



Appeal Decision

Site visit made on 10 August 2020

by Sarah Housden BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 September 2020

Appeal Ref: APP/Y2003/W/20/3248938

Land at 3 West End Road, Epworth Nr Doncaster DN9 1LA

- 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 and Mrs J Thompson against the decision of North East Lincolnshire Council.
 - The application Ref PA/2019/1213, dated 16 July 2019, was refused by notice dated 10 January 2020.
 - The development proposed is a 'residential dwelling'.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - Whether or not the site would be a suitable location for the proposed development having regard to development plan policies relating to the location of new housing in the District; and
 - The effect of the proposed development on the character and appearance of the area, including any effect on the Isle of Axholme Area of Special Historic Landscape Interest.

Reasons

Location

1. The appeal site comprises an area of scrub/grass immediately to the rear of No. 3 West End Road (No. 3) together with part of a larger grassed field to the rear of the properties on the south side of West End Road. Based on information from the appellants, the appeal site was formerly used for a market garden business which ceased trading in 2007 and has since been used for grazing. A mature hawthorn and holly hedge running north-west to south-east separates the smaller parcel to the rear of No. 3 from the larger grassed field. Access to the site is via a gated tarmac track running between No. 3 and 'Roselawn'.
2. Policy CS1 of the North Lincolnshire Core Strategy (2011) (CS) sets out the spatial strategy for the District and states that the market towns, which include Epworth, will be supported as thriving places to live, work and visit and as important service centres. In the countryside, rural economic diversification, small scale employment opportunities and tourism development will be

supported. Policy RD2 of the saved policies in the North Lincolnshire Local Plan (2003) (LP) seeks to strictly control new development in the open countryside, and limit new development within it to specific categories.

3. The proposed dwelling would be sited immediately to the rear of No. 3. This part of the appeal site is within the development limit for Epworth set out in the Housing and Employment Land Allocations Development Plan Document (2016) (HELA DPD). However, the proposed garden area for the new dwelling would be within part of the larger field to the south-west of the existing hedge, outside the Epworth development limit.
4. Whilst I note the appellant's point that only the proposed garden area would be located outside the development limit, this element of the scheme would result in a material change in the use of this land from the existing agricultural field to residential garden, which would be essential to provide an adequate area of outdoor amenity space that would be used in conjunction with the dwelling. Although the construction of the proposed dwelling would be acceptable in principle given its location within the development limit of Epworth, the associated garden area would not fall within one of the specific categories included in Policy RD2 of the LP as being acceptable in the open countryside or be supported by Policy CS1 of the CS, given its location. The appeal site must be assessed as a whole and the area beyond the development limit is within the open countryside for the purposes of planning policy and the proposal must be assessed in its entirety against the relevant policies in the development plan.
5. The proposal is for an open market dwelling and taken as a whole, it would conflict with CS Policy CS1 and LP Policy RD2. However, in view of the Council's five year housing land supply position, I consider below the extent to which this weighs against the proposal in the overall planning balance.

Character and appearance

6. West End Road extends from Station Road to the west of the town centre. Development along the road comprises a mixture of traditional and modern dwellings varying in type and design, interspersed with former farmhouses and agricultural outbuildings. Although the majority of properties front the road, some are positioned at right angles with their gable ends facing the road, some are well set back and some small scale development in depth is served by cul de sac estate roads. This results in a staggered pattern of development and a varied street scene along West End Road.
7. The agricultural landscape around Epworth is well preserved and falls within the Isle of Axholme Area of Special Historic Landscape Interest (ASHLI). LP Policy LC14 seeks to ensure that new development does not adversely affect the character, appearance or setting of the historic landscape or any of its features and that development which may be permitted to meet the social and economic needs of rural communities is related to the historic landscape and its features. LP Policy LC14 is informed by a survey of the historic landscape character of the Isle of Axholme¹.
8. The open countryside to the south of West End Road is characterised by small, irregular fields described as 'Early Enclosed Land,' (EEL) with relic evidence of

¹ The Isle of Axholme Historic Landscape Characterisation Project, Miller K 1997, commissioned by the Countryside Commission

earlier strip fields to the north-west and south-west. The larger field within which the proposed garden area would be located falls within the EEL landscape zone, defined as piecemeal enclosures of former strips of land, enclosed in the medieval or post medieval period and concentrated on those areas immediately adjacent to the settlement. The field forms part of the open countryside to the south of West End Road which contributes to the rural setting of Epworth and the existing hedge across the appeal site defines the historic field boundary, as illustrated on the 1887 Ordnance Survey map.

