
Appeal Decision

Site visit made on 4 October 2016

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

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

Decision date: 3rd November 2016

Appeal Ref: APP/D2510/W/16/3152746

Land at The Nook, Main Road, Stickney, Lincolnshire, PE22 8EE

- 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 Ms C Waagensen against the decision of East Lindsey District Council.
 - The application Ref S/169/00670/16, dated 22 March 2016, was refused by notice dated 19 May 2016.
 - The development proposed is "*outline planning application for up to 9 dwellings with access considered. Land adjacent to Main Road, Stickney.*"
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the site address from the appellant's submitted appeal form and the decision notice as this is more precise.
 3. The submitted application is in outline with access to be considered.
 4. The appellant has queried the use of LP policies by the Council in determining the application. Planning law dictates that applications and appeals for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. While the LP is of some age and pre-dates the National Planning Policy Framework (the Framework), policies remain relevant in my assessment of the proposed development according to their degree of consistency with the Framework.
 5. However, as the Council is currently unable to demonstrate that it has a five year supply of deliverable housing sites LP policies for the supply of housing cannot be considered up to date, in accordance with paragraph 49 of the Framework. Consequently, in accordance with Paragraph 14 of the Framework, I have approached this appeal on the basis that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole, or where specific policies within the Framework indicate that development should be restricted.
 6. Finally, while the Council have made reference to the Draft East Lindsey Local Plan in their appeal statement, this document remains unexamined and unadopted which limits the weight I can apply. I am also mindful that the Council did not rely on policies within this document in their reasons for refusal.
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Main Issues

7. The main issues are:

- (a) The effect of the proposal on the character and appearance of the surrounding area;
- (b) The effect of the proposal on biodiversity; and,
- (c) Whether or not the site is a suitable location for residential development.

Reasons

Character and Appearance

- 8. The appeal site is an undeveloped field which is bounded by mature hedgerows and a post and wire fence. It is located adjacent to built development with 'The Nook' to the north and business premises to the south. Beyond the rear boundary of the site are open agricultural fields. Development in this area is sporadic, in comparison with the village core, which is generally made up of frontage development of a higher density. I also saw that the site has evidence of ridge and furrow, a landscape feature indicative of historic farming practices. Uninterrupted views of the wider landscape are gained beyond the appeal site.
- 9. On this basis, I find that the character of the appeal site is derived from its open and rural nature, located on the outer fringe of the village which positively contributes to the rural landscape setting of Stickney.
- 10. The application is in outline and detailed matters of scale, design and siting are not before me. However, the proposed development of the site for nine dwellings with associated domestic structures, garden areas and hard surfaces would transform the character of the open land to a developed housing area. This would formalise and consolidate the built form of the village, urbanising and eroding the existing sporadic pattern of development at the edge of Stickney.
- 11. In my view, the intensification of built development and resultant loss of openness would be detrimental to the character of the countryside and the rural landscape setting of the village. This effect would not be overcome to any great degree by the imposition of a landscape condition.
- 12. In respect of consented schemes for housing at land south of The Nook and at Millers Cottage, it is understood that these developments are partly located on previously developed land, rather than greenfield land. I also saw that the appeal site has a wider open frontage to the A16, as such the urbanising impacts I have identified arising from the proposals before me would be greater.
- 13. Cumulatively, these developments also serve to confirm the importance of preserving the open character of the landscape in this area in the rural hinterland of the village from further consolidation of built development.
- 14. Overall, the development of this open land for housing would cause harm to the character and appearance of the area. This would be in conflict with saved LP policies A5 and H12 which seek to secure development which reflects or enhances locally distinctive character. The proposals also run counter to the

core values of the framework, as set out within paragraph 17, in terms of the protection of the intrinsic character and beauty of the countryside.

