
Appeal Decision

Site visit made on 14 August 2017

by Helen Hockenhull BA(Hons) B.PI MRTPI

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

Decision date: 06 September 2017

Appeal Ref: APP/D2510/W/17/3175723

Willowmere Park, Hawthorn Hill, Dogdyke LN4 4YA

- 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 D & R Developments against the decision of East Lindsey District Council.
 - The application Ref S/035/01956/16, dated 22 September 2016, was refused by notice dated 17 November 2016.
 - The development proposed is the change of use of land for the siting of five residential caravans.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of land for the siting of five residential caravans at Willowmere Park, Hawthorn Hill, Dogdyke LN4 4YA in accordance with the terms of the application, Ref S/035/01956/16, dated 22 September 2016, and the plans submitted with it, subject to the conditions in the attached schedule.

Main Issue

2. The main issue in this case is whether the appeal site forms an appropriate location for residential development, having regard to national and local planning policies.

Reasons

3. Hawthorn Hill is described as a small village in Saved Policy A3 of the East Lindsey Local Plan Alteration 1999 (the Local Plan). This policy sets out the settlement hierarchy for the district. In the supporting text it explains that small villages do not have well developed basic services and facilities to support much new housing development and that significant levels of new housing cannot be accommodated without seriously harming the character of the village. Saved Policy A3 is consistent with the National Planning Policy Framework (the Framework) in that it allows for some sustainable development in small villages providing its location, character, function, scale, design and operation would be consistent with the role, status and character of the settlement.
4. The supporting text to Saved Policy A3 explains that the Council sees new development in small villages as essentially meeting local need rather than helping to satisfy a wider demand which can be adequately catered for elsewhere. The appellant has argued that the residential caravans would meet this local need, providing low cost housing. Saved Policy H6 of the Local Plan

aims to make provision for the needs of those who do not have the means to afford open market housing. Criterion 3 of the Policy makes reference to new residential mobile homes. I am advised by the Council that the evidence base for the emerging local plan does not identify a need to allocate land for additional park homes in the borough. Whilst I accept that park homes can provide a low cost form of housing, I have no evidence before me that there is a local need in this area for such accommodation. I therefore consider that the proposal would not accord with Saved Policy A3.

5. I am advised by the Council that in the emerging Draft Core Strategy, which is currently at Examination stage, Hawthorn Hill is proposed to be downgraded to a hamlet where no new housing is proposed or permitted. In light of the stage at which the emerging local plan has reached I agree with the Council that this document should be given limited weight in this appeal.
6. At the time that the original planning application was determined the Council acknowledged that it did not have a five year supply of housing land. However in January 2017 the Council published an updated housing supply position statement which concluded that a 5.25 years supply could be demonstrated. This figure included a windfall allowance of 15 %. The appellant has challenged this supply figure, in particular the high level of windfall sites.
7. The Council has provided a breakdown of the supply between 2010 and 2016 to demonstrate that windfalls in the district have always been high. The amount of housing development on windfall sites as a commitment, ie with planning permissions or commenced on site as at January 2017 was 3494 dwellings. The Council considers that 2173 of these new homes would be deliverable in the next 5 years. On the basis of the evidence before me, I do not consider that the 15% windfall figure assumed by the Council would be unreasonable. Accordingly as the Council can demonstrate a 5 year supply of housing land, paragraph 49 of the Framework is not engaged. As a policy relevant for the supply of housing, saved Policy A3 is therefore not out of date.
8. Paragraph 55 of the Framework aims to promote sustainable development in rural areas and states that housing should be located where it will enhance or maintain the vitality of rural communities. Local planning authorities should avoid isolated new homes in the countryside unless there are special circumstances. The Framework does not explain the meaning of 'isolated'. However it is common ground that the appeal site, which lies on the edge of the village close to an existing residential caravan site would not be physically isolated. The dispute in this case is whether the site is isolated in terms of poor accessibility to services and facilities.
9. Hawthorn Hill itself has no shops or services so that residents need to travel further afield to other larger settlements. Coningsby is located around 2.5 miles to the north and provides a primary and secondary school, doctors, pharmacy, supermarkets, butchers, bank, dentist, pubs and hairdressers. Approximately 3 miles away is the village of Tattershall where further shops and services can be found.
10. The village is served by public transport with the nearest stops to the appeal site being located on New York Road, approximately 450 metres away, a 6 minute walk. I am advised that a school bus service can be accessed from here (Bus 104) which serves both the primary and secondary school in Coningsby. There is also an hourly service between Lincoln and Boston (Bus

B15 and Interconnect 5), which provides access to Coningsby and to Tattershall.

