
Appeal Decision

Site visit made on 30 June 2020

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 July 2020

Appeal Ref: APP/Y2003/W/20/3251163

Caravan, The Meadows, Carr Lane, East Lound DN9 2LT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Max Lambert against the decision of North Lincolnshire Council.
 - The application Ref PA/2019/1994, dated 26 November 2019, was refused by notice dated 21 January 2020.
 - The development proposed is 're-site residential land use and erect chalet bungalow thereon, re-site Dutch barn lower ridge line and re-erect and provide new access onto Highway, together with all ancillary enabling works e.g. connection to existing Septic Tank'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Planning permission was granted on land adjacent to the appeal site, and within the appellant's ownership, to 'erect a detached bungalow and re-site a Dutch barn together with the change of an area to residential' in August 2018¹. This planning permission remains extant.
3. The description of the development in the banner heading and the evidence before me is that the proposal is to relocate and amend the design of the approved dwelling. I have considered the appeal taking this into account.

Main Issues

4. The main issues are:
 - i. The effect of the development on the character and appearance of the Isle of Axholme Area of Special Landscape Interest.
 - ii. Whether the site is a suitable location for a dwelling having regard to national and local planning policies and proximity to services and facilities.

Reasons

Character and appearance

5. East Lound is a small hamlet located to the east of Haxey. It is within the Area of Special Historic Landscape Interest of the Isle of Axholme. The area is locally

¹ PA/2018/2361

designated for its unique historic landscape retaining the pattern of Ancient Open Strip Fields and Early Enclosed Fields surrounding the villages on the Isle. The Isle of Axholme is a non-designated heritage asset.

6. Carr Lane is defined by mainly frontage development from its junction with the main street through the village. Development along the lane becomes progressively sporadic and Carr Lane becomes narrow, open and undeveloped with grass verges, mature trees and hedges lining the road and views over open arable and grass fields. Beyond the village Carr Lane is part of an attractive, open landscape with a traditional rural character and appearance. The rural landscape forms part of the area of significance of the Isle of Axholme designation.
7. The appeal site is within an area defined as Early Enclosed Land and within the setting of the Ancient Open Strip Fields to the east. It is comprised of two parcels of land within a larger area in the appellant's ownership to the east side of Carr Lane. Within the ownership area there is an existing barn, a Dutch barn, a mobile home and the burial site of the former site owner. There is also a small area of existing hard standing to the front of the Dutch barn.
8. The proposed dwelling would be located partially on the site of the existing Dutch barn. It would be set away from the developed part of Carr Lane and set back from the road frontage. Consequently, the proposed dwelling would be a significant feature in the landscape, visible in views towards the site from Carr Lane and on the approach to the village. The new access arrangements, parking and domestic garden, would accentuate the prominent siting of the dwelling and would be incompatible with the character and appearance of the area and the Isle of Axholme designation.
9. I appreciate that the existing Dutch barn would be removed, and I can see no objection to the new location of the Dutch barn which would relate well to the existing structures at the site. However, such agricultural buildings are not unusual or uncharacteristic in rural locations. The relocation of the barn therefore would not alter my conclusion regarding the harm that would arise as a result of the siting and massing of the proposed dwelling and its associated curtilage.
10. I recognise that the appeal site is a small part of the whole Isle of Axholme designation, there have been alterations to the boundaries of the Early Enclosed Land and that the Ancient Open Strip Fields to the east have limited inter-visibility with the site. Nevertheless, the appeal proposal would be at odds with the open and undeveloped character of the Isle of Axholme designation and would not accord with the local character of the area.
11. The approved dwelling is located partly on the site of the existing caravan and is designed as a single storey structure facing towards the road and in relatively close proximity to it. It would be largely obscured from the road by the existing hedge. Within the context of the existing barn structure and within the constraints of the adjacent earth bund the approved dwelling would not be significantly more apparent in the landscape than the existing caravan, access gates and hardstanding. I consider that even when having regard to the approved dwelling, the proposed development would be markedly more prominent within the landscape.

