
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/16/3159747

36 Station Road, Firsby, Spilsby, Lincolnshire PE23 5QR

- 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 D Rush against the decision of East Lindsey District Council.
 - The application Ref S/051/00680/16, dated 16 March 2016, was refused by notice dated 16 May 2016.
 - The development proposed is erection of a bungalow.
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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 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 comprises the side garden of 36 Station Road in the village of Firsby, though I noted a low fence between the site and the dwelling itself. The site is a relatively narrow grassed area, with open fields to the rear. It forms something of a gap in the continuous line of loose knit residential development lining each side of Station Road. There is no architectural uniformity in the street, though the majority of dwellings in the immediate area are bungalows of different styles and layouts.
5. Firsby is split into two parts in terms of the adopted Local Plan² (LP). Firsby (Station Road), where the site is located, is identified as a 'medium village'. Firsby (village) is identified as a 'small village'. Whilst it would be considered

¹ See Para 47

² East Lindsey Local Plan Alteration 1999 (Saved Policies)

out-of-date in the context of the Framework, saved policy AC3 establishes a settlement hierarchy that seeks to focus development into Towns and Main Villages. The policy indicates that new development in smaller 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. The supporting text to this policy also recognises that many medium sized villages have seen declining local services. This would appear to be the case here. The Council have indicated that they intend to downgrade both Firsby settlements to hamlets in the emerging Core Strategy (CS). This is as a result of the decline in facilities within the village since the LP was adopted. This would place Firsby outside the defined settlement hierarchy.
7. Whilst the Council accept that limited weight can be given to the CS, the suggestion that Firsby has limited facilities would correspond with my own observations. There did not appear to be any significant day-to-day service provision within the village, including shops, schools, or healthcare facilities. The appellant has not provided any evidence to suggest this is not the case. Therefore, in the context of policy AC3 being out-of-date, significant weight should be given to the current context and the consistency of development in this location with the requirements of the Framework. In any event, this policy seeks to bolster existing community facilities and revitalise villages. However, if no such facilities exist, then it is difficult to see how one additional dwelling would meet the aims of the policy.
8. Paragraph 7 of the Framework identifies the three dimensions to sustainable development as economic, social and environmental. Paragraph 55 also 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. It also states that isolated homes in the countryside should be avoided unless the development meets one of a list of 'special circumstance'. This fits into the core planning principle of supporting thriving rural communities.
9. There is no evidence before me that the village is well served by public transport or that any nearby settlements would be accessible by walking or cycling. There is also nothing to suggest the settlement has a close physical or functional relationship with any other nearby villages. Indeed, the other settlements in the area do not appear to provide a significant level of service provision in their own right. Only Great Steeping provides a school or employment and none of the nearby locations mentioned by the Council appear to support any shops, health or leisure facilities such as pubs.
10. Future occupants of the development would be reliant on the car to meet their day-to-day needs. Whilst the development would not give rise to a significant number of vehicle movements, they are likely to be made by private motor vehicles, which is 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, from information I have been given, this development would provide no realistic travel choices at all. This would not meet the requirements of the Framework.

11. The likely dependency on the car would also suggest that there would be no functional link or connection between this location and any particular settlement or set of services. Therefore, benefits to the vitality of any individual settlement in the context of paragraph 55 would be negligible at best. While clearly not physically isolated from other dwellings, the evidence suggests that the site would be effectively isolated from services and facilities and would not assist in maintaining the vitality of either Firsby itself, or any other settlement.
12. For these reasons, I conclude that the development would not provide a suitable site for housing in terms of its access to day-to-day facilities and a reliance on the private motor vehicle. There would therefore be conflict with saved policy AC3 which, amongst other things, seeks to locate growth in the most sustainable locations and support development in medium villages which meets identified local needs and revitalises villages. In light of the policy AC3 being out-of-date and subject to limited weight as a result, I have assessed the proposal against the policies in the Framework, which are material considerations of considerable importance. In this regard, I also find conflict with paragraphs 7, 17, 29 and 55 of the Framework, which seek to support thriving rural communities and sustainable transport options.

Other matters

13. The appellant has drawn my attention to an appeal in the District where the development of a single dwelling was allowed within a 'medium' village. I have been provided with the decision letter, but I do not have the full details of the development or the evidence that was put to the Inspector. I cannot be entirely certain, therefore, that the two developments are comparable, particularly in terms of the nature of the facilities within the respective settlements, their relationship with other settlements in the area or the likely reliance on the private car. I also note that the Inspector in that case gave some weight to the benefit of enhancement to an Area of Outstanding Natural Beauty (AONB) in the planning balance. This does not apply in this case. In any event, I have considered this appeal on its own merits based on the evidence before me and my own observations.
14. The appellant has also drawn my attention to other planning permissions granted in Firsby and other 'medium' villages. The Council have indicated that there were material considerations which outweighed their concerns in the Firsby example given. I do not have the full details of this application, but I am satisfied from the information provided that there were material considerations in that case that do not apply here. As decision makers, it is legitimate for the Council to give weight to those in the determination of an application and I do not consider that a precedent has been set as a result. Again, I have insufficient information relating to the other permissions quoted to be satisfied that they are comparable to the appeal proposal. As a result, these examples do not lead me to alter my conclusions.
15. The Council has raised no objections to the development in terms of its impact on the character and appearance of the area, the living conditions of

neighbouring occupants, highways or drainage. I have seen nothing to suggest I should disagree with their conclusions on these matters. However, these are neutral factors in considering the benefits of the scheme and do not alter my conclusions on the harm identified above.

Planning balance

16. In considering the potential benefits of the development, I have given only moderate weight to the contribution one additional dwelling would make to the Council's housing land supply. Whatever level of shortfall exists, one dwelling would not make a significant contribution. The dwelling would generate a small level of additional expenditure, but 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 carry little weight in favour of the proposal.
17. From an environmental and social perspective, I have already concluded that the site would be poorly related to services and facilities and would lead to increased car use, contrary to the principle of moving to a low carbon economy.
18. On balance, 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. As a result, paragraph 14 of the Framework does not indicate that permission should be granted and the development would not represent sustainable development.

Conclusion

19. Whilst the policy breached is out of date, the proposal would nonetheless be contrary to the development plan and this conflict would not be outweighed by other material considerations, including the provisions of the Framework. For the reasons given above I conclude that the appeal should be dismissed.

S J Lee

INSPECTOR