
Appeal Decision

Site visit made on 20 April 2021

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 June 2021

Appeal Ref: APP/Y2003/W/20/3262314

Land East of Barton Road, Wrawby. Grid Ref Easting: 501668 Grid Ref Northing: 408746

- 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 Roger and David Herring against the decision of North Lincolnshire Council.
 - The application Ref PA/2020/893, dated 15 June 2020, was refused by notice dated 1 October 2020.
 - The development proposed is '40 dwellings on land to the east of Barton Road, Wrawby, with the matter of access to be considered at this stage. Whilst being reserved for formal detailed consideration at the Reserved Matters stage, the application explains how matters relating to scale and layout are expected to be proposed in due course with landscape, archaeology, ecology, flood risk and surface water drainage matters all being assessed in principle as part of the submission to show that these do not present fundamental constraints'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application that led to this appeal was made in outline with access included and landscaping and layout, appearance and scale reserved for future consideration.
3. Application drawing no SCP/190900/SK01 is titled 'indicative access arrangement' the application form indicates that access is submitted as part of the application proposals and is not a reserved matter. I have taken the appeal proposals to include details of the access including the above noted plan and considered the appeal accordingly. I also acknowledge that evidence is provided with the intention of demonstrating how matters of scale and layout are expected to be proposed at reserved matters stage.
4. A signed and sealed agreement dated 5 March 2021 pursuant to section 106 of the Town and Country Planning Act 1990 (as amended) (S106 agreement) has been submitted during the appeal process. I provide further comment on this agreement later in this decision.

Main Issues

5. The main issues are (i) the effect of the development on the character and appearance of the area and (ii) if harm arises, whether in the overall planning

balance this would be outweighed by other considerations including housing land supply.

Reasons

Character and appearance

6. The appeal site is outside of the defined development limits of Wrawby and in the open countryside for the purposes of the development plan. The North Lincolnshire Local Development Framework Core Strategy June 2011 (Core Strategy) identifies Wrawby as a rural settlement.
7. Policy CS1 and CS8 of the Core Strategy set out the spatial strategy for North Lincolnshire. Scunthorpe will be the focus for most new development and growth including housing, identified market towns will provide an appropriate level and range of new housing. Development in rural settlements will be limited and should take into account levels of local service provision. Development should be in keeping with the character and nature of the settlement and should not have an adverse impact on the environment or landscape.
8. Policies CS2 and CS3 of the Core Strategy and Policy RD2 of the North Lincolnshire Local Plan (adopted May 2003) (the Local Plan) set out the types of development which could, as an exception, be permitted on sites outside of development limits. The appeal scheme does not fall into any of these categories. Policy CS3 states that the development limits will be drawn to reflect the need to protect and enhance settlement character, protecting areas of open space or land with the characteristics of open countryside.
9. The policy approach is largely consistent with the National Planning Policy Framework (the Framework) where it states that in rural areas planning policies should be responsive to local circumstances and where it states that development should be sympathetic to local character and history, including the surrounding built environment and landscape setting and where it recognises the intrinsic character and beauty of the countryside.
10. The appeal site comprises agricultural land on the western side of Wrawby. The eastern boundary is defined by a well-established hedge which separates the site from an open field adjacent to Applefields. To the south the line of the site boundary is dictated by the route of a small water course/drainage ditch which also extends north-south along the western boundary adjacent to Barton Road. Both boundaries are extensively landscaped, with dense mature trees and scrub to the south side, and a young woodland and front boundary hedge to the west. The northern site boundary is largely defined by mature hedging which separates the appeal site from the adjacent agricultural land. A public footpath on the northern boundary of the adjacent field runs west-east connecting Barton Road to the village. The land rises broadly from the west with the lowest land being to the south west corner of the site.
11. Both parties draw attention to the outline planning permission that has been granted adjacent to the appeal site¹. I am advised that several reserved matters have been approved for this development although I have not been provided with the details of these. Nevertheless, the appeal plans show the extent of the development, which abuts Applefields with access from it. It also

¹ Under local authority reference PA2017/674

sits at the other side of the hedge that defines the eastern boundary of the appeal site.

