



Appeal Decision

Site visit made on 3 May 2023

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 June 2023

Appeal Ref: APP/Y2003/W/22/3290138

**Land East of Scotter Road/South of Eastfield Road, Messingham DN17 3PG
Easting (x) 489390 Northing (y) 403954**

- 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 Mr Philip Jackson - Jackson Philips Asset Solutions against the decision of North Lincolnshire Council.
 - The application Ref PA/2021/1253, dated 7 July 2021, was refused by notice dated 10 November 2021.
 - The development proposed is described as 'Outline planning consent for 0.4856 ha for 9 dwellings residential development with all matters reserved'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The proposal is in outline form with all matters of detail reserved for subsequent approval. Therefore, I have considered the indicative layout and access details, as shown on the 'Drainage Strategy' plan, only in so far as establishing whether the proposal would be acceptable in land-use principle terms and in terms of whether the appeal site would be likely to be capable of accommodating the development.
3. When the main parties submitted their evidence in line with the timetable for this appeal, there was a dispute in respect of whether the Council could demonstrate a 5-year housing land supply. Given the passage of time, I requested an update on the respective positions. In their response to my request, the appellant maintains that the Council cannot demonstrate a 5-year supply of deliverable housing sites and argues that the supply currently stands at 3.2 years. The Council has not provided any detailed evidence to the contrary, only confirming that it cannot currently demonstrate a 5-year housing land supply. Therefore, for the purposes of my assessment on this appeal, paragraph 11d of the National Planning Policy Framework (the Framework) is engaged.

Main Issues

4. The main issues are:
 - (i) whether the appeal site is a suitable location for the proposal having regard to the development plan and national policy; and
 - (ii) the effect of the proposal on the character and appearance of the area.

Reasons

Location

5. There is no dispute between the main parties that the site is located outside, but adjacent to, the defined development limits for Messingham. Therefore, for the purposes of planning policy and the development plan, the site is therefore to be regarded as being in the countryside.
6. The policies of the development plan referred to in the Council's decision notice seek to deliver the Council's spatial strategy with development to be focussed within the defined development limits. They confirm that development outside the development limits will be restricted to that which is essential to the functioning of the countryside. The provision of market housing does not fall under any of the development types supported by the development plan in the countryside.
7. Notwithstanding the above, the site would link to the existing footway on Scotter Road. From what I saw during my site visit, the site would also be in reasonable proximity to the services, facilities and bus links that Messingham has to offer. Therefore, from an accessibility perspective the proposal would resonate with some of the sustainable development principles in the development plan and the Framework.
8. I conclude that the location of the appeal site conflicts with the spatial strategy supported through Policy RD2 (Development in the Open Countryside) of the North Lincolnshire Local Plan (2003) (LP) and Policies CS2 (Delivering More Sustainable Development), CS3 (Development Limits) and CS8 (Spatial Distribution of Housing Sites) of the North Lincolnshire Local Development Framework Core Strategy (2011) (CS) and the plan-led system endorsed by the Framework. This conflict and the site's accessibility credentials are matters for my planning balance and conclusion.

Character and appearance

9. The appeal site is part of a wider area of rough pasture land and fields which sit to the eastern side of Scotter Road. This generally open and greened landscape gently rises away from the roadside boundary as one approaches Messingham from the south. Together with the grass verge, post and rail fencing and the occasional mature trees which sit close to the roadside; these elements provide a foreground of an overtly rural character to the edge of the settlement to this side of the road. In contrast, the ribbon development and two-storey dwellings to the western side of Scotter Road give that side of the road a more developed appearance.
10. The first dwelling on entering Messingham to the eastern side of Scotter Road is 'Holly Bank'. This dwelling occupies a substantial plot and has a considerable amount of mature landscaping within its gardens, including close to the roadside. The dwellings on Eastfield Road are appreciable from Scotter Road but they are positioned further away than 'Holly Bank' in this view, are single storey in scale and have intervening back gardens with associated fencing and hedgerow rear boundaries. Consequently, the buildings towards the settlement edge to the eastern side of Scotter Road have an understated presence on the approach towards the village from the south.

