

Appeal Decision

Site visit made on 30 June 2020

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 July 2020

Appeal Ref: APP/Y2003/W/20/3250344

Land adjacent to 76 Akeferry Road, Westwoodside DN9 2DS

- 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 Robert Burrell against the decision of North Lincolnshire Council.
 - The application Ref PA/2019/1521, dated 5 September 2019, was refused by notice dated 31 October 2019.
 - The development proposed is 4 residential building plots.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is in outline form with all matters reserved for future consideration apart from access and layout. I have dealt with the appeal on this basis and I have treated any details not to be considered at this stage as being illustrative only.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the Isle of Axholme Area of Special Landscape Interest, and;
 - whether the site is a suitable location for housing development having regard to national and local planning policies.

Reasons

Character and appearance

4. The site lies along the southern edge of an identified historic landscape comprising the Isle of Axholme. The Isle of Axholme is recognised locally as an area of Special Historic Landscape Interest and as a Historic Landscape Character Zone. This area is locally designated for its pattern of ancient open strip fields and enclosed fields surrounding the villages on the Isle. The appeal site is within an area of Early Enclosed Land. The Isle of Axholme is a non-designated heritage asset.

5. The north side of Akeferry Road from its junction with Nethergate Lane as far as No 76 Akeferry Road is primarily characterised by linear, mainly residential development set back from the road frontage. The side boundary of No 76 Akeferry Road is delineated by a track that accesses small equestrian buildings. It carries a public footpath which veers from the track to run along the side of the field behind No 76, broadly northwards.
6. Beyond No 76 the hedges and verges along the road frontage, together with open undeveloped fields and sporadically placed buildings, visible from the road and from the public footpath, provide an attractive landscape with a traditional open, rural character and appearance. The open views over the countryside allow for an appreciation of the historic landscape which forms the significance of the Isle of Axholme designation and its setting.
7. The appeal site is part of a larger field. Notwithstanding the hedge to the front boundary, and in contrast to the linear development to the west of 76 Akeferry Road, the field affords long distant views over it of the wider countryside. Further, approaching the village along the public footpath the site is prominent and seen against the open rolling landscape to the north and east.
8. The layout plan shows four detached dwellings fronting Akeferry Road each with separate vehicle accesses. The development is designed to extend the existing ribbon of development along the road frontage. However, the proposed built form would encroach into the field and the removal of sections of hedging to provide access would reduce the attractiveness of the front boundary hedge within the landscape. The development would have an urbanising effect on the appearance of the area. It would result in a prominent encroachment of built development into the open countryside that would detract from the traditional rural character and appearance of the area and the significance of its designation.
9. I note the assertion in the appellant's Heritage Statement that the ribbon development along Akeferry Road has become an established characteristic of the locale and the appeal site is an obvious gap site in the streetscape. I agree that the character of Akeferry Road is, in part, derived from its ribbon development. However, the track/footpath adjacent to the appeal site marks the transition between the more urban aesthetic of the village and the open countryside beyond. I would not term the site a 'gap site'. I do not consider that the development extending further along the road to the opposite side of Akeferry Road has a material bearing on the approach to development on the appeal site.
10. Further, I recognise that the site is a very small part of the whole Isle of Axholme designation, nevertheless, the introduction of development to the appeal site would clearly be at odds with the open and undeveloped qualities which are part of the wider designation.
11. For these reasons, I consider that the proposal would harm the character and appearance of the Isle of Axholme Area of Special Landscape Interest. It would conflict with Policy CS6 of the North Lincolnshire Local Development Framework Core Strategy adopted June 2011 (Core Strategy) and Policy LC14 of the North Lincolnshire Local Plan adopted May 2003 (Local Plan) which seek to ensure that development does not destroy, damage or adversely affect the character, appearance or setting of the historic Landscape and ensure that development

enhances the local character and distinctiveness of the area in which it would be situated.

12. In addition, Paragraph 197 of the Framework requires that a balanced judgement should be taken of the effect of a development on a non-designated heritage asset, having regard to the scale of any harm and its significance. For the reasons set out above, I consider that the proposal would harm the significance of the landscape. In addition, the proposal would conflict with the Framework where it seeks to protect and enhance valued landscapes, recognise the intrinsic character and beauty of the countryside and be of good design, sympathetic to local character including the surrounding landscape setting.

