



Appeal Decision

Site visit made on 19 August 2019

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 25th October 2019

Appeal Ref: APP/Y2003/W/19/3220124

27 Church Street, Duke William Hotel, Haxey DN9 2HY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Mr Paul Chapman against the decision of North Lincolnshire Council.
 - The application Ref: PA/2018/814, dated 20 April 2018, was refused by notice dated 1 November 2018.
 - The development proposed is described as 'residential development comprising erection of 7 No. two-bedroom detached bungalows, change of use of main building of The Duke William Motel to residential use and erection of a two-storey detached house adjacent to the motel on the front side. The existing side extension of the main building and chalets at the rear would be demolished'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - a) the character and appearance of the area, including its effect on the Isle of Axholme Area of Special Historic Landscape Interest (ASHLI) and the 23 and 25 Church Street Grade II Listed building (LB); and
 - b) the living conditions of neighbouring and future occupants.

Reasons

Character and Appearance

3. The appeal site comprises a public house, with a row of modern single-storey motel chalets and a large car park area to the rear. It is located towards the western end of the village of Haxey. Church Street has a mix of residential properties, two public houses including the appeal property, a church with a green in front of it and a pharmacy. The Northside public footpath runs between the rear boundary of the site and an arable field.
4. Approximately the northern third of the appeal site is defined as being outside the settlement's development limit, and within the ASHLI¹. The ASHLI is an undesignated heritage asset of historic and archaeological interest, with

¹ As per the North Lincolnshire Housing and Employment Land Allocations Development Plan Document (2016) (LADPD).

Ancient Open Strip Fields (AOSF) forming its historic core. The significance of the ASHLI lies in the historic evolution of the medieval landscape of AOSF, reflecting the open-field farming system, along with turbaries and the overall settlement pattern of the area. The AOSF are part of the distinctive historic setting of Haxey.

5. The row of chalets and the carpark area on the site, which are both within and adjacent to the ASHLI, are together somewhat stark in appearance. These elements are not obvious visual cues to an ancient verdant strip field landscape. Nevertheless, there is an integral spaciousness to the ASHLI, to which the extent of the appeal site which is free from buildings contributes. Taking the above together, I consider that the appeal site makes a modest contribution to the significance of the ASHLI non-designated heritage asset.
6. The Duke William's main building has an attractive and traditional looking front facade, with symmetrical fenestration, mellowed red brick and traditional looking doorway with lantern and signage. The frontage of the Duke William forms part of a cluster of spaces and buildings, including the adjoining 23 and 25 Church Street Grade II LB, which provide a historic feel to the western end of Church Street.
7. The backland area situated between Church Street and the Northside footpath, east of Nicholas House and west of Holme Dene, includes a substantial proportion of broadly rectangular spaces, free from buildings. The spaces comprise verdant areas of land, including gardens, and the carpark area to the rear of the Duke William pub. Together they form a 'patchwork' of rectangular backland spaces, which is echoed on the southern side of Church Street. The patchwork combines with arable fields to the north of Northside to create a 'tide' of space which 'breaks' across Northside in a southerly direction, straddling the boundary of the ASHLI. The result is a somewhat idiosyncratic spaciousness, which is a distinctive characteristic of land either side of the central and eastern stretches of Church Street, which makes up much of the historic core of the village of Haxey, and to which the appeal site makes a significant contribution.
8. It is suggested that the proposal would have no more impact on the surrounding area than the existing chalets and hardstanding. However, the proposed dwellings would extend substantially beyond the footprint of the existing chalets and would noticeably erode the distinctive spaciousness of this part of Haxey's historic core, viewed from the Northside public footpath, from Church Street, from adjacent property and within the site.
9. Moreover, Church Street is characterised by mainly two-storey pitched-roof buildings, of varying ridge heights and finishes. The repetitious style and form of proposed bungalow Nos.1 to 7 would be discordant with the prevailing subtle diversity of architectural character in the area, and would extend uniformity further east into the site than the existing row of chalets.
10. Proposed units 5 and 6, much of unit 4 and part of unit 3 would sit within the ASHLI, along with the turning head and hard surfacing. The appellant suggests that the settlement's defined development limit should be extended, to include the existing northernmost chalets on the site. Even if this were so, parts of proposed dwellings 3, 4 and 5 and all of dwelling 6, along with much of the turning head and hard surfacing described above would be in the ASHLI. As

such, the proposed units described above, along with associated domestic paraphernalia, would erode the distinctive spaciousness of the ASHLI.

