
Appeal Decision

Site visit made on 14 December 2016

by S J Lee BA(Hons) MA MRTPI

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

Decision date: 16th January 2017

Appeal Ref: APP/D2510/W/16/3158542

Land west of 'The Cottage', Main Road, Belchford, Horncastle, Lincolnshire LN9 6LQ

- 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 R Wilmhurst against the decision of East Lindsey District Council.
 - The application Ref S/013/00981/16, dated 4 May 2016, was refused by notice dated 30 June 2016.
 - The development proposed is the erection of a house and garage.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council has confirmed that it is not able to demonstrate a five year supply of deliverable housing sites, as required by the National Planning Policy Framework (the Framework)¹. In accordance with paragraph 49 of the Framework, this means that all relevant policies for the supply of housing should not be considered up-to-date. This includes saved policy AC3 of the East Lindsey Local Plan Alteration 1999 (LP). In line 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 taken as a whole, or specific policies in the Framework indicate development should be restricted.

Main Issue

3. The main issue is whether the location would provide acceptable access to everyday local facilities, by a range of modes of transport.

Reasons

4. The appeal site is located in the village of Belchford and comprises a roughly square parcel of land with a brick garage in one corner adjacent to the road. The evidence indicates that there was residential development on the site at one point in its history, but aside from the garage, there is no evidence of this and it appears as an unmaintained grassed over gap in an otherwise residential frontage.

¹ See Para 47

5. Belchford is identified as a 'Medium Sized Village' by saved LP policy AC3. This establishes a settlement hierarchy that seeks to focus development into Towns and Main Villages. The policy indicates that new development in smaller villages, including medium sized villages, will principally aim to bolster existing community services and facilities and would be focussed on meeting identified local needs, as opposed to speculative or wider market needs that may be met more appropriately elsewhere.
6. As policy AC3 is now considered out-of-date, it will inevitably carry only limited weight and the requirements of the Framework will be a significant material consideration in the determination of the appeal. There are, however, some elements of consistency between the Framework and policy AC3, particularly in terms of directing development to locations that can provide accessible services and facilities and the desire to revitalise declining villages.
7. However, paragraph 7 of the Framework identifies the three dimensions to sustainable development as economic, social and environmental and all must be considered. Importantly, paragraph 55 provides specific guidance to address the issue of new housing in rural areas. This states that to promote sustainable development, housing should be located where it will enhance or maintain the vitality of rural communities. The example given is where development in one village can support the services in a village nearby. This fits into the core planning principle of supporting thriving rural communities.
8. My attention has been drawn to a number of appeals in the District which have considered similar issues to those raised here. Of particular note are two relatively recent decisions in Belchford itself, one of which was allowed² (appeal 1) and one dismissed³ (appeal 2). I have not been provided with full details of these appeals, or the evidence that was available to either Inspector. Notwithstanding this, I have had regard to these decisions where appropriate in the determination of the appeal.
9. I note that while the Inspectors came to different decisions, in both cases they concluded that Belchford has limited facilities and that future occupants would be reliant on private motor vehicles for most day-to-day journeys. I have seen nothing that would lead me to disagree with their conclusions on this matter. Belchford does not boast any shops, banks, schools or medical facilities. Facilities are limited to a pub, community hall, place of worship and public playing fields. While valuable to the community, these are not sufficient to meet all day-to-day needs of residents and thus there would be a need to travel.
10. I understand the intention is to downgrade Belchford to a 'small village' in the emerging Core Strategy as a result of a declining number of services and facilities. While this plan currently carries little weight, my own observations of the village would appear to tally with the evidence on facilities provided. In the context of policy AC3 being out-of-date, and there being some evidence of a change in circumstance since the plan was adopted, I have given significant weight to the current context and the consistency of development in this location with the requirements of the Framework.