9. Whilst there is a sizeable barn within the larger field, it is separated from the appeal site by the access track and surrounding areas of hardstanding and it is viewed as a separate feature from the appeal site. As an agricultural building in a rural landscape, it is also a common feature which, due to its siting, does not appear incongruous or harmful to the ASHLI or to the rural character and appearance of the wider landscape. It follows that I do not agree with the appellant's assessment that the barn influences the wider landscape context.
10. The area of the appeal site, between No. 3 and the existing hedge, relates closely to the built-up area. When seen from West End Road, the proposed dwelling would be viewed in conjunction with the existing development along the road. Whilst it would be to the rear of existing properties, it would not appear incongruous or out of keeping with the surrounding development due to the varied building line and pattern of development along West End Road.
11. However, the proposal includes the removal of the existing established hedge to accommodate the garden in conjunction with the dwelling. This would result in the loss of part of the historic boundary between the rear of the properties to the south of West End Road and the enclosed field beyond. The proposed garden area would extend into the larger field and its boundaries would not follow any established or recognisable features on the ground. Overall, it would have a contrived form and changes in cultivation, along with domestic paraphernalia associated with the garden use, would change the character of this part of the field compared with its existing agricultural use.
12. Whilst the south-west boundary of the proposed garden would be in alignment with the rear boundaries of the properties to the north of the appeal site, it would not reflect the historic boundary as defined by the existing hedge. Planting along the new south-west boundary of the garden may assist with mitigating its visual impact, but this would take considerable time to establish and would not overcome the contrived appearance of the garden area extending out into the open countryside. Conditions restricting permitted development rights for additional buildings could be imposed on any planning permission, but this would not control domestic paraphernalia such as outdoor furniture and play equipment.
13. The garden area would appear as a contrived and incongruous incursion into the open countryside which would disrupt the historic EEL field pattern of the ASHLI and would be harmful to the rural character and appearance of the countryside to the south of West End Road and to the rural setting of the town. For these reasons, the proposal would conflict with CS Policy CS6 and LP Policy RD2 both of which seek to conserve and enhance the historic environment and ensure that new development respects and enhances local character and distinctiveness.

Planning Balance and Conclusion

14. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan, unless material considerations indicate otherwise.
15. The Council has confirmed in its Statement of Case that it cannot demonstrate a five year supply of deliverable housing sites. The National Planning Policy Framework (the Framework) indicates that in these circumstances, relevant policies for the supply of housing should be considered out of date and requires housing applications to be considered in the context of the presumption in favour of sustainable development. This is set out in Paragraph 11 and indicates that decision takers should grant permission 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.
16. Because of the housing land supply position, CS Policy CS1 and LP Policy RD2 which are relevant to the supply of housing should be regarded as being out of date as their strict application would prevent improvements to the shortfall in the supply of housing. I therefore attribute no weight to the proposal's conflict with these policies.
17. However, I have found that the proposal would cause material harm to the character and appearance of the area, having particular regard to the harmful effect on the EEL historic field pattern within the ASHLI. There would be conflict with CS Policy CS6 and LP Policy LC14. These policies are consistent with paragraph 127 of the Framework which requires that planning decisions are sympathetic to local character and history, including landscape setting and I attribute significant weight to the conflict with these policies. The proposal would conflict with the policies in the development plan, read as a whole.
18. However, as the relevant development plan policies for the provision of housing are out of date, the tilted balance applies in this case. The proposed development would result in some social and economic benefits. It would boost the supply of housing, albeit marginally, in proximity to the built-up area of Epworth which is designated as a market town in the CS. The services and facilities in Epworth would be approximately 1 kilometre away and could be accessed by sustainable modes of transport including walking and cycling.
19. Spending by new residents would be likely to support local services and facilities in Epworth. This together with the jobs created during construction would help to enhance and maintain the vitality of the rural community, in line with paragraph 78 of the Framework. Although the scale of development limits the benefits of the scheme in this regard, I attach moderate weight in favour of the scheme having regard to the contribution it would make to the social and economic aspects of sustainable development.
20. However, the conflict with CS Policy CS6 and LP Policy LC14 together with the harm to the environmental dimension of sustainable development would significantly and demonstrably outweigh the moderate weight in favour arising from the social and economic aspects of the development.
21. Overall, I find that neither this nor any of the other matters outlined above amount to material considerations which would outweigh the conflict with the

policies in the development plan when read as a whole. In these circumstances, there are no material considerations to justify making a decision other than in accordance with the development plan.

22. Having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Sarah Housden

INSPECTOR