
Appeal Decision

Site visit made on 24 October 2017

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

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

Decision date: 10 November 2017

Appeal Ref: APP/D2510/W/17/3179323

Manna Farm, Louth Road, Fotherby, Louth LN11 0UG

- 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 & Mrs Benson against the decision of East Lindsey District Council.
 - The application Ref N/052/00263/17, dated 16 February 2017, was refused by notice dated 28 March 2017.
 - The development proposed is described as outline erection of up to 8 dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application is in outline with all matters reserved for future consideration. Drawings showing an indicative site layout and position of proposed access drives off Louth Road were submitted with the application. I have had regard to these in the determination of this appeal.

Main Issues

3. The main issues are:
 - Whether the proposal would constitute a sustainable form of development having regard to the national planning policies and the Council's spatial strategy for new housing.
 - The effect of the proposed development on the character and appearance of surrounding area and the natural beauty of the Lincolnshire Wolds Area of Outstanding Natural Beauty.

Reasons

Sustainable development

4. The appeal site comprises part of an existing agricultural field extending along the western side of Louth Road and located immediately to the north west of the village of Fotherby. Open countryside lies to the north and west. The Council indicate that the village boundary in the vicinity of the appeal site is formed by the eastern side of Louth Road and as such the site lies within open countryside. The site is also located within the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB).

5. The indicative plans show that the site is capable of accommodating four detached and four semi-detached dwellings extending in a linear ribbon development pattern along the western side of the road. A planting strip is proposed around the north and west boundary with the remaining field. The southern boundary would adjoin the property boundary of Rowan House which is currently the last residential property that is located close to, and north of, the village on this side of Louth Road.
6. The Council suggests that 'Local Plan Monitoring Framework Authority Monitoring Report 2016 to 2017' demonstrates that a five year supply of land for housing within the District is achieved and therefore the saved policies in the East Lindsey Local Plan, Alteration 1999 (Local Plan) in relation to the supply of housing can be considered up to date and afforded weight in the decision making process. I have no other evidence to suggest the Council's position on five year housing land supply may be incorrect.
7. Saved Policy A3 of the Local Plan provides a settlement hierarchy for the District and identifies Fotherby as a medium sized village where development will be permitted (subject to other policies in the Plan and any other material considerations), provided its location, character, function, scale, design and operation are all consistent with the role, status and character of the settlement. The supporting text to the policy indicates that many medium sized villages have seen declining local services and job opportunities over the years and a corresponding increase in demand for commuter and retirement homes. The Council sees the need to help revitalise many of these villages without harming their character or that of the surrounding countryside.
8. Paragraph 7 of the National Planning Policy Framework (the Framework) advises that there are three dimensions to sustainable development: economic, social and environmental. Whilst it may be possible to deliver positive gains to one of these, this should not be to the detriment of another. In order to achieve sustainable development, the Framework advises that the planning system should ensure that economic, social and environmental gains are sought jointly and simultaneously. I will now consider each of these in turn.
9. The proposed development would generate short term employment opportunities during the construction phase and the occupation of the dwellings would provide a limited contribution to help support local services. These economic and social benefits would gain some support from the Framework. However, these benefits must be balanced against any adverse impacts.
10. The appeal site is connected to the village by a footpath and within approximately 200m are bus stops providing public transport to Louth and Grimsby. Although Fotherby has a small range of services including a shop, community hall and a place of worship, it is clear that the village is not sustainably located. Realistically I consider that development in this location would inevitably lead to regular travel outside the village primarily by private car to access a wider range of services.
11. The environmental dimension of sustainability includes the need to move to a low carbon economy. Whilst the future occupants of the dwellings would make use of the services and facilities in nearby settlements which would support their vitality, they would be doing so using unsustainable transport means. Notwithstanding the proximity of site to the village and bus stops, the indicative plans clearly show that the development would make substantial

provision or car parking and garaging. I consider that future residents would be reliant on car use to a considerable extent and would therefore not meet the environmental dimension of sustainability.