12. The main route through the village along Vicarage Road and Tunnel Road is characterised by a wide variety of house types. Behind this frontage development are various cul-de-sacs and small estates that extend to the rear of properties. On the north side of the village frontage properties along Tunnel Road and Barton Road back on to estate development accessed from Tunnel Road. Development along Barton Road is largely characterised by a wide range of property types with most having individual accesses from the road frontage. Wide roadside verges and hedged boundaries reduce the visibility of development along this frontage and open views to the west of Barton Road provide a rural setting for the houses and rural edge to the settlement.
13. Beyond the 30mph speed limit sign, which roughly aligns with the extent of the built development along Barton Road's eastern side, the wide verges are maintained, and a largely continuous hedged boundary runs adjacent to the road. At road level on the approach to the appeal site little of the village beyond the hedge frontage can be viewed. From Barton Road the appeal site appears part of an open and undeveloped landscape with limited connectivity to the village. This is also the case on the approach to the appeal site from the Barton Road /Brigg Road Junction. The extensive gardens of dwellings fronting Brigg Lane, open paddocks, significant landscaping, limited access openings and unlit road frontage provide a rural character along Barton Road, including the appeal site, that is an integral part of the wider rural landscape that provides a rural setting for the village.
14. The access to the proposed development would be from Barton Road. The access road would be of substantial construction consisting of a 6-metre-wide road with 2 metre footpaths and includes widening the carriage way along Barton Road and the introduction of a crossing point. The visibility splay to the north cuts across the front of the site and would require some adjustment of the hedge boundaries. A new 30 metre stretch of footpath would extend along the carriage way edge southwards to a new crossing point which would have lit bollards within the refuge. The new access road would have an urbanising effect along the road frontage, its width and construction would appear conspicuous and incongruous in its rural context and would be some distance from, and unrelated both visually and in character, to the frontage development to the northside of Barton Road. The road would appear disconnected from its surroundings and at odds with the form and layout of the settlement.
15. The indicative layout identifies that the drainage attenuation would be located on the south west side of the appeal site with the removal of part of the woodland shelter belt adjacent to Barton Road. As a result of the site sloping up towards the village the new development would be visible from Barton Road. Although it would be seen in the context of the approved scheme to the east, the significant depth of the development would not relate to the open and undeveloped nature of its surroundings to the south and north, especially when combined with the design and siting of the road access. From Barton Road the development would appear isolated, prominent, and out of character with the form of the settlement. As a result, the development would significantly detract from the rural setting of Wrawby.

16. The public footpath to the north of the appeal site runs along the hedged boundary of the middle of three fields adjacent to the village edge. In views from the footpath the agricultural landscape with significant trees and hedging make a positive contribution to the rural setting of the village. The appeal site is contained by its landscaped boundaries and appropriate detailing in terms of the height and design of dwellings could limit some effects of the development when viewed from the footpath. Even so, the built form and associated infrastructure would appear as a prominent and discordant extension of the village edge projecting significantly out into open and undeveloped surroundings in a manner that would be inconsistent with the village character and form.
17. I have had regard to the appeal decision to the west side of Barton Road². I note the Inspector's view that Barton Road serves as a distinction between the built-up area of Wrawby and open agricultural land located to the west. The Inspector also noted that the character of the village is intrinsically rural. As I have set out the character of Barton Road changes along its length and the appeal site is set along a section of Barton Road that is open and undeveloped and has a distinctly rural character. The conclusions of the Inspector at the west side of Barton Road are not incompatible with my analysis here.
18. I have also had regard to third party comments regarding access to the development being from Barton Road rather than via Applefields and through the village. However, the preference for access to be from Barton Road does not alter my appraisal of the development in relation to character and appearance.
19. Overall, I conclude that the development would be harmful to the character and appearance of the area. It would be contrary to Policies CS1, CS2 and CS5 of the Core Strategy and Policy RD2 of the Local plan where these policies seek to ensure that development is appropriate to its context and not detrimental to the character and appearance of the open countryside. Although the Council's decision notice makes no reference to Policy CS8 of the Core Strategy it is widely referenced by both parties. In respect of character and appearance the proposal would conflict with Policy CS8. It would also conflict with the Framework.

Planning Obligation

20. The S106 agreement provides a mechanism to secure the provision of affordable housing, open space, and offsite financial contributions to deliver improvements to mitigate the pressures on education and leisure facilities. There is also a requirement for either an open space maintenance contribution if the open space is to be adopted by the Council or a requirement to form a management company to maintain open space within the site.
21. In deciding that the obligation is proportionate and meets the needs arising from the development, I have had regard to Policies CS9, CS22 and CS27 of the Core Strategy and Policies C1 and H10 of the Local Plan. These policies and documents require developments to meet the reasonable costs of new and improved infrastructure made necessary by a proposal and necessary to mitigate the impacts of the development.

² Appeal reference APP/Y2003/W/20/3247334 Land adjacent to the Willows, Barton Road, Wrawby

22. I have considered the various obligations with regard to the statutory requirements in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations and the policy tests in paragraph 56 of the Framework. I am satisfied that all the obligations are necessary, directly related to the development and fairly related in scale and kind. Although I note the appellant's general concerns about the required recreation facilities, limited substantive evidence has been supplied which queries either the necessity or the viability of these obligations. Accordingly, I consider that these obligations can be taken into account in my assessment of the appeal.

