
Appeal Decision

Site visit made on 4 January 2019

by D Child BA BPL MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 January 2020

Appeal Ref: APP/Y2003/W/18/3211573

Land to the rear of 14 West End Road, Epworth DN9 1LB

- 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 Stuart Stafford of Tyrerite Scunthorpe Ltd against the decision of North Lincolnshire Council.
 - The application Ref PA/2017/181, dated 7 February 2017, was refused by notice dated 7 June 2018.
 - The development proposed is a residential development of 5 building plots.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is in outline, with approval sought for access and layout. I have determined the appeal on this basis, with regard to the revised National Planning Policy Framework 2019 (the Framework).
3. The development plan for the area comprises the saved policies of the North Lincolnshire Local Plan 2003 (the Local Plan), the North Lincolnshire Local Development Framework Core Strategy 2011 (the CS), and the Council's Housing and Employment Land Allocations Development Plan Document 2016 (the Housing and Employment DPD). Applications for planning permission must be made in accordance with the development plan, unless material considerations indicate otherwise¹.
4. Following refusal of the application the appellant submitted to the Council a second Heritage Statement seeking to assuage its concerns, and thereby avoid the appeal. In response, the Council confirmed that it would maintain its objection. I have had regard to the statement in reaching my decision.
5. The appellant has expressed concern over the handling of the application. However, notwithstanding the merits of the points raised, this does not alter or outweigh my findings in respect of the main issues, and I have only had regard to the planning merits of the proposal.

Main Issues

6. The main issues are:

¹ Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 (as amended)

- The effect of the proposed development on the character and appearance of the countryside, having particular regard to the location of the development and any effect on the Isle of Axholme Area of Special Historic Landscape Interest; and
- In the absence of a 5-year housing land supply, would any adverse impacts of granting permission significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Reasons

7. The appeal site is located to the north-western end of the village, behind 14 West End Road adjacent to Ellers Field. In this location an absence of dwellings between those fronting the road and a public footpath at the rear of the site defines the built extent of the settlement.
8. Saved Local Plan Policy RD2 and CS Policy CS2, together and amongst other things, seek to ensure that development takes place in sustainable locations, and to protect the countryside from inappropriate development and the uncontrolled expansion of settlements. Policy CS2 seeks to focus new development within the Scunthorpe urban area and North Lincolnshire's Market Towns. CS Policy CS3 states that development limits will be applied to the Scunthorpe urban area, the Market Towns and Rural Settlements. The settlement limits for Epworth are defined in the Housing and Employment DPD.
9. It is common ground that the majority of the appeal site is outside the defined settlement Limits for Epworth which is a rural settlement. Policy CS3 restricts development outside these defined boundaries to that which is essential to the functioning of the countryside, uses such as those related to agriculture, forestry or other uses which require a countryside location, or which will contribute to the sustainable development of the tourist industry. The proposal is for open market housing and does not therefore fall within any of these uses.
10. Notwithstanding the sustainability scores of the North Lincolnshire Sustainable Settlement Survey 2009, CS Policy CS8 sets out the spatial approach to the distribution of housing sites, and it does not allocate land for housing within Epworth. However, it does contemplate some development where it would deliver additional community benefits. The appellant argues that the proposal would deliver visual improvements that would benefit neighbours and be more in keeping with the residential character of the area. Nevertheless, the proposal would not bring additional community benefits.
11. Although the appellant contends that the site should not be included within the Isle of Axholme Area of Special Historic Landscape Interest, it is common ground that most of the site lies within the designation. Because the designation is not demonstrably of equivalent archaeological significance to scheduled monuments, according to Footnote 63 of the Framework, it should therefore be considered subject to the policies for non-designated heritage assets. In accordance with Paragraph 197 of the Framework, a balanced judgement will therefore be required having regard to the scale of any harm or loss and the significance of the heritage asset.
12. The significance of the non-designated heritage asset lies, in part, in the historic evolution of the medieval landscape of open strip fields and turbaries and the overall settlement pattern of the area. Ancient open strip fields form

the core of the historic landscape. The appeal site is located within the early enclosed land zone, the majority of which along the north side of West End Road is comprised of long back gardens and paddocks. The width of these plots varies, according to how many of the former strips have been amalgamated. On the other hand, Ellers Field is located within the area of ancient open strip fields and is a wide expanse of unenclosed agricultural land which contains evidence of former strip divisions.

13. Not all parts of the historic landscape are equal; the early enclosed land zone is of less significance than the area of open strip fields. The appeal site is a small part of the non-designated heritage asset, and the interior of the site is less visible than other areas of the early enclosed land. From the submitted maps and aerial photography, the appeal site's heritage significance is of a comparatively low level. Moreover, the main parties disagree over whether the adjacent Ellers Field is one of the best-preserved parts of the landscape of ancient open strip fields, and the network of tracks in the present-day does not necessarily reflect the ancient pattern. Nevertheless, the change in character between the early enclosed land zone and ancient open strip fields is highly legible when walking along the footpath, and, in my assessment, the appeal site makes an important contribution to the historic setting of the settlement.
14. The interior of the appeal site cannot be seen from West End Road and a dense row of conifers currently screen the site in views along the footpath from the east. However, the site can clearly be seen from the footpath in views from the west and from the north, and from neighbouring dwellings. Moreover, as the second Heritage Statement acknowledges, these views are greater in winter. While the site is relatively flat, the proposed layout would extend far beyond neighbouring development, up to the footpath. Against this background, the elongated shape and size of the site would be unsympathetic.
15. The extent of the proposed layout and the spread of dwellings across the site would result in an awkwardly shaped wedge of residential development projecting outwards from the settlement. As a result, the proposal would appear highly incongruous and result in unacceptable harm to the character and appearance of the countryside. Moreover, due to the high degree of public access around the site, the proposed development would be conspicuous from within a wide area of the surrounding historic landscape, which includes notable features such as two windmills and a water tower.
16. The appeal site is currently used for the storage and sale of tyres, a use for which the Council has issued a certificate of lawfulness². Taken in isolation, the removal of stored tyres and associated buildings and vehicles would improve its visual appearance. I acknowledge that the existing use detracts from the significance of the site, in terms of its aesthetic value, and that a residential reuse would be more in keeping with the residential character of the wider area. However, I observed that the current use of the appeal site is not intensive, and that the associated buildings are small in footprint and scale and are low-lying. Furthermore, tyres are not stored to a significant height. Due to the proposed layout, I consider that the bulk of 5 dwellings and their roofs would have a substantially greater visual impact. The fallback position does not therefore justify the identified harm.

