

Appeal Decision

Site visit made on 25 April 2017

by Jason Whitfield BA (Hons) DipTP MRTPI

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

Decision date: 18th May 2017

Appeal Ref: APP/D2510/W/17/3168232

Westholme, Gunby Road, Orby, Lincolnshire PE24 5HT

- 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 Phillip Brown against the decision of East Lindsey District Council.
 - The application Ref N/134/02246/16, dated 3 November 2016, was refused by notice dated 6 January 2017.
 - The development proposed is demolition of former office and workshop. Erection of detached chalet bungalow and detached double garage.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the appeal site would be suitable location for new housing having particular regard to reliance on private car.

Reasons

3. Paragraph 17 of the National Planning Policy Framework (*the Framework*) sets out that a core planning principle is to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling. Whilst recognising opportunities to maximise sustainable transport solutions will vary from urban to rural areas, Paragraph 29 of *the Framework* nevertheless states that the transport system needs to be balanced in favour of sustainable transport modes, giving people a choice about how they travel.
 4. The appeal site lies within the settlement limits of Orby. Saved Policy A3 of the East Lindsey Local Plan Alteration 1999 (LP) identifies Orby as a 'medium sized village'. It states that, within the settlement, development will be permitted provided its location, character, function, scale, design and operation are all consistent with the role, status and character of the settlement. The supporting text indicates that new development in the smaller villages will principally aim to support and bolster existing community services and facilities. To that end, I find Policy A3 consistent with *the Framework* which seeks to enhance or maintain the vitality of rural communities. The supporting text also indicates at paragraph 2.69 that such villages have experienced declines in job opportunities and facilities over recent years.
 5. The parties have referred me to the Draft East Lindsey Core Strategy which has yet to undergo examination in public and I therefore afford it only limited
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- weight. Nevertheless, the draft plan proposes to downgrade Orby to a 'small village'. This supports my own observations that Orby has very few services and facilities within the village itself. Beyond a public house, village hall and church, there are no shops or other services within walking distance of the appeal site which would fulfil the everyday needs of future residents.
6. The closest settlements with the necessary services and facilities to meet those needs include Burgh le Marsh and Skegness. The distances to those settlements, the rural nature of the roads and traffic volumes during peak tourist season lead me to conclude that cycling for everyday day trips would not be an attractive or practical form of transport.
 7. Bus stops are located on Marsh Lane. The stops would be accessible to future residents of the appeal site via well-maintained and lit footpaths. However, the stop offers only infrequent services during school term time. The infrequency of such services means that bus travel would not be a realistic option for future residents to access the essential, everyday services which they would need.
 8. Paragraph 55 of *the Framework* seeks to avoid isolated new homes in the countryside. Whilst I note the Council's concerns that the appeal site would be functionally isolated, the appeal site lies within the settlement boundary and adjacent to the existing built-up area of the village. *The Framework* contains no definition of the term 'isolated'. In my view, the appeal site cannot reasonably be considered to be lonely or remote owing to its proximity to the settlement. As such, I consider the appeal site would not be isolated for the purposes of paragraph 55.
 9. Nevertheless, paragraph 55 of *the Framework* also encourages new housing where it will enhance or maintain the vitality of rural communities. I recognise that the vitality of rural communities cannot be maintained or enhanced by restricting new development. I also recognise increases in the use of home delivery services and that there will inevitably be a greater reliance on private car travel in rural areas than urban areas. That is reflected in Paragraph 29 of *the Framework*.
 10. However, there are few existing services and facilities to maintain within Orby and 1 additional dwelling would be unlikely to enhance the vitality of the settlement. Moreover, the location of the appeal site is such that future residents would not have adequate opportunities to make the fullest possible use of public transport, walking and cycling and would be largely reliant on private car in order to support services within nearby villages and maintain or enhance the vitality of those communities. The proposal would thus fail to contribute towards managing sustainable patterns of growth and the proposal would not be consistent with the role, status and character of the settlement.
 11. The appellant makes reference to paragraph 28 of *the Framework* which seeks to promote the retention and development of local services and community facilities. However, paragraph 28 relates to creation of development plan policies, and is not relevant in respect of decision taking.
 12. I conclude, therefore, that the appeal site would not be suitable location for new housing having regard to reliance on private car. As a result, it would conflict with Policy A3 of the LP, paragraph 17 and paragraph 55 of *the Framework*.

Other Matters

13. The proposal would make a modest contribution towards boosting the supply of housing in the area. This would be an important social benefit. In addition, there would be some economic benefits during the construction phase and from spending from future residents. The proposal would also be located within an existing settlement and thus would not have a harmful effect on the character and appearance of the countryside. This is an environmental benefit.
14. However, I have found that considerable harm would arise as the proposal would not be a suitable location for housing having regard to reliance on private car and would conflict in that respect with Paragraphs 17, 29 and 55 of *the Framework*. Consequently, I find the proposal would fail to fulfil the environmental role of sustainability and having regard to paragraph 7 of *the Framework*, would not constitute sustainable development.
15. The Council indicates that it can currently demonstrate a five year supply of housing land. The appellant disputes this, though I have little substantive evidence to support that view. In any event, if the Council was unable to demonstrate a five year supply, when assessed against *the Framework* taken as a whole, I find the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits. Thus, the proposal would not constitute sustainable development.
16. I have considered a recent grant of planning permission¹ for 1 dwelling on nearby land at Briarwood, Gunby Road. I have, however, only been provided with a copy of the decision notice, application forms and site plan and I am unable to ascertain whether the circumstances in that case were directly comparable to the appeal before me here. In any case, I have determined this appeal on its own merits.

Conclusion

17. For the reasons given above I conclude that the appeal should be dismissed.

Jason Whitfield

INSPECTOR

¹ N/134/01812/16