
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: 4th September 2020

Appeal Ref: APP/Y2003/W/20/3248192

Land to the North of Habrough Lane, Kirmington DN39 6YN

- 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 Jenkins against the decision of North Lincolnshire Council.
 - The application Ref PA/2019/745, dated 2 April 2019, was refused by notice dated 22 November 2019.
 - The development proposed is described on the application form as 'It is proposed to develop the site with 9 dwellings comprising: One detached house with 3 bedrooms, A pair of semi-detached houses each with 3 bedrooms, A terrace of three houses each with 3 bedrooms, A pair of semi-detached bungalows each with 3 bedrooms, both complying with part M4/2 and One detached bungalow with 3 bedrooms complying to Part M4/2 of the approved documents. The intention would be to provide the village with 'starter homes' or 'downsize bungalows' thus enabling the youth and elderly to be mobile within the village'. (sic)
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application has been submitted in outline with landscaping being the only matter 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 inconsistency in the advice they received from Council Officers. However, this is a matter 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 for nine dwellings (landscaping reserved for subsequent approval)'. I note that the appellant has also utilised this description on their appeal form. I consider that the Council's revised description provides a succinct and accurate description of the proposal and I have therefore determined the appeal on the basis of the revised description.
5. On the original application form the site address did not include a postcode. In the interest of clarity and precision, I have added a postcode to the site address in the banner heading.

Main Issues

6. 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 Kirmington.

Reasons

7. The appeal site is located on the edge of Kirmington a predominately residential village set within a wider rural landscape. Indeed, to the south east and south west of it 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.

Whether a suitable location for residential development

8. 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 as defined within the adopted North Lincolnshire Local Plan Housing and Employment Land Allocations Development Plan Document 2016 (HELAP). 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.
9. 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.
10. 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.
11. 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.
12. The indicative proposed development is in outline with landscaping being the only matter reserved for future consideration. However, the appellant has indicated that the scheme could provide up to nine 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 limited boost to the local economy and businesses which would potentially help to sustain services within the village.

13. However, these potential 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 and what I saw on my site visit, the existing services and facilities within the village comprise a school, local business centre and village pub. Whilst these would be within walking distance of the proposed development, with the routes being paved and lit, I do not think that they would be sufficient to meet the day-to-day service needs of its future occupiers.
14. Given the limited range of services and facilities in Kirmington I consider it likely that residents would need to travel to larger service centres such as Scunthorpe, Grimsby or Hull to obtain their goods and services. Indeed, the North Lincolnshire Sustainable Survey 2019 classifies Kirmington as a 'Smaller Rural Settlement' and ranks it 37th out of 79 settlements in terms of a sustainability score having three out of the seven key facilities identified by the survey for a settlement to be considered sustainable. I acknowledge that the village is served by several bus routes, however the evidence before me does not tell me how frequently they run or where they run to.
15. Furthermore, given the rural nature of the area it is also likely that residents would travel by car to these service centres and to other settlements such as Ulceby, Brigg and Barton-upon-Humber. I also acknowledge the nearby potential sources of employment for the proposal's future residents that the appellant has identified and the fact that the Kirmington Business Centre is close to the appeal site. However, this is a relatively small business centre and as such would be unlikely to provide a significant source of local employment. Furthermore, the others mentioned such as the local quarry, Humberside airport, Elsham industrial park, the Brocklesby Estate and the new green employment opportunities on South Humber Bank are located a reasonable distance outside of the village and for similar reasons I consider it likely that residents would travel by private car to access these opportunities.
16. Moreover, while I also acknowledge that some of these employment opportunities as well as the Habrough and Barnetby train stations are within a cycle ride of approximately 15 minutes of the village, not everyone would choose this mode of transport particularly in the darker winter months and at other times where daylight would be limited given the nature of the rural roads that would need to be travelled which are not well lit. Consequently, I do not consider that the proposed development would reduce the reliance of residents on private vehicles to obtain their day-to-day goods and services.
17. 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.
18. Consequently, 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 also to promote it in rural areas.

Effect on the rural character of Kirmington

19. Policies H5 and DS1 of the NLLP stipulate that all new housing development is located within a defined settlement and that it should be in keeping with the scale and character of that settlement and also that it should reflect or enhance the setting of the area. The appeal site is located outside the settlement boundary of Kirmington, 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. I acknowledge that there is a slight gradient to the appeal site, and that the design of the proposed housing would be complimentary to those already in the village, however, I consider that these factors would not be sufficient to mitigate this harmful visual impact.
21. I also acknowledge the appellant's points that there is a residential development immediately adjacent to the appeal site to the north west and that Habrough Road rather than Skitter Beck would be a more sensible settlement boundary for the village. However, given the more open rural character of the appeal site and the countryside to the south, east and west of it, I consider the existing residential development to be a clear linear boundary which defines the limits of the settlement. As such, I also therefore consider that the proposal would represent an undesirable incursion into this more open rural land thereby harming its setting and character.
22. 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 Kirmington. 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

23. Turning to the benefits, the development would potentially provide an additional nine houses and a social benefit. There would also be some economic investment from both their construction and subsequent occupation. It would also potentially provide a limited benefit in relation to increasing demand for local services and facilities within the village. 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 the village thereby reducing reliance on the private car and representing an environmental benefit. These benefits carry modest weight in favour of the appeal scheme.

Planning balance

24. Both parties appear to agree that the Council cannot demonstrate a 5-year supply of deliverable housing land for the area. In their statement the Appellant estimates the supply to be approximately 3.79 years (a shortfall of approximately 584 dwellings) 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 nine additional dwellings to assist the Council in addressing its undersupply as set out in Paragraph 11 of the Framework.
25. 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 which would substantially harm the intrinsic rural character of Kirmington 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.
26. 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 therefore cannot be considered sustainable development in accordance with paragraph 11 of the Framework.
27. 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.

Conclusion

28. 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, I conclude that the appeal should be dismissed.

C Coyne

INSPECTOR