11. The presence of the Holme Dene residential development further along Church Street, within the ASHLI, is noted. However, the Holme Dene development dates back to well before adoption of ASHLI Policy LC14 of the LP. Moreover, the cumulative effect of the proposed development in addition to Holme Dene would, exacerbate the proposal's discordance with the distinctive spaciousness of the area and the significance of the ASHLI.
12. In summary, given the relatively small proportion of the ASHLI affected, I find that the proposal would result in localised and less than substantial harm to the non-designated heritage asset.
13. The proposal would result in a reduction in the spaciousness of the backland area between Church Street and Northside, which would be perceptible from and detrimental to the rear part of the setting of the LB at 23 and 25 Church Street. Moreover, the proposed group of bungalows would extend the spread of buildings of modern appearance within the LB. That said, the presence of buildings to the rear and side of the LB would to some extent limit the visibility of the proposed development from the rear of the LB. The above factors together lead me to find that the proposal would result in less than substantial harm to the setting of the LB.
14. The close proximity of proposed unit Nos.5 and 6 to the site's northern boundary is likely to result in pressure from residents for removal of the hedging and trees, due to the constricted nature of the rear gardens and proximity of windows on the rear elevations. This would erode the verdant character of the Northside footpath corridor.
15. Taken together, the above factors lead me to find that the mass of the proposed eight new-build dwellings, along with associated domestic paraphernalia arising from the above dwellings and the conversion of the pub to residential use, would erode the distinctive spatial pattern of the historic core of the village. Moreover, the uniform style of the proposed bungalows would conflict with the architectural diversity of the historic core. Therefore, the proposal would appear excessively 'shoehorned into' the site.
16. Given that part of the site lies outside the village's development limit, as defined by the LADPD, and the proposed development would not meet the exceptions for development in the countryside listed in Policies CS3 and RD2 of the North Lincolnshire Local Plan (2003) (LP), the proposal would not accord with Policies CS3 and RD2. However, in character terms, the proposal's effect on the wider countryside north of Northside would be limited by the dilution of the site's rustic character by the presence of chalets and surfaced parking area.
17. It is acknowledged that the Duke William is not a LB and is not located within a Conservation Area. It is recognised that proposed two-storey house No.27a would have a symmetrical front elevation, which sympathetically echoes that of the Duke William. Furthermore, the removal of the eastern side extension to the pub would give architectural 'breathing space' to the core Duke William building, and thus be positive. However, these considerations do not outweigh the detrimental effects of the proposal described above.

18. The proposed density would fall within the upper end of the density range of 30-35 dwellings per hectare for rural settlements within Policy CS7 of the North Lincolnshire Core Strategy (2011) (CS). However, as set out in the supporting text for the policy, densities will vary across North Lincolnshire's settlements and in some cases it might be necessary in the interest of townscape to provide for development at a lower density. For the reasons outlined above, the proposed development would not be acceptable in townscape terms.
19. Extant planning permission Ref: PA/1999/1421 for additional motel chalets on the site is acknowledged. However, additional chalets, above and beyond what is already on site, would require substantial building work, and have not been implemented in the period since the permission was granted in 2000. Therefore, in my view, there is no greater than a theoretical possibility of such additional development taking place. In any case, the permission predates the adoption of the policy in the LP and CS, and the extant permission differs from the proposal in that it is not for residential development and does not extend into the site to the same extent. As such, the extant permission carries limited weight in relation to the appeal proposal.
20. My attention is drawn to an appeal decision on a residential development on a pub site in West Lindsey². However, character and appearance was not a main issue in the other appeal. Moreover, the appeal site has its own setting and circumstances. As such, the other case is of limited equivalence to the current appeal in respect of the main issue.
21. To conclude, the proposed development would significantly harm the character and appearance of the area, and adversely affect the significance of the ASHLI non-designated heritage asset and the setting of the LB at 23 and 25 Church Street.
22. I appreciate that the officer's report found insufficient harm in relation to character and appearance to justify refusal, but this does not alter my reasoning. In any case, Members reached a different conclusion.
23. As such, the proposal would conflict with Saved Policies DS1, HE5 and LC14 of the LP and Policies CS5 and CS6 of CS. Together the policies seek, amongst other things, to ensure that development creates high quality townscapes and safeguards the character, appearance and setting of the area, including the historic landscape. The policies are broadly consistent with the approach of the National Planning Policy Framework³ (the Framework) in respect of the desirability of sustaining and enhancing the significance of heritage assets, with great weight given to the asset's conservation.

Living conditions of occupants

24. The Council sets out in its decision that the proposal's 'dense built form would...have an impact upon the residential amenity of future and existing residents'. However, the Council is silent on the detail of how it considers living conditions of neighbouring and future occupants would be affected. I note the appellants' view that the proposal would not cause unacceptable overlooking, overshadowing, noise and disturbance to residents. However, I find that there is insufficiently detailed evidence from the parties on this matter to reach a conclusive view on it.

² Appeal Ref: APP/N2535/W/16/3142794.

³ Published on 19 February 2019.

Other Matters

25. Unaudited financial statements for the Duke William indicate an operating loss most years between 2009 and 2017. Furthermore, the Loco offers an alternative pub facility nearby. Nevertheless, the Duke William has 'kerb appeal' with an attractive traditional main frontage, and its location on the main 'spine' road through Haxey gives it some prominence. Moreover, the Duke William has a cultural heritage profile as part of the traditional annual Haxey Hood event. The volume of passionate community support for retention of the pub use, and the asset of community value registration, indicate potential customer interest in the Duke William. Had I been minded to allow this appeal, I would have considered this issue further.

Planning Balance and Conclusion

26. It is not disputed that the Council lacks a five year supply of deliverable housing sites. As such, policies which are most important for determining the application are to be considered out of date. The tilted balance is engaged, as set out by Paragraph 11 of the Framework.
27. The proposal would make a modest contribution to local housing supply, in the form of seven bungalows, a four-bedroom home and conversion of the pub into a dwelling, with associated socio-economic benefit during and after construction. The proposal would also provide generate investment into the fabric of the main Duke William building, albeit as a residence rather than a pub.
28. Nonetheless, I have identified significant harm in relation to the character and appearance of the area. I also conclude that there would be harm arising from the proposed development's impact on the ASHLI and the setting of the LB.
29. I appreciate that the Framework sets out a presumption in favour of sustainable development but even where the tilted balance is engaged, the benefits of additional housing do not necessarily outweigh all other concerns. Moreover, case law has found that even where policies can be considered out of date, this does not mean that they carry no weight. The balancing exercise remains a matter of planning judgement.
30. As such, given the harm identified above I conclude that the adverse impacts of the proposed development would significantly and demonstrably outweigh the public and other benefits, when assessed against the policies in the Framework taken as a whole. The proposals would fail to comply with the relevant policies of the development plan and national guidance, and therefore the appeal should be dismissed.

William Cooper

INSPECTOR