
Appeal Decision

Site visit made on 26 October 2016

by Zoe Raygen Dip URP MRTPI

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

Decision date: 8th November 2016

Appeal Ref: APP/D2510/W/16/3155775

Iverleigh, Langrick Road, New York, Lincoln LN4 4YD

- 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 Ben Lake against the decision of East Lindsey District Council.
 - The application Ref S/207/00375/16, dated 16 February 2016, was refused by notice dated 3 June 2016.
 - The development proposed is replace existing house with one pair of semi-detached houses.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposal would provide a suitable site for housing with particular regard to its location and secondly the effect of the proposal on the character and appearance of the area.

Reasons

Location

3. New York is classed as a medium sized village within saved Policy A3 of the East Lindsey Local Plan Alteration 1999 (the Local Plan) which sets out a settlement hierarchy for the district. The explanatory text states that the Policy seeks to concentrate most new growth into the principal service centres and established settlements. It goes on to state that medium sized villages vary in population size, area and form but can be characterised by relatively few services serving a fairly local hinterland and a strong relationship between the built-up part of the village and the surrounding countryside. New housing is generally focused around local needs rather than speculative house building. The settlement has no defined development boundary within the Local Plan and therefore is classed as being in the open countryside.
 4. The Council acknowledges that it is unable to demonstrate a five year supply of housing land. Paragraph 49 of the National Planning Policy Framework (the Framework) states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. I therefore give saved Policy A3 limited weight.
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5. Paragraph 55 of the Framework specifically addresses the provision of housing in rural areas. It states that housing should be located where it will enhance and maintain the vitality of rural communities by avoiding isolated homes in the countryside unless there are special circumstances. The Framework does not define the meaning of 'isolated'. In my experience there are two main aspects to be assessed when considering 'isolation', these being whether the appeal site is physically isolated relative to settlements and other built development and whether it is functionally isolated relative to services and facilities.
6. New York consists of a mainly linear development of houses around a crossroads. The appeal site is located within the line of dwellings on Langrick Road. As a result the proposed dwelling would be viewed in the context of the built up area of the settlement and hence would not be physically isolated.
7. I saw at my site visit that New York has a few facilities, restricted to a primary school and some small local employment. However the primary school is about 1.5 miles from the appeal site. There were no local convenience shop or health services. As a result future occupiers would have to travel further distances to surrounding villages and towns to access day to day services.
8. Although there is a bus stop near to the appeal site I have been provided with no details of the bus service and therefore cannot be sure that it is regular or would conveniently serve the needs of people accessing services or commuting to work. The appeal site is situated on a busy main road. The nearest settlements of Conningsby and Tattershall, where a wider range of services are available, are over 3 miles away along a busy road with no footway beyond the edge of New York or cycle path. It is unlikely therefore that future occupiers would walk or cycle to the villages particularly in the dark winter months, or if they have mobility issues or accompanied by children.
9. As a result future occupiers would be likely to have a high dependence on the use of motor vehicles to access the local services which would be contrary to one of the core planning principles of paragraph 17 of the Framework to make the fullest use of public transport, walking and cycling. Moreover, the proposal would conflict with one of the aims of paragraph 7 of the Framework to move towards a low carbon economy.
10. I appreciate that there is an existing three bedroom house on the site. Furthermore planning permission exists for a replacement dwelling under ref S/207/1121/14. The appellant states that it would not be economically viable to implement this permission. Nevertheless, I have been supplied with no evidence of this. In any case, the proposal is for an additional three bedroom dwelling creating a new household which would generate car journeys over and above that existing.
11. Whilst I recognise that there is generally a greater reliance on the private car in more remote rural areas, it remains the case that there would be a lack of sustainable transport choices available to enable future residents to conveniently access services and facilities. There would be a lack of relationship between the site and the nearest settlements able to provide basic services and in this respect the dwelling would be functionally isolated.
12. Leading on from this I do not consider there to be special circumstances (paragraph 55 of the Framework) to justify the erection of isolated dwellings,

including those cited in the Framework namely that it would be essential for a rural worker; would secure the future of a heritage asset; would re-use a redundant or disused building or would be of exceptional quality or design.

13. The appellant has referred to the need for small dwellings in the local area which are affordable. However, I have no means in front of me, such as a S106 legal agreement, to ensure that the dwellings would be affordable in accordance with the definition in the Framework. Furthermore I have seen no evidence to suggest there is a local need for such accommodation. I therefore give this suggestion limited weight.
14. Paragraph 55 of the Framework refers to development in small villages potentially supporting services either in the immediate environment, or in a village nearby. However, I have seen no evidence to suggest that the location of the appeal site is well placed by way of public transport connectivity, to the available facilities in nearby settlements and one dwelling would in any event, make a limited contribution in this regard.
15. For the reasons above therefore I conclude that the proposal would not provide a suitable site for housing with particular regard to its location. It would therefore be contrary to paragraphs 7, 17 and 55, of the Framework and saved Policy A3 of the Local Plan. I will return to paragraph 14 of the Framework in my balancing and conclusion.

Character and appearance

16. The majority of the dwellings along Langrick Road are detached houses set back from the road in large plots giving room for mature planting and hedges. However, opposite the site is Wildmore Close a small modern development consisting of terraced and detached houses set within smaller plots. Nonetheless the overall character and appearance of the area is of open, spacious development within a verdant setting. Iverleigh is a detached house set in a substantial plot, back from the road. Mature planting forms the front boundary. As a result it contributes positively to the character and appearance of the area.
17. The appeal site has though been limited to Iverleigh and a small area to the front and rear of the dwelling. Consequently, the subdivision of the appeal site to create two dwellings results in two small plots which would be considerably smaller than the majority of the plots in the area. Accordingly the submitted plan shows that the limited size of the plots would result in a cramped and incongruous form of development in this location with little space available around both proposed dwellings compared to the majority of those surrounding them. As a result it would be an obtrusive and incongruous form of development within the street scene. Although the appellant suggests that there is flexibility within the size of the appeal site and consequently garden areas, I have to determine the appeal in accordance with the drawings in front of me.
18. For the reasons above I conclude that the proposal would be harmful to the character and appearance of the area. It would therefore be contrary to saved Policies A5 and H12 of the Local Plan and paragraphs 56, 57, 58 and 60 of the Framework. These require that development is of good design and does not distract from the distinctive character of the locality but reinforces local distinctiveness.

Balancing and conclusion

19. In considering the potential benefits of the proposal, I note that the proposed additional dwelling on brownfield land would contribute to the Council's five year housing land supply as required by the Framework. Furthermore it would mainly be on brownfield land due to the demolition of the existing house on the site. However, a net increase of one dwelling would be a small contribution so I afford this benefit only limited weight.
20. In addition, the construction of the dwelling would derive some economic benefits but this would be for a limited time. Furthermore, given the small scale of the development, the contribution to the local economy from the spending power of future occupants is unlikely to be significant. I therefore give these benefits limited weight.
21. The proposed development would be in an isolated location resulting in the inherently harmful effects I have already identified. It would also harm the character and appearance of the area contrary to both local and national planning policy. I therefore give this impact considerable weight.
22. I have considered the benefits which would be derived from the appeal scheme but these carry limited weight. I therefore conclude, in accordance with paragraph 14 of the Framework, that the harmful impact of the proposal would significantly and demonstrably outweigh the limited benefits. The proposal would conflict with the Framework when taken as a whole and consequently the proposal is not sustainable development for which the Framework carries a presumption in favour. For this reason, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Zoe Raygen

INSPECTOR