12. A key function of village boundaries is to define the interface between settlements and the open countryside. The supporting text to the Fotherby Inset Map identifies the Council's approach to prevent development from extending the village into open countryside. In this case, the fact remains that the proposed development lies outside of the defined settlement boundary and would extend the village into the open countryside.
13. Taking these factors into account, I consider that building on a greenfield site within the countryside and being contrary to the locational strategy of the development plan would not accord with the environmental dimension of sustainability. The proposal would constitute an unacceptable extension of the built up frontage of the village into open countryside which would undermine the spatial integrity of the development plan and the ability of the Council to deliver a truly plan-led approach. These factors outweigh the limited social and economic benefits.
14. Taking the above factors into account, the proposed development would not fully enable the three dimensions of sustainability to be jointly and simultaneously achieved. Consequently, I find that the proposal would not lead to a sustainable form of development. As such, it would be contrary to Saved Policy A3 of the Local Plan and paragraphs 17 and 55 of the Framework.

Character and appearance

15. The appeal site, and those parts of the village located to the east of Louth Road, lie within the AONB. It also lies within the Holton le Clay to Great Steeping Middle Marsh Landscape Character Area as defined in the East Lindsey Character Assessment, July 2009 (LCA) which advises that the overall landscape character sensitivity for the area is moderate to high.
16. The appeal comprises part of an open field that offers views to the countryside to the north and east. It occupies a position at transition of built development with the open countryside. The proposal would create an unsympathetic linear protrusion of built development into the open countryside. The current rural appearance of the site would be lost with resultant urbanisation of this part of the countryside such that the appearance and rural character of the area in both views from the road and the wider countryside would be unacceptably changed.
17. I have taken into account the Landscape and Visual Impact Appraisal submitted by the appellant. I agree within the wider context of the AONB the relative small scale nature of the proposal would have a negligible effect on the character of the AONB. However, in the local context the proposal would fundamentally and unacceptably alter the character of this part of the AONB by the prominent protrusion of linear development into the rural landscape. It would erode the open character of this part of the field, the access to views beyond, and unacceptably change the localised character of the approach to the village. Although screen planting is proposed along the northern and western boundary of the site, I consider that this would be an alien feature within this part of the rural landscape and would add to the incongruity of the development within the open field.

18. I have also taken into account the statutory duty to conserve and enhance the natural beauty of AONB's, as set out in Section 85 of the Wildlife and Countryside Act 2000, and paragraph 115 of the Framework which states that great weight should be given to the conserving landscape and scenic beauty in an AONB which have the highest status of protection in relation to landscape and scenic beauty. For the reasons set out above, the proposal would introduce a suburban form of development into the open countryside that would fail to conserve the landscape and scenic beauty of the AONB. Furthermore, due to the harm that the proposed development would cause to the character and appearance of the AONB it would not promote the environmental dimension of sustainable development referred to in paragraph 7 of the Framework.
19. I therefore conclude that the proposed development would have a harmful effect on the character and appearance of the surrounding area and would not conserve or enhance the natural beauty of the AONB. It would therefore conflict with Saved Policies A3, A4, and C11 of the Local Plan. These policies, amongst other things, seek to ensure that new development does not detract from the distinctive character of the area and the distinctive characteristics of the landscape within the AONB and is consistent with the character of the settlement. The proposal would also conflict with paragraph 115 of the Framework, the aims of which are set out above.

Other matters

20. I have taken into account the other appeal decisions, and decisions taken by the Council, referred to by the appellant where planning permission has been granted for new housing development. The Council indicate that these predominantly were made at a time when a five year supply of land for housing could not be demonstrated, comprised infill development within settlements or had different site context to that in this appeal. Notwithstanding the Council's view of the of the differing planning policy context that applied to these developments, I do not have full details of the nature of the proposals or the site circumstances which led to these being considered acceptable. As such, I cannot be sure that they are directly comparable to the circumstances in this appeal. I have therefore afforded them only limited weight. In any event, I have determined this appeal on its own individual merits.

Conclusion

21. I consider that the proposed development would not be consistent with the principles of sustainable development. In addition, it would have a harmful effect on the character and appearance of the surrounding area and would not conserve or enhance the natural beauty of the AONB. These adverse effects would significantly and demonstrably outweigh the benefits of the limited contribution that the proposal would make to housing supply. For the above reasons, taking into account the development plan as a whole based on the evidence before me and all other matters raised, I conclude that the appeal should be dismissed.

Stephen Normington

INSPECTOR