
Appeal Decision

Site visit made on 26 May 2020

by Edwin Maund BA (Hons) MSc Dip UP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th July 2020

Appeal Ref: APP/Y2003/W/19/3243916

Land to the rear of Tythe Cottage, West End Road, Ulceby, North Lincolnshire DN39 6TE

- 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 Anthony Baker against the decision of North Lincolnshire Council.
 - The application Ref PA/2019/1253, dated 1 July 2019, was refused by notice dated 1 October 2019.
 - The development proposed is for one dwelling.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Baker against North Lincolnshire Council. This application is the subject of a separate decision.

Procedural Matters

3. The planning application was submitted in outline with all matters reserved for future consideration. I have determined the appeal on this basis.
4. In refusing the application the Council referred to the site being outside of the settlement boundary which the appellant initially agreed with. The Council in their appeal statement, however, indicate this was incorrect, but nevertheless maintained that there was harm to the character and appearance of the area.
5. The appellant provided further evidence referring for the first time to policy H7 of the North Lincolnshire Local Plan (2003). I sought the views of the Council on the use of this policy but while a copy of the policy was forwarded, I did not receive a view from the Council on the interpretation or application of this policy. I have assessed the appeal on the basis of the latest information from both main parties.

Main Issues

6. The main issues are the effect on the character and appearance of the area and whether the proposed site would be a suitable location for development in light of local and national policy.

Reasons

7. The appeal site forms part of the rear garden of Tythe Cottage; a semi-detached property on the southern side of the A1077. It is located behind the frontage properties on the south side of West End Road at the western end of the village of Ulceby. This ribbon of development marks the end of the village and is a clear transition to the countryside, with fields beyond to the west and south.
8. Whilst the existing properties vary in size and design, there is a consistency in layout being in a single line fronting the road, this creates a strong linear pattern of development. This linear form of development with space in and around it contributes positively to this edge of countryside location and the transition between urban and rural and I agree with the appellant's description that "there is a rural sense of openness which is enhanced further as one travels along West End Road to the west."
9. It has been suggested that the development would be appropriate infilling, the site being between a garden and an access to a garage block with fields beyond. I do not consider this is a fair characterisation of the proposal or its relationship with the built form in this location, as it does not infill a gap, but creates a tandem form of development which is not typical in this location.
10. The appeal site sits behind the existing properties on West End Road, consequently the proposal would introduce a dwelling within a backland area beyond the properties fronting West End Road and the countryside. This would be a marked contrast to the existing pattern of linear development in this location it would therefore be out of character and consequently appear as incongruous with the existing pattern of development.
11. I also note the appellant considers the scale of site would allow for development commensurate with others in the locality, be that as it may, I do not consider this outweighs the harm I have identified that would occur to the character and appearance of the area as a consequence of the backland arrangement.
12. Policy H7 despite not being referred to by either party at the outset is clearly material to this appeal and sets a series of tests against which such proposals need to be assessed. This policy however dates from 2003 and is not entirely consistent with the more recent policies of the CS which are far more recent and therefore must take precedence. In addition, I note that the supporting text to policy H7 makes clear that any new development should be in keeping with the character and quality of the local environment and it does not achieve this.
13. Policy CS8 also makes clear that development on greenfield sites such as this should only be allowed where it is demonstrated there will be additional community benefits and amongst other things would be acceptable in terms of any impact on the countryside or the quality of the urban space. No community benefits have been identified, which along with the adverse impact upon the area causes conflict with this policy.
14. I conclude that the proposal would represent an unacceptable form of backland development that fails to respect the current pattern of development and as such would harm the character and appearance of the area in conflict

with policies CS2 and CS8 of the Core Strategy (2011) which amongst other things aim to ensure that the impact of new development is appropriate.

Other matters

15. In light of the Council revising its position as set out in the appeal statement, it is not necessary to consider the merits of the proposal in terms of special justification for development in the countryside.
16. Three appeal decisions have also been referred to in Walkeringham, Bourne and Nantwich all of which are in different Council areas and therefore covered by slightly different policy considerations. The circumstances for each case are likely to be different, and in any event, schemes being permitted elsewhere do not justify this proposal. I do not regard these as setting a precedent for development in this location, I have considered the appeal proposal on its own merits and concluded that it would cause harm for the reasons set out.

Conclusions

17. The appeal is dismissed.

Edwin Maund

Inspector