



Appeal Decision

Site visit made on 23 May 2017

by Mike Worden BA (Hons) DipTP MRTPI

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

Decision date: 3rd July 2017

Appeal Ref: APP/B2002/W/17/3168961

Ash Holt, Waithe Lane, Brigsley, Grimsby DN37 0RJ

- 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 Mr P. J. Pearson against the decision of North East Lincolnshire Council.
 - The application Ref DM/0453/16/OUT, dated 11 May 2016, was refused by notice dated 30 August 2016.
 - The development proposed is erection of a single two storey dwelling with associated garaging and a new vehicular access.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are the effect of the proposed development on the character and appearance of the area and; whether or not it would be a sustainable location for development, having regard to the National Planning Policy Framework.

Reasons

Character and appearance

3. The proposed development is for single house within the garden area of Ash Holt, a substantial property with extensive grounds and a number of outbuildings. There would be a new access created on to Waithe Lane, a single track road leading out of Brigsley. A group of trees, subject to a Tree Preservation Order, separate the house at Ash Holt from this part of its garden. On the opposite side, the appeal site is separated from the neighbouring property, Maple Grove, by a hedge.
 4. The appeal site has a frontage to Waithe Lane and is separated from the road by a grass bank and mature trees. Opposite the appeal site, on the northern side of Waithe Lane, there is open farmland behind an established hedgerow. The site lies outside of the core of the village and the defined village envelope as set out in the North East Lincolnshire Local Plan 2003 (the Local Plan). In planning terms it is therefore located within the open countryside.
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5. The character of the appeal site, as shaped by its distance from the village, the unbroken grass bank, the trees along the Waithe Lane frontage, the absence of domesticated features, its open form, and the open farmland opposite, notwithstanding the presence of a 30 mph speed limit, is one of a countryside nature
6. The proposed development by virtue of the erection of a new house and the creation of a new vehicular access onto Waithe Lane would alter the countryside character of the site when seen from Waithe Lane. It would also intensify the built form along Waithe Lane and fill in an important gap between Maple Grove and Ash Holt. This intensification would give a sense of extending the settlement outwards from its core, and have a harmful impact upon the open countryside character of the lane at this point.
7. It would therefore not accord with saved Policy GEN2 of the Local Plan which seeks to protect the open countryside from inappropriate development. Whilst noting that this policy could be construed to be a policy for the supply of housing, I nevertheless consider that it is generally consistent with paragraph 55 of the National Planning Policy Framework (the Framework) in that it seeks to avoid new isolated homes in the countryside and focus new housing in areas where it would enhance or maintain the vitality of rural communities. I therefore afford Policy GEN2 significant weight.
8. I also consider that the defined settlement boundary for the village, which is part of saved Policy GEN2 of the Local Plan, is not out of date given the above reasons and that it has not been extended, as part of the process to date of preparing the village inset boundaries for the new local plan for the district.

Sustainable location for development

9. Brigsley has a limited range of services and facilities. Whilst there is a church, a vehicle repair workshop, and an ice cream shop, there are no other shops, post office, school or medical facilities. The main road which runs through the village is on a bus route which connects to the larger village of Waltham where there is a wider range of services and facilities.
10. The appeal site lies outside of the core of the village and Waithe Lane, between the appeal site and the village, does not have a footpath, and is not lit. These factors mean that it is more likely that future occupants of the house at the appeal site would tend to use a private car to access facilities rather than walk to the bus stop on the main road. For these reasons, I conclude that the appeal site is not a sustainable location for development having regard to paragraph 55 of the Framework.

Other matters

11. The appellant has drawn my attention to a number of planning approvals and appeal decisions within, and close to, the neighbouring village of Ashby cum Fenby and further afield in the district. I visited those sites in Ashby cum Fenby referred to by the appellant and consider that they, as with the other sites in the district drawn to my attention, have different characteristics to the appeal site. For example the site at Glebe Road/Shaw Drive Scartho is in a suburban location and was for 160 dwellings, the Millennium Park Humberston site is on the edge of town and was for 46 dwellings, the Keystone proposal was for 400 dwellings on the edge of the urban area, whilst the proposal at

Station Road Waltham was for 51 dwellings on the edge of a large suburbanised village just outside Grimsby. All of these sites and proposals differ significantly from the proposal for one dwelling before me.

12. The sites in Ashby cum Fenby referred to me are more rural in nature than those in Humberston, Scartho and Waltham. However the sites on Chapel Lane and Post Office Lane are located more within the body of the village than is the appeal site in relation to Brigsley. The site at Main Road is closer to the village core on a wider road than Waithe Lane and is directly opposite existing housing which gives it a clear sense of being part of the village.
13. In any case, I have considered this case on the evidence before me and on its individual merits.

Planning Balance

14. The Council accepts that it cannot demonstrate that it has a 5 year supply of housing land and has indicated that its supply is around 2.5 years. This brings into play paragraph 49 of the Framework. The primary purpose of paragraph 49, as clarified recently in the Supreme Court judgement¹, is to trigger the operation of the tilted planning balance set out in paragraph 14 of the Framework. This requires permission to be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole.
15. I have found that the proposed development would be in an unsustainable location, outside of the existing and presently proposed settlement boundary, and would be harmful to the character and appearance of the area. This latter issue brings the proposed development into conflict with Policy GEN2 to which I have afforded significant weight.
16. In favour of the proposal would be a small benefit in terms of providing housing in a district where there is an acknowledged shortfall of housing supply, which would bring a small benefit in terms of the social and economic strands of sustainability.
17. Overall however, I consider that the identified adverse impacts would significantly and demonstrably outweigh the benefits. The proposed development would not therefore represent sustainable development.

Conclusion

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

Mike Worden

INSPECTOR

¹ Suffolk Coastal District Council v Hopkins Homes Ltd and another, Richborough Estates Partnership LLP and another v Cheshire East Borough Council, United Kingdom Supreme Court UKSC 37 2017