² Appeal Reference: APP/D2510/W/15/3137331

³ Appeal Reference: APP/D2510/W/16/3153951

11. The appellant has suggested that the village should still be seen as a 'medium village' as the Council's 'Village Facilities Survey' (VFS) did not include any points for bus services. However, the 'Call Connect' services for Belchford must be pre-booked. This would suggest a 'demand responsive' service which does not score points in the Council's methodology. Notwithstanding this, the services only run twice a day Monday to Saturday and there is no early morning or evening services. Even before the need to pre-book is factored in, this does not constitute a good bus service that is likely to offer a realistic alternative to the car for the vast majority of journeys. This information does not persuade me that I should disagree with my colleagues' views on the accessibility credentials of the village.
12. Whilst the development would not give rise to a significant number of vehicle movements, they are likely to be made by the least sustainable mode of transport. The proposal would consequently conflict with one of the core planning principles of the Framework as set out in paragraph 17 in terms of actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling. In coming to this conclusion, I have had regard to paragraph 29 and 34, which recognise that measures to maximise sustainable transport may vary between urban and rural areas. However, the development would provide limited realistic travel choices, which would not meet the requirements of the Framework when read as a whole.
13. The appellant has suggested that Belchford would act as part of a group of villages supporting Tetford (3.3km in a straight line) and Scamblesby (3.7km). The evidence of a functional relationship between the villages, or that they realistically operate as a coherent 'grouping' is somewhat limited. I have noted the reference to the use of the primary school in Tetford. However, owing to the distance between the settlements and the likely reliance on the car, it is uncertain that residents of Belchford support any other services on a regular or extensive basis.
14. Moreover, other than the basic existence of shops, schools and other facilities, I have no specific information over their size (i.e. are they likely to be top-up or weekly shopping destinations), viability, the nature or ease of the routes to the villages or any other evidence that persuades me that Belchford is likely to form part of a group of villages as envisaged by paragraph 55. The Council suggest that it is more likely that residents would visit the town of Horncastle, some 8km away, and this does not seem unlikely. With no substantive evidence to the contrary, I do not consider that there would be a close functional relationship between the site and the nearest settlement offering everyday facilities. One dwelling would only make a limited contribution in this regard in any event. I also note that neither Inspector in the previous cases concluded that the development would support services in any settlement other than Belchford itself.
15. The development would provide some limited benefit for those facilities that do exist in the village. However, owing to the nature of these facilities, this would do little to support the vitality of the village in Framework terms, or revitalise it in the context of policy AC3.
16. The evidence before me suggests that there is a relatively high demand for housing in this village. If I allowed this appeal, and the previous Inspector had allowed the proposal for four additional dwellings, then the total permitted

under the three appeals alone would have amounted to six additional dwellings in the village. Over and above the two appeals already considered, the Council have received a number of applications and pre-application enquiries, all of which have either been refused or discouraged. While evidence of past applications is not as strong as that of current proposals, this is still indicative of realistic pressure for further development. Whilst each application must be treated on its merits, I can appreciate the Council's concern that approval of this proposal could be used in support of similar proposals in the village in the future. I am satisfied that this is not a generalised fear of precedent, but a realistic and specific concern. Allowing this appeal would make it more difficult to resist further planning applications for similar development.

17. Both the other Inspectors and I have concluded that this is a location with poor access to day-to-day living facilities and poor accessibility by any means of travel other than the private motor vehicle, which is the least sustainable mode. The Inspector in appeal 2 recognised that the development would not fully meet the environmental dimension of sustainable development, but felt that the adverse impacts from one dwelling would not significantly and demonstrably outweigh the benefits. However, I do not know if he was made aware of the potential demand for housing in the village. Based on the evidence before me, it is reasonable to give consideration to both the individual and potential cumulative impact of a number of similar proposals coming forward in this location and the resulting conflict with the Framework's objectives of managing development to maximise walking, cycling and public transport and supporting a low carbon economy.
18. For these reasons, I conclude that the development would not provide a suitable site for housing in terms of its access to everyday facilities and a reliance on the private motor vehicle. It is clear that my colleagues came to different conclusions as to the compliance of development with saved policy AC3. This does not specifically resist housing development within medium and small villages. However, the thrust of the policy is to deliver housing in the higher order towns and villages. The level of support the development could provide for facilities either within the village itself or others in the area would be negligible. Therefore, I am inclined to agree with the view of the Inspector in appeal 1, who concluded there would be conflict with the policy which, amongst other things, seeks to locate growth in the most sustainable locations.
19. In any event, in light of the housing supply situation, I have given only limited weight to this policy and the requirements of the Framework have been a significant material factor in the determination of the appeal. As such, I find that that the development would conflict with paragraphs 7, 17, 29 and 55 of the Framework, which seeks to support sustainable rural housing, thriving rural communities and sustainable travel choices.

