
Appeal Decision

Site visit made on 8 March 2022

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 March 2022

Appeal Ref: APP/Y2003/W/21/3282426

Keepers Hide, Vicarage Lane, Redbourne DN21 4QW

- 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 Rebecca Woodhouse against the decision of North Lincolnshire Council.
 - The application Ref PA/2020/1363, dated 26 August 2020, was refused by notice dated 2 July 2021.
 - The development proposed is a single dwelling at land to the rear of Keepers Hide, Redbourne.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are as follows:

- whether the appeal site is an appropriate location for residential development; and
- the effect of the development on the character and appearance of the area, including the Redbourne Conservation Area (RCA).

Reasons

Whether Suitable Location

3. The appeal site comprises part of the existing rear garden area of the host dwelling. Evidently, the site falls outside of the development limits of Redbourne as established in the Housing and Employment Land Allocations DPD. I note this is not in dispute between the main parties.
4. The CS¹ identifies Redbourne as a rural settlement. Policies CS3 of the CS and RD2 of the LP² set out the types of development which could, as an exception, be permitted on sites outside of development limits. CS3 explains that development limits will aid in maintaining development patterns, the need to protect and enhance settlement character while access to facilities and services and levels of public transport should also be considered. Development outside

¹ North Lincolnshire Local Development Framework Core Strategy (Adopted June 2011)

² North Lincolnshire Local Plan (Adopted May 2003)

of these defined boundaries will be restricted to that which is essential to the functioning of the countryside.

5. The National Planning Policy Framework (the Framework) takes a more positive approach to housing in rural areas. Paragraph 79 states that, in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Where there are groups of smaller settlements, development in one village may support services in a village nearby.
6. There is a very limited range of services and facilities in the village, with a public house, church and some recreational facilities identified. Although I am informed of a bus service with connections to Brigg, a larger market town, I have nothing before me to indicate its frequency to provide reliable access to these services and facilities in other towns and villages. Therefore, it is highly likely that occupants of the new development would be reliant on the use of a private vehicle to access these facilities for daily needs which would represent the least sustainable travel option.
7. On balance, based on the foregoing the appeal site would not represent a suitable location for residential development having regard to the policies of the development plan and national policy with regards to access to services and facilities. This would be contrary to Policies CS3 of the CS and RD2 of the LP. These seek, among other things, to ensure settlements have the capacity to accommodate future development, including assessments of access to facilities and services and levels of public transport. The proposal would also be contrary to the Framework, which seeks to maintain or enhance the vitality of rural communities.

Character and Appearance and the RCA

8. Keepers Hide is a detached dwelling located on a generous plot on the edge of Redbourne. It includes verdant and well-established garden areas to all sides and is lined by large, mature trees to the southern boundary. Vicarage Lane is a tree lined street which hosts a mix of house styles, although generally speaking these are detached and also set in large plots.
9. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. The Framework sets out at paragraph 199 that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to that asset's conservation.
10. The RCA derives part of its significance from its historic development initially around a 14th Century castle and, later, Redbourne Hall and its estate lands. The RCA Appraisal states that the village has a rural woodland character where buildings play a more subsidiary role in the streetscape. Moreover, the private gardens of the village have a significant impact on the overall environment of the village. As buildings tend to be set back from the road in large plots, generous and heavily planted gardens reinforce the sense of the wooded rural idyll. Moreover, trees make a more general positive contribution to the character and appearance of the area, adding a verdant and lush quality to Vicarage Lane which combine with the large plots to create a sense of space and openness reinforcing the edge of village location of the appeal site.

11. The proposed dwelling would be set behind Keepers Hide with access from Vicarage Lane running through the plot. The backland location would cause the host property to lose part of its existing garden area, although from the evidence before me there are other examples of this on Vicarage Lane. Moreover, the proposed dwelling would be of a similar scale as the host property while allowing both properties to maintain a sufficient garden area.
12. Despite being just outside of the development limit of Redbourne, the appeal site forms part of the garden of the host dwelling and is more closely related to the built form of the village rather than the open countryside adjacent. The rear boundary already aligns with several other properties to the south of Vicarage Lane and this would be maintained by the proposed dwelling. As such, I see no reason to conclude that the proposal would harm the open character of the adjacent countryside. Moreover, from my observations on the site visit the proposed dwelling would be largely obscured by the host and neighbouring dwellings in views from Vicarage Lane and the approach to the village from the south.
13. However, the proposal would necessitate the felling of several trees. This includes an individual (T12) and a group (TG13) of 'Category B' trees, which are of moderate or high quality, that are required to be felled to facilitate the proposal. Another group (TG25) in the same category is recommended for felling. Although I understand the latter is not a requirement to facilitate the dwelling, TG25 is indicated on the submitted plans to cover much of the southern boundary. The loss of these mature specimens would erode part of the woodland character of the village and sense of wooded idyll which makes a positive contribution to both the character and appearance of the area and the significance of the RCA.
14. In accordance with the guidance contained within the Framework, the harm would be less than substantial. Paragraph 202 requires the decision maker to weigh this harm against the public benefits of the proposal of which I will return to later.
15. Based on the above, the proposal would harm the character and appearance of the area and the significance of the RCA. This would be contrary to Policies CS5 and CS6 of the CS and DS1 and HE2 of the LP. These seek, among other things, to ensure all new development must respect and enhance the local character and distinctiveness of the area in which it would be situated, particularly in areas with high heritage value.

Planning Balance

16. Although the initial application was considered in the context of a shortfall, I understand since the refusal of planning permission the Council can now demonstrate that it has a 5-year supply of deliverable housing. I note this is not disputed, although I agree with the appellant that this is a minimum number and should not act as a ceiling to further development.
17. I have concluded that the proposal would not constitute a suitable location for the scheme with regard to day-to-day access to services and facilities. It would also harm the character and appearance of the area and cause less than substantial harm to a designated heritage asset, namely the RCA. The harm that would arise would be localised and therefore, in terms of the approach in

the Framework, this would be less than substantial. Therefore, overall, there is significant weight against the proposal.

18. Paragraph 202 of the Framework states that where a development would lead to less than substantial harm to the significance of a heritage asset, that harm should be weighed against the public benefits of the proposal.
19. The proposal would provide a new dwelling to the Council's existing stock. This would offer some modest weight in favour of the scheme. Although it is claimed that the proposal would represent an efficient use of land, this would be at the expense of part of the significance of the RCA, the character and appearance of the area and an unsuitable location. As such I afford this argument little weight.
20. While there are biodiversity enhancements proposed, these are required to meet the aims of the development plan and paragraph 174(d) of the Framework. Moreover, due to the loss of trees required for the proposal, any benefit would take some time to overcome this initial loss. I have also found that the design of the dwelling in terms of materials and scale would not be harmful to the character and appearance of the area. However, a lack of harm would be neutral in the planning balance rather than weighing in favour of a proposal.
21. Therefore, taking into account all these matters, the public benefits of the appeal scheme necessary to outweigh the harm I have identified to the RCA, character and appearance of the area and the spatial strategy for the plan area have not been demonstrated.

Conclusion

22. The proposal would not be located in a suitable location having regard to the spatial strategy for the plan area. It would also harm the character and appearance of the area and the significance of the RCA. As such it would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

C McDonagh

INSPECTOR