



Appeal Decision

Site visit made on 29 October 2019

by Jamie Reed DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 November 2019

Appeal Ref: APP/Y2003/W/19/3235178

Land to the rear of 23–25 New Street, Elsham, Brigg DN20 0RP

- 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 Ms Julie Pressler against the decision of North Lincolnshire Council.
 - The application Ref PA/2018/2330, dated 12 December 2017, was refused by notice dated 5 February 2019.
 - The development proposed is development of 8 No. 2 storey semi-detached dwellings to land to the rear of properties along New Street with access from Woodland Drive.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form does not provide an address for the site, only a description. Whilst the Council's Decision Notice states the address as 21 New Street, it is clear that the site is located on land to the rear of No's 23–25 New Street. In order to make my decision as clear as possible, I have therefore used this address in the banner heading above.
3. The application was submitted in outline, seeking approval for matters relating to access and layout with matters relating to appearance, landscaping and scale reserved for future consideration. I have dealt with the appeal on this basis.

Main Issue

4. The main issue is whether the appeal site is a suitable location for housing having regard to local planning policy.

Reasons

5. The proposal is for the erection of eight 2 storey semi-detached dwellings on land situated to the rear of No's 23-25 New Street which are situated in the Rural Settlement of Elsham. The land itself lies outside of the defined development limits of the settlement and as such is designated as being in the open countryside.
6. In such locations, saved Policy RD2 of the North Lincolnshire Local Plan (LP) (2003) restricts proposals, unless it can be demonstrated that they meet a range of criteria and that the only appropriate location is within the open

countryside. In addition to the LP, the North Lincolnshire Core Strategy (CS) (2011) contains further policies that are of relevance. Policies CS2 and CS3 therein limit proposals to those which are essential to the functioning of the countryside, with CS2 introducing a sequential approach to ensure that proposals contribute towards creating sustainable communities amongst other things.

7. By way of justification, it has been suggested that whilst the appeal site lies outside of the defined settlement limits, it is immediately adjacent to these and there are no allocated housing sites within Elsham itself. It is further contended that the proposal would be acceptable in this location as it would help to support the local community by bringing settlements together. It is suggested that this would be achieved as there is access to bus and rail services nearby and as such, the proposal would support services in the wider area, as suggested in Paragraph 78 of the National Planning Policy Framework (the Framework).
8. Whilst this may be the case, there is little else before me in terms of the benefits that the proposal would bring to the community of Elsham itself, apart from the short term benefit that would arise in terms of the construction phase and the provision of further housing stock. Importantly, there is no evidence with regards to how the proposal would be of essential assistance to the functioning of the countryside or that such a location is the only appropriate location.
9. At the time of the application submission, it was considered that meeting the requirements of Policies RD2, CS2 and CS3 was unnecessary, as the Council did not have a 5 year housing land supply and therefore the presumption in favour of sustainable development would apply. As explained in Paragraph 11 of the Framework this means that in such circumstances, planning permission can be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or when there are specific policies in the Framework which indicate that proposals should be restricted. However, since the Council made their decision, the position has changed and a 5 year housing land supply now exists. Consequently, the tilted balance no longer applies and Policies RD2, CS2 and CS3 are of relevance in this appeal.
10. I have been made aware of a number of other residential developments¹ that have already been approved in and around Elsham recently and it has been suggested that the proposal is of no significant difference to these. However, from the limited information that is before me, it is clear that there are differing circumstances with these cases. Firstly, these other proposals came forward at a time when there was no 5 year housing land supply and it is also clear that some of these sites lie within the development limits of Elsham. As a result, the circumstances associated with these other sites are different to those for the appeal site. I therefore attach little weight to this argument.
11. In addition to this change in circumstance, concerns have also been raised that any further additional increase to the population of Elsham would place unnecessary pressure upon the already limited resources in the area. In the absence of any significant justification as required by the aforementioned policies, I share this view. In particular, this is due to the small size of the

¹ Application Refs PA/2017/369, PA/2017/846, PA/2017/1717 and PA/2017/1216

population of Elsham and the increase in this which will already be brought about by those other aforementioned schemes which are within its defined development limits.

12. Policy C3 provides clarity on this matter by explaining that the development limits have been set, in part, to ensure that access to facilities, services and infrastructure is maintained and that levels do not exceed their respective capacities. Consequently, if the dwellings that are the subject of this appeal were to come forward, this would further increase the demands upon the local facilities and services. This would potentially take these demands beyond the levels that have been accounted for by the Council in its consideration of the development limits for the settlements in the area.
13. Taking the above points together, I therefore find that the proposal is not in a suitable location for housing having regard to local planning policy. It would not meet the essential requirements for residential development in the countryside and would place pressure upon the limited services and facilities that are available in the area. As a result, the proposal is contrary to Policy RD2 of the LP and Policies CS2 and CS3 of the CS. These policies seek to ensure that developments are of a high quality and when in locations in the countryside, it has been satisfactorily demonstrated that it is the only appropriate location and it cannot be reasonably accommodated within any defined settlement boundaries.

Other Matters

14. In addition to matters relating to the location of the proposal, local residents have raised other concerns, including those relating to highway safety and flooding. Whilst I acknowledge these, the appeal is being dismissed for other reasons and such matters do not alter my decision.

Conclusion

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

Jamie Reed

INSPECTOR