



Appeal Decision

Site visit made on 4 September 2023

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 September 2023

Appeal Ref: APP/D2510/W/23/3315706

Land North of West Lane, Haltham, Lincolnshire LN9 6JG

- 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 Andrew Robinson against the decision of East Lindsey District Council.
 - The application Ref S/074/00986/22, dated 20 May 2022, was refused by notice dated 17 August 2022.
 - The development proposed is the erection of a bungalow for residential use.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the location of the proposed development would be acceptable having regard to the development plan policies.

Reasons

3. The appeal site is a grassed parcel of land lying on the fringes of Haltham. It is located adjacent to the side elevation of a recently completed bungalow, beyond which are open fields. The bungalow is accessed from West Lane via a lengthy gravel driveway between two residential properties that front the road.
4. Consistent with the approach in paragraph 105 of the National Planning Policy Framework (the Framework), Policy SP1 of the East Lindsey Local Plan (adopted July 2018) (the Local Plan) seeks to inform the distribution, scale and nature of development within the district by classifying settlements based on their level of access to services and employment. These categories comprise towns, large villages, medium villages and small villages. Any settlement not named within this list of settlements is considered to be located within the 'open countryside' for the purposes of the policy. The policy sets out that this includes hamlets and isolated groups of houses which may have very limited facilities such as a church or public house.
5. Policy SP9 of the Local Plan supports single plot development for affordable housing within the defined towns, and large, medium and small villages listed as part of Policy SP1. This is subject to a number of criteria including the applicant being able to demonstrate that they are unable to afford a suitable home currently available in the parish; evidence of a local connection; and a limitation of the internal floor area to 100 square metres. The resale value of such dwellings is required to be restricted in perpetuity to '80% of market value'. The limitation to the defined settlements is reiterated within the accompanying SPD.

6. Haltham is a small settlement with limited services and facilities. It is not listed as a town, or a large, medium or small village within Policy SP1. The appeal site therefore lies within open countryside for the purposes of the policy. Consequently, the proposal is contrary to Policy SP9 of the Local Plan and the housing strategy.
7. The appellant has questioned the methodology used by the Council to formulate the settlement hierarchy and considers that Haltham should now be considered to be a medium village, based on changes that have occurred since the evidence was collected. The appellant has provided their own scoring system based on that used in the Council's Rural Facilities Survey 2015. However, the Rural Facilities Survey was just one of a number of different sources of evidence that were used to inform the policy. Furthermore, it is not my role to re-examine the evidence base of the Local Plan or to second guess the reasons why a particular settlement has been placed in a particular category. Both Policy SP1 and Policy SP9 were assessed at the time of examination of the Local Plan and were found to be sound.
8. In accordance with the requirements of s38(6) of the Planning and Compulsory Purchase Act (2004), I am required to determine the appeal in accordance with the development plan unless material considerations indicate otherwise. I have found the appeal proposal to be contrary to the development plan. For the above reasons, I am not convinced that the appellant's argument with regard to the categorisation of the settlement constitutes a material consideration that indicates taking a decision contrary to the development plan.
9. As set out in the Planning Practice Guidance (PPG)¹, a plan does not become out-of-date automatically after five years. Due weight should be given to relevant policies in existing plans according to their consistency with the Framework. I have found Policy SP1 to be consistent with the Framework, as set out above. Neither party has referred to housing supply and there is no evidence before me that indicates that the Council cannot demonstrate a five year supply of deliverable housing sites. I am therefore not convinced that Policy SP1 is out-of-date.
10. The appellant has referred to a previous appeal decision, but has not provided any information other than a reference number. I note that the reference number appears to relate to a different Council area, and likely, a different policy. As such, in the absence of any further information, this carries little weight in my decision.
11. For the above reasons, the location of the proposed development would not be acceptable having regard to the development plan policies. The proposal would conflict with Policy SP9 of the Local Plan and the housing strategy.

Other Matters

12. I have had regard to the letters of support submitted during the application process. However, the evidence of local support does not outweigh the conflict with the development plan set out above.
13. The appellant has referred to the grant of planning permission² at the adjacent bungalow. However, it is understood that this was determined prior to the

¹ Paragraph: 064 Reference ID: 61-064-20190315.

² Ref S/074/426/17.

adoption of the Local Plan and as part of its decision, the Council took into account the status of Haltham in the adopted Local Plan at that time. That Local Plan has now been superseded by the current (2018) Local Plan. This therefore carries little weight in my decision.

14. I sympathise with the appellant and their search for a new home, and I acknowledge the evidence supplied in relation to affordable housing, including the unilateral undertaking. The Council considers that this evidence is insufficient to demonstrate that the appellant is unable to afford a suitable home in the locality. However, even if the appellant were able to demonstrate that they were unable to afford a suitable home in the locality, the proposal would not be acceptable in this location. I therefore need not consider this information any further.

Conclusion

15. There are no material considerations that, in this instance, justify taking an approach contrary to the adopted development plan and housing strategy having regard to the requirements of s38(6). I have considered all other matters raised, including the approach in the Framework, but none outweigh the conclusions I have reached. For the reasons set out above, I dismiss the appeal.

Paul Martinson

INSPECTOR