11. I accept that the detailed design matters are not before me. Even so, the width of the appeal site substantively aligns with the combined width of six of the plots serving dwellings on Eastfield Road, or seven if the partial alignment with the rear boundary of No 48 Eastfield Road is included. Therefore, the detailed matter of layout would likely require that the nine proposed dwellings would occupy comparatively narrow plots. No minimum or maximum parameters are before me including in terms of the height of the dwellings. There is therefore also the possibility that the mass and height of dwellings would be greater than the existing bungalows on Eastfield Road.
12. While access is also a reserved matter, the shape of the site would dictate that the access would in all probability be laid out in a similar way as is indicatively shown on the 'Drainage Strategy' plan. In the absence of any alternative illustrative arrangement to consider, this would result in an elongated access drive extending from Scotter Road, closely aligned with the site's southern boundary. This would likely mean that the dwellings and their individual access points would be orientated to face towards the access road. Consequently, their frontages along with any vehicles or other residential paraphernalia stored within them, would be located in the foreground of the dwellings.
13. Together with the elevated position of the development relative to Scotter Road, the above factors would combine to create an unduly prominent and intensive domestic presence on the eastern side of Scotter Road. Even though no buildings would be located along the Scotter Road frontage, the identified aspects of the development would in any case be likely to unacceptably intrude upon the character and appearance of the countryside.
14. Furthermore, as the description of the proposal specifies nine dwellings, this would be fixed at the reserved matters stage. The 'Drainage Strategy' plan indicates that nine properties and an 'Infiltration basin' would occupy land between the rear boundary of Holly Bank, extending east and almost aligning with the eastern boundary of No 48 Eastfield. Therefore, according to this plan the amount of development proposed would be likely to occupy more land than is identified on the 'red line' site plan. I have no alternative illustrative details to suggest the appeal site would be capable of comfortably accommodating the number of dwellings proposed and the envisaged drainage strategy. This adds to my concerns that the density and layout of the development would be likely to have an unsympathetic interface with the countryside.
15. An indicative landscape plan is before me which indicates that planting could line the southern boundary of the appeal site. However, given the outline nature of the proposal, there is no certainty as to the extent or type of soft landscaping that could be incorporated. For example, it is unclear what scope there would be for a substantial planting scheme along the initial, narrower part of the appeal site once the necessary geometry of the access road has been factored in. In any case, it is unlikely that new planting would provide such a dense screen that the development would be imperceptible, particularly in the early years following the development during which time the identified harm would be likely to be very apparent.
16. In addition, on my site visit I observed that two substantial mature trees are situated close to the site's front boundary with Scotter Road. It has not been demonstrated through a detailed access drawing, or a tree constraints plan, that the site access and any required visibility splays would not require removal

of these trees or that there would be no adverse impacts on their root protection areas. Should the removal of these trees prove necessary, or in the event that the future integrity of these trees is adversely impacted upon, this would further compound the identified harm to the prevailing rural characteristics of the eastern side of Scotter Road.

17. The Inspector that dealt with a previous appeal¹, which I understand incorporated land subject to this current appeal, observed that the openness and absence of development from the appeal site in the foreground of the dwellings on Eastfield Road is a key visual factor in defining the character and value of the landscape on the southern edge of the settlement. Having regard to my own findings, I agree. Therefore, I do not find the proposal comparable to the developments that have been granted planning permission to the western side of Scotter Road² where the contribution of those particular sites to the character and appearance of the countryside was more limited.
18. I conclude, the development would be likely to result in significant harm to the character and appearance of the countryside. In that regard it would conflict with the design, character and context requirements of Policies RD2 (Development in the Open Countryside), H5 (New Housing Development) and DS1 (General Requirements) of the LP and Policies CS5 (Delivering Quality Design in North Lincolnshire) and CS8 (Spatial Distribution of Housing Sites) of the CS. It would also conflict with the character requirements, including to protect the intrinsic character and beauty of the countryside, at paragraphs 130 and 174 of the Framework.

Planning Balance and Conclusion

19. The Council has conceded that it cannot currently demonstrate a 5-year supply of deliverable housing sites. With no contrary evidence to dispute it, I have applied the appellant's figure of 3.2 years supply for the purposes of my decision. Paragraph 11d of the Framework and the presumption in favour of sustainable development is engaged.
20. In the context of the Government objective to significantly boost the delivery of housing, nine dwellings would make a moderate but positive contribution towards the provision and mix of housing in an accessible location close to the services and facilities that Messingham has to offer. There would also be modest social and economic benefits through the construction of the dwellings and through the future contributions of occupants of the development to the services and facilities in the area.
21. However, the proposal would result in significant harm to the character and appearance of the area. In this regard the proposal conflicts with the policies of the Framework as a whole and the adverse impact of the development would significantly and demonstrably outweigh the benefits identified. In addition, there would be specific conflict with the identified policies of the development plan which further weighs against the proposal.
22. For the above reasons, the appeal is dismissed.

M Russell INSPECTOR

¹ Appeal Ref APP/Y2003/W/20/3248436

² Appeal Refs APP/Y2003/W/18/3195915 & APP/Y2003/W/20/3251184