
Appeal Decision

Site visit made on 3 August 2020

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd September 2020

Appeal Ref: APP/Y2003/W/20/3247334

Land adjacent to The Willows, Barton Road, Wrawby DN20 8SH

- 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 Martin Flynn (Flynn Architecture Ltd) against the decision of North Lincolnshire Council.
 - The application Ref PA/2019/596, dated 28 March 2019, was refused by notice dated 27 August 2019.
 - The development proposed is erect 25 dwellings with access roads and open space.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application has been submitted in outline with all matters, except for access reserved for future consideration. I have dealt with the proposal on that basis, treating details such as those on the proposed site plan as being indicative only.
3. The Appellant has raised concerns regarding the Council's handling of the case, and in particular with regard to a perceived delay in the determination of the original planning application and perceived inconsistencies in the advice received from Council Officers. However, these are matters that would need to be taken up with the Council in the first instance and in determining the appeal I have only had regard to the planning merits of the case.
4. The Council have described the development as 'Outline planning permission to erect 25 dwellings with access roads and open space, with appearance, landscaping, layout and scale reserved for subsequent approval on land adjacent to The Willows, Barton Road, Wrawby, DN20 8SH'. I note that the appellant has also utilised this description on their appeal form. I consider that the Council's revised description provides a more accurate description of the proposal and I have therefore determined the appeal on the basis of the revised description. I have also revised the site address to match this revision.

Main Issues

5. The main issues are:
 - whether the site is a suitable location for residential development; and
 - the effect of the proposed development on the rural character of Wrawby.

Reasons

6. The appeal site is located on the edge of Wrawby a predominately residential village set within a wider rural landscape. Indeed, to the south and southwest of the appeal site there are substantial areas of open agricultural land. The existing development pattern for the housing within the village largely consists of buildings in a linear pattern being clustered around the road network with agricultural fields surrounding them. Whilst the village is predominately residential, I consider its character to be intrinsically rural with Barton Road (B1206) forming a clear and well-defined boundary between the more built-up area to the east of it and more open agricultural land to the west of it. This is particularly true of the land (including the appeal site) located to the south of the cluster of residential development situated on the triangular wedge of land between Star Carr Lane and Barton Road, near to the junction of these two roads.

Whether a suitable location for residential development

7. Whilst the appeal site is right on the edge of the built-up area of the village it is located outside of its settlement boundary. Land outside of this settlement boundary is classified by Policy RD2 of the adopted North Lincolnshire Local Plan (May 2003) (NLLP) and Policy CS3 of the adopted North Lincolnshire Local Development Framework Core Strategy (June 2011) (NLCS) as being either within a rural settlement in the countryside or within the open countryside. I therefore consider it to be within a rural settlement in the countryside.
8. Policy CS2 of the NLCS aims to deliver more sustainable development, specifying that small scale development will be permitted within the defined limits of rural settlements provided that it meets an identified local need. It also specifies that new development should be located to minimise the need to travel and to encourage journeys to be possible by walking, cycling and public transport.
9. Policy CS8 of the NLCS sets out the spatial distribution of new housing to be provided within the plan area and states that in rural settlements in the countryside and in the open countryside outside development limits, housing development will be strictly limited and that only development which relates to agriculture, forestry or to meet a special need associated with the countryside will be supported.
10. Consequently, the proposed residential development would need to meet the criteria set out within Policy RD2 of the NLLP and Policies CS2, CS3 and CS8 of the NLCS for it to be acceptable in principle.
11. The indicative proposed development is in outline with all matters except for access reserved. However, the appellant has indicated that the scheme could provide up to twenty-five dwellings. Paragraph 78 of the National Planning Policy Framework (the Framework) promotes sustainable development in rural areas where it will enhance or maintain the vitality of rural communities. In relation to economic and community benefits, the proposed housing would provide a boost to the local economy and businesses which would help to sustain services within the village. In their design and access statement the appellant has also cited the provision of affordable housing as a community benefit, but I have no evidence before me to suggest that this would be the case.

