
Appeal Decision

Site visit made on 18 October 2016

by J C Clarke BSc(Hons) BTP MRTPI

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

Decision date: 15 November 2016

Appeal Ref: APP/D2510/W/16/3151196

Old Fen Lane, Scrub Hill, Lincolnshire LN4 4XD

- 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 Mrs Eileen Keown against the decision of East Lindsey District Council.
 - The application Ref S/035/02127/15, dated 3 November 2015, was refused by notice dated 4 January 2016.
 - The development proposed is One detached dwelling and garage.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mrs Eileen Keown against East Lindsey District Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is whether the location of the proposed development would be sufficiently sustainable in terms of its accessibility by a choice of transport to jobs and services.

Reasons

Policy Context

4. The development plan for the area comprises the saved policies of the East Lindsey Local Plan Alteration 1999 (ELLPA). The National Planning Policy Framework (the 'Framework') sets out current national policy and is also an important material consideration. Whilst the Council is currently preparing a new Core Strategy, this is at an early stage and therefore, in accordance with paragraph 216 of the Framework, can only be given limited weight.
 5. The Appellant has indicated, and the Council has not denied, that the district does not have a supply of specific deliverable sites which is sufficient to provide 5 years of new housing against its housing requirement. In these circumstances paragraph 49 of the Framework indicates that relevant policies for the supply of housing should not be considered up to date, and paragraph 14 of the Framework indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably
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outweigh the benefits, when assessed against the policies in the Framework as a whole.

Sustainability of location

6. Scrub Hill includes a group of some 48 dwellings¹ which is set within open countryside and located about 3 miles by road from the town of Coningsby and 1 mile from the village of New York. Policy A3 of the ELLPA identifies Scrub Hill as a 'small village' in which '*...development will be permitted ... provided its location, character, function, scale, design and operation are all consistent with the role, status and character of the village*'.
7. Paragraph 2.73 of the ELLPA states that '*...The small villages do not have well developed basic services or facilities to support much new housing development. Significant levels of new housing development cannot be accommodated without seriously harming the character of the village....*' and that '*...The Council sees new development here as essentially serving a local need, be it for housing or employment purposes, rather than helping to satisfy a wider demand which can be adequately catered for elsewhere....*'.
8. Policy A3 therefore envisages that some new development will be allowed in the small villages. This is to be expected given the wide variety of circumstances that can apply to individual development proposals for different land uses on different sites. The expectation is clearly, however, that proposals for new housing should generally meet a local need as opposed to satisfying a wider market demand.
9. Furthermore, no evidence has been submitted to demonstrate that the proposed dwelling would meet local housing needs. Whilst the development would only comprise one dwelling and would be located in an otherwise developed frontage, these points do not mean that its function, being for general market housing, would be consistent with the provisions of Policy A3. Whilst the inclusion of the word '*...essentially...*' in the final sentence of paragraph 2.73 indicates that there may be circumstances where new build general market housing may be permitted in the small villages, there is no indication in Policy A3 or its supporting text that the small scale of the proposal or its location within an otherwise developed frontage provide adequate justification for such an approach in this case.
10. Although Policy A3 sets a less restrictive approach to development in the small villages than it does in the hamlets and other smaller settlements, this does not over-ride the expectation that new-build housing proposals in the small villages should generally meet local needs.
11. Policy A3 accords with the requirements in paragraphs 30 and 55 of the Framework that local planning authorities should support a pattern of development which facilitates the use of sustainable modes of transport, and that new housing in rural areas should be located where it will enhance or maintain the vitality of local communities. In accordance with paragraph 215 of the Framework I have therefore given it full weight in my decision.
12. My attention has been drawn to Policy H10 of the ELLPA which establishes that infill housing development will be permitted in the small villages and larger

¹ Appellant's statement , paragraph 3

settlements provided it would not '*...add to or intensify...*' ribbon development extending into the countryside.

