
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/16/3155695

Land adj Mariner, King Street, Yarburgh, Lincolnshire LN11 0PN

- 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 Ian Braithwaite against the decision of East Lindsey District Council.
 - The application Ref N/218/00084/16, dated 13 January 2016, was refused by notice dated 11 March 2016.
 - The development proposed is outline application for a single dwelling and detached garage with new vehicular access.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The application has been made in outline with all matters reserved for future consideration except access and layout. I will consider the appeal on this basis.

Main Issue

3. The main issue is whether the proposal would provide a suitable site for housing with particular regard to its location.

Reasons

4. Yarburgh is classed as a small 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, with development in smaller villages principally aiming to support and bolster existing community services and facilities. Development here is mainly seen as serving a local need. The settlement has no defined development boundary within the Local Plan and therefore is classed as being in the open countryside.
 5. 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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6. 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.
7. The appeal site is located within the main area of development in Yarburgh, between two bungalows. 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.
8. Both parties refer to a scoring system to reflect the facilities and services within villages. The Council has used the results to influence emerging Policy within the Draft Core Strategy 2012 (the CS). A low score of 6 has resulted in Yarburgh being re-designated as a hamlet within the CS. The appellant disputes the score of 6 claiming it is 32. The Council state that the scoring system is continually updated to represent the most up to date information regarding services available in settlements. However, I have been given no information regarding how far in the process towards adoption the CS has reached or whether there has been objections to relevant Policies. Consequently in accordance with paragraph 216 of the Framework, I can only give emerging Policy and associated evidence very limited weight.
9. I saw at my site visit that Yarburgh has a few services, restricted to a village hall, church, cemetery and fish and chip shop (although located away from the main built up area of the settlement). It also has some small businesses which I understand from the appellant employ about 55 employees between them. While therefore there may be some employment within the village and limited social facilities, there is no shop, health services or schools. As a result future occupiers would have to travel further distances to surrounding villages and towns to access day to day services.
10. I note that the appellant has allocated 4 points for a commuter bus service. However, this is a call connect service with only a twice weekly scheduled bus service. Call connect services, whilst they demonstrate a level of connectivity, do not in themselves render the site sustainable. The nature of dial a ride limits the flexibility of trips, particularly for employment purposes. The nearest settlements of Alvingham and Covenham St Mary are both over 1.5 miles away along narrow, poorly lit roads with no footway 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 mobility issues or accompanied by children.
11. 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 paragraph 7 of the Framework to move towards a low carbon economy.
12. 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 such 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.

13. Leading on from this I do not consider there to be special circumstances (paragraph 55 of the Framework) to justify the erection of an isolated dwelling, 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. I have also seen no evidence to suggest that there would be a local need for the dwelling as proposed.
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 am not satisfied that the location of the appeal site is well placed by way of public transport connectivity, to the available facilities in nearby settlements and a single 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.
16. The Council also refer to saved Policies A5 and H12 of the Local Plan within their decision. However, Policy H12 relates to applications for the design of new housing in relation to full planning permission. Furthermore, Policy A5 considers the quality and design of development. As this appeal is in outline form then both Policies have not been determinative in this matter.

Other matters

17. The appellant refers to planning applications for three holiday cottages in Yarburgh, together with a residential care home, solar farm and wind turbine which have been granted permission by the Council. However, none of these developments are for dwellings and may therefore have been considered under different policies within the Local Plan and guidance within the Framework. As a result I cannot make direct comparisons with the appeal proposal.
18. The appellant has also drawn my attention to appeal decision APP/D2510/W/15/3035726 with respect to a site in South Reston, which he feels does not constitute a direct comparison with the appeal site. I have been supplied with no further details of the site or the proposals and therefore cannot be sure that the details of the case at South Reston present a direct parallel to the appeal site particularly in respect of its proximity to local services. I have, in any case, determined this appeal on its own merits.
19. I understand that the site previously had outline planning permission as one of three plots under application reference E218/334/82 and subsequently as a plot in its own right under N/218/0347/94. An application for reserved matters was never made and therefore both permissions lapsed. However, both applications were considered under a different policy background to the current appeal as they were granted prior to the adoption of the Local Plan and the publication of the Framework.

20. The appeal site forms a gap in the built development in King Street. It has a hedge and large tree to the front boundary with a wide grass verge in between the road and the appeal site. The site therefore has an attractive verdant appearance within the street scene and is not, in my opinion, particularly unsightly to justify the granting of permission for a house.
21. The appeal site is about 75 metres from St John the Baptists Church a Grade I Listed Building. Views towards the Church from the appeal site are limited due to the intervening vegetation and trees. The proposed bungalow would be sited no closer to the church than the adjacent bungalows. Therefore I see no reason to disagree with the Council's conclusion that it would not be harmful to the setting of the Listed Building.

Balancing and conclusion

22. In considering the potential benefits of the proposal, I note that the new dwelling would contribute to the Council's five year housing land supply as required by the Framework. However, a net increase of one dwelling would be a small contribution so I afford this benefit only limited weight.
23. 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. In any event, such a contribution could be made by a dwelling constructed closer to local facilities.
24. The proposed development would be in a functionally isolated location resulting in the inherently harmful effects I have already identified. This impact is contrary to both local and national planning policy to which I give considerable weight.
25. I have considered the benefits which would be derived from the appeal scheme but these carry limited weight. I therefore conclude that the considerable harm caused by 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, including letters of support and objection, I conclude that the appeal should be dismissed.

Zoe Raygen

INSPECTOR