
Appeal Decision

Site visit made on 14 June 2017

by S J Lee BA(Hons) MA MRTPI

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

Decision date: 5th July 2017

Appeal Ref: APP/D2510/W/17/3172338

Lilacs, Willoughby Road, Cumberworth LN13 9LF

- 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 Paul Wooster, JF Wooster Construction Ltd against the decision of East Lindsey District Council.
 - The application Ref N/040/01838/16, dated 6 September 2016, was refused by notice dated 2 November 2016.
 - The development proposed was originally described as the "erection of 4no dwellings on the site, including the upgrade of the access to highways specification, and the provision of on-site drainage".
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. In Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Main Issues

3. The main issues are whether the development would accord with local and national policies on housing in rural areas, with particular regard to:
 - Access to everyday services and facilities by a range of means of transport; and
 - The character and appearance of the area.

Reasons

Access to facilities

4. The appeal site is an open rectangular field bounded by verdant mature landscaping on the edge of the small settlement of Cumberworth. This is identified as a small village by saved Policy A3 of the East Lindsey Local Plan Alteration (LP) (1999). There is no defined boundary for the village. However, the site is beyond The Lilacs, which is the last dwelling for some distance on the south side of Willoughby Road and which creates a clear and definitive edge to the built form of the village on this side of the road. There are dwellings and

a small caravan park opposite part of the site, but these do not alter my view that for the purposes of local and national policy, the site should be considered to be in the open countryside.

5. Policy A3 establishes a settlement hierarchy that seeks to focus development into Towns and Main Villages. The policy indicates that new development in small villages will principally aim to bolster existing community facilities and services, and should be focused on meeting identified local needs, as opposed to speculative or wider market needs that may be met more appropriately elsewhere. There is nothing before which suggests the development would be meeting identified local needs. This policy is in broad conformity with the National Planning Policy Framework (the Framework) in terms of focussing development into locations with good access to services and facilities and seeking to enhance or maintain the vitality of rural communities.
6. The Council's 'village facilities survey' (VSC) scores Cumberworth very low in terms of any local service or facility provision. There is nothing within the village that could be considered to meet the everyday needs of residents in terms of shopping, education, healthcare, leisure or significant employment. It would therefore be necessary for future occupants to travel outside the village to meet the majority of their daily living needs.
7. The appellant has identified a number of settlements which range in distance from between 1.5km to 7.5km that would be able to provide a range of facilities and services. None of these would be within a reasonable walking distance of the site. In addition, the narrow unlit country lanes around the village are also unlikely to encourage walking or cycling as a realistic alternative to the car for most day-to-day trips.
8. A bus timetable has been provided which suggests the only public transport provision is a demand responsive service which must be booked more than 2 hours in advance. Whilst the timetable suggests a number of potential time slots for this, the need to book so far in advance would be likely to limit its appeal and the likelihood of it being considered a reasonable or realistic alternative to the car for the majority of everyday trips.
9. When considering the level of service provision in Cumberworth, the relatively poor access to public transport and the distance to other settlements, it is likely that there would be a reliance on the private car from this location for the majority of daily trips. Whilst this is not necessarily unusual in rural areas, allowing development in this location would only lead to a cumulative increase in the number and distance of less sustainable trips in the area.
10. Paragraph 55 of the Framework states that to promote sustainable development in rural areas, development should be located where it can maintain or enhance the vitality of rural communities. An example given is where there are groups of smaller settlements, development in one may support services in a village nearby. It also states that isolated homes in the countryside should be avoided unless they meet one of a number of 'special circumstances'.
11. It is not clear how the addition of four dwellings to the edge of Cumberworth would serve to revitalise the village. Other than a small increase in population, there would be no tangible benefits for Cumberworth itself the by allowing

development in this location. Development of this scale is unlikely to attract new services or facilities.

12. The appellant considers that by being near to a number of higher order settlements, the development would meet the requirements of the Framework. I recognise that future occupants would be likely to access services within some or all of these settlements. However, an additional four dwellings would not have a significant effect on their vitality. Moreover, there is nothing before me which suggests that the vitality of any of the settlements identified is under threat such that the delivery of four dwellings in the open countryside would provide any particular benefit. The reliance on the car would also suggest little functional link or connection between the site and any particular settlement or set of services. This would further dilute the already limited benefits that might be derived from the development. As such, the effect on the vitality of communities outside Cumberworth would be negligible.
13. There is no definition of 'isolated' within the Framework. The site would clearly not be lonely or remote from other dwellings. However, in my experience this is only one aspect of what should logically be assessed in the context of paragraph 55. The other is whether housing would be functionally isolated relative to services and facilities. Cumberworth does not contribute to local service provision in any meaningful way. The lack of services and facilities within the village, the likely reliance on the car and the relative distances to other settlements leads me to conclude that the appeal site should be considered functionally isolated. There is no suggestion that the development would meet any of the special circumstances required by paragraph 55.
14. In conclusion, the development would not provide appropriate access to everyday services by a range of means of transport, contrary to the requirements of paragraph 17 of the Framework which seeks, amongst other things, for growth to be managed to make the fullest possible use of public transport, walking and cycling. It would also result in a functionally isolated development in the countryside which would not serve to maintain or enhance rural communities in conflict with paragraph 55 of the Framework. Whilst not specifically referred to in the Council's decision notice, the development would also conflict with LP Policy A3 which seeks to locate development in the most sustainable locations.