12. However, these economic and community benefits would be dependent on residents being able to meet many of their service needs within the village. From the evidence before me, there are several services that would be within a 2 km walking and cycling distance of the proposed development, with the routes being paved and lit. Indeed, according to the evidence before me, the North Lincolnshire Sustainable Settlement Survey classifies Wrawby as a 'Larger Rural Settlement' and ranks it 32nd out of 79 having three out of the seven key facilities identified by the survey for a settlement to be sustainable. However, given the size of the proposal, I do not think that they would be sufficient to meet the day-to-day service needs of its future occupiers.
13. Consequently, given the limited range of services and facilities in Wrawby I consider it likely that residents would need to travel to a larger service centre such as Scunthorpe, and other settlements such as Brigg to obtain their goods and services. I acknowledge that there is a dedicated cycle lane linking Wrawby and Brigg and that given the relatively short distance it would be likely that residents would cycle there to obtain some of their goods and services. However, this is not the case for Scunthorpe and as a result I consider it less likely that they would cycle there.
14. I also acknowledge that there are several bus stops close to the appeal site with daily services to Brigg and Scunthorpe which would also assist residents in reducing their reliance on the private car to access and obtain their day-to-day goods and services in these settlements. However, I have no evidence before me as to what time of day these bus services run or how many times per day they run.
15. Furthermore, as stated by the Appellant the appeal site has direct connectivity to local settlements by road with the A15 and M180 being within easy reach of the site¹. Therefore, given the rural nature of the area and the proximity of the appeal site to Barton Road I consider it likely that residents would still travel by car to larger service centres such as Scunthorpe and that the proposal would not therefore sufficiently reduce the reliance of residents on private vehicles to obtain their day-to-day goods and services.
16. Additionally, the appeal site is a greenfield site within the open countryside. Therefore, I do not consider that the replacement of this greenfield site with housing development would provide a clear environmental benefit in this regard.
17. Accordingly, taking into account all of the factors discussed above, and being mindful of paragraph 103 of the Framework, I am not satisfied that the appeal site is a suitable location for residential development. I therefore conclude that the proposed development would conflict with Policy RD2 of the NLLP and Policies CS2, CS3, and CS8 of the NLCS which collectively aim to deliver sustainable development, protect the countryside and ensure that new housing is located in sustainable locations where there is an identified local need. It would also conflict with paragraphs 8 and 78 of the Framework which aim to achieve sustainable development and to promote it in rural areas.

¹ See Appellant's Design and Access Statement.

18. As the appeal site is situated close to the built-up area of Wrawby village, I therefore consider it not to be in an isolated location and that the restrictions set out in Paragraph 79 of the Framework do not apply and that, as a result, they are not entirely relevant in this case.

Effect on the rural character of Wrawby

19. Policies H5 and DS1 of the NLLP stipulate that all new housing development is located within a defined settlement and also that it should be in keeping with the scale and character of that settlement and should reflect or enhance the setting of the area. The appeal site is located outside the settlement boundary of Wrawby, on a greenfield site within the countryside and an area of rural character. As the proposal is outside the visibly clear settlement boundary in this area, I consider it to be out of character with the existing built-form of the village and its established pattern of development.
20. As a result, I consider that the indicative proposal would not meet the criteria set by Policies H5 and DS1 of the NLLP or by Policies CS3 and CS8 of the NLCS for it to be acceptable in principle. Moreover, given that the appeal site is largely surrounded by open agricultural land and that the proposal would introduce new housing with an associated access road to a greenfield site, I consider that it would have an adverse visual impact thereby significantly harming the area's intrinsic rural character.
21. I acknowledge the appellant's points that: the proposal would be effectively screened by the existing mature trees and hedgerows that comprise the boundaries of the appeal site meaning that it would also be 'self-contained' as a result; that visual receptors to the proposal would primarily be pedestrians and motorists traversing Barton Road whose sensitivity would be limited; and that given the presence of a long stretch of housing on the eastern side of the road, the proposal would relate well with the established pattern of development in the area. However, Barton Road forms a clear visual boundary between the main built-up portion of the settlement to the east of it and the open countryside to the west of it that I consider the proposal would disrupt particularly when viewed from Barton Road where there are fewer trees and smaller hedgerows on the appeal site's boundary with it.
22. Furthermore, while I acknowledge that the view by passing motorists would be transient it would be much less so for pedestrians traversing Barton Road or indeed the other public footpath at the end of the field to the south of the appeal site which runs parallel to the site boundary. Additionally, even though the site is bounded by mature trees and hedgerows on three sides, given its size, the lack of built-up development around it and its proximity to and clear connection with the more open land to the south of it, I do not consider it to be particularly self-contained.
23. Moreover, while I acknowledge that the indicative scheme shows that the proposed dwellings to the east of the appeal site fronting Barton Road would face the street with their roof ridges running parallel to the road, I consider that the proposal as a whole would nonetheless have a higher density than the other residential development adjoining Barton Road, particularly that to the west of it, therefore being at odds with the area's established pattern of development.

