

Appeal Decision

Site visit made on 20 September 2016

by **S J Lee BA(Hons) MA MRTPI**

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

Decision date: 12th October 2016

Appeal Ref: APP/N2535/W/16/3152199

Land adjacent to 8 Church Road, Laughton, Gainsborough DN21 3PP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Wilf Walker against the decision of West Lindsey District Council.
 - The application Ref 134072, dated 23 February 2016, was refused by notice dated 14 April 2016.
 - The development proposed is 3 no bungalows with attached garages.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was made in outline with all matters reserved for future consideration except for the means of access and layout. Drawings showing the site location, block plan, layout and location of access points were submitted with the application and I have had regard to these in determining this appeal.
3. In the interests of clarity, I have slightly amended the address to reflect that in the appellant's appeal form and Council decision letter, as this provides a more accurate description of the location than that given on the original planning application form.
4. The Council has confirmed that since the consideration of the original application, the Central Lincolnshire Local Plan Proposed Submission (CLLP) document (2016) has entered the formal Examination period. Whilst I have had regard to the stage the plan is at in its preparation and the consistency of policies with the National Planning Policy Framework (the Framework) I have not been provided with any information relating to the extent to which there are unresolved objections to relevant policies. As such, and in line with Paragraph 216 of the National Planning Policy Framework (the Framework), this has reduced the weight that I have afforded these policies in my decision.

Main Issues

5. The main issue is (i) the effect of the development on the character and appearance of the area and (ii) whether the development would represent sustainable development in light of local and national policies on new housing in the countryside.
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Reasons

Character and appearance

6. The appeal site forms part of a large open agricultural field on the edge of the village of Laughton. Laughton is identified as a 'small rural settlement' by saved policy STRAT3 in the West Lindsey Local Plan First Review (2006) (WLLP). This is the lowest category in the settlement hierarchy, reflecting the limited number of services and facilities within the village. The site is outside the defined settlement boundary and for the purposes of local and national policy, should be considered as open countryside.
7. The appeal site forms the start of a large and relatively unbroken swathe of generally flat open countryside stretching out from the edge of the village on this side of the road. 8 Church Road, which is a large and prominent detached dwelling, lies to one side of the appeal site and provides a strongly defined edge that demarcates a clear change in character between the built form of the village and the open countryside beyond. A number of detached properties of different styles, layouts and ages are located opposite the site. As a result, the site forms part of an attractive open setting to the edge of the village which reinforces the rural character of the settlement.
8. The site has no screening of any form and would be extremely prominent in the street scene, particularly when travelling toward the village along Church Road. The southern and eastern boundaries of the site would not follow any natural or logical features, but would simply cut into the open field. The plans provided indicate that the three bungalows would be arrayed in a uniform row across the width of the site. The formal and linear layout of the dwellings in this exposed location would strike a jarring contrast with the more informal and irregular form of development on the opposite side of the road. This would not reflect the prevailing character of this part of the village. Furthermore, I do not consider that this would form a natural extension to the village, or that it would be capable of being absorbed into the existing built form. Rather, the siting and layout of the bungalows would appear as an incongruous row of dwellings, which would create a new and unsympathetic artificial edge to the settlement with little regard to its character or that of the wider area.
9. The appellant has suggested that any unacceptable harm to the setting of the village could be addressed through landscaping. However, this is a matter reserved for future consideration and, with no details before me, I have insufficient evidence to conclude that this would be capable of providing suitable or sufficient mitigation for the unacceptable level of harm I have identified.
10. I recognise there is existing development on the opposite side of the road to the site but this does not alter my view that the siting of three bungalows in this location, along with all associated domestic paraphernalia, would result in an unduly discordant and urbanising encroachment into the open countryside. The development would significantly diminish the contrast between the settlement and the countryside to the detriment of the rural character and setting of the village. There would, therefore, be material harm to the character and appearance of the area in conflict with WLLP policy NBE20 which seeks to resist development that detracts from the rural character of the settlement edge. This policy has a high degree of consistency with the

Framework, which recognises the importance of protecting the intrinsic beauty of the countryside.