Other matters and planning balance

20. The appellant has suggested that the site would be 'previously developed land' (brownfield) and that this should weigh in its favour. The Council dispute whether the site should be considered brownfield, owing to any remains of fixed or permanent structures having blended into the landscape in the process of time. Other than the garage building, there is little sign of any previous development. In any event, while the Framework encourages brownfield

development, this would not be sufficient to outweigh the harm I have identified or provide significant benefits in this context.

21. The appellant has suggested that an allocation in the LP and a relatively recent permission illustrates that the Council has accepted some degree of growth in Belchford. I have given little weight to the appellant's view that the 'allocated' site could accommodate up to 16 dwellings and there is a 'shortfall' in terms of the growth envisaged in the village. Notwithstanding the fact that this policy would now be considered out-of-date, there is no substantive evidence that it could either have accommodated 16 dwellings or that this was the expectation. The allocation sets out no specific requirements and only asks for low density development. I am also satisfied that the circumstances between the appeal site and the permission quoted are sufficiently different to not be considered directly comparable. It is clear that there were issues considered in that appeal that are not present here. I also have no evidence before me that the Council did not consider the sustainability of the settlement in their overall planning balance.
22. The site lies within the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB). The Council have not raised any concerns about the specific design of the dwelling and its impact on either the AONB or on the setting of a nearby Listed Building (Yew Tree Cottage). I have seen nothing to suggest that I should disagree with their conclusions on these matters. In more general terms, the design of the development would not be out-of-keeping with the character of the village and street scene. However, these factors would not be sufficient to outweigh my concerns over the principle of development.
23. In terms of the appeal 2, I note that the Inspector in that case considered the redevelopment of the site to be a small benefit in favour of the development in relation to the AONB. The appellant has suggested a similar benefit here. However, whilst the site is somewhat unkempt, it is not causing any significant harm to the character and appearance of the village or the landscape quality of the AONB. As such, I see no such environmental benefits resulting from the development. Furthermore, it would not be appropriate to give significant weight to a lack of maintenance.
24. The appellant has drawn my attention to other appeals where development in 'medium' villages has been allowed. I do not have the full details of these cases but there is little no doubt that there will be circumstances where development in some settlements would meet the requirements of the Framework. However, having considered the appeal on its own merits, I consider development here would conflict with the requirements of national policy.
25. In considering the potential benefits of the development, I have given moderate weight to the contribution one additional dwelling would make to the Council's housing land supply. Whilst I recognise that there is a considerable shortfall, one dwelling would have very little impact in helping to meet needs. The dwelling would generate a small level of additional expenditure and support for facilities. However, any weight given to this is diminished by the poor relationship between the site and day-to-day facilities. There would also be some limited short term economic benefit derived from the construction of the dwelling. However, such benefits would be the same no matter where the development took place and so provide carry little weight in favour of the proposal in this specific location.

26. From an environmental and social perspective, I have already concluded that the site would be poorly related to everyday services and facilities and would lead to increased car use, contrary to the principle of moving to a low carbon economy.
27. On balance, I conclude that the adverse impacts of the development in terms of the environmental and social aspects of sustainability would significantly and demonstrably outweigh the benefits of one additional dwelling when assessed against the policies of the Framework when taken as a whole. While Mr Dowsett in appeal 2 considered the harm from one dwelling would not outweigh the benefits, the cases are not entirely comparable and I have also had regard to the cumulative impact of this development over and above that already allowed and the realistic potential for further growth in the village. As a result, I find that the proposal would not represent sustainable development.

Conclusion

28. Whilst the policy breached is out of date the proposal would nevertheless be contrary to the development plan and this conflict would not be outweighed by other material considerations including the provisions of the Framework and paragraph 14 in particular. Therefore the appeal should be dismissed.

S J Lee

INSPECTOR