



Appeal Decision

Site visit made on 7 February 2023

by J Moore BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 March 2023

Appeal Ref: APP/Y2003/W/22/3304781

Land adjacent to Happy Cafe, Sandtoft Airfield, Belton, N. Lincs DN9 1PN

- 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 Ms Amanda Fletcher against the decision of North Lincolnshire Council.
 - The application Ref PA/2022/342, dated 18 January 2022, was refused by notice dated 14 April 2022.
 - The development proposed is 3 bedroom detached bungalow.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the appeal site is an appropriate location for new housing, with particular regard to the accessibility of necessary services and facilities.

Reasons

3. The appeal site is located outside of the defined settlement boundary for Belton and is therefore designated within open countryside.
4. Taken together, Policies CS2, CS3 and CS8 of the North Lincolnshire Local Development Framework, Core Strategy, 2011 (CS) and Saved Policy RD2 of the North Lincolnshire Local Plan, 2003 (LP) only allow development in the countryside or outside of defined settlement boundaries which is essential to the functioning of the countryside. The CS also seeks to minimise the need to travel. Although the restrictive nature of these locational policies would not be entirely consistent with the National Planning Policy Framework (the Framework), they seek to actively manage patterns of growth in support of sustainable transport objectives. When judged against these locational policies, the proposed development would not be in a suitable location for housing.
5. The appeal site incorporates the access road to the Happy Café and Sandtoft Airfield, and a portion of the car park serving the café. However, the appeal site is predominantly comprised of open land, and its eastern edge is unbounded, with further open land between it and the linear village of Westgate. As such, the appeal site appears as open countryside, and physically and visually separate from Westgate.
6. Westgate has very little in terms of day-to-day services and facilities, although there is a public house. The larger settlement of Belton is some 2.5km away

and provides a wider range of services and facilities including shops and schools. The appeal site is not served by any public transport. Consequently, future occupants would be largely reliant on the private car to access services and facilities, and the proposed dwelling would therefore not enhance or maintain the vitality of this rural community in this regard.

7. The appellant contends that the purpose of the proposal is to provide replacement accommodation for the owners of the café who currently reside above those premises, which would then enable the re-purposing of the upper floor of the café building to create additional restaurant space and staff facilities. As such, the appellant argues that the proposal should be considered as an exception to Policy RD2 as employment related development appropriate to the open countryside; as essential for countryside recreation; and as a replacement dwelling. In addition, the appellant argues that the development should be considered under Policy CS2 whereby the proposal would contribute to the sustainable development of the tourism industry.
8. While the objective to expand the business is commendable, the claims made by the appellant in support of a business case are not underpinned by substantive evidence.
9. Moreover, there is no proposal before me to change the use of the upper floors of the café, nor is it certain that such a scheme would gain approval from the Council. The proposal before me offers no mechanism by which the appellant's intended outcome could be achieved. Consequently, the proposal can only be considered as a new dwelling within the open countryside. Furthermore, the appellant has provided no substantive evidence that the proposal would comply with the provisions of Policy RD2 in that the open countryside is the only appropriate location, or that the proposed development cannot be reasonably accommodated within defined settlement boundaries or within other rural settlements.
10. For the reasons above, I conclude that the proposed development would not be an appropriate location for new housing. It would have poor accessibility for future occupiers to access the necessary services and facilities, which would necessitate a greater reliance upon less sustainable forms of travel.
11. The proposed development therefore conflicts with Policies CS2, CS3 and CS8 of the CS and Saved Policy RD2 of the LP. These policies seek to manage a sequential approach to development; to only allow development in the countryside or outside of defined settlement boundaries which is essential to the functioning of the countryside; and to minimise the need to travel. The proposed development would not accord with the aims and objectives of the Framework in managing patterns of growth to promote sustainable travel. It would also conflict with paragraph 79 of the Framework which seeks to promote sustainable development in rural areas by locating housing where it will enhance or maintain the vitality of rural communities.

Other Matters

12. The appellant contends that the proposed dwelling is required to be located near to the café for site security purposes; and that the proposal is the only way to achieve an affordable property. However, no evidence is provided to advance this position nor to persuade me that the proposal is the only way to meet those objectives.

13. Belton Parish Council supports the proposal in the light of the appellant's personal circumstances; and draws my attention to the proximity of the proposal to other approved schemes, although no schemes are specifically referenced. However, the Council refers to two appeal decisions in its officer report. The allowed scheme¹ is located within a gap in the built-up frontage on the north side of Sandtoft Road further to the east within Westgate and it is therefore much closer to the local facilities and to Belton. The dismissed scheme² is located on garden land within Westgate. In this regard, the scheme before me is not comparable as it is within the open countryside.
14. The appellant draws my attention to the decreasing mobility of the owners of the café as a purpose of the proposal, and their need for an accessible property. Under the Public Sector Equality Duty contained in section 149 of the Equality Act 2010, I have had due regard to the impact of the proposal in relation to this matter. I am therefore required to balance the harm I find against the purpose of the proposal.
15. The purpose of the proposal would be a positive consideration, in terms of eliminating discrimination against persons with the protected characteristics of age and/or disability, advancing equality of opportunity for those persons and fostering good relations between them and others. However, it has not been shown that the scheme before me is the only way of achieving the accommodation sought. Therefore, from the details before me, the harm I have identified does not outweigh those benefits. I conclude that it would be proportionate and necessary to dismiss the appeal.

Planning Balance

16. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development is in conflict with the development plan, for the above reasons.
17. The Council was able to demonstrate a five-year supply of land for housing when it decided the application. However, in its statement of case to this appeal, the Council refers to an appeal decision³ where an inspector found a supply of between 3.2 and 4.8 years. The appellant has made no further comment on this changed position.
18. Consequently, paragraph 11d of the Framework is engaged, whereby the policies which are most important for determining the application should be considered out of date. This includes the locational policies of the adopted development plan. As these policies are in broad conformity with the Framework as referenced in my reasoning above, they are of reduced, but still significant weight.
19. There are no policies in the Framework of relevance to this appeal that protect areas or assets of particular importance that provide a clear reason for refusal. Therefore, in accordance with paragraph 11d ii of the Framework, planning permission should be granted unless any adverse impacts of doing so would

¹ APP/Y2003/W/19/3235900

² APP/Y2003/W/20/3257502

³ APP/Y2003/W/21/3278257

significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

20. In terms of benefits, the Framework emphasises the importance of the delivery of housing, and the provision of one new dwelling will make a small contribution to meeting the current shortfall. Accordingly, I attach limited weight to the proposed provision of housing. Limited and temporary economic benefits would also accrue from the construction of the development. The generation of local spending within the economy from one dwelling would be a small contribution, to which I attach limited weight. I attach limited weight to the benefit of meeting the personal mobility needs of the owners of the café.
21. Drawing together the above, the adverse impact of the proposed development would significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies in the Framework taken as a whole. The proposal therefore does not benefit from the presumption in favour of sustainable development.

Conclusion

22. For the reasons given, I conclude that the development conflicts with the development plan, read as a whole. No material considerations have been shown to carry sufficient weight to warrant a decision otherwise than in accordance with it. Therefore, the appeal is dismissed.

J Moore

INSPECTOR