



Appeal Decision

Site visit made on 7 December 2021

by Diane Cragg Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 December 2021

Appeal Ref: APP/R2520/W/21/3276672

The Orchards Park, Priory Road, Ruskington, Sleaford NG34 9DH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Tim Wells (The Orchards Park (Residential Limited)) against the decision of North Kesteven District Council.
 - The application Ref 20/1238/FUL, dated 21 September 2020, was refused by notice dated 9 April 2021.
 - The development proposed is relocation of 9 residential park homes onto the eastern section of the Orchards Park to retain 70 approved park homes, together with landscape planting.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description set out in the banner heading above refers to the relocation of 9 residential park homes. For reasons set out later in this decision I have treated the proposal as a development for 9 new park homes and determined the appeal accordingly.
3. The appeal documentation includes a section 106 legal agreement by unilateral undertaking dated 27 November 2021. The unilateral undertaking provides for an off-site contribution towards the provision of affordable housing. I will return to the agreement later in my decision.
4. The revised National Planning Policy Framework (the Framework) was published on 20 July 2021 and I have had regard to it in reaching my decision.

Main Issue

5. The main issue is whether the appeal site is a suitable location for development having regard to national and local planning policies.

Reasons

6. The appeal site comprises an area of land used for recreational purposes in connection with The Orchards Park, a residential park home site located on the periphery of Ruskington. The appeal site area encompasses approximately 3.3 Ha of land, of which 0.91 Ha would accommodate the proposed development. The land is bordered by residential buildings and park homes to the west, arable fields to the north and north-east, a sewage pumping station plant to the south-east and Priory Road to the south.

7. Policy LP1 of the Central Lincolnshire Local Plan April 2017 (CLLP) seeks to deliver sustainable growth. Policy LP2 provides the spatial strategy and settlement hierarchy for Central Lincolnshire during the plan period 2012-2036 and is focussed upon delivering sustainable growth that meets the need for homes and jobs, regenerates places and communities, and supports necessary improvements to facilities, services, and infrastructure.
8. Policy LP2 identifies Ruskington as a 'Large Village' where most of the growth, including housing, is intended to be delivered via sites allocated in the plan, or appropriate infill, intensification, or renewal within the existing developed footprint. Policy LP2 states that, in exceptional circumstances, additional growth on non-allocated sites in appropriate locations outside of, but immediately adjacent to, the developed footprint of the large villages might be considered favourably.
9. Policy LP2 is consistent with the Framework where it seeks to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services.
10. The appeal site is not allocated for development and the parties agree that the proposed development is on land beyond, but immediately adjacent to, the developed footprint of Ruskington. Therefore, in terms of Policy LP2 it is necessary to consider whether there are exceptional circumstances for additional growth on the appeal site as a non-allocated site, and whether the appeal site is an appropriate location.

Exceptional circumstances

11. Policy LP2 defines 'exceptional circumstances' as a matter for the decision maker and gives the example of where the development would deliver a community facility above and beyond what would ordinarily be required and for which a clear need has been identified.
12. The Orchards Park currently has 61 park homes. The appellant contends that due to the increase in size of park homes the original number of 70 park homes cannot be accommodated within the current park boundaries and 9 pitches have effectively been "lost". Historic documentation has been provided by the appellant including a copy of the 1964 planning permission for the permanent caravan park and licensed club, a 2003 permission for an additional park home, and a caravan site licence dated January 1976. The 1964 planning permission does not refer to any specific number of caravans. The site licence states that the total number of caravans stationed shall not exceed 70 or 'such reduced number so as not to exceed that number which can be physically stationed whilst complying with all the site licence conditions.'
13. Whilst I accept that there may previously have been 70 caravans (park homes) on the site, there are no details of the former layout of the park homes before me, and nothing that requires 70 park homes to be provided. Therefore, I have treated the proposal as development for 9 new park homes to be occupied on a full-time basis as dwellings.
14. The appellant asserts that the reduced number of park homes within The Orchards Park has detrimentally affected the income of the business, but there

is limited information before me to support this assertion or evidence that the business is not viable. Reference is also made to the Council's failure to request additional information about the business during the application process. However, the appeal has presented an opportunity for the appellant to expand on the business case evidence for the development but there is limited additional clarification and no exceptional business case made.

15. There are several housing allocations within Ruskington which either have planning permission or where permission is being sought. These allocations would provide accommodation in accordance with the requirements of the CLLP Strategic Housing Market Assessment and would contribute towards housing supply. There is no evidence that the local plan is not providing for housing needs within the developed footprint of the village or on allocated sites in accordance with Policy LP2. Thus, there is no indication that the CLLP is not meeting the Framework requirement to identify opportunities (in rural areas) for villages to grow and thrive.
16. I acknowledge that the proposed development is directed towards the over-50s demographic who may typically purchase park homes through releasing equity from the sale of family homes. The appellant says park homes provide affordable accommodation and purchases may also release family homes back on to the open market. Even so, the park homes are not affordable in the context of the definition in annex 2 of the Framework and the Council has identified several sites where a range of accommodation is or will be provided. This includes smaller dwellings and accommodation for the older demographic. I have little evidence that additional dwellings for the over 50's market is in short supply. Consequently, the need for the proposed park homes has not been shown to be exceptional.
17. The appellant also refers to paragraph 103 of the Framework and the proximity of services and facilities. Within Policy LP2 large villages such as Ruskington are acknowledged as having key services and facilities and therefore are a focus for accommodating an appropriate level of growth. Although there is no dispute that the appeal site is accessible to services and facilities, and this is further supported by the appeal decision at Priory lakes¹, it is not a site that is identified as an allocated site or within the developed footprint. The Council can identify sufficient land to meet its housing needs including a variety of sites close to services and facilities in Ruskington, therefore, the site's location is not an exceptional circumstance.
18. Whilst in general terms the development would provide dwellings which would boost the supply of housing and bring some economic and social benefits to the area in accordance with the Framework, I do not regard any of these matters as exceptional.

