
Appeal Decision

Site visit made on 4 April 2017

by Andrew McCormack BSc (Hons) MRTPI

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

Decision date: 6 June 2017

Appeal Ref: APP/B2002/W/17/3166465

Land off Ashby Lane, Ashby-cum-Fenby, Grimsby, North East Lincolnshire DN37 0RT

- 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 & Mrs Skiba against the decision of North East Lincolnshire Council.
 - The application Ref DM/0756/16/FUL, dated 28 July 2016, was refused by notice dated 5 December 2016.
 - The development proposed is the erection of 7 dwellings, including an attenuation pond, off street parking for users of the nearby Village Hall and a new public footpath.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The site is located outside of the defined settlement boundary as set out in the North East Lincolnshire Local Plan 2003 (Local Plan) and is therefore considered to be in the open countryside. In this regard, the proposed development would be contrary to Policy GEN2 of the Local Plan. However, the development limits were identified a considerable time ago. Due to the Council being unable to demonstrate a five year supply of housing land and in accordance with Paragraph 49 of the National Planning Policy Framework (the Framework), policies regarding housing supply within the Local Plan, including development limits, are considered to be out of date.
3. Accordingly, Paragraph 14 of the Framework applies. This states that planning permission is to be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework, taken as a whole. A core planning principle of the Framework, as set out in Paragraph 17, relates to the recognition of the intrinsic character and beauty of the countryside. In addition, Paragraph 58 seeks to ensure that development responds to local character. It is in this context that I have assessed this appeal.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

5. The appeal site is an open area of land situated at the northern end of the village. At the time of my visit, it appeared to be used as a paddock in relation to 'Park Close'. There are several tall and established trees along the eastern boundary of
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the site, known collectively as 'The Tunnel'. These trees are the subject of Tree Preservation Orders and I am led to understand that they form a valued and well known part of the village which typifies the rural and verdant character of the area. Beyond the trees and across Main Road is a further area of open land. To the south and west of the site there are a number of large detached residential properties on spacious plots. To the north, across Ashby Lane, there is open countryside and at the time of the site visit, the site was well screened by trees and hedgerows on either side of the adjacent lane.

6. It is evident and inevitable that the proposed development would have an impact on the existing open and rural character and appearance of the settlement and its local area, simply by constructing several new dwellings on the edge of the village. However, the appeal site forms an integral and prominent part of the entrance to the village and has a key role in defining the open and rural character and appearance of the locality.
7. Although having reduced weight in this appeal, the supporting text of Policy GEN2 recognises that areas of land outside development boundaries are important for their open character, landscape quality and the role they play in providing individual settings for settlements. In my view, the introduction of several large detached properties in this prominent location would significantly detract from the open and rural character and appearance of the surrounding countryside. Moreover, it would appear intrusive in its wider context and would undermine the prevailing open character around the entrance in to the village and its setting.
8. The effect of the trees known as 'The Tunnel' along Main Road provides a significant and characterful gateway into the settlement. Its impact is enhanced by the green and open spaces which are present behind the trees and hedgerows on either side, including the appeal site. I acknowledge that when in leaf the trees and hedgerows would screen much of these open areas. However, glimpsed views of the proposal would still be obtained due to the proximity of the proposed dwellings from the public lane. Furthermore, I find that in winter months when there are fewer leaves, the open areas behind the trees are likely to be more visible and prominent. As a result, the development of these areas including the appeal site would have a significant detrimental effect on the character and appearance of the entrance into the village and the wider area.
9. Notwithstanding the screening effect of the trees and hedgerows along Ashby Lane and Main Road when they are in leaf, when they are not in leaf the proposed dwellings would be seen from the public lane as it sweeps around the appeal site and would be evident when entering the village. Whilst I note the appellants' points relating to the positioning of the dwellings on the site, landscaping and the materials to be used, the scheme would still result in the loss of an area of open land which makes a significant contribution to the existing character and appearance of the area.
10. I note that the proposed access would result in the removal of four trees on the eastern boundary of the site which forms part of 'The Tunnel'. The effect of this, and the loss of the affected trees, would create a gap in the tree line and reduce the extent of the tunnel effect. As a result, it would have a substantial adverse impact on a key characteristic of the existing landscape and would greatly detract from the character and appearance of the settlement and its setting.
11. I appreciate the appellants' points relating to the scale and design of the proposed dwellings and how they would be comparable in terms of size to existing nearby properties. However, the prominent location of the dwellings and the materials to be used would make them highly visible. As a result, the existing open and rural

character of the immediate area would not only be substantially diminished but the visual amenity of the entrance into the village would also be significantly harmed.

12. The Framework and saved Policies GEN2 and H10 of the Local Plan have particular regard to protecting and maintaining the character of the area when considering development proposals. In this case, I find that the proposed development would have a significantly harmful effect on the visual amenity of the area and therefore its existing character and appearance. As a result, in my view, the proposal would fail to address the principles of good design set out within the Framework and in the relevant local plan policies.
13. The proposed development would provide seven new dwellings. The appellants' state that this would provide the opportunity for young people living in the village to remain rather than leave to find more affordable housing elsewhere and for older residents to downsize. In addition, it is argued that the scheme would assist the Council in providing essential housing within its area where it is currently unable to provide a five year supply of housing land. Notwithstanding this, having considered the evidence before me, I find that the proposal would have a significant harmful effect on the character and appearance of the village and its surrounding area. As a result, I find that the resultant harm I have identified would significantly and demonstrably outweigh the benefits of the proposal.
14. Consequently, I conclude that the proposed development would have a significant harmful effect of the character and appearance of the site, village and surrounding area. Therefore, it would be contrary to saved Policies GEN2 and H10 of the Local Plan and the relevant guidance within the National Planning Policy Framework. Amongst other matters, these policies and guidance seek to ensure that development has no significant adverse impact on its surroundings and protects and maintains the character of the area.

Other Matters

15. Both parties have referred to planning applications and appeal decisions relating to other proposals and developments. Notwithstanding this, I note that these relate to single dwellings as well as schemes outside of the settlement boundary, amongst other matters. Furthermore, I have not been provided with the full details of the circumstances of each case. As such, I cannot be certain that they are directly comparable with the appeal proposal. Nonetheless, I confirm that I have had regard to these cases and have given them due weight in making my decision. However, whilst I appreciate the points made in relation to the other cases, I must consider the proposal before me on its own merits. Accordingly, I confirm that I have undertaken my own assessment of the appeal scheme and the evidence before me and made my decision on this basis.
16. Whilst I am aware of the appellant's reference to the presumption in favour of sustainable development, given my conclusion on the main issue, I am not persuaded that the proposal would represent the sustainable development that the Framework indicates should be approved without delay.

Conclusion

17. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Andrew McCormack

INSPECTOR