



Appeal Decision

Site visit made on 5 September 2023

by J Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 October 2023

Appeal Ref: APP/Y2003/W/23/3319388

**Land north of no. 53 Brethergate, Westwoodside, North Lincolnshire
DN9 2PF**

- 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 Paul Jones against the decision of North Lincolnshire Council.
 - The application Ref PA/2022/1101, dated 14 June 2022, was refused by notice dated 2 December 2022.
 - The development proposed is erection of 5 no. dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was amended from nine dwellings to five and I have amended the description of development to reflect this. The appeal is made in outline with all matters reserved and I have treated the submitted layout plan as indicative only. Notwithstanding, access to the site would be taken from Brethergate.
3. Additional information in relation to drainage was submitted as part of the appeal. The Council is satisfied this addresses their concerns subject to conditions and no longer wishes to defend the third reason for refusal. I have no reason to disagree.
4. During the course of the appeal, the Council published an updated housing land supply position statement demonstrating a five year supply of deliverable housing land. The appellant was given the opportunity to comment on this. As a result, it is necessary for me to consider whether the site is a suitable location for housing as a main issue.

Main Issues

5. The main issues are:
 - the effect of the proposed development on the living conditions of occupiers of 51a and 53 Brethergate with respect to noise and disturbance;
 - whether the site is a suitable location for the proposed development having regard to the local development strategy; and
 - the effect of the proposed development on the Isle of Axholme Area of Special Historic Landscape Interest.

Reasons

Living Conditions

6. Access to the site would be taken from an existing track which passes between 51a and 53 Brethergate. It is immediately adjacent to both properties, which have windows facing onto this access, and their rear gardens. There is no technical noise evidence before me. At the time of my site visit, noise levels in the surrounding area were low. I acknowledge this represented a short moment in time, however I have no reason to think this is not generally representative of the area. The change in noise levels which would arise from the use of this access to serve five dwellings would likely be experienced as a significant intrusion by occupiers of the existing dwellings. This would be exacerbated by occasions when vehicles would have to wait to allow vehicles traversing in the other direction to pass. Furthermore, there would be the potential for additional disturbance during the hours of darkness, as a result of the headlights of vehicles turning into the access.
7. The access track is restricted in width and consequently any screening provision would be of necessity limited to ensure that suitable access for vehicles could be maintained. There is also no substantive evidence that planting would be effective in addressing the adverse noise effects I have identified.
8. The proposed development would therefore harm the living conditions of occupiers of 51a and 53 Brethergate with respect to noise and disturbance. This would be contrary to North Lincolnshire Local Plan adopted May 2003 (LP) Saved Policies T2 and H7, and North Lincolnshire Local Development Framework Core Strategy adopted June 2011 (CS) Policy 5 which taken together insofar as they relate to this appeal, require new development to be well designed and served by a suitable access that would not have an adverse effect on the amenities of residential premises from the level of nuisance from the movement of vehicles to and from the proposed development. It would also conflict with paragraph 130 of the National Planning Policy Framework which requires development to create places with a high standard of amenity for existing users.
9. LP Saved Policy DS5 refers to residential extensions and is not of direct relevance to this appeal.

Suitable Location

10. CS Policies CS2, CS3 and CS8 set out that development outside defined boundaries will be restricted to that which is essential to the functioning of the countryside. Market housing is not identified as such a use. LP Saved Policy RD2 sets out that development in the open countryside will be strictly controlled. It specifies the types of development for which planning permission will be granted. This also does not include market housing.
11. The site is presently used as part of the rear garden of 53 Brethergate. Although the site is enclosed by residential development, it is common ground that the majority of the appeal site lies outside the development limit.
12. I therefore conclude that the appeal site would not be a suitable location for development having regard to the local development strategy. It would be

contrary to CS Policies CS2, CS3 and CS8 and LP Saved Policies RD2 which seeks to direct development to established growth areas or to infill locations.

Isle of Axholme Area of Special Historic Landscape Interest

13. The site lies within the Isle of Axholme Area of Special Historic Landscape Interest (ASHLI) which, although acknowledged by both parties as being of national significance, is a non-designated heritage asset. Its significance is derived from its pattern of ancient open strip fields and enclosures enclosed directly from the open fields surrounding the villages in the area.
14. The appeal site is effectively enclosed by residential development. While the landscape to the east of Mill Lane retains the characteristics that contribute to the significance of the ASHLI, the appeal site is separated from this by the built development along Mill Lane. These dwellings typically occupy the width of the plot, effectively severing the site both physically and visually from this area. Similarly, the development at Crackle Hill severs the site entirely from the land beyond it. The land to the north of the appeal site, while open, is similarly enclosed by residential development along Mill Lane and Westland Road. Consequently, the appeal site does not display the essential characteristic of the ASHLI which is that of open, unenclosed agricultural land. Nor would its development extend the built form into the historic landscape in any meaningful manner given the way in which it has been severed from the surrounding open fields by development. The proposal would therefore not have an adverse effect on the legibility of the historic landscape.
15. I therefore consider the proposed development would have a neutral effect on the significance of the ASHLI. Consequently, I do not need to assess the proposal against the considerations of paragraph 203 of the National Planning Policy Framework (the Framework). Any future application for a similar type of development elsewhere would be assessed on its own planning merits which are unlikely to be identical to the circumstances here.
16. The proposed development would therefore not have an unacceptable effect on the Isle of Axholme Area of Special Historic Landscape Interest. It would therefore be in accordance with LP Saved Policies LC14, LC7, RD2 and DS1 and CS Policies CS5 and CS6 which, taken together and insofar as they relate to this appeal, seek to protect the countryside and heritage assets, particularly the nationally significant medieval landscapes of the Isle of Axholme ASHLI and its character, appearance and setting.

Other Matters

17. Although the site lies outside the defined boundary for Westwoodside, it is bounded by residential development. The Council's officer report sets out that Westwoodside is identified in the North Lincolnshire Settlement Survey as a larger rural settlement with 4 of the 7 key facilities. However, even if I were to find this overcame the harm to the settlement strategy, it would not overcome the harm to living conditions I have found above.
18. There would be an undoubted benefit from the delivery of additional dwellings, even though the Council can now demonstrate a five year supply of housing land. There would be the associated economic benefits of both the construction and occupation stages of the development, and social benefits from an increase in residents who could help sustain the services and facilities within

Westwoodside. Environmental benefits in the form of biodiversity enhancements could be secured by condition. However, given the small scale of the development, these benefits would be limited.

19. As the appeal is made in outline, matters of layout and appearance are not before me. In isolation of the issues I have considered above, there is no reason to think a scheme could not be designed which would be acceptable in design terms including with respect to its relationship to Brethergate and the living conditions of surrounding and future occupiers. Independent of heritage considerations, no harm to the character and appearance of the area from the principle of the development has been identified and I have no reason to find otherwise. There are no objections from statutory consultees with respect to highways, flood risk, drainage, rights of way and contamination subject to the imposition of conditions. However, these would all be expected of any well-designed development and therefore would be neutral factors.

Conclusion

20. The appeal proposal would conflict with the development plan when read as a whole. There are no material considerations of sufficient weight to suggest the decision should be made other than in accordance therewith. The appeal should therefore be dismissed.

J Downs

INSPECTOR