



Appeal Decision

Site visit made on 14 December 2021

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 May 2022

Appeal Ref: APP/Y2003/W/21/3279028

Land north of Egton Avenue, Messingham, North Lincolnshire

- 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 Mt Steve Sowerby of T G Sowerby Developments Ltd against the decision of North Lincolnshire Council.
 - The application Ref PA/2020/2063, dated 17 December 2020, was refused by notice dated 4 June 2021.
 - The development proposed is described in the application form as 'outline planning permission for a residential development upto 16nr dwellings'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application is in outline form with all matters reserved for future consideration. I have dealt with the appeal on this basis and I have treated the submitted plans as being illustrative only.

Main Issues

3. The main issues are:
 - whether the proposed development would represent a suitable location for housing; and
 - the effect of the proposed development on the character and appearance of the area.

Reasons

Location

4. The appeal site comprises part of a large arable field that extends to the north of the cul-de-sac Egton Avenue. The site bounds the rear boundaries of a row of residential properties, predominantly bungalows, along Darnholme Crescent and Kealholme Road to the west. Open farmland extends to the north and east of the site. A mix of domestic fencing and hedging forms the boundaries with the residential properties while the southern boundary with Egton Avenue is predominantly open and undefined. Like many of the field boundaries in the vicinity of the site, the northern boundary is formed by a hedgerow. A public right of way runs along the southern boundary of the field that comprises the appeal site.

5. Policy CS2 of the North Lincolnshire Core Strategy (2011) (NLCS) supports the delivery of the spatial strategy by setting out a sequential approach to development, focused on the Scunthorpe urban area, market towns and the defined development limits of rural settlements with an emphasis on previously developed land. Policy CS3 of the NLCS outlines intentions for development limits, and states that development outside these defined boundaries will be restricted to that which is essential to the functioning of the countryside. The site lies outside of the defined development limits for Messingham and so it falls within the countryside. That the site abuts the limit has a minimal bearing under these policies.
6. Policies CS2 and CS3, along with Policy CS8 of the NLCS and saved Policy RD2 of the North Lincolnshire Local Plan (2003) (NLLP) generally resist development outside of the development limits and in the countryside. Development here is limited to agriculture, forestry or a specific need associated with the countryside. The development of housing such as that proposed does not accord with those types of development permitted under these policies.
7. I conclude that the proposal would not be in a suitable location for housing with regard to development plan policy. As such, in this regard, it would conflict with Policies CS2, CS3 and CS8 of the NLLP and Policy RD2 of the NLLP, described above.

Character and Appearance

8. The appeal site lies to the rear of a reasonably large suburban housing estate where dwellings are located to both sides of the road with numerous cul-de-sacs. Egton Avenue lies at the point where the estate meets the open countryside and, being open to the north, the close relationship with the countryside is highly evident within the streetscene both in views from Egton Avenue itself and Kealholme Road. The appeal site and the neighbouring fields provide an attractive open countryside backdrop to the surrounding suburban development and contribute to its character.
9. Owing to its scale and location, the proposal would represent a marked incursion into the countryside. The loss of the open character of the countryside would be considerable by virtue of the change that would result from such a development. Whilst this would be inevitable to some degree as the site is an undeveloped field, the loss would be particularly pronounced due to the contribution the appeal site and its open countryside views make to the character of the streetscene at Egton Avenue and Kealholme Road. The loss of this part of the open field and the harmful encroachment into the countryside would also be evident in views from the public right of way when approaching Egton Avenue.
10. The proposal would not represent a 'rounding off' because it would only effectively abut existing built development on two sides. I accept that the proposal would be for a cul-de-sac development which is typical of the area, and I have had regard to the appellant's suggested landscaping, however this would not overcome the harm that I have found above.
11. I conclude that the proposal would have an unacceptable effect on the character and appearance of the area. The proposal would therefore conflict with Policy CS5 the NLCS which seeks to provide high quality design that is appropriate for its location and has regard to its context. Similarly, the

proposal would not comply with NLLP Policy DS1 which seeks to provide high quality design and Policy H5 which, amongst other things, requires new housing development to be compatible with the character and amenity of the immediate environment and with the settlement as a whole. Conflict would also occur, as above, with NLCS Policies CS2, CS3 and CS8 and NLLP Policy RD2 with regard to the effect on the countryside.

Other Matters

12. The appellant has referred to a recent appeal decision¹. This appeal decision related to a time when the Council could not demonstrate a 5 year supply of deliverable sites. Whilst I am not provided with all of the details I note that it relates to a much larger development in a different village and different circumstances, given that the Inspector concluded that the proposal would not cause any material harm to character and appearance.
13. I have also been directed to two other recent appeal decisions in Messingham. At one of these² the main issue was flooding which did not form part of the Council's reasons for refusal with the appeal proposal. In the case of the other appeal decision³, the Inspector considered views of the countryside beyond the appeal site were limited due to the maturity of landscaping and concluded that there was no harm to character and appearance, unlike the case of the appeal proposal described above, the site of which contributes to the character and appearance of the streetscene.
14. Accordingly, the circumstances in these referenced appeal decisions are not directly comparable with those which apply in this appeal. I have, in any case, reached my own conclusions on the appeal proposal on the basis of the evidence before me.

Planning Balance and Conclusion

15. At the time the Council made its decision, it could not demonstrate a 5 year supply of deliverable sites in accordance with the Framework. The Council has subsequently published its Five Year Housing Land Supply Statement August 2021 which sets out that it can demonstrate a 5.64 year supply. This has not been disputed. Nevertheless, a 5 year supply does not act as a ceiling and the proposal would accord with the Government's objective of significantly boosting the supply of homes. This would be a benefit of the proposal.
16. Furthermore, there would be community benefits through the support of services and community buildings. There would also be economic benefits during construction and through the spend of the future occupiers at local shops. The proposal would be located where it would be accessible to local services. There would also be benefits through the provision of two affordable dwellings.
17. In coming to my conclusion, the proposal would not be in a suitable location for housing with regard to development plan policy and it would have an unacceptable effect on the character and appearance of the area. These matters are decisive and would outweigh the benefits. The proposal conflicts

¹ APP/Y2003/W/19/3233292

² APP/Y2003/W/18/3195915

³ APP/Y2003/W/20/3251184

with the development plan as a whole and there are no material considerations to outweigh this conflict. Accordingly, the appeal should be dismissed.

Paul Martinson

INSPECTOR