
Appeal Decision

Site visit made on 18 August 2020

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 September 2020

Appeal Ref: APP/Y2003/W/20/3252529

Beckville, Owston Ferry Road, Low Burnham DN9 1DB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr and Mrs Ruddick against North Lincolnshire Council.
 - The application Ref PA/2020/112, is dated 23 January 2020.
 - The development proposed is a new dwelling.
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Decision

1. The appeal is dismissed and planning permission is refused.

Main Issues

2. The appeal is against a failure to determine the planning application, however the Council has provided a delegated assessment with their appeal submission which sets out two reasons why permission would have been refused. Based upon this, I consider that the main issues are:
 - (i) the impact of the proposed development on the character and appearance of the area and on the Isle of Axholme area of Special Historic Landscape
 - (ii) whether the appeal proposal would constitute an acceptable form of development with particular regard to the provisions of local policy in respect of the location of development

Reasons

Character and appearance and historic landscape

3. The proposed development would be sited to the rear of Beckville. Whilst there is some variation in the positioning of development within the settlement of Low Burnham, and in terms of the depth of the frontages of existing dwellings, existing residential development is generally arranged along the roads which the dwellings address. This forms the prevailing pattern of settlement and in turn is a key component of the character and appearance of the area. I have not been made aware of any examples of backland development which are similar to that which would result from the appeal development, and I observed nothing during my site visit to suggest that the proposal would be in keeping with the pattern of settlement in Low Burnham.
4. Accordingly, the construction of the proposal in this backland position would be uncharacteristic of the surrounding area. This would jar with the prevailing

pattern of settlement and result in significant harm to the character and appearance of the area.

5. Furthermore, the proposed dwelling would be of a substantial size and general scale, in particular in relation to the existing dwelling at Beckville, which is a building of only modest proportions. The proposal would visually dominate Beckville and would as a result share an awkward and incongruous relationship with this existing dwelling. Due to the modest scale of Beckville, and because of the space around it and because the dwellings to one side are bungalows, the proposed development would be visible from many vantage points within the surrounding area. Its physical form would therefore, as a result of all of these factors, also cause significant harm to the character and appearance of the area.
6. The appeal site sits fully within the designated historic landscape of the Isle of Axholme, which is an area containing nationally significant areas of open strip fields and turbaries. At the present time, the appeal site is laid out as domestic garden land serving the existing dwelling at Beckville. This would remain unchanged, other than that the proposed dwelling would be constructed and the garden land would instead be dedicated to it. There would be no extension into areas of land that are open or in agricultural use.
7. The Council's delegated assessment states that at some point since the mid-20th Century the residential curtilage of Beckville and the adjoining properties to the south has been extended a short way into the former open strip field area. However, no evidence as to the planning status of the land which comprises the appeal site has been provided by either party. In its current form, there would not be a harmful impact upon the historic landscape, as the proposed dwelling would be positioned far enough from the existing rear boundary of the site and close enough to the existing built development in this part of Low Burnham so, when viewed from the key direction of the A161 and across existing fields, it would be seen against the context of the existing built form of the settlement. The remainder of the site would remain in garden use, albeit serving the proposed dwelling and not Beckville.
8. The planning status of the full garden area shown on the plans submitted is not a matter for me to determine in the context of an appeal made under section 78 of the Town and Country Planning Act 1990. Accordingly, I make my assessment on the plans before me which show that the existing garden would remain the same size and remain in residential use. On that basis and due to the positioning of the proposed dwelling in relation to the existing built form when viewed across the designated landscape, I find that there would not be harm arising to the Isle of Axholme area of Special Historic Landscape.
9. For the above reasons I conclude that the proposed development would cause significant harm to the character and appearance of the area by reason of its backland positioning and its scale. The proposal would therefore fail to accord with Saved Policies DS1, H7 and RD2 of the North Lincolnshire Local Plan 2003 (LP), where they seek to protect the character and appearance of areas. The appellant has drawn attention to Policy CS5 of the North Lincolnshire Core Strategy 2011 (CS) and Saved Policy H8 of the LP, but there would be conflict too with these policies as they also seek to safeguard character and appearance. There would also be a conflict with the aims of The National

Planning Policy Framework (The Framework), where it seeks to achieve well-designed places.

10. However, there would be no conflict with Policy CS6 of the CS or with Saved Policies LC7 and LC14 of the LP where they refer to matters relating to the protection of the Isle of Axholme area of Special Historic Landscape. There would also not be conflict with The Framework where it seeks to conserve and enhance the historic environment.

