

DATE RECEIVED:- 1/6/88		REFUSAL OF PLANNING PERMISSION		APPLICATION NO:- S87/1490/88
APPLICANT D.A. Humphrey, 14 Bekins Road, Henley-on-Thames, Oxon.		PARTICULARS AND LOCATION Planning Permission - Erection of a bungalow without complying with occupancy condition imposed under S87/1965/87 - HAIN ROAD HORSINGTON		
AGENT/APPLICANT Studio 7, Coulceby Villa, Watery Lane, Coulceby, Louth, Lincs. LN11 9UR				
OS. SHEET 72.16	GRID REF.:- 519400 368830	FIELD NO.:- 124pt		

Part II - Particulars of Decision

The East Lindsey District Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1971 that **permission has been refused** for the carrying out of the development referred to in Part I hereof for the following reasons:

- Reason:- The proposed development would, in the opinion of the Council as the Local Planning Authority be inappropriate and undesirable having regard to the restricted size of the site following severance from the Elder Tree Public House by the applicant. Planning permission granted under S87/1965/87 was specifically for use by the landlord of this Public House and was granted only because of this reason and on a site which formed part of the more larger overall Public House site.

18th August 1988

Dated

Signed

Tel: Louth 601111

Director of Development and Planning

EAST LINDSEY DISTRICT COUNCIL, TEDDER HALL, MANBY PARK, LOUTH, Lincs. LN11 8UP

APPEAL ALLOWED

1041
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B/796/ST/P



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Our reference

T/APP/D2510/A/89/114074/P4A

Date

15 MAY 89

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY CAROLINE A HUMPHREY
APPLICATION NO:- S87/1490/88

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This appeal is against the decision of the East Lindsey District Council to refuse planning permission for the erection of a bungalow without complying with an occupancy condition imposed under S87/1965/87 at Main Road, Horsington. I have considered the written representations made by you and by the Council. I have also considered those representations made directly by other interested persons to the Council which have been forwarded to me. I inspected the site on 20 April 1989.
2. From my inspection of the site and surroundings and the representations made I consider that the principal issue in this case is whether the erection of this bungalow without a restriction on occupancy would have an adverse effect on the character of the area and as such cause demonstrable harm to it.
3. The Council say that when planning permission was granted for this bungalow a condition was imposed restricting occupation to a person solely or mainly employed at the Elder Tree Public House: the reason for that condition was that "permission has been granted only having regard to the need for the landlord of the public house for adequate living accommodation." To erect this bungalow without complying with the condition the Council say would be inappropriate and undesirable having regard to the restricted size of the site following severance from the Elder Tree Public House by Mrs Humphrey.
4. You say that the appeal site and the public house are now in separate ownerships and the site for the proposed bungalow is larger than originally approved with a greater road frontage. The site is located within the village area and is of size commensurate with others in the locality where new dwellings have been built. The design, siting and facing materials for the proposed bungalow have been agreed with the Council and fencing has been erected to the Council's requirements to provide privacy to this site and adjacent properties.
5. In giving consideration to the matter before me I am mindful of the advice contained in Circular 1/85 more particularly paragraph 79. This refers to the erection of a dwelling within the curtilage of another building where the 2 are intended to be in the same occupation and the sympathetic approach that should be adopted if the need for the dwelling disappears. Normally there will be no



justification for a building to stand empty or to be demolished, and although the bungalow has yet to be built I am of the view that these considerations apply to this proposal.

6. I have also noted from the representations that the site lies within the "village envelope" of Horsington where dwellings will be permitted having regard to their impact on the nature, scale and density of their surroundings. Such advice accords with that set out in Planning Policy Guidance Note 7 in referring to housing in rural areas and the need for new development to be well related in scale and location to existing development. This Note also refers to the fact that there will seldom be any good reason on land use planning grounds to restrict the occupation of dwellings to a particular type of person unless there are clear and specific circumstances that warrant allowing a dwelling on a site where permission would not normally be given.

7. In this case I saw on my inspection that the site for the proposed bungalow is within the developed area of Horsington village and in my view is an infill plot along the already built up road frontage. New development is taking place to the west of the site and a roadway has been formed to facilitate development to the rear of this site, all falling within the "village envelope". The frontage has now been increased from the approved scheme and I consider that the size of plot would not be out of character with those in the locality. The design of the bungalow is I consider satisfactory and no objections to its appearance have been made by the Council. Having regard to the size of the plot and its location within the village area I can therefore see no objection to its development in the manner proposed.

8. Although permission was originally granted for the bungalow to be occupied by the landlord of the public house I do not consider that there are clear and specific reasons that would justify the restriction of occupancy in this case having regard to the representations made and the advice given in Circular 1/85 and PPG7. This conclusion applies in my view whatever the position as regards ownership and occupation of the public house and the appeal site.

9. I conclude therefore that the erection of the proposed bungalow without a restriction on occupancy would not have an adverse effect on the character of the area nor would it cause demonstrable harm to it.

10. I have taken into account all the representations made in respect of this proposal including reference to traffic, road safety, car parking, loss of light and overlooking, which I regard to be subordinate to the determining issue that I have set out above.

11. For the above reasons, and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for the erection of a bungalow without complying with an occupancy condition imposed under application S87/1965/87 at Main Road, Horsington in accordance with the terms of the application (No S87/1490/88) dated 25 May 1988 and the plans submitted therewith, subject to the condition that the development hereby permitted shall be begun before the expiration of 5 years from the date of this letter.

12. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 23 of the Town and Country Planning Act 1971.

I am Gentlemen
Your obedient Servant

John B Newton

JOHN B NEWTON FRICS
Inspector