Unilateral Undertaking

19. I have concluded that the proposed 9 park homes are new dwellings. The parties agree that in accordance with the Framework and Policy LP11 of the CLLP, where specialist housing for older people is proposed an affordable housing contribution is required. Accordingly, the unilateral undertaking provides a mechanism to secure the provision of an off-site affordable housing contribution.

¹ Appeal reference APP/R2520/W/20/3250667

20. I have considered the obligation with regard to the statutory requirements in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 and the policy tests in paragraph 57 of the Framework. I am satisfied that the obligation is necessary, directly related to the development and fairly related in scale and kind. Nevertheless, the contribution would be to meet the requirements of the development plan and would not therefore represent an exceptional level of provision.
21. Overall, based on the evidence before me, I conclude that 'exceptional circumstances' in the terms of Policy LP2 of the CLLP have not been demonstrated.

Appropriate location

22. Policy LP2 states that throughout the policy 'appropriate location' means a location which does not conflict when taken as a whole with national policy or policies in the local plan. In addition to qualify as an appropriate location the site, if developed, would retain the core shape and form of the settlement, not significantly harm the settlements character and appearance, and not significantly harm the character and appearance of the surrounding countryside or the rural setting of the settlement.
23. The appeal site lies within the Central Clays and Gravels Landscape character sub-area in the North Kesteven Landscape Character Assessment 2007. The assessment describes the relevant characteristics as including gently undulating lowland edged by areas of woodland in the north, fields are generally smaller and more varied in shape (than on the adjacent limestone plateau) with some grazing land as well as arable, well-kept hedgerows along roadsides and sometimes between fields.
24. The boundaries of the appeal site are defined by mature trees and hedges with further areas of shrub planting and trees within the site. The periphery landscaping encloses an expansive grassed area that has been maintained with mown paths through it. The secondary access from Priory Road influences the site's character because of its wide opening, walls and gates backed by earth bunds and the hard surfacing of the access which joins to the main park home access. Due to the planting, the site layout and the access, the land has a more domestic characteristic than the wider landscape. I agree with the appellant that the field has a feeling of enclosure and protection and the focus is inwards rather than out to the countryside.
25. The proposed 9 park homes would be sited towards the western side of the appeal site in a semi-circle. Whilst their siting would reduce the size of the recreation space, the existing planting within and adjacent to the edges of the field to the north, east and south would be retained, landscaping would be bolstered, and the remainder of the recreation space maintained for that use. The development would be seen from Priory Road for the short section of open access, however, views of development adjacent to a large wide entrance would be unsurprising. Further, from the east, north and from the existing park home site there would be very limited visibility of the proposed development.
26. Taken together the low height of the park homes, their location largely away from the site boundaries, and the significant existing landscaping would allow the park homes to be assimilated into their surroundings over a relatively short period. This would be achieved without significant harm to the character and

appearance of the settlement, surrounding countryside or setting of the settlement and without detriment to the shape and form of Ruskington in accordance with the definition of an 'appropriate location' in Policy LP2.

27. In this respect the development would also accord with Policies LP17 and LP26 of the CLLP which stipulate, amongst other things, that all development proposals must be well designed, make effective use of land, and take into consideration the character and local distinctiveness of the area. It would accord with the Framework where it seeks to ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting. The development would also accord with Characteristics C1 and I1 of the National Design Guidance (2019) in relation to site context and ensuring development responds to the existing local character and identity.
28. Nevertheless, whilst I accept that the appeal site is an appropriate location as defined in Policy LP2 of the CLLP, I have concluded that the proposal would conflict with Policy LP2 due to the absence of any demonstrable 'exceptional circumstances' to justify development in a location outside the developed footprint of Ruskington. Therefore, overall, the appeal site would not be a suitable location for development having regard to national and local planning policies and the development would conflict with Policy LP2. It would also conflict with the Framework where in rural areas it requires planning decisions to be responsive to local circumstances and support housing developments that reflect local needs.

Other Matters

29. I note the reference to the withdrawn 2017 application for 25 park homes on the appeal site. I have little detail of this previous submission before me, and I have considered the proposal on its own merits.
30. I acknowledge that the local plan is being reviewed and that the appeal site has been put forward as a potential future allocation. However, this does not affect my conclusions on the appeal proposal which I have considered with regard to the adopted development plan.
31. I accept that the Parish Council supports the proposal and that no adverse comments were received from residents. However, the basis of the Parish Council's support is not set out and the lack of objection does not alter my conclusions on the main issue.
32. The absence of harm in relation to residential amenity, parking and highway safety, landscaping, ecology, and flood risk is a neutral matter in this appeal.

Conclusion

33. I have concluded that the proposal would conflict with Policy LP2 due to the absence of any demonstrable 'exceptional circumstances' to justify development in a location outside the developed footprint of Ruskington, and I attach substantial weight to this conflict.
34. Given the recent developments, allocations, and planning permissions within Ruskington, the benefits of the proposed park homes to the housing stock would be limited. In addition, the economic and social benefits would be small.

35. Overall, for the reasons given above, I conclude the proposal would conflict with the development plan and there are no material considerations, including the Framework, that would outweigh that conflict. Therefore, the appeal is dismissed.

Diane Cragg

INSPECTOR