



Appeal Decision

Site visit made on 23 February 2023

by S Hunt BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 March 2023

Appeal Ref: APP/B2002/W/22/3307340

Land Adj Old Nursery, Cheapside, Waltham, North East Lincolnshire DN37 0HU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Hannah Haigh of Grainsby Farms Ltd against the decision of North East Lincolnshire Council.
 - The application Ref DM/0393/22/OUT, dated 28 April 2022, was refused by notice dated 9 September 2022.
 - The development proposed is erection of 9 dwellings and formation of vehicular access.
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Decision

1. The appeal is allowed and outline planning permission is granted for the erection of nine dwellings and formation of vehicular access at Land Adj Old Nursery, Cheapside, Waltham, North East Lincolnshire DN37 0HU in accordance with the terms of the application, Ref DM/0393/22/OUT, dated 28 April 2022, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The application was submitted in outline form with only access for consideration at this stage. The layout, scale, appearance, and landscaping are reserved for subsequent consideration. The appellant submitted a block plan and elevations¹, but given the outline form of the proposals I have considered these only as an indication of how nine dwellings could be accommodated within the site. The access junction layout plan², including visibility splays and vehicle tracking, forms part of the access to be considered at this stage.

Main Issue

3. The main issue in the determination of this appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site is situated outside the development boundary for the settlement of Waltham as defined in the North East Lincolnshire Local Plan 2018 (the Local Plan), and is therefore within the countryside. At the time of the decision it was an agreed matter that the Council were unable to demonstrate a five-year supply of deliverable housing sites. Consequently, both parties concur that the policies which are most important for determining the

¹ 1392-002, and 1395-005 to 011

² ADC2897-DR-001-P5

application are out-of-date, triggering the 'tilted balance' set out in paragraph 11 d) of the National Planning Policy Framework (the Framework). I return to this matter later in this decision when considering the planning balance.

Character and Appearance

5. The site lies immediately adjacent to residential dwellings which line Cheapside. Development on this side of the road is clearly separated from the main built-up area of Waltham by open fields. The opposite side of Cheapside has undergone and continues to experience significant residential development in recent years. The locality is evidently undergoing change, which has affected its rural character and extended the settlement southwards towards the nearby golf club. The ribbon of development on this side of Cheapside has been recently punctuated by the construction of a cul-de-sac at Anita Grove.
6. The site itself comprises a narrow arable field which is separated from the wider area of farmland by a farmhouse track access. Mature vegetation provides screening to the Cheapside frontage, whilst closeboard fencing and a hedge bounds its immediate neighbour known as the Old Nurseries. The remaining boundaries are open and as such the site is readily visible from a number of viewpoints.
7. The Council indicate that the site lies within sub-section B iii of their Landscape Character Assessment 2015. Whilst I have not been provided with a copy of the document, I would agree with the Council's brief description of the area being characterised by flat open farmland. There is no indication before me that the site forms part of a valued landscape for the purposes of part a) of paragraph 174 of the Framework.
8. The indicative layout plan illustrates how the nine proposed dwellings could be arranged within the site, incorporating a landscaped buffer along the side boundary where it adjoins the farm access and open fields. The plans also indicate a set-back of development within the site, and this would enable the existing vegetation to be retained and reinforced (except where required to be removed for access). The plans indicate that nine dwellings could be accommodated with adequate space around them for gardens and parking.
9. There would be an inevitable urbanising effect on the landscape, however with an appropriate layout and landscaping, and limited to nine two storey dwellings and/or bungalows, the effects could be appropriately mitigated through careful design. The housing would eventually be viewed in the context of the surrounding development along Cheapside and as such would not result in significant harm to the character and appearance of the area.
10. The proposals conflict with Local Plan policy 5, in failing to meet any of the criteria for development in the countryside. Nonetheless, I am satisfied that the effect of the proposals on area character and appearance would be acceptable, and that subject to securing appropriate details at reserved matters stage it generally complies with Local Plan policy 22. This seeks for a high standard of design which reflects the site's context, amongst other criteria.

Other Matters

11. The land is greenfield but is not designated as green belt, and as such does not require consideration of green belt policies. I also acknowledge that the land has not been in use as a commercial nursery, and that the adjoining dwelling is

not a bungalow but has two storeys. Nonetheless, these matters have limited bearing on my decision. On my site visit, I noted that there are windows to the side elevation of the Old Nurseries, and there is a potential for effects on the occupant's living conditions. However, the layout plan provided is illustrative only, and I am satisfied that such matters can be dealt with at reserved matters stage.

12. A Preliminary Ecological Appraisal was submitted by the appellant, including consideration of a number of habitats including the protected species pointed out by interested parties. This concluded that precautionary working practices would be required, together with a range of ecological enhancements. A condition would ensure that the recommendations identified in the Appraisal are undertaken prior to the commencement of any development.
13. In terms of access and traffic generation, I note that the Highway Authority do not object to such matters. The proposed drainage attenuation pond is required as part of sustainable drainage systems, and its location and details would be a matter to be considered at reserved matters stage. Subject to conditions, I am satisfied that nine dwellings would not result in an unacceptable impact on highway safety nor drainage. The hedge and dyke which run alongside the boundary of the Old Nurseries do not form part of the application site, therefore maintenance of these features do not affect my decision.

