



Appeal Decision

Site Visit made on 24 August 2021

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 September 2021

Appeal Ref: APP/Y2003/W/21/3274828

Land adj Listria, Carrhouse Road, Belton, DN9 1PR

- 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 Phil Coggon against the decision of North Lincolnshire Council.
 - The application Ref PA/2020/1801, dated 10 November 2020, was refused by notice dated 26 January 2021.
 - The development proposed is outline planning permission for a detached dwelling.
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Decision

1. The appeal is allowed, and outline planning permission is granted for a detached dwelling at Land adj Listria, Carrhouse Road, Belton, DN9 1PR in accordance with the terms of the application, Ref PA/2020/1801, dated 10 November 2020, subject to the following conditions:
 - 1) Approval of the details of the access, layout, scale and appearance of the building(s), and the landscaping of the site, (hereinafter called 'the reserved matters') shall be obtained from the local planning authority in writing before any development is commenced.
 - 2) Plans and particulars of the reserved matters referred to in condition 1 above, relating to the layout, scale and appearance of any buildings to be erected, and the landscaping of the site, shall be submitted in writing to the local planning authority and shall be carried out as approved.
 - 3) Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.
 - 4) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Preliminary Matters

2. The application has been made in outline with all matters reserved.
3. In July 2021 the Government published its revised National Planning Policy Framework (the Framework), representing its up-to-date planning policies and how they should be applied. As the fundamentals of the Framework in respect of the historic environment, flood risk and achieving sustainable development remain unchanged, and given this proposal is in outline, I have not found it necessary to further seek the views of parties to this appeal and am satisfied that no prejudice has arisen as a result.

Main Issues

4. The main issues are:

- the effect of the proposal on the historic environment,
- whether or not the benefits of the proposal would outweigh the flood risk,
- whether the location of the proposal is suitable having regard to the designation of the site as open countryside.

Reasons

Historic environment

5. The appeal site lies towards the edge of Carrhouse, between a relatively recent dwelling, Listria, a plot apparently subject to another planning application and a vacant, partly derelict, listed farmhouse. Opposite the site are other dwellings, accesses and street furniture including streetlights. As such, the appeal site appears to be within, and part of the built area of Carrhouse, which is made up of relatively low-density dwellings of a variety of ages, scale, character and appearance. Despite this, the site lies outside the defined settlement boundary.
6. Parties to the appeal agree that the site lies within the Isle of Axholme (IoA) area of special historic landscape interest, a unique historic landscape which also retains the pattern of ancient open strip fields and enclosures (Ancient Open Strip Fields (AOSF) and Early Enclosed Land (EEL) areas) surrounding villages in the IoA. Both parties also agree that for the purposes of the Framework, these designations represent non-designated heritage assets. Notwithstanding that, saved policies in the North Lincolnshire Local Plan 2003 (the Local Plan) require a high standard of design for development which may affect these areas, and to resist development which would destroy, damage or adversely affect the character, appearance or setting of the historic landscape. Policies in the North Lincolnshire Local Development Framework Core Strategy, adopted 2011 (the Core Strategy) seek to apply similar protections.
7. Travelling south along Carr House Road the site is first seen having already passed a farmhouse, and within the context of other built development visible ahead on both sides of the road. Similarly, when travelling north, the site appears immediately next to dwellings on the same side of the road and in the context of dwellings on the opposite side of the road. Views to the open countryside and special landscape beyond the site and settlement are framed against the farmhouse north of the site.
8. Whilst I note the suggestion that the site affords open views when travelling along the lane, I do not consider that development of the site would lead to the loss of any significant views or undermine the overall appreciation of the scale and nature of the special landscape in which the site and settlement sits. Particularly as essentially the same views, particularly those which frame the settlement in its landscape context are available and much more easily appreciated further along Carr House Road.
9. Given the location of both the farmhouse and the dwellings on the opposite side of the road, I am also satisfied that the site does not play a key role as a buffer between the settlement and the open setting beyond, or that its

development would interrupt and reduce views of, or wider understanding of the special landscape.

10. In light of the appearance of the site and its relationship to the wider open countryside and special landscape as well as the wider built environment, particularly in views into and out of the settlement when travelling along Carr House Road, I do not find that the proposal would destroy, damage or adversely affect the character, appearance and setting of the historic landscape.
11. In reaching this conclusion, I note the evidence of the appellant that there has historically been a dwelling on this site. I also give weight to the age of the settlement as a whole relative to the special landscape and the planning designations that seek to protect it. In light of that, as I have found that the site relates more to the settlement than the open, special landscape in which it lies, I am satisfied that the proposal would not be harmful to that special landscape.
12. In that respect, the proposal would comply with saved policies LC14, LC7 and RD2 of the Local Plan and Policy CS6 of the Core Strategy. These policies seek, amongst other things to give special attention the protection of the landscape, prevent development which would destroy, damage or adversely affect the character, appearance or setting of the historic landscape.
13. As the proposal would not cause harm or loss to the significance of the special landscape as a non-designated heritage asset it would also comply with the guidance in the Framework on conserving and enhancing the historic environment.