Biodiversity

15. The appeal site is an open grassed field with mature hedgerows and a pond and supports a range of flora and fauna which is native and common to the UK.
16. The submitted ecological survey indicates that the pond has good suitability for use by Great Crested Newts. At the time of the survey none were recorded, however as a protected species, the report identified the need for further survey work at a specified time of year.
17. Planning Practice Guidance is clear that information on biodiversity is required to support all stages of the application. In assessing the principle of the erection of nine dwellings in this location, based upon the information provided in the report, I consider that there is a significant degree of uncertainty surrounding the potential impacts upon the protected species.
18. I accept that there may be cases where it would be appropriate to deal with such matters by condition and that specific design details and protection measures could be incorporated as part of the reserved matters stage. I also note that this approach was adopted at land to the south of The Nook (reference S/169/01915/15).
19. However, given the potential for such species within the site and without any detailed evidence to the contrary, I am not persuaded at this stage that it would be possible to design the proposed development and its layout for a total of nine dwellings at the reserved matters stage without harm to protected species.
20. Furthermore, the consented development referred to above is on a separate and distinct site. The ecological reports also differ in their assessment of the potential for the presence of protected species. Therefore I do not consider that the risks to protected species are comparable and that this would justify a similar approach for the appeal site.
21. Accordingly, and in adopting the precautionary principle enshrined in the Habitats Regulations, I consider that it needs to be clearly demonstrated why the proposed development would not have a detrimental effect on the local habitat at this stage.
22. Without any evidence to the contrary, I therefore conclude that the proposed development would be in conflict with saved LP Policy ENV20 which seeks to avoid development which would cause of to, or loss of habitat, as well as paragraph 118 of the Framework which seeks to conserve biodiversity.

Location of Development

23. Saved LP Policy A3 identifies Stickney as a main village. In such locations, the principle of development is usually supported as such villages have a range of services and facilities to support local residents. However, the appeal site is located outside of the settlement boundary and the site is considered to be within the open countryside. In this regard the proposal would be contrary to Policy A3 and its aims.

24. However, the development limits for Stickney were defined a great number of years ago, and as stated above, the policies relating to the supply of housing, which include defined development limits, are considered to be out of date.
25. In setting out a presumption in favour of sustainable development, one of the core planning principles of the Framework is to actively manage patterns of growth to make fullest possible use of public transport, walking and cycling (paragraph 17). To promote sustainable development in rural areas, Paragraph 55 of the Framework envisages new rural housing to be located where it would maintain or enhance the vitality of rural communities. Consequently, new residential development should not normally be detached from being part of a viable and vibrant rural community, where there would be access to day to day facilities without the need to travel.
26. The appeal site is located on the rural fringe of Stickney, at around 500m away from the village centre with its local shops and other services. The appeal site is accessed from the A16, a heavily trafficked main road which leads through the village. The national speed limit applies along the stretch of road fronting the appeal site and at present, there is no pavement on the site frontage.
27. However, a pavement runs into the village from The Nook, which lies adjacent to the site. I am also mindful that a Grampian condition could be imposed in order to extend this further north in order to secure a pavement to the site frontage. This would avoid the need to cross this busy road to access a suitable footway, or walk along a grass verge to the pavement further south.
28. Accordingly, I am not persuaded that there would be poor connectivity or that future residents of the proposed development would be dependent on the private car as an unsustainable form of transport. I am satisfied that residents of the proposed dwelling would be able to readily and safely access services and facilities in Stickney given the proximity of the site to the village centre.
29. Overall, while I acknowledge that there is conflict with the adopted development plan in relation to defined settlement limits, I consider that the site would be in a suitable location by virtue of its position on the periphery of Stickney as a main village, and its accessibility to it. I consider that the development would accord with the requirements of paragraphs 17 and 55 of the Framework, in terms of the delivery and management of patterns of growth and sustainable transport.

Other Matters

30. I note that the appellant has raised concerns over the handling of the application by the Council in respect of a lack of proactive working to secure a positive outcome, as required by paragraph 187 of the Framework. However, this is a matter between parties and is not relevant to my determination of this appeal, based upon its planning merits.

Conclusion

31. Sustainable development is at the heart of the Framework and in order to achieve this, the economic, social and environmental strands are mutually dependant and should not be taken in isolation.
32. In light of a lack of a five-year housing land supply, I recognise the social and economic benefits the delivery of nine dwellings would bring, albeit at a

relatively small scale. I also acknowledge the accessibility of the site in proximity to services and facilities of Stickney, as a main village.

33. However, I have found harm in respect the character and appearance of the area, as located on the edge of the village, and in terms of biodiversity. Accordingly, the environmental harm I have identified significantly and demonstrably outweighs the benefits of the scheme particularly bearing in mind the modest contribution the proposed development would make towards the housing land supply shortfall.
34. For the reasons give, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

C Searson
INSPECTOR