Location

11. The appeal site is partially located within the development boundary of Low Burnham and partially outside of it. Whilst the appellant states that the proposed dwelling itself would be entirely inside the development boundary, it is not clear to me that this would be the case, based on the information I have been provided. Policy CS1 of the CS sets out the overarching objectives relating to the location of new development in North Lincolnshire. Policies CS2 and CS3 of the CS allow development outside development boundaries for that which is essential to the functioning of the countryside, such as for agriculture, forestry or tourism. Saved Policy RD2 of the LP places similar restrictions on development in the open countryside. As market housing, the proposed development would therefore conflict with Policies CS2 and CS3 of the CS and Saved Policy RD2 of the LP.
12. On the basis of the appeal site being garden land in conjunction with the existing dwelling at Beckville, the majority of the appeal site that is in the countryside would remain in use as a residential garden. A section of the proposed dwelling may fall outside of the development boundary but this would only be a limited proportion of its footprint. Therefore, there would be only a minor breach of the development boundary by the built form of the proposed development, and the majority of the area outside of the boundary would remain as garden land. The proposed dwelling would also be close to the existing built form of Lower Burnham. Collectively, these factors mean that the impact on the area designated as countryside would be only very limited. This is a material consideration and it outweighs the conflict with the development plan policies that would occur.
13. Therefore, although the proposal would not accord with Policies CS2 and CS3 of the CS and Saved Policy RD2 of the LP, the circumstances of the case present a material consideration which outweighs the conflict with these development plan policies.

Other Considerations

14. The Council cannot demonstrate a 5 year housing land supply, with the current supply being placed at 4 years. By virtue of footnote 7, the shortfall triggers paragraph 11d) of The Framework. I have not been made aware that the proposed development would harm any areas or assets of particular importance as defined in The Framework, and therefore paragraph 11d)ii) is the relevant part of The Framework in this case.
15. The appellant has not highlighted any specific benefits relating to the proposed development, however the main benefit that would arise in this instance would be the delivery of new housing, which must be considered against the shortfall in the 5 year housing land supply that the Council is able to demonstrate. The

Council's shortfall is not significant but nonetheless the delivery of new housing must carry weight in favour of the proposal, owing to the fact that it would serve to reduce the shortfall that exists. However, the benefits arising from the delivery of one new dwelling in boosting the supply of housing would be limited, and accordingly I afford this benefit only limited weight.

The development plan

16. Whilst I have found conflict with Policies CS2 and CS3 of the CS and Saved Policy RD2 of the LP, I have found this conflict to be outweighed by material considerations where it relates to the impact of the proposed development on the countryside. Policy CS5 of the CS and Saved Policies DS1, H7, H8 and RD2 of the LP are, where they relate to character and appearance, consistent with The Framework, and the conflict with them I have identified therefore carries substantial weight. Furthermore, the conflict with Policy CS5 and Saved Policies DS1, H7, H8 and RD2 means that the proposal would conflict with the development plan, when it is taken as a whole.

The paragraph 11d) balance

17. Paragraph 11d)ii) of The Framework states that planning permission should be granted 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. I have already established that the delivery of one new dwelling would be a benefit, and that this should carry limited weight in support of the proposal.
18. The harm to the character and appearance of the area would however be significant for the reasons that I have identified. The Framework seeks to foster high quality design and states at Paragraph 130 that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.
19. In this instance therefore, the significant harm to the character and appearance of the area would be an adverse impact which would significantly and demonstrably outweigh the limited benefits associated with the provision of one new dwelling, when assessed against the policies in The Framework as a whole. Accordingly, I conclude that the proposal does not benefit from the presumption in favour of sustainable development that is set out in Paragraph 11 of The Framework.

Other Matters

20. The appellant has drawn attention to an approved development at a dwelling close to Low Burnham. I have not been provided with precise details of this other application, but it appears to relate to an extension to the dwelling and does not appear to be comparable to the appeal proposal. In any event, I am required to determine the appeal primarily upon its own merits, and that is the approach that I have taken. This matter does not therefore weigh in favour of the proposed development.
21. I note that a representation has been submitted which offers support for the proposal, but such support does not justify a harmful development.

Planning Balance and Conclusion

22. The proposal would not accord with Policy CS5 of the CS and Saved Policies DS1, H7, H8 and RD2 of the LP, where they seek to safeguard the character and appearance of areas. The conflict with these policies carries substantial weight and means that the proposed development would conflict with the development plan, taken as a whole. There would also be conflict with The Framework, where it seeks to achieve well-designed places. Whilst the provision of one new dwelling would be a benefit of limited weight, it does not outweigh the significant harm that would result to the character and appearance of the area and the resultant conflict with the development plan. For the reasons I have outlined, the proposal does not benefit from the presumption in favour of sustainable development set out by The Framework.
23. Therefore, there are no material considerations which indicate that the determination of this appeal should be made otherwise than in accordance with the development plan, and I conclude that the appeal should be dismissed.

Graham Wraight

INSPECTOR