
Appeal Decision

Site visit made on 2 June 2020

by Edwin Maund BA (Hons) MSc Dip UP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd June 2020

Appeal Ref: APP/Y2003/W/20/3244189

Land adjacent Saffron Garth, High Street, Belton

- 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 J Colver against the decision of North Lincolnshire Council.
 - The application Ref PA/2019/326, dated 18 February 2019, was refused by notice dated 4 July 2019.
 - The development proposed is outline planning permission for one dwelling with all matters reserved (resubmission of PA/2018/248).
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Decision

1. The appeal is dismissed.

Procedural Issues

2. I have taken the description of development used in the banner heading above from the Council notice of decision as I consider this more accurately reflects the proposed development.
3. The application has been submitted in outline with all matters reserved. I have considered the appeal on this basis.

Main Issue

- The main issues in this case is the effect of the proposed development on the character and appearance of the area and the Isle of Axholme Area of Special Historic Landscape Interest.

Reasons

Character and Appearance

4. The appeal site is parcel of land to the west of the main line of properties fronting onto High Street. It is visually open but bordered by a track to the east, serving the properties to the south, Hornprice House and Hornprice Cottage. A line of conifers to the west forms the boundary to Saffron House. To the south is a public footpath which connects through to the High Street while Mann Lane to the north is a track which is a designated public footpath and bridleway. Beyond this is the open countryside.
5. While the site is to a degree enclosed by these neighbouring properties and boundary features, it still appears as a field beyond a clear boundary to the village created by the rear of the properties fronting High Street. Despite the extent of enclosure by the adjacent properties, it nevertheless has an open

- character and appearance creating a gap between the rear of the High Street properties and the adjacent agricultural ones.
6. The development pattern of the settlement has followed that of frontage development along the western side of High Street providing a very clear boundary to the countryside in which the appeal site is located. While I accept that as described above the site has a degree of enclosure created by the neighbouring properties, it nevertheless has a clear appearance of a field beyond the edge of the built-up part of the village.
 7. The appeal site sits behind the existing properties on High Street; therefore, the proposal would introduce a dwelling within a backland area between the High Street properties and the fields beyond. This would be a marked contrast with the existing pattern of development.
 8. The frontage properties in the near vicinity are generally of more modest proportions than the appeal site, however as it is to the rear and would be served off a different road, it would not be seen with them as part of a group but as a distinct development and as such the fact it would not reflect the character of the frontage properties is not likely in itself to be harmful.
 9. The site reflects more the neighbouring properties to the south and west which are both sizeable detached dwellings in generous plots and in this respect could achieve a design and layout which would be in keeping with these adjacent properties and thereby reflect the character of this site beyond the settlement boundary.
 10. The whole area around the settlement, however, is designated as part of the Area of Special Historic Landscape Interest. According to the North Lincolnshire Local Plan (NLLP) The Isle of Axholme has been the subject of an intensive study of landscape character which has identified significant areas of medieval open strip fields and Turbaries, both of which are of considerable national importance. These attributes together with enclosed land and the overall settlement pattern of the area make it unique in the country.
 11. In setting out the heritage arguments, the appellants do not disagree with the significance of this designation but dispute the contribution this site makes, it being enclosed by the adjacent development and is not consequently, read as part of the historic landscape. This though ignores the fact that the designation not only includes the fields but the adjacent properties beyond the rear of the settlement boundary. Thus, the site is read as part of the whole and the element of enclosure does not distinguish it from this.
 12. It also must be recognised, however that the area as designated covers a substantial area and this site forms a very small part of it. The Framework requires the decision maker to weigh the effect of the development on the heritage asset and have regard to the scale of any harm or loss and the significance of the heritage asset.
 13. If the site were to be developed there would inevitably be a degree of encroachment into and erosion of this important character area which would diminish this valuable historic resource. The heritage asset as a whole, I regard as being significant, but this particular part of it to make a more modest contribution to the broader appreciation and understanding of this heritage asset. Nevertheless, the development would cause harm, and this would be

contrary to the provisions of policy DS1 and LC14 of the NLLP which seek to ensure the retention of those existing site features that make an important contribution to the character or amenity of a site or the surrounding area.

14. It would not however, in these circumstances be contrary to policies DS1 of the NLLP, CS5, CS7, or CS8 of the Core Strategy, which amongst other things aim to achieve developments that contribute to and respect the character of the area.

Planning Balance

15. The Council have confirmed they have a deliverable 5-year supply of housing and this is not disputed by the appellant. Nevertheless, it is argued that the tilted balance under para 11 (d) of the Framework applies as the Council has failed to comply with national policy as set out in the Framework in both reviewing the Local Plan within the last 5 years as expected by para 33 and not providing an annual assessment of the 5 year land supply (paras 73 & 74).
16. I do not consider I have sufficient information overall to assess whether the argument made by the appellant that under the circumstances pertaining now, the tilted balance should apply in this case. Much of the argument presented focuses on the fact that the Local Policies are out of date, the ongoing need for the supply of houses, and the difficulty that is envisaged in delivering that future supply to meet the objectives of the LP. There is no suggestion however, that there is not a 5-year supply as required by the Framework.
17. The Framework defines the three facets to sustainable development as, social, economic and environment. These facets need to be considered jointly and are mutually dependent on one another.
18. There would be a social benefit in providing one extra house and a small economic benefit from its occupation, which would make a contribution towards the aims of the Framework as expressed in paragraph 78 in supporting local services and facilities. However, this contribution would be modest in scale and as such I have accorded it only minimal weight in my decision.
19. However, I must weigh this against the substantial environmental harm which would result from the creation of an additional dwelling in the countryside in an area that is designated of local historic interest.
20. Even if I were to accept the tilted balance should apply in this case, when assessed against the policies in the Framework taken as a whole, the adverse impacts of building on land of heritage benefit would significantly and demonstrably outweigh the benefits of building a single dwelling. Therefore, the proposal would not be a sustainable form of development. The conflict with the development plan is not outweighed by other considerations including the Framework.
21. I have also had regard to the appeal decision at Mere Lane, Edenthorpe¹ this decision was however for a major housing scheme of up to 650 houses and not sited in a location identified as of significant historic landscape interest. The relative benefits versus harm in that case cannot equate to a justification for allowing this appeal.

¹ APP/F4410/W/17/3169288 Land to the East of Mere Lane, Edenthorpe, Doncaster.

Other Matters

22. Third parties have raised concerns in respect of highway safety, flood risk and the potential for further residential development in the event this scheme were to be allowed. As I have concluded there would be harm in respect of the main issues these matters do not need to be considered further.

Conclusions

23. The appeal is dismissed.

Edwin Maund

Inspector