. For the above reasons and having regard to all other matters raised, including the views of local residents, I conclude that the appeal should be dismissed.

*Jeremy Eagles*

INSPECTOR



22 DEC 2011

Admin Team

## Appeal Decision

Site visit made on 28 November 2011

**by Jeremy Eagles DipTP DMS MRTPI**

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

**Decision date: 19 December 2011**

**Appeal Ref: APP/E2530/A/11/2159998**

**43 Haconby Lane, Morton, Bourne, Lincolnshire PE10 0NP**

- 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 P Perring against the decision of South Kesteven District Council.
- The application Ref S10/2760/FULL, dated 30 December 2010, was refused by notice dated 2 March 2011.
- The development proposed is the erection of a dwelling.

### Procedural matter

1. Since the Council's original decision the appeal property has been extended to one side, over two floors. The two submitted drawings of the Plans and Elevations As Existing (HL-01 and HL-02) are therefore no longer accurate in this respect. However, the two drawings of the Plans and Elevations As Proposed (HL-05A and HL-06) include both the approved extension as built and the proposed new dwelling subject of this appeal and I have considered this appeal on the basis of these drawings.

### Decision

2. The appeal is dismissed.

### Main Issues

3. The main issues in this case are the effect of the proposed development on:
  - (i) the character and appearance of the appeal site and its surroundings, having particular regard to its location within the Morton Conservation Area (CA) and adjacent to a Listed Building (LB) and,
  - (ii) the living conditions of the occupiers of the proposed and existing dwellings.

### Reasons

4. The appeal site comprises part of the side garden of a recently extended 2-storey, end of terrace cottage, set at right angles to Haconby Lane. The cottage and the adjacent Grade II listed property, with their masonry walls and low eaves pantiled roofs, are characteristic of the rural village CA. The proposed new dwelling would be a modest 2-bedroom cottage style property attached to the end gable of the extended house, similarly featuring stone walls and a pantiled roof with catslide dormer windows lighting the first floor. The scale and design of the proposed dwelling would be in keeping with the appearance of the existing and adjacent cottages.

5. Policy EN1 of the adopted *South Kesteven Core Strategy* advises that all development proposals will be assessed in relation to, amongst other things, the layout and scale of buildings and designed spaces. Section 72(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990*, requires decision makers to have a special regard to the desirability of preserving or enhancing the character or appearance of a conservation area. The existing cottages in the terrace generally have small private rear amenity spaces but the space behind the proposed dwelling would only be between 2.6m and 3.5m deep. Whilst the other adjoining properties have longer front gardens the area in front of the proposed front porch would be no greater than 2.4m. The 4.1m deep space to the side of the proposal would amount to little more than a car parking space with some incidental landscaping facing onto Haconby Lane. The proposal allows for little amenity space around the new dwelling and the layout of the development would appear unduly cramped.
6. The proposed dwelling would not be sited any closer to the listed cottage than the existing house and would be separated from it by a substantial hedge. The setting of the LB would not therefore be adversely affected to any material extent by the proposal. However, this is insufficient to outweigh the harm caused by the cramped appearance of the development. I conclude on this issue that the limited size of the plot would be in conflict with the appearance of the area and would fail to preserve the character of the CA, contrary to relevant development plan policy and the duty set out in the above Act.
7. The Council is concerned that the proposed development would result in a loss of privacy for the occupiers of both the existing and proposed dwellings. However, the ground floor rear windows would be screened by the existing hedge and the proposed first floor rear window would be to the bathroom and would be obscure glazed. No overlooking or material loss of privacy would arise from the development. The proposal would provide little private amenity space for future occupiers and the private right of way to the neighbouring houses would pass through the small area to the rear. However, the new dwelling would include two bedrooms and could accommodate a small family and whilst the Council has no standards for minimum garden areas, in this case it would be disproportionately small compared to the size of the house. I conclude on this issue that the lack of amenity space would cause harm to the living conditions of the future occupiers of the proposed dwelling and would thereby fail to achieve the high standard of design advised in Planning Policy Statement 1: *Delivering Sustainable Development*.
8. In relation to the other matters raised, the proposed parking space would be large enough for an average size car and it is not necessary for vehicles to turn on site before leaving, where the access is from a road of this minor nature. I agree with the Council's Highway consultee that there is no objection to the proposal on grounds of highway safety. However, this is insufficient to outweigh the harm arising as a result of the cramped nature of the proposed development and for the above reasons and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Jeremy Eagles*

INSPECTOR



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## Appeal Decision

Site visit made on 10 October 2011

by **Janet L Cheesley BA (Hons) DipTP MRTPI**

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

Decision date: 12 October 2011

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**Appeal Ref: APP/E2530/D/11/2160264**

**148 Dysart Road, Grantham, Lincolnshire NG31 7DU**

- 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 Colin Thornton against the decision of South Kesteven District Council.
  - The application Ref S11/1381/HSR, dated 11 June 2011, was refused by notice dated 4 August 2011.
  - The development proposed is a double garage.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. I consider the main issue to be the effect of the proposal on the character and appearance of the surrounding area.

### Reasons

3. The appeal site lies within a primarily residential part of Dysart Road. There is a distinct character of dwellings on a loose building line situated behind small front gardens. The front gardens contribute toward a streetscene of open appearance with wide verges creating a verdant setting.
4. The proposed double garage would introduce built form into the front garden environment. Due to the scale and position of the proposal, I consider that it would appear as a prominent incongruous addition and would create a sense of enclosure in this more open front garden environment. This would be to the detriment of the character and appearance of the surrounding area. Thus, the proposal would be contrary to design principles in national policy in *Planning Policy Statement 1: Delivering Sustainable Development (PPS1)*, which seeks a high quality of development. In addition, the proposal would be contrary to Policy EN1 in the South Kesteven Core Strategy (2010). This policy, amongst other matters, seeks to ensure that new development protects and enhances local character.

5. I note that the existing conifers could be replaced, but consider there to be limited room for any significant landscaping screening sufficient to alleviate the harm I have identified above.
6. I have considered the proposal before me on its individual merits, but recognise that to allow the appeal would make it difficult for the Council to resist similar proposals.
7. For the reasons stated above, and having taken into consideration all other matters raised upon which I have not specifically commented, I dismiss the appeal.

*Janet Cheesley*

INSPECTOR