Location

13. The appeal site is located outside of the development limits of Westwoodside. For planning purposes, the appeal site is therefore within the Countryside. The Core Strategy was adopted in 2011. Policy CS8 sets out the spatial distribution of housing sites, Policy CS3 sets out the purposes of settlement limits and Policy CS2 sets out a sequential approach to development seeking to focus development within development limits. Policy RD2 of the Local Plan states that development in open countryside will be strictly controlled with certain exceptions, none of which apply here.
14. The policy approach in relation to the appeal site is broadly consistent with the aims of the National Planning Policy Framework (the Framework) which states that housing should be located where it will enhance and maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. The Framework also recognises the intrinsic character and beauty of the countryside.
15. My colleague in considering the previous appeal¹ identified that the site would not comply with the development plan in so far as the type of development proposed does not accord with that which is permitted outside of development limits. However, he concluded that the site was suitably located in relation to services and facilities. I have found nothing in the submitted evidence that would change the approach of my colleague and I would agree with these conclusions.
16. In addition, although the proposal would not result in the creation of isolated homes in the countryside, which the Framework seeks to avoid, the appeal site is not within a settlement. I consider that the footpath/track to the boundary of the appeal site marks the transition between the more urban character of the village and the open countryside beyond. As a consequence, the appeal site is within the countryside.
17. Therefore, the appeal site is not a suitable location for housing development having regard to national and local planning policies. I consider the proposal would conflict with Policies CS2, CS3 and CS8 of the Core Strategy and Policy RD2 of the Local Plan. It would also conflict with the Framework.

¹ APP/Y2003/W/18/3218419

Other Matters

18. I appreciate that paragraph 68 c) of the Framework acknowledges that the development of 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. The Framework supports the development of such windfall sites giving great weight to the benefits of using suitable sites within existing settlements for homes. In this case I have found that the site is not a suitable site within an existing settlement.
19. Paragraph 14 of the Framework has limited relevance to the appeal as, even if the Council cannot meet the Housing Delivery Test or demonstrate a 3-year housing land supply, there is no made Neighbourhood Plan for Westwoodside.

Planning Balance

20. Paragraph 11 d) of the Framework states that where the policies that are most important for determining of the application are out-of-date, including situations where the Council cannot demonstrate a 5 year housing land supply (5YHLS), permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework as a whole.
21. In this case the Council have confirmed that they can currently only demonstrate a 4-year supply of housing. This is broadly consistent with the appellants' conclusions on the available housing land supply. Therefore, the development plan policies are out of date as far as they relate to the supply of housing land. Nevertheless, I have found that, in relation to the main issues of the appeal, Policies CS2, CS3 and CS8 of the Core Strategy and Policy RD2 of the Local Plan are broadly consistent with the Framework.
22. The proposal would support the Framework objectives of significantly boosting the supply of homes. It would provide housing, albeit on a limited scale, in an accessible location. The scheme would also result in a degree of economic gain to the area through the construction and occupation of the development and provide more dwellings to the housing stock which would offer social benefits. These factors weigh in the scheme's favour. Given the modest nature of the proposal these matters attract limited weight in favour of the development.
23. The proposal conflicts with the Framework where it requires that proposals should contribute to and enhance the natural environment by recognising the intrinsic character and beauty of the countryside, enhance valued landscape and be of good design, sympathetic to local character including the surrounding landscape setting. Consequently, there would be significant harm associated with the environmental aspects of the proposal.
24. Although I am satisfied that the site is in an accessible location, I have identified that the proposal would have significant adverse effects on the character and appearance of the area and would not be a suitable location for housing having regard to the Framework.
25. As such, based on the evidence before me, I find that the adverse impacts of granting permission would significantly and demonstrably outweigh the limited benefits, when assessed against the policies in the Framework taken as a whole.

26. Consequently, I conclude that the proposed development would conflict with the development plan and there are no material considerations that outweigh that conflict.

Conclusion

27. For the reasons given above, the appeal is dismissed.

Diane Cragg

INSPECTOR