11. I note that Bus B15 and IC5 operate between 7.35 am and 19.05 pm and there is no Sunday service. The bus frequency would mean that it would not be possible for someone working in Boston, around 12 miles away, to arrive before 9am. However it would provide transport for someone working in Coningsby itself or at Coningsby Airfield. The appellant further advises that the bus service would provide transport for anyone employed in Tattershall or at Tattershall Lakes Holiday Park, a significant local employer. However the service would not provide a transport option for anyone working in the evening or on Sundays or for residents of the village wishing to access leisure or social pursuits at such times.
12. I noted on my site visit that local roads have no footways and are generally unlit. Future residents would therefore be unlikely to walk the 2.5 mile distance to Coningsby to access the services it provides, particularly if they have mobility issues or would be accompanied by small children. Whilst cycling to Coningsby could be a feasible option for some, the lack of street lighting would make this choice of transport less likely in the evening or in poor weather.
13. I am mindful that paragraph 29 of the Framework which promotes sustainable transport, advises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas. In this case whilst I accept the public transport provision would have limitations, it would provide for the daily needs of many residents wishing to go to Coningsby during the day to visit the shops, the doctors or other local services.
14. Nonetheless, I consider that future residents would be dependent on the car particularly in the evening and on Sundays. The proposed development would therefore be contrary to paragraphs 7 and 17 of the Framework which aim to make the fullest possible use of public transport, walking and cycling and to promote a low carbon future.
15. Notwithstanding the above, I am mindful that the appeal site has an extent planning permission for two 4 bedroom dwellings. This was granted in 2006 and the development commenced but not completed. The appellant has advised that should this appeal fail this proposal would form a viable fall-back position.
16. The Transport Assessment provided by the appellant considers the potential traffic generated by the two approved dwellings and the proposed 5 residential caravans. Based on the trip calculation for the existing park homes on Willowmere Park, it is concluded that the total daily trips from the proposed park homes would be less than that for the 2 permitted dwellings. I note that the Transport Assessment was submitted after the Council's decision and it was not therefore considered by the Council or commented upon by the Highway Authority. I have no evidence before me to dispute the findings. I note the reference in the document to a similar park home site in Bracknell where the average trip generation was found to be of a similar level.
17. I therefore conclude that the appeal proposal would not result in any increase in car journeys above that associated with the approved dwellings. In terms of

the Frameworks objective to promote a low carbon future there would be no material additional harm.

18. The Council has brought my attention to an appeal for a detached dwelling on a site in Scrub Hill¹, a nearby village. This raised similar issues with regard to accessibility and the provision of public transport. However this appeal related to a large family dwelling which, bearing in mind the appellant's Transport Assessment, would have generated different levels of traffic to the proposed residential caravans. Whilst there are some parallels with the appeal case, I do not consider that this appeal is directly comparable to the case before me. In any event each proposal should be considered on its own merits.
19. Paragraph 55 of the Framework recognises that development in one village can support the services in a village nearby. In this case I consider that the development of five residential caravans would achieve this in respect to Coningsby, particularly bearing in mind that public transport would provide access to the shops and services during the day.
20. In conclusion, whilst I acknowledge the shortcomings of the sites location in terms of the frequency of public transport at certain times, bearing in mind the extant planning permission, I consider that the appeal site would form an appropriate location for residential development.

Other Matters

21. The appellant has put forward the view that the appeal site forms previously developed land because of the foundations that have been built for the two dwellings for which an extant planning permission exists. The Council has questioned whether the operational works undertaken on the appeal site can be regarded as structures meeting the definition of previously developed land in the Glossary to the Framework. It appears to me that the foundations in place are not a temporary development of the land. They are permanent and in themselves show that development has previously taken place. I therefore take the view that, bearing in mind the Framework definition, the land has been previously developed.
22. Section 124 of the Housing and Planning Act 2016 places a duty on local housing authorities to consider the needs of people residing in, or resorting to, their district with respect to the provision of sites on which caravans can be stationed. The appellant has submitted that the proposed development would assist to meet the need for this type of accommodation and assist the Council to discharge this duty. I am advised by the Council that their Strategic Housing Market Assessment identifies the scale and mix of housing and the range of tenures that the population of the district is likely to need over the period of the emerging Local Plan. The document did not consider that this specific type of housing would target a clear identified need within the district. I have no reason to disagree with this assessment.

Conclusion

23. I have found that the appeal proposal would conflict with Saved Policy A3 and the sustainable transport objectives of the Framework. However a material consideration in this case is the extant planning permission for two dwellings on the site. The traffic likely to be generated by the appeal proposal would be

¹ APP/D2510/W/16/3151196

less than that of the permitted development. Having regard to the level and frequency of public transport that serves Hawthorn Hill, and the extent that future residents would be able support the services and facilities in Coningsby, I consider that overall the appeal site would form an appropriate location for residential development.

24. The Council can demonstrate a five year supply of housing land. The contribution that 5 residential caravans can make to the boosting the supply of housing in the district, weighs in favour of the scheme. The development would not cause any environmental harm and I note that the Council considers that the proposal would be seen in the visual context of the existing caravan site and would cause no harm to the character of the area. A Flood Risk Assessment has been submitted by the appellant which considers the risk of flooding to be low.
25. Therefore in light of the evidence before me, I consider that in this case, there are material considerations which indicate that the development should be determined other than in accordance with the development plan. Accordingly I conclude that the appeal should succeed.
26. The Council have not suggested any conditions should the appeal be allowed. The appellant however, has suggested the imposition of a condition requiring the submission of a landscaping scheme in addition to the standard timeframe condition. I consider this to be appropriate and necessary to protect the character and appearance of the surrounding area together with a condition to ensure its future maintenance.
27. For the reasons given above and having had regard to all other matters raised I allow this appeal.

Helen Hockenhull

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - i) means of enclosure and boundary treatments;
 - ii) vehicle parking layouts;
 - iii) other vehicle and pedestrian access and circulation areas;
 - iv) hard surfacing materials;
 - v) soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate.
 - vi) lighting
 - vii) an implementation programme, [including phasing of work where relevant].

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme.

- 3) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.