² LPA Reference: PA/2016/476

17. The tree belt around the appeal site contributes to the setting of Ellers Field and it has been put to me that this planting could be removed, thus allowing for greater visibility of the existing use. However, it would appear that the Council has made a Tree Preservation Order. In any case, and while landscaping is a reserved matter, the application proposes that the non-native coniferous hedge along the eastern boundary would be removed and replaced by a Hawthorne hedge.
18. Moreover, as noted in the submitted Pre-development Tree Survey, due to their significant height this group of conifers would heavily shade any development and is therefore unsuitable for retention for the proposed use. While trees to the western and northern boundaries would be retained, and there would be some benefit to the replacement of non-native species, the loss of screening to the eastern boundary would inevitably increase public visibility of the proposed dwellings. As a result, this would accentuate the identified harm.
19. In support of the proposal my attention was drawn to other developments in the area. However, the Poplars is located within the settlement boundary and not within the area of special historic landscape interest. The dwellings on Shepherd's Croft are not sited close to the footpath. These schemes are not therefore directly comparable, and, in any case, I have considered the appeal proposal on its own merits.
20. The appearance and scale of the proposed dwellings are matters reserved and I note the appellant states that they would be sympathetically designed. I have therefore considered whether the use of conditions to limit the height of dwellings to single storey and to require the prior approval of boundary treatment could make the development acceptable. However, such conditions would not address the harmful effects of the location and layout proposed.
21. For the above reasons, I therefore conclude that the proposed development would result in unacceptable harm to the character and appearance of the countryside, having particular regard to the location of the development and the Isle of Axholme Area of Special Historic Landscape Interest. Consequently, the proposal would conflict with saved Local Plan Policies LC14, DS1 and RD2, and CS Policy CS5. Together, and amongst other things, these policies require that proposals should reflect or enhance the character, appearance and setting of the immediate area. The location of the proposed scheme would also be contrary to the overarching aims of CS Policies CS2 and CS3 to protect the countryside from inappropriate development.

Application of the 'tilted balance'

22. Following a previous appeal³ the Council accepts that it does not have a five-year housing land supply of deliverable sites. The officer report refers to the Council's assessment of its supply of housing land from 1 April 2016 to 31 March 2021, citing a 3.9-year housing land supply of deliverable sites. It is unlikely that this situation will have changed as a result of the 2018 Housing Test Delivery Results.

³ APP/Y2003/W/16/3145930

23. CS Policies CS2, CS3 and CS8, which, at least if no others, are relevant to the supply of housing. In so far as they are the policies which are most important for determining the application, they are therefore out of date. This reduces the weight I attach to them. In these circumstances the presumption in favour of sustainable development under Paragraph 11(d) ii of the Framework is engaged, and what is often termed the 'tilted balance' applies. This means that planning permission should 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.
24. I acknowledge that the proposal would result in some benefits. The removal of stored tyres, trailers and buildings, would improve the visual appearance of the site. There would also be some limited economic benefit during construction, and from the local expenditure of future occupants. The proposal would make a limited contribution to the local housing supply, in a location closely located to public transport opportunities, shops and schools. This would accord with the economic and social objectives of the Framework and would contribute in a small way to boosting the supply of housing. Moreover, the Framework recognises that small and medium sized sites can make an important contribution to meeting the housing requirements of an area and are often built out relatively quickly.
25. Nevertheless, I have found that the proposed development would result in unacceptable harm to the character and appearance of the countryside, having particular regard to the location of the development and the Isle of Axholme Area of Special Historic Landscape Interest. The proposal would therefore conflict with the environmental objective of the Framework. It would also be at odds with Paragraph 127 c), which, amongst other things, requires that planning decisions are sympathetic to local character and history, including the surrounding built environment and landscape setting.
26. Paragraph 68 c) of the Framework states that local planning authorities should support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes. The Framework also promotes the effective use of brownfield sites in meeting the need for homes, where this would not conflict with other policies in the Framework. However, the site is not within the existing settlement, and, for the above reasons, I have found that the appeal site is unsuitable. Moreover, I have identified that the proposal conflicts with other policies in the Framework.
27. The proposal would not harm the living conditions of existing or future occupants, and it does not raise flood risk or drainage concerns. The proposed access and parking arrangements would be acceptable, and I am satisfied that the proposal would not adversely affect the adjacent public right of way, native trees or protected species. While the proposal would accord with the Framework in these regards, these are neutral factors in the planning balance.
28. Drawing all of the above together, I find that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. As a result, the application of Paragraph 11 d) ii of the Framework does not indicate that permission should be granted.

Other Matters

29. I acknowledge the concerns of the Town Council in relation to potential unauthorised use of the appeal site. However, I have only had regard to the planning merits of the proposal.

Overall Conclusion

30. For the above reasons, the appeal should be dismissed.

D Child

INSPECTOR