13. The proposed dwelling would be located in a ribbon of development which extends northwards from the crossroads at the heart of Scrub Hill. Whilst it would not extend the length of this ribbon further into the countryside and would have a shallower plot depth than some nearby dwellings, it would intensify the ribbon to some extent by adding a further dwelling. In addition, the requirement within Policy H10 that proposals should satisfy '*...other relevant policies of the Plan*' needs to be considered in the context of the fact that the appeal proposal would not provide local needs housing in accordance with the provisions referred to above.
14. Furthermore, whilst paragraph 8.79 of the ELLPA expressly supports infilling in urban areas and the serviced settlements, Scrub Hill does not fall within either of these categories. Whilst it is on a bus route the nearest shops and post office mentioned by the parties are some 3 miles away in the town of Coningsby. The nearest primary school is some 2 miles away to the south of New York. Whilst there is a public house/restaurant, marina, fishing and access to a national cycle route about 1.5 miles away at Dogdyke and a veterinary surgeons and hall which is available to hire at New York these services would not meet the basic daily needs of potential occupiers of the proposed dwelling. The nearest employment locations of any size are the town and aerodrome at Coningsby, and the larger urban areas of Boston and Lincoln are located a considerable distance away.
15. Whilst it is fairly easy to cycle between Scrub Hill and the nearest locations referred to above, cycling is not likely to be attractive to all potential occupiers of the proposed development particularly in winter and outside daylight hours, and the most convenient walking routes from Scrub Hill to these locations would run for considerable distances along rural roads with no footway or street lighting.
16. Scrub Hill is served by 2 bus stops, school buses operate in the area and buses run regularly between Scrub Hill and New York, Coningsby, Boston and other locations. It would currently be possible to commute from the proposed dwelling using the IC5 service to and from a weekday '9 to 5' job in Coningsby. However, the service does not run sufficiently early and late at both ends of the day for the same to be said about such jobs in Boston or Lincoln. As the last bus back from Coningsby is currently in the early evening, there would also be severe limitations on the ability to access any evening shift work or leisure activities even in Coningsby using this service, and the service does not operate at all on Sundays. Whilst the Appellant has referred to the CallConnect service the evidence before me indicates that this does not run later than early evenings during weekdays or at all on Sundays, and is subject to availability. Although several local residents have indicated that they use the buses to access local services this point does not counteract the limitations of these services identified by the Council.
17. Paragraph 55 of the Framework acknowledges that where there are groups of smaller settlements, development in one village may support services in a village nearby. However, occupiers of the proposed development would be substantially reliant on the town of Coningsby rather than nearby villages for shopping and many other day to day needs. Whilst it is possible that the

occupiers of the proposed development may for example use New York primary school rather than that in Coningsby, it is not clear to me that the situation envisaged in the second sentence of paragraph 55 applies in this case. This is particularly so given that Policy A3 focuses general market housing into larger settlements such as Coningsby in preference to the small villages.

18. For reasons which are set out above, I conclude that the proposed development would not be sited in a location which is sufficiently sustainable in terms of its accessibility by a choice of transport to jobs and services. Its approval would conflict with the strategic approach to the location of general market housing which is set out in Policy A3 of the ELLPA and the relevant provisions of the Framework. The points made by the Appellant about Policy H10 of the ELLPA and other matters do not, for reasons which I also set out above, outweigh these conclusions.

Other Considerations

19. The proposal would result in the delivery of one new dwelling in a district which is currently unable to demonstrate a 5 year supply of housing. Given the Government's aim of boosting significantly the supply of housing this would be a notable benefit of the proposal. The proposal would also support the viability of local services. The magnitude of these benefits would, however, be limited by the small scale of the proposal.
20. Whilst the proposal would also bring economic benefits in the form of construction work and spending, these would be limited to the period of the construction works.
21. Although the proposed development would not harm highway safety, the living conditions of occupiers of nearby dwellings, water quality, the historic environment or ecology interests and could be suitably drained these points constitute a lack of harm in relation to these matters rather than material benefits to weigh positively in the balance against my earlier findings.
22. Whilst I understand that planning permission has been granted for a new dwelling elsewhere in Scrub Hill, the Council has indicated that this was for a proposal to convert an existing building rather than to construct a new-build dwelling. As national policy concerning conversion works differs substantially from that concerning new-build dwellings, the circumstances relating to that other case are likely to be significantly different to those related to the appeal proposal.
23. I have noted the history of the appeal site referred to by the Appellant including for example the fact that planning permission was granted to develop the two dwellings on either side of the appeal site in the 1980s. I also agree with the Appellant that the circumstances concerning the current appeal differ from those concerning the appeal decision relating to the site in Thimbleby (Ref: APP/D2510/A/14/2227444). However, these points do not outweigh my findings which are based upon my assessment of the appeal proposal on its own merits having regard to current planning policy.

Conclusion

24. I have found that the proposed development would be sited in a location which is not sufficiently sustainable in terms of its accessibility by a choice of transport to jobs and services. Given the resultant conflict with the approach

to the location of general market housing set out in the ELLPA and the Framework this matter carries substantial weight against the proposal.

25. Whilst the proposal would deliver one new dwelling in a district which currently has a shortage of land supply for housing, and would support the viability of local services and bring some economic benefit, these benefits would be limited in magnitude.
26. I conclude that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of doing so. Furthermore, due to the heavy reliance that potential future occupiers are likely to place at times on use of the private car to access jobs and services, the proposal would also not promote the environmental dimension of sustainable development referred to in paragraph 7 of the Framework or constitute sustainable development as a whole.
27. As a result of these findings, and applying the approach to decision making in paragraph 14 of the Framework, I dismiss the appeal.

Jonathan Clarke

INSPECTOR