



Appeal Decision

Site Visit made on 11 May 2021

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 July 2021

Appeal Ref: APP/Y2003/W/20/3262825

Land to the South of St Martins Road, Scawby DN20 9BQ

- 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 Trustees of Lt Col R Sutton Nelthorpe's Will Trust 1 May 2002 against the decision of North Lincolnshire Council.
 - The application Ref PA/2019/1977, dated 15 November 2019, was refused by notice dated 3 August 2020.
 - The development proposed is outline residential development including means of access for up to 48 homes.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Trustees of Lt Col R Sutton Nelthorpe's Will Trust 1 May 2002 against North Lincolnshire Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
4. The application has been submitted in outline with all matters reserved for future consideration except access. I have dealt with the appeal on that basis, treating the proposed site layout as being indicative.
5. A signed and completed Planning Obligation under Section 106 of the Town and Country Planning Act 1990 has been submitted in support of the proposal. The Obligation includes provisions for education, affordable housing as well as open space and a Local Area of Play. This Obligation meets the tests set out in paragraph 56 of the National Planning Policy Framework (the Framework), and I have proceeded to determine this appeal giving due consideration to the Obligation.

Main Issues

6. The main issues are:
 - Highway Safety; and

- Whether the proposal would be a suitable location for residential development with regards to development plan policies.

Reasons

Highway Safety

7. Although the proposal has been submitted in outline, access is a matter for which approval is sought at this stage. Vehicular access would be provided via St Martins Road which leads through a residential estate. The proposal includes two pedestrian and cycle links leading from the site to West Street and an adjacent recreation ground respectively.
8. The proposed pedestrian and cycle link to West Street is an important element of the proposal as this provides convenient access from the site to services within the village. This link would also provide a more direct route to services from existing residential areas to the north of the appeal site. The link to West Street would therefore be a significant benefit as a contribution to the sustainability of the appeal proposal as well as in respect of improving access from other areas of the village. Due to the convenience of this route in respect of services, it is likely to be well-used by residents of the development and the wider village.
9. Whilst highway safety is not a matter referred to in the Council's reason for refusal, comments raised locally have expressed concern about the safety of the route to West Street, which would be via the car park of The Sutton Arms Public House. Both the Council and the appellants have been given the opportunity to comment on this issue.
10. The access to the Sutton Arms car park is directly from West Street and is bounded by the public house and an adjacent building. The access route is over a relatively short distance and is of sufficient width to enable a single vehicle to enter or leave the car park with some space on either side. This arrangement provides a degree of visibility for vehicles as they emerge from the access onto West Street, although the visibility splay is limited by buildings on either side. This arrangement also enables a degree of visibility for drivers entering the car park so that they are aware of departing vehicles, although visibility on the approach is also limited by the adjacent buildings.
11. Due to the width of the access, it may be possible to provide a demarcated footway. However, this would deflect the movement of vehicles to one side of the access with subsequent harm to the visibility of drivers as they emerge from the junction or look to enter the car park.
12. For the reasons stated previously, this route would be popular with pedestrians and cyclists. I am also mindful of the vulnerable nature of potential users, including schoolchildren, people with push-chairs and in wheelchairs, who would use this route to access facilities. Despite the space available on either side of vehicles traversing the existing access, there is no evidence that a safe footway can be provided for pedestrians to pass each other or that cyclists would not be squeezed to the kerb within the confines of the access. The limited visibility at the access point may also lead to pedestrians and cyclists being unaware of vehicles entering the access. Within this context, the increase in movements resulting from the appeal proposal along this constrained route

- would significantly increase the potential for collisions between vehicles, cyclists and pedestrians, to the detriment of highway safety.
13. The peak times of access movements to the Sutton Arms car park may differ from movements associated with residents wishing to access facilities in the village. But I do not consider that this would differ to a degree that conflicts between highway users would not occur.
 14. The appellants consider that a safe pedestrian and cycle link can be achieved. However, they have provided no substantive evidence to support this. I am also mindful that the Highway Authority has not objected to the scheme; although, based on the evidence before me, the matter of the pedestrian and cycle access has not been appropriately addressed by consultees. Due to physical constraints of the access to the Sutton Arms and the vulnerability of future users, a precautionary approach in respect of highway safety is appropriate. Therefore, I consider that more robust evidence of the suitability of the route to West Street should be provided.
 15. I have considered whether this matter could be addressed by a condition. However, given my concerns in respect of the nature of the access to the Sutton Arms I am not persuaded that a suitable scheme could be provided. The appellants have provided no substantive evidence to demonstrate otherwise.
 16. The Framework requires that opportunities to promote walking and cycling are identified and pursued in the interests of promoting sustainable transport. In the circumstances of the appeal before me, this has not been pursued with sufficient rigour.
 17. In conclusion on this aspect of the appeal, it has not been demonstrated that a safe and suitable access for pedestrians and cyclists to West Street can be provided within the physical constraints of the access to the Sutton Arms.
 18. Due to the size and layout of the car park, I consider that a suitable pedestrian and cycle access could be provided on this extent of the route to West Street. However, this does not outweigh my concerns in respect of the part of the route through the access.
 19. A number of objections to the proposal express concern about the nature of the vehicular access via St Martins Road, which leads through a residential housing estate. However, detailed evidence has been provided by the appellants which concludes that this would provide a safe and suitable access to the site. Although this access road is of a residential nature, given the limited speed and volume of traffic passing through this area, I consider that the road leading to the appeal site would be of an appropriate width and layout for the level of traffic which would be generated by the development. This matter does not therefore weigh against the proposal.
 20. Notwithstanding my conclusions in respect of access via St Martins Road, it has not been demonstrated that the proposal would be acceptable in respect of the highway safety of cyclists and pedestrians using the access to West Street. The proposal would therefore be contrary to policies RD2 of the North Lincolnshire Local Plan 2003 (the Local Plan) and CS2 of the North Lincolnshire Core Strategy 2011 (Core Strategy) in respect of highway safety and the encouragement of journeys by walking and cycling. The proposal would also be contrary to the Framework with regards to promoting sustainable transport.