24. Consequently, taking into account all of the factors discussed above, I conclude that the proposed residential development would by virtue of its scale and location substantially harm the intrinsic rural character of Wrawby. It would therefore conflict with the requirements of Policies H5 and DS1 of the NLLP and Policies CS3 and CS8 of the NLCS which collectively seek to ensure that new development is of a scale appropriate to its location and that it also does not harm the character of a settlement or the setting of an area. It would also conflict with paragraph 170 of the Framework which recognises the intrinsic character and beauty of the countryside.

Other considerations

25. The proposed development would potentially provide an additional twenty-five houses and a social benefit. There would also be some economic investment from both their construction and subsequent occupation. Additionally, as the site would be connected to the village via a pavement and road with street lighting it would be relatively straightforward for the proposal's future occupiers to either walk or cycle into village. This and the fact that it would also be connected to larger service centres by a cycle lane and bus routes means that it would assist in reducing reliance on the private car and thereby represent an environmental benefit. These benefits carry some weight in favour of the appeal scheme.

Planning balance

26. Both parties also appear to agree that the Council cannot demonstrate a 5-year deliverable supply of housing land for the area. In their statement the Appellant estimates the supply to be approximately 4 years and this figure has not been challenged by the Council. As such, it is necessary for me to determine whether the adverse impacts of the development would significantly and demonstrably outweigh the benefits inherent in providing up to twenty-five additional dwellings to assist the Council in addressing its undersupply as set out in Paragraph 11 of the Framework.
27. In relation to the adverse impacts of the proposal, these are the location of new housing development in an unsuitable countryside location outside of a defined settlement causing the loss of a greenfield site and substantial harm the intrinsic rural character of Wrawby village in conflict with Policies H5, RD2 and DS1 of the NLLP and Policies CS2, CS3, CS5 and CS8 of the NLCS. It would also conflict with paragraphs 8, 78 and 170 of the Framework.
28. With regards to the potential benefits of the proposal, it would provide social, economic and environmental benefits carrying some weight in favour of the appeal scheme. However, given the conflict with the development plan and those policies of the Framework identified above, I find that the proposal consequently cannot be considered sustainable development in accordance with paragraph 11 of the Framework.
29. Therefore, within the context of paragraph 11 of the Framework, given the substantial harm I have identified, I consider that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole, including its presumption in favour of sustainable development.

Other Matters

30. Two appeal decisions have also been cited by the appellant in support of the appeal proposal. However, their circumstances are not exactly the same, with the first appeal site (Appeal Ref APP/Z1510/W/18/3214136) having an undulating topography and being surrounded on three sides by built development, and the second appeal site (Appeal Ref APP/C1570/W/18/3210034) being an area of unmanaged scrubland with a non-linear boundary contained by built development to the south of it. As result these two proposals are different to the appeal scheme which I have determined on its own merits.
31. The appellant has also cited an example of residential development that has been permitted by the Council in order to demonstrate that a precedent has been set for permitting this type of development in the countryside. However, I am not aware of the particular circumstances in that case and so cannot be sure that it represents a direct parallel to the appeal scheme. In any event I have determined the appeal scheme on its own merits.
32. None of the other matters raised alter or outweigh my conclusions on the main issues.

Conclusion

33. The proposal would not accord with the development plan and the Framework when read as a whole and the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies contained within them. Therefore, for the reasons set out above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

C Coyne

INSPECTOR