Sustainable development

11. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 dictate that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. WLLP Policy STRAT12 states that development will not be permitted outside the defined settlements listed in Policy STRAT3 unless it is essential to meet the needs of the specific uses listed in the policy. The development would not meet these criteria and thus there would be conflict with the WLLP. Policy STRAT9 establishes the priority for the release of housing land, with greenfield sites being the lowest priority. However, this does not completely preclude greenfield development.
12. The Council have confirmed that the WLLP does not contain sufficient allocations to meet housing needs in the area and departures to the plan are necessary to make up the shortfall. The relevant policies for the supply of housing in the WLLP are, therefore, out of date. In these circumstances, Paragraph 14 of the Framework requires planning permission to be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
13. The Framework states that housing in rural areas should be located where it can help to maintain or enhance services and facilities within settlements. In addition, it states that isolated development in the countryside should be avoided unless there are special circumstances. STRAT12 has some consistency with the Framework in this regard. However, a blanket restriction of development outside defined villages is not consistent with the Framework, particularly where the underlying aim, as expressed in the supporting text to the policy, is to protect the character of the countryside. In the context of this appeal, this issue is adequately addressed by policy NBE20 and the Framework.
14. The Framework requires the balance between the benefits and impact of a development to be considered. As such, this limits the weight that I have given to STRAT3, STRAT9 and STRAT12. In this context, the fact the development would be on a greenfield site and is outside the defined settlement boundary are not the determining factors in the consideration of the appeal. This is also confirmed by the Council's acceptance that exceptions to STRAT12 will be required to meet the district's housing needs.
15. The issue of whether the site constitutes sustainable development against the policies of the Framework must still be considered. Paragraph 7 of the Framework identifies the three dimensions to sustainable development as social, economic and environmental.
16. The Framework refers to a need for accessible local services. The village contains a primary school, two churches, a day nursery and a pub. While this would provide some service provision for future occupants, there would still be a requirement to visit other settlements to meet most day-to-day needs, including shopping, healthcare, leisure and, in all likelihood, employment. This limits the weight I attach to the social dimension of the scheme.

17. The lack of local services would lead to an increased need to travel. There is a reasonably frequent bus service running through the village between Scunthorpe and Gainsborough. I observed that the bus stops were roughly a five minute walk from the site. Part of the pedestrian route would have no pavement, but I did see street lighting in the vicinity of the site. This situation is not unusual in a rural location and while the route is not ideal, it is only a short distance and I do not see it discouraging those who are inclined to use public transport. There would, therefore, be some opportunity for residents to use alternatives to the car which weighs in favour of the proposal, to an extent, from an environmental perspective. The lack of services within the village is still likely to lead to an increase in car journeys, even if only to other nearby villages. While this would not be unusual in a rural location, it does weigh against the development.
18. There would also be inevitable economic activity and jobs associated with the building of the houses though these would be temporary and would apply to any housing development. There would be some expenditure on services somewhere. However, as there are few services within the village, it is likely that the majority of the expenditure would take place elsewhere. Therefore, the benefits would be the same regardless of where the house was constructed, so carry limited weight in terms of this development.
19. The creation of three homes would contribute to the social role of sustainable development. The Council have provided information which they suggest demonstrates they have a five year supply of housing land. As this is subject to an on-going Examination, I have given this limited weight in my decision. Therefore, in the context of the WLLP being out of date and the Framework's stated aim of boosting the supply of housing, the delivery of housing is an important factor. However, I have already concluded that there would be material harm to the character and appearance of the area and this would conflict with the environmental role of sustainability. While I have noted the potential for using public transport, the lack of service provision and the increased need to travel would still contribute to the negative effect in terms of the environmental dimension of sustainability.
20. While I have given limited weight to the conflict with policies STRAT3, STRAT9 and STRAT12, I consider that the environmental harm resulting from the development would significantly and demonstrably outweigh the benefits of three additional dwellings. As such, the development would not constitute sustainable development and the 'presumption in favour' set out in Paragraph 14 of the Framework does not apply.

Other matters

21. The appellant has drawn my attention to the Policy LP2 in the emerging Local Plan which indicates that small villages such as Laughton may be capable of accommodating a small amount of growth. I also understand that a Neighbourhood Plan is in the very early stages of preparation and that a call for sites has been made. It is suggested that this demonstrates Laughton is a sustainable location for development. However, neither the policy nor the call for site establishes precise locations for development and thus each individual application must be considered on its own merits. As such, the harm I have identified outweighs the benefits associated with the development. Therefore,

neither policy LP2 or the fact that a Neighbourhood Plan is being prepared would alter this conclusion.

Conclusion

22. For the reasons given above I conclude that the appeal should be dismissed.

S J Lee

INSPECTOR