Other Considerations

23. The parties agree that the Council cannot demonstrate a 5-year supply of deliverable housing land. The appellant estimates the housing supply to be approximately 4 years and this figure has not been challenged by the Council. The Council refers to there being no special need for dwellings in this location. However, given the shortfall in required housing land and the considerable undersupply I attach substantial positive weight to the provision of new housing.
24. The appellant refers to the approval of the dwellings on adjacent land and the interest from local and regional housebuilders for an associated development of smaller dwellings. The appellant indicates that the approved site would only be secured if the wider development could also be taken forward. There is little evidence to support this assertion and I attach very limited weight to it.
25. The scheme would result in a degree of economic gain to the area through the construction and occupation of the development. Those jobs associated with construction would be temporary and limited. I acknowledge the appellant's reference to the Lichfield report³ and the suggested economic benefits of the additional housing. I agree that household expenditure would help support the facilities in Wrawby and the local shops and facilities in Brigg. Even so, there are no shops in Wrawby, placing limits on the level of expenditure that would benefit the village. Therefore, I attach limited weight to the economic benefits of the scheme.
26. The development would trigger payment of a New Homes Bonus but there is no evidence of a connection between the payment and the development to enable it to be considered in accordance with the advice in the Planning Practice Guidance (PPG). Accordingly, whilst the New Homes Bonus is a material planning consideration, it is not one to which positive weight can be attached.
27. Furthermore, whilst there would be Council Tax revenue from the development, there would also be new occupiers to serve. As such, this revenue would mitigate the effects of the proposal and the demands of those future occupiers on local services and is a neutral factor in the planning balance.
28. From a social perspective the scheme proposes 4 affordable houses and could provide a mix of dwelling types. These are important matters and I attach moderate positive weight to the benefit of providing a mix of housing and providing housing for specific groups of people.

³ The economic footprint of house building in England July 2018

29. The provision of open space within the site would be available to local people, although I have not been provided with any evidence of an undersupply and consequently, I attach limited weight to the benefit of this provision.
30. The Framework acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Additionally, Core Strategy Policy CS2 states that development in North Lincolnshire should be located to minimise the need to travel and encourage any journeys that remain necessary to be possible by walking, cycling and public transport. The parties agree that the appeal site is in an accessible location close to a cycle path that links Wrawby to Brigg.
31. I observed at my site visit that Brigg has a good range of services and facilities. Wrawby has a primary school, village hall, church and public house which would be accessible on foot or by bicycle from the appeal site via the proposed pedestrian and cycle link. There is a bus service through the village and the evidence is that the secondary school is within a reasonable distance of Wrawby. The absence of a shop in Wrawby limits the accessibility of the site for daily needs on foot or by bicycle. Nevertheless, not all trips to access services and facilities beyond the village would be by car. In addition, the proposed footpath link within the site, which may be secured by condition, would connect to the existing footpath network, and would maximise permeability of the site layout. Overall, I attach moderate positive weight to the environmental benefits of the appeal site in relation to services and facilities.
32. The proposal would provide contributions to education, leisure, and open space facilities through the s106 legal agreement. However, these contributions would largely offset the impacts of the new development proposed and are of neutral consequence in the planning balance.
33. The appeal site is in flood zone 1 and the evidence is that with suitable attenuation the site can be adequately drained. The Extended Phase 1 Habitat Survey identifies the need to retain the boundary hedges and woodland/scrub habitat, to provide measures to enhance biodiversity and provide suitable habitats for birds, bats, reptiles, and badgers. However, the provision of these features would offset the effects of the development, are requirements of the Framework and are neutral in the planning balance.

Planning Balance and Conclusion

34. I conclude that the proposal would have a harmful effect on the character and appearance of the area. In this respect, there would be conflict with Policies CS1, CS2, CS3, CS5 and CS8 of the Core Strategy and RD2 of the Local Plan and I conclude that there would be conflict with the development plan when taken as a whole.
35. However, the lack of a deliverable 5-year housing supply means that at least some of the most important development plan policies for determining the application are out of date. Policies CS2, CS3, CS8 and RD2 act as a constraint on housing land supply and there is a lack of evidence that sufficient housing to meet the identified local need could be provided within the development limits. That, and the supply shortfall, triggers the application of paragraph 11d)(ii) of the Framework.

36. The Framework paragraphs 77, 127 and 170 are clear that development should be responsive to local circumstances, sympathetic to local character and history, including the surrounding built environment and landscape setting and recognise the intrinsic character and beauty of the countryside. The harm to the character and appearance of the area, including the effect on the rural setting of the village, attracts significant weight.
37. Therefore, even when considering the Framework's objectives of significantly boosting the supply of housing, the short fall of housing land supply identified as well as the limited, moderate and substantial weight I attach to the other benefits I have set out, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Consequently, the presumption in favour of sustainable development does not apply.
38. I acknowledge the appellant's reference to the appeal decision at Ulceby⁴ in relation to the application of paragraph 11d)(ii) of the Framework. However, the Inspector in that case found that the scheme would not harm the character and appearance of the area. The Ulceby appeal decision does not lead me to a different conclusion in relation to the application of Paragraph 11d)(ii) to the appeal proposal.
39. Overall, I conclude that the proposal conflicts with the development plan and that conflict is not outweighed by other material considerations including the Framework. Therefore, the appeal is dismissed.

Diane Cragg

INSPECTOR

⁴ APP/Y2003/W/19/3233292