

Appeal Decision

Site visit made on 12 October 2020

by R Walker BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 October 2020

Appeal Ref: APP/Y2003/W/20/3255387

Land south west of 7a Grayingham Road, Kirton in Lindsey DN21 4EL

- 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 Barnard against the decision of North Lincolnshire Council.
 - The application Ref PA/2019/1609, dated 20 September 2019, was refused by notice dated 6 January 2020.
 - The development proposed is outline planning application for upto 12 no new dwellings.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development given on the planning application form and decision notice differ slightly. The description of the development above is taken from the application form which accurately describes the proposal. However, I have omitted the address from this description as it is not a description of development.
3. The planning application was made in outline with all matters reserved. As such, I have regarded all detailed elements of the drawings submitted as indicative.

Main Issues

4. The main issues in this appeal are:
 - whether the site represents an appropriate location for the proposal, having particular regard to the housing strategy for the area;
 - the effect of the proposal on the character and appearance of the surrounding area; and
 - whether or not the proposal would make appropriate provision for affordable housing.

Reasons

Location

5. The appeal site is located outside of the development limits for Kirton in Lindsey and therefore in open countryside for planning policy purposes. In the countryside, development is restricted by policies in the North Lincolnshire Core Strategy (2011) (CS) and the North Lincolnshire Local Plan (2003) (LP) to

particular types of development. The appeal scheme is not for any type of development supported in these policies.

6. As such, although the settlement is intended to be the focus for some development, the appeal site's position in open countryside is such that the proposal would be contrary to the housing strategy for the area. The proposal would therefore conflict with the requirements of Policies CS1, CS2, CS3 and CS8 of the CS and Policy RD2 of the LP which broadly, amongst other things, seek to control development in the open countryside.
7. Although the restrictive nature of Policy CS3 of the CS and RD2 of the LP would unduly constrain the housing supply and are not, in this respect, entirely consistent with the National Planning Policy Framework (the Framework). Overall, these policies are consistent with the Framework, to the extent that they seek to promote sustainable rural development and recognise the intrinsic character and beauty of the countryside.

Character and appearance

8. The appeal site is an open parcel of land adjacent to a small housing development which was under construction at the time of my site visit. It is positioned on the lower ground level to houses along Grayingham Road and is, in part, bordered by high hedging. Its location, size and underlying use contrasts with the larger open agricultural fields and countryside that surround this part of the settlement. Nonetheless, as an open parcel of land it makes a positive contribution to the transitional landscape of this settlement edge.
9. The proposal would be clearly visible from, amongst other locations, private views from nearby properties and the approaches into the settlement along Grayingham Road and Gainsborough Road. Moreover, it would be visible in some distant views from the B1206. In these views, it would generally be seen in combination with the housing under construction, housing along Grayingham Road and a relatively large building in the adjacent parcel of land.
10. Whilst the details of the scheme, including landscaping, would be reserved matters, the development of the open parcel of land would result in an encroachment of built form within this transitional landscape. The erosion of this transitional landscape would result in harm to its character and appearance. However, due to the relatively contained nature of the site, its size and location, the effects would be localised, and the overall harm would be modest. Such harm, nonetheless, weighs against the proposal.
11. I therefore find that there would be some harm to the character and appearance of the surrounding area. In this regard, the proposal would conflict with the requirements of Policy CS2 of the CS and Policy RD2 of the LP. These policies, amongst other things, stipulate that planning permission will only be granted for development provided that it would not be detrimental to the character or appearance of the open countryside or a nearby settlement.
12. In so far as they relate to character and appearance, these policies accord with paragraphs 127 and 130 of the Framework. These require, amongst other things, developments to be sympathetic to local character and the surrounding built environment and landscape setting. In this regard, the proposal would conflict with the relevant provisions of the Framework.

Affordable housing

13. The Council did not refuse the application on the basis that no provision had been made for affordable housing. However, both parties agree that an element of affordable housing would be required in order to satisfy the requirements of Policy CS9 of the CS.
14. The appellant has undertaken to enter into a Planning Obligation to secure affordable housing. However, no Planning Obligation had been received by the time of my decision. As there is no mechanism before me to secure any affordable housing, there would be no certainty that those unable to compete in the general housing market would be able to access or afford any of the housing.
15. I therefore find that the proposal would not make appropriate provision for affordable housing. As such, the proposal would conflict with Policy CS9 of the CS which stipulates, amongst other things, that new residential housing development of 5 or more dwellings in Market Towns must make provision for an element of affordable housing.
16. In the absence of any affordable housing the proposal would also conflict with the relevant provisions of the Framework. This says, amongst other things, that where major development includes housing at least 10% of the homes should be available for affordable home ownership (paragraph 64).

Other Matters

17. The appellant has also undertaken to enter into a Planning Obligation to secure a financial contribution towards the maintenance of an existing area of play and open space. I also note that in the consultation responses to the planning application, a further contribution has been requested toward improving off site leisure provision in the catchment. However, I have not been provided with evidence to indicate whether any such obligations are necessary having regard to the statutory tests in Regulation 122 of the Community Infrastructure Regulations. As such, the absence of a Planning Obligation in relation to this matter weighs neither for nor against the proposal.
18. I have been referred to several other housing schemes including, amongst other things, the adjacent site. From the evidence provided, the circumstances were not directly comparable with the appeal scheme in location, number and mix of housing proposed. I have, in any case, reached my own conclusions on the appeal proposal based on the evidence before me.

Planning Balance

19. The proposal would conflict with Policies CS1, CS2, CS3, CS8 and CS9 of the CS and Policy RD2 of the LP. As outlined in the main issues section some of these policies are not completely consistent with the Framework. However, overall, they are broadly consistent with the Framework where they relate to the protection of the countryside and the provision of affordable housing. As such, I give substantial weight to the conflict with these policies and I find that the proposal would conflict with the development plan when taken as a whole.
20. The Council has confirmed that it cannot demonstrate a 5-year housing land supply with the current supply figure cited to be 4 years. Therefore, the so-called 'tilted balance' applies to this case. This indicates that planning

permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

21. Although the Council's shortfall is not significant and I'm told steps are being taken to address it, the delivery of new housing carries weight in favour of the proposal. The proposal would support the objectives of the Framework of significantly boosting the supply of homes, boosting the economy and making effective use of land. However, given the modest scale of development the associated benefits would be modest.
22. The housing would be in an accessible location, close to services and facilities. However, this, in itself, is not a benefit, rather an expectation of the planning system. Similarly, the absence of harm in relation to other considerations raised by the appellant weigh neutrally in my assessment.
23. The failure to provide any element of affordable housing without justification means that the proposal would not contribute to the governments objectives of creating mixed and balanced communities or meeting the needs of different groups in the community. Given the importance attached to these matters by the Framework, these weigh heavily against the proposal. Moreover, there would be a modest level of harm to the character and appearance of the area, weighing modestly against the proposal.
24. These matters, combined, would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole, including its presumption in favour of sustainable development.

Conclusion

25. The proposal would conflict with the Council's housing strategy, resulting in harm to the character and appearance of the surrounding area and would not make appropriate provision for affordable housing. For the reasons set out above, the proposal would conflict with the development plan and Framework when read as a whole.
26. Overall, I find there to be no material considerations that would indicate that the appeal decision should be taken other than in accordance with the development plan.
27. The appeal is therefore dismissed.

Robert Walker

INSPECTOR