Location

21. The development plan for the area of the appeal site consists of the saved policies of the Local Plan, the Core Strategy, and the Housing and Employment Land Allocations 2016 (HELA).
22. The Council's spatial strategy on delivering sustainable development is set out by policy CS2 of the Core Strategy, which establishes a sequential approach for development: firstly in Scunthorpe, followed by Market Towns and then rural settlements. This approach is also reflected in Policy CS8 which addresses the distribution of housing sites including prioritising development in Scunthorpe and Market Towns, with a focus on brownfield sites and sites within development boundaries. Scawby is identified as a Larger Rural Settlement in the Council's Settlement Survey¹, which is a village considered capable of accommodating an allocation either within or adjoining the settlement.
23. Scawby contains a number of services and facilities, and the Settlement Survey ranks Scawby at 20th out of 76 settlements in North Lincolnshire. However, on the basis of the harm I have identified in respect of highway safety, it has not been demonstrated that the proposal would provide safe and convenient access to these facilities for pedestrians and cyclists. Therefore, despite the level of services and facilities within the village, this matter carries limited weight in favour of the proposal.
24. Policy RD2 of the Local Plan and policy CS3 of the Core Strategy seek to ensure that development in the open countryside or outside the defined boundaries will be restricted, including to that which is essential to the functioning of the countryside, agriculture, forestry as well as a number of other specified forms of development. Policy CS3 of the Core Strategy states that development limits will be defined by a future policy document, and the development limits were subsequently defined in the HELA.
25. The appeal site is located outside of the defined development limit for Scawby. The proposal does not fall within the categories of development which could be considered essential to the functioning of the countryside. On that basis, the proposal would be contrary to the development plan in respect of the location of residential development outside of the defined development limits.
26. Residents of the proposal would most likely rely on the private vehicle to access employment. However, Scawby is located near to Scunthorpe, and the length of journey to access employment opportunities there would be relatively short. The site would be near to bus stops and, whilst the evidence suggests that bus services are limited, this would reduce reliance on the private car. Mindful of the scale of development proposed and the relationship with employment opportunities, this matter carries only limited weight against the proposal.
27. The appeal site is part of a field in the countryside setting of the village. However, the site is bounded by the developed extent of the village to the north and to the east. There is a well-defined boundary to the south including an extent of mature tree planting separating it from the site. Although the southern extent of the boundary includes a playing field of an open appearance, due to the nature of the use and the well-defined boundary this

¹ North Lincolnshire Settlement Survey 2018 (2019 Revision)

has the character of being part of the village rather than the surrounding countryside. Although the proposal would introduce a new boundary subdividing the existing field, the resultant layout would respect the rectilinear form of nearby fields. Within that context, the proposal would appear as a logical extension to the village, rather an unacceptable projection of built development into the countryside. I acknowledge that the proposal would change the appearance of the site from part of the countryside around the village to a residential estate. But due to the context of the site this would lead to only limited harm to the character and appearance of the area.

28. In conclusion on this issue, Scawby is a relatively sustainable location for housing development regarding access to services. Nevertheless, the circumstances of pedestrian and cyclist access from the appeal site mean that this carries limited weight in favour of the sustainable location of the appeal proposal. The proposal would also harm the character and appearance of the countryside setting of Scawby, although that harm would be limited. The appeal proposal would also have limited access to employment by sustainable transport methods. On that basis, the proposal would conflict with the restrictions on development outside of the defined development limit set out in policy RD2 of the Local Plan and policies CS2, CS3, CS7 and CS8 of the Core Strategy.

Other Considerations

29. The proposal would provide up to 48 new dwellings. It is common ground that the Council cannot demonstrate a 5-year housing land supply. Since the appeal was lodged, the national Housing Delivery Test results have been published which show housing delivery to be below the requirement for this area, with the consequence that the Council must prepare an action plan. Having regard to those matters and the Government's objective to significantly boost the supply of housing, the contribution to housing supply carries positive weight in favour of the proposal. In conjunction with the provision of 10% of these dwellings as affordable housing, these matters carry significant weight as a benefit.
30. The provision of open space and a local area of play within the development may have benefits to the wider community, however I consider that these features would primarily serve the appeal proposal and they therefore carry limited weight as a benefit. A contribution towards education is necessary to offset the impact of increased numbers of residents arising from the proposal, and I afford this neutral weight in my assessment of the scheme.

Planning Balance and Conclusion

31. The Council accepts that it cannot demonstrate a 5 year supply of deliverable housing sites. As such, paragraph 11(d) of the Framework is engaged in respect of the presumption in favour of sustainable development.
32. I have previously concluded that it has not been demonstrated that the proposal would not lead to unacceptable harm to highway safety. Mindful of the potentially significant benefits arising from the access to West Street and its importance to the sustainability of the proposal, and taking a precautionary approach on a matter of public safety, this matter carries significant weight against the development. I have also concluded that the proposal would have limited harm in respect of character and appearance as well as access to

employment for residents. On these matters, I conclude that the proposal would conflict with the development plan.

33. Overall, I conclude that the adverse impacts of the development would significantly and demonstrably outweigh the identified benefits when assessed against the policies of the Framework taken as a whole. Consequently, the proposal would not represent sustainable development and the appeal should be dismissed.

David Cross

INSPECTOR