Planning Balance

14. At the time of the decision the Council were unable to demonstrate a five year supply of deliverable housing sites, confirmed by the latest assessment published in September 2021 (covering the period to 31 March 2026) which identifies a 4.2 years supply. The Council have put to me that their housing supply figure will change shortly, given that the Local Plan would be five years old on 22 March 2023. They state that after this time the requirement would be set against the local housing need calculated using the standard method, and as a result the overall five-year requirement would fall by a significant amount. Whilst I acknowledge the timeframe since adoption of the Local Plan in terms of paragraph 74 of the Framework, there is no published confirmation of any change to the supply position before me. Nor does the evidence indicate whether the strategic policies have been reviewed and found not to require updating, in the context of footnote 39.
15. I have found that the proposed development is acceptable in terms of its effects on character and appearance of the area. I also find that it would bring a number of benefits, not only in terms of boosting housing supply. Whilst peripheral to the centre of Waltham, the appeal site is reasonably accessible to a range of services by modes other than the private car. The provision of additional homes would assist in maintaining the vitality of the community and support local services, and create moderate economic benefits including employment during construction and increased local spending. Moderate environmental benefits would arise through biodiversity enhancements over and above the existing agricultural use of the land. Collectively, the benefits would outweigh the conflict with Local Plan policy 5. This would be my position whether or not the 'tilted balance' of paragraph 11 d) of the Framework has been triggered.

Conditions

16. The Council has provided a list of suggested conditions which I have considered against the tests in the Planning Practice Guidance. I have taken into account the appellant's suggested amended wording for some of them, and note that they have not raised any objections to pre-commencement conditions. In addition to the standard conditions for the submission of the relevant reserved matters and commencement of development, I have imposed a condition listing the approved plans as this provides certainty. I have not included the indicative plans as they are subject to change at reserved matters stage.
17. A condition requiring a final scheme for surface and foul water drainage is necessary to ensure the site can be properly and sustainably drained. I have made a slight amendment to its wording to ensure such details are included with reserved matters given that an attenuation pond is proposed, and this could affect the layout and landscaping of the site. I have not been provided with details of the relevant Local Plan policy regarding water recycling, so at this stage I am not persuaded that it would meet the tests. In any event, such details could be provided as part of the design at reserved matters stage.
18. A condition limiting construction working hours is necessary in the interests of the living conditions of neighbouring residents. I have amended the condition requiring submission of a construction method statement, as this can cover both management of traffic as well as noise and dust during construction. I am not convinced that details of numbers/types/sizes of vehicles and delivery schedules are necessary for a minor development of nine dwellings, so I have deleted these particular criteria of the method statement. Working hours are already specified in the previous condition. Overall, the condition is necessary in the interests of highway safety, air quality and living conditions.
19. Access details are approved as part of this outline application and the internal road/parking layout would form part of future reserved matters. I have therefore made minor amendments to require details to be provided with reserved matters, and to ensure that the conditions meet the tests. I have deleted the suggested condition requiring a road safety audit as I can find no reference to the necessity for this either in the quoted policy nor the Highway Authority's response. Likewise, I cannot locate reference to a requirement for electric car charging points in the evidence. Nonetheless in the interests of the Government's aim to increase the use of electric cars and local and national policies to improve air quality, I am content to include this condition.
20. Both parties have suggested conditions relating to biodiversity, following my request for comments. I have amalgamated them so that submission of a Biodiversity Enhancement and Management Plan is based on the Ecological Appraisal's recommendations. This includes consideration of protected species that may be present on the site when construction commences.

Conclusion

21. For the reasons given above, and having had regard to all matters raised, I conclude that the appeal should be allowed.

Susan Hunt

INSPECTOR

Schedule of Conditions

- 1) Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan (1395-001) and Access Junction Layout (ADC2897-DR-001-P5).
- 5) The details submitted pursuant to any reserved matters application shall include a final scheme for the sustainable provision of surface water drainage and a scheme for foul drainage including details of discharge rates. The development shall be completed in accordance with the approved details and the drainage implemented prior to occupation.
- 6) Construction works shall take place only between 08:00 and 18:00 on Mondays to Fridays inclusive and between 08:00 and 13:00 on Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 7) No development shall take place until a Construction Method Statement (CMS) has been submitted to, and approved in writing by the local planning authority. The CMS shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) details of wheel washing facilities;
 - v) measures to control the emission of noise, dust and dirt during construction; and
 - vi) Contact details of the person with responsibility for implementation of the CMS.

The approved CMS shall be adhered to throughout the construction period for the development.

- 8) The details submitted pursuant to any reserved matters application shall include the following details:
 - a) the junction and access to the site and proposed layout of the carriageways and footways on the development;
 - b) the wearing course materials proposed for the carriageways and footways;
 - c) cross sections;
 - d) the highway drainage system;
 - e) the proposed locations of street lighting columns, all services and ducts for services, within the carriageways and footways;

- f) the number, location and layout of the vehicle parking facilities to serve the proposed development;
 - g) management arrangements for any carriageways, footways and/or landscaped areas not to be adopted by the local authority; and
 - h) swept path analysis demonstrating turning manoeuvres for emergency vehicles on all carriageways (adopted and private), and refuse vehicles on all adopted carriageways.
- 9) Prior to any above ground development, details of a scheme for the provision of vehicle electric recharge points shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be provided prior to the occupation of the dwelling(s) to which they relate and shall be retained at all times thereafter.
- 10) Before the development hereby permitted is commenced a Biodiversity Enhancement and Management Plan (BEMP), to be based on the recommendations identified in the submitted Preliminary Ecological Appraisal, shall be submitted to and approved by the Local Planning Authority. The biodiversity enhancements shall be implemented in accordance with a timetable set out in the BEMP and shall be managed and maintained thereafter in accordance with the BEMP.