



Appeal Decision

Site visit made on 12 April 2022

by J Symmons BSc (Hons) CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 30 May 2022

Appeal Ref: APP/Y2003/W/21/3287586

Windy Ridge Barn, Thealby Lane, Winterton DN15 9TG

- 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 Richard Lepley against the decision of North Lincolnshire Council.
 - The application Ref PA/2021/1493, dated 17 August 2021, was refused by notice dated 2 November 2021.
 - The development proposed is for the building of a three-bedroom dormer bungalow and alter the existing garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the interests of brevity, I have amended the description of the proposal given within the application form. This is reflected in the heading above.
3. Within its decision and appeal statement, the Council refer to paragraph 79 of the National Planning Policy Framework (the Framework) regarding isolated homes in the countryside. In the July 2021 revised Framework, paragraph 80 refers to isolated homes in the countryside. For clarity, I have determined the appeal within the context of the revised Framework and consider that there would be no prejudice to the parties.
4. This appeal site is subject to a second separate appeal for the demolition of a front garage and replacement with a new dwelling, APP/Y2003/W/21/3279686, which is also before me to determine. Whilst there are similarities between the two appeals, I have dealt with them separately.

Main Issue

5. The main issue is whether the development would be located in a suitable location, having regard to the development plan's spatial strategy.

Reasons

6. Windy Ridge Barn is a residential barn conversion which is located approximately 300 metres to the west of Winterton, along Thealby Lane (B1430). The main building is split between the main house and a vintage vehicle workshop. To the rear there is a large garden and large detached garage which have a separate side access track giving a direct connection to Thealby Lane. Other than the lane to the front and a neighbouring large detached residential house, the property is surrounded by agricultural fields.

Thealby Lane is an unlit 50mph rural single carriageway road with grass verges and no footpaths. It connects to Winterton at Top Road (A1077) which is lit, has a single housing frontage and associated footpath. A new housing development known as Meadowcroft is being built to the opposite side of the junction of the two roads.

7. Winterton's development limit and sites allocated for future housing are detailed in the Housing and Employment Land Allocations Development Plan Document 2016 (HELA DPD). The Council confirms that the proposal would sit outside of the HELA DPD defined development limit for Winterton and therefore would be classed as being in the open countryside. While the appellant questions the logic of the reference to open countryside due to their site being so close to Winterton, they provide no evidence to demonstrate the site is within the defined development limit for Winterton.
8. Policies CS2, CS3 and CS8 of the North Lincolnshire Core Strategy 2011 (Core Strategy), amongst other matters, restricts development in the open countryside to those which are essential to its functioning, such as agriculture, forestry or tourism use which cannot be located elsewhere. As no details of the proposal being essential to the countryside's functioning have been provided, it is reasonable to conclude that it would simply be a an open market dwelling. Furthermore, it has not been demonstrated that the proposal could not be located elsewhere within the defined Winterton development limit. On this basis, the proposal would be contrary to the above policies.
9. Saved Policy RD2 of the North Lincolnshire Local Plan 2003 (Local Plan) also sets out the criteria where development in the countryside would be permitted. No details showing the proposal meeting the policy's permitted use categories which are defined as agricultural, forestry, employment, affordable housing or recreational have been provided. As the proposal would be a separate new dwelling, it would also not represent re-use or adaptation of an existing building and would not form an extension to the existing property. Accordingly, the proposal would not meet Policy RD2's specified criteria.
10. Paragraph 80 of the National Planning Policy Framework (the Framework) recommends that isolated homes in the countryside should be avoided unless exceptional circumstances exist. While it is appreciated that there are two properties already in the area, the proposal would be remote from the Winterton settlement, or any other settlement, and would therefore be an isolated home in the rural area. It would not be essential for a farming business and would not secure or be a viable use of a heritage asset. It would not constitute re-use of a redundant or disused building and would not subdivide an existing residential building. The proposal's design would be standard in form and content and would not represent exceptional quality. As such, the proposal would not meet the above exceptional circumstances set out in paragraph 80 of the Framework.
11. It is acknowledged that the proposal would only be 300 metres away from the new Meadowcroft development and it would not take a significant amount of time to drive or walk into Winterton. The appellant also refers to a bus stop at the end of the road providing public transport links but provides no details of distance or service frequency. These however, do not change the fact that it would be outside the settlement boundary and contrary to the above policies. Furthermore, as there is no footpath or lighting along Thealby Lane, then the

proposal would not offer the same level of accessibility that the new Meadowcroft development provides.

12. In conclusion the proposal would not be located in a suitable location, having regard to the development plan's spatial strategy. It would conflict with Policies CS2, CS3 and CS8 of the Core Strategy, saved Policy RD2 of the Local Plan and the Framework.

Other Matters

13. It is appreciated that the site did have planning permission for a new similar sized garage in the rear garden, which has now lapsed and that there is a separate appeal, APP/Y2003/W/21/3279686, submitted relating to the refusal of the demolition of the front garage and replacement with a new dwelling. It is also noted that the proposal would have limited impact on neighbouring properties and that the Council's Environmental Health and the Drainage Team have not raised any objections. However, these do not change my view that the proposal conflicts with the Core Strategy, Local Plan and the Framework.
14. The appellant raises a number of points regarding the Council's handling of this application, including submitting a planning application for the replacement of the front garage with a new dwelling. These matters are between the appellant and the Council.

Planning Balance and Conclusion

15. Although the issue was not explicitly raised by the appellant, the Council acknowledged that it is unable to demonstrate a five-year supply of deliverable housing sites in accordance with paragraph 74 of the Framework. As such, relevant policies for the supply of housing should not be considered up-to-date and paragraph 11 of the Framework should be applied.
16. The proposal would contribute to local housing supply in the form of one three-bedroom dwelling, with associated socio-economic benefit during and after construction. These benefits would be limited in scale.
17. I appreciate that the Framework sets out a presumption in favour of sustainable development but even where paragraph 11 is engaged, the benefits of additional housing do not necessarily outweigh all other concerns. Moreover, case law has found that even where policies can be considered out of date, this does not mean they carry no weight. The balancing exercise remains a matter of planning judgement.
18. Given the totality of harm identified above, I conclude that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefit, when assessed against the policies in the Framework.
19. In conclusion, I have found that the proposal would constitute an unacceptable form of development outside the defined development limit of Winterton and there are no other considerations which outweigh this finding. For this reason, and having had regard to all matters raised, the appeal is dismissed.

J Symmons

INSPECTOR