Flooding

14. The appeal site lies within Flood Zone 3a; as such, the appellants have carried out a sequential test, which has satisfied the Council that there are no reasonably available sites elsewhere. I am also satisfied with this approach.
15. Turning to the exception test, parties agree that the development will be safe for its lifetime taking account of the vulnerability of its users, and without increasing flood risk elsewhere. I agree with this conclusion.
16. As a result of the harm the Council finds with regard to the historic environment and by extension, the public interest vested in it, the Council does not consider that the development would provide wider sustainability benefits to the community that outweigh the flood risk. However, as I have found that the proposal would not harm the historic environment, I consider that the wider sustainability benefits of the proposal to the community, as set out in the appellant's submissions under the headings of social, environmental and economic, would outweigh the flood risk. The exception test is therefore satisfied. In reaching this conclusion, I note that neither the Lead Local Flood Authority nor the Environment Agency have any objections to the proposal.
17. As a result, I consider that the benefits of the proposal would outweigh the flood risk, and as such, the proposal would accord with Policy CS19 of the Core Strategy and guidance in the Framework on flood risk.

Open countryside

18. As noted above, the appeal site lies outside the defined settlement boundary and therefore lies within open countryside. The proposal does not fall within any of the exceptions set out in the Core Strategy for development in the open countryside and is therefore contrary to the provisions of saved Policy RD2 of the Local Plan and Policies CS2, CS3 and CS5 of the Core Strategy.

Other Matters

19. I note third party concerns over the safety of the proposed access and effects of the proposal on other accesses along the road. However, there are no formal, technical highway authority objections and detailed issues around access and parking will be controlled at reserved matters stage.
20. As noted above, there is a listed farmhouse to the north of the site. As this proposal is in outline, the final design and appearance is not yet known. Despite this, I am satisfied that given its location and relationship to the listed farmhouse, the proposal can be designed in such a way as to preserve the setting of the listed building and not harm its significance as a heritage asset.

Planning Balance

21. Both parties agree that the Council cannot currently demonstrate a five-year supply of deliverable housing sites. As such, the provisions of the Framework at paragraph 11 apply and the policies relating to housing are out-of-date.
22. I have found above that the application of policies in the Framework that protect areas or assets of particular importance do not provide a clear reason for refusing the development proposed.
23. I have not found adverse impacts of the proposal, with respect to the historic environment or flooding identified by the Council, or in respect of any other matters. There are social, environmental and economic benefits which would arise from the proposal and in the face of a clear shortfall in deliverable housing sites, the delivery of a single unit is also a benefit which weighs in favour of the proposal.
24. As such, I do not find that there are any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The proposal therefore benefits from the presumption in favour of sustainable development.
25. I have found that the proposal complies with the development plan in respect of the historic environment and flood risk. The proposal conflicts with the development plan in respect of settlement boundaries. However, I have also found that the proposal would benefit from the presumption in favour of sustainable development in the Framework, which is a material consideration in favour of the proposal. Added to that, as I have set out above, I consider that the site relates more closely to the built environment of the settlement than the open countryside, so development of it would not cause harm to the open countryside or undermine the overall spatial strategy of either the Local Plan or Core Strategy by allowing development in what appears as open countryside. In addition, as noted by the appellant, whilst Carrhouse itself lacks services, the site is close to Belton and development here could support services there.

26. Taking all of the above together, I find that the specific location of the site, its relationship to and effects on the existing built environment as well as the presumption in favour of sustainable development in the Framework are all material considerations to which I give sufficient weight to outweigh the conflict I have found with the development plan.

Conditions

27. Having had regard to the suggestions of the Council, the requirements of the Framework and the Planning Practice Guidance (PPG) I have imposed conditions making clear the requirements for the reserved matters application and setting time limits for submission of them, and subsequent commencement of the development. I am satisfied that these conditions are reasonable, necessary and meet the tests in, and requirements of both the Framework and the PPG.

Conclusion

28. For the reasons given above I conclude that although the proposal conflicts with elements of the development plan, there are material considerations which indicate that a decision be taken other than in accordance with it.

29. The appeal should therefore be allowed, and outline planning permission granted.

S Dean

INSPECTOR