12. I note the appellant's reference² to the 'recommendations for landscape conservation management'³ and I find that the siting of the dwelling would not minimise intrusion in the Early Enclosed Land for the reasons I have set out above.
13. I appreciate the appellant's reasons for seeking a new location for the dwelling in relation to the operation of the business at the site, safety, adaptability and security and proximity to the grave adjacent to the barn and caravan. Whilst I have every sympathy for these, they do not justify the harm I have identified to the character and appearance of the area as a result of the siting and design of the proposed dwelling.
14. Further, I note the measures to be put in place to achieve greater energy efficiency of the proposal, however, it appears to me that the approved dwelling could achieve similar efficiencies even if this were by other means.
15. I also accept that the appellant considers that advice provided to him has resulted in an approved scheme that does not meet his requirements. This matter does not affect my consideration of the proposal before me.
16. For the reasons indicated, I consider that the proposal would harm the character and appearance of the Isle of Axholme Area of Special Landscape Interest and would conflict with Policy CS6 of the North Lincolnshire Local Development Framework Core Strategy adopted June 2011 (Core Strategy) and Policies LC7, LC14 and RD2 of the 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 more generally ensure that development enhances the local character and distinctiveness of the area in which it would be situated.
17. In addition, Paragraph 197 of the National Planning Policy Framework (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 given 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 and recognise the intrinsic character and beauty of the countryside.

Location and accessibility

18. Policy CS8 of the Core Strategy sets out the spatial distribution of housing sites, Policy CS3 sets out the purposes of development limits and CS2 details a sequential approach to development seeking to focus development within development limits. The appeal site is outside the development limits for East Lound. Therefore, for planning purposes it is within the countryside. Policy RD2 of the Local Plan states that development in open countryside will be strictly controlled with certain exceptions.
19. The development plan policies are broadly consistent with the aims of the Framework which state that housing should be located where it will enhance and maintain the vitality of rural communities. Planning policies should identify

² Heritage Statement November 2019

³ Miller 1997, 57

- opportunities for villages to grow and thrive, especially where this will support local services.
20. East Lound is a small hamlet with limited services and facilities. The appeal site is located in an area where it is likely that the majority of trips to access services and facilities would be by car.
21. As I have confirmed in procedural matters, I am aware that the appellant considers the proposal to be an alternative to the approved scheme. I have not been specifically directed to any of the exceptions set out in Policy RD2 that applied to the approved dwelling and would apply to the proposal were it to be constructed in its place. However, I accept that the approved dwelling would replace the existing caravan and the appellant refers to linked farming duties.
22. I note that the appellant does not consider that he has a fallback position, nevertheless, the evidence before me is that there is an extant planning permission for a dwelling on land within the appellant's ownership that can be implemented. I consider that there is a greater than theoretical possibility that the planning permission could be implemented. I also consider that it is physically possible that both the appeal proposal and the extant permission could be carried out if the appeal were to succeed.
23. I appreciate that the appellant considers that the Council could have sought to prevent the implementation of the extant permission by condition. However, a planning condition would not formally revoke the extant planning permission. A legal agreement to secure the revocation of the extant permission would be required. Consequently, without an appropriate mechanism in place, allowing the proposal could result in both dwellings being constructed.
24. The evidence before me does not demonstrate that the proposal, on its own merits, would be a suitable location for a dwelling having regard to national and local planning policies and proximity to services and facilities. Therefore, 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.

Other Matters

25. I accept that the Parish Council have not objected to the proposal, however, this does not affect my conclusions on the main issues.
26. I note the appellants reference to Paragraph 118 e) of chapter 11 to the Framework. This paragraph supports development above existing residential development where this is consistent with the prevailing height and form of neighbouring properties and the overall street scene. This is not the case here.
27. My attention has been drawn to an approval for a stable further south along Carr Lane which was supported by the Council. I do not have the details of this permission before me. However, such buildings can be appropriate in rural settings and I do not find there to be a comparison between the proposed development and the erection of a stable.
28. I have considered the reference to the North Lincolnshire Sustainable Community Strategy 2006. Its contents are consistent with the approach to development set out in the Core Strategy and for the reasons stated I find that the proposal conflicts with the Core Strategy.

29. I note the appellant's concerns about the wording of the documentation that underpins Policy LC14. These are not matters for me to resolve as part of this appeal nor does their inclusion in the document have a bearing on my consideration of the appeal scheme.

Conclusion

30. I find that the proposal would conflict with the development plan, when read as a whole. There are no other material considerations that indicate that the appeal should be determined other than in accordance with the development plan.

31. Therefore, for the reasons given above, the appeal is dismissed.

Diane Cragg

INSPECTOR