Character and appearance

15. Cumberworth is essentially a small loose-knit collection of dwellings strung out in a largely linear fashion along Willoughby Road. It has an overwhelmingly rural character. There are open fields, two dwellings and a caravan park opposite the site, with a scattering of dwellings further along Willoughby Road which are clearly separate from the village itself. There are open fields to the rear and one side of the site, and The Lilacs to the other.
16. The development would not represent infill between The Lilacs and The Beeches further along the lane, but rather would represent an extension of the built form of the village and an encroachment into the open countryside. The retention of the existing landscaping around the site would provide some screening, but the urbanisation of the site would still be clear, not only in terms of the buildings but also from the increased hardstanding and domestic paraphernalia associated with the dwellings and a more engineered access.

17. I recognise there has been some attempt to create a rural look and feel to the development in terms of building styles and materials. Nonetheless, the arrangement of the dwellings in largely linear and regular pattern across the site would result in a somewhat contrived overall form of development.
18. Irrespective of the design of the dwellings, the single point of access and layout behind significant levels of screening would give the impression of a small estate. This would appear disconnected and poorly related to the existing built form of the village. This would not be characteristic of the majority of dwellings I saw in the village which have individual accesses onto the street. The development would therefore appear as an unsympathetic and uncharacteristic extension to the settlement with little regard for its overall character. It would also significantly diminish the contrast between the settlement and the countryside and erode the rural setting of the village.
19. I therefore find that the development would have an unacceptable impact on the character and appearance of the area. Accordingly, there would be conflict with LP Policy A5 which seeks to ensure development does not detract from the distinctive character of the area. There would also be conflict with the Framework, particularly paragraph 58 which expects development to respond to local character and paragraph 17 which, amongst other things, recognises the intrinsic beauty of the countryside. Although the Council has referred to paragraph 109 in their decision notice, the officer report found no harm in relation to impacts on biodiversity that could not be addressed by condition. Having seen nothing to lead me to a different conclusion, I see no conflict with this element of the Framework.

Other matters

20. Pre-application discussions are generally made without prejudice to any final decision. Nonetheless, the Council made the appellant aware of their concerns over the principle of development in this location. These exchanges do not lead me to change my views of the development.
21. Any sign of former buildings on the site have gone and there is nothing to suggest the site should be considered previously developed in the context of the Framework. Whilst it may not be a ploughed field, it is still clearly part of the open countryside that makes a positive contribution to the rural setting of the village.
22. The appellant has drawn my attention to a permission within the village. I do not have the full details of the Council's consideration of this proposal. However, there are clear differences. The permitted scheme would constitute small scale infill within the village as opposed to encroachment of the built form into the countryside. While there would be obvious similarities in terms of access to facilities, this does not justify further cumulative growth in a location with poor access to facilities by a range of modes of transport.
23. The proposal would make a modest contribution to the housing land supply, to which I have given moderate weight. There would also be limited economic benefits in terms of increased expenditure in services somewhere and, in the short term, construction. However, such benefits are outweighed by the poor relationship of the site to services and facilities and the likely reliance on the private car. This conflicts with both the social and environmental roles of sustainable development in terms of ensuring good access to facilities and

moving toward a low carbon economy. I have also found significant harm in relation to the effect on character and appearance which would conflict with the environmental role of sustainable development.

24. When the application was originally considered the Council acknowledged it did not have a five year supply of housing land as required by paragraph 47 of the Framework. Based on more recent data they now suggest that they can meet this requirement. The appellant has not disputed this. Nevertheless, even if the Council were not able to demonstrate a five year supply, the adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole. Thus the proposal does not represent sustainable development and paragraph 14 of the Framework would not indicate permission should be granted in any event.

Conclusion

25. Taking everything into account, in the circumstances of this appeal the material considerations considered above do not justify making a decision other than in accordance with the development plan. For these reasons, the appeal should be dismissed.

S J Lee

INSPECTOR