



Appeal Decision

Site visit made on 12 September 2023

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 17 October 2023

Appeal Ref: APP/Y2003/W/23/3319371

The Cottage Green Lane, Westgate, Belton, North Lincolnshire DN9 1QD

- 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 and Mrs P Brough against the decision of North Lincolnshire Council.
 - The application Ref PA/2022/720, dated 31 March 2022, was refused by notice dated 29 September 2022.
 - The development proposed is residential development.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have taken the description of development from the application form, removing superfluous wording in the interests of clarity.
3. The application is in outline form with all matters reserved for future consideration. I have dealt with the appeal on this basis and I have treated any details not to be considered at this stage as being illustrative only.
4. When this appeal was submitted, the Council was unable to identify a five year housing land supply. However, the Council has recently completed the North Lincolnshire Council Five Year Housing Land Supply Statement July 2023 confirming its view that it can now demonstrate a 6 year and 10 month housing land supply. The appellant has been given the opportunity to comment and I have determined the appeal accordingly.

Main Issues

5. The main issues are:
 - whether the site is a suitable location for housing having regard to accessibility to local services; and
 - the effect of the proposal on the character and appearance of the Isle of Axholme Area of Special Historic Landscape Interest.

Reasons

Suitable location

6. Policy CS2 of the North Lincolnshire Local Development Framework Core Strategy Adopted June 2011 (CS) seeks, amongst other things, to ensure that development takes place in the most sustainable locations focusing development within the urban area of Scunthorpe and the Market Towns. The

policy also allows for small scale developments within the defined development limits of rural settlements to meet identified local needs.

7. Whilst I have been provided with two different iterations of what is the development limit boundary, there is agreement between the parties that the appeal site lies outside any defined development limit. Policies CS2, CS3 and CS8 of the CS restrict development outside these defined development limits to that which is essential to the functioning of the countryside. Examples identified in the policy text are uses relating to agriculture, forestry or other uses that require a countryside location, or a proposal that will contribute to the sustainable development of the tourist industry. The proposal is for market housing and therefore conflicts with the requirements of these policies.
8. Paragraph 78 of the National Planning Policy Framework (the Framework) recognises the need for decisions to be responsive to local circumstances and to support housing developments that reflect local needs. It also identifies that there should be support for opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and to consider whether allowing some market housing on these sites would help to facilitate this. However, no evidence is before me that demonstrates a specific local need for residential development at the appeal site and no affordable housing is proposed as part of the scheme.
9. Paragraph 80 of the Framework, which deals with isolated homes in the countryside, does not apply to the appeal proposal given the proximity of the appeal site to other built form. Whilst paragraph 85 of the Framework does identify that in rural areas, sites may have to be found adjacent to or beyond existing settlements, in locations that are not well served by public transport, this relates to local business and community needs and not housing. It is therefore not relevant to the appeal proposal.
10. The appellants assert that although the appeal site is located outside the defined development limit, future occupiers would still have access to a good range of services and facilities a short distance away in the centre of Belton.
11. Policy CS2 of the CS states that proposals should, amongst other things, be located to minimise the need to travel and to encourage any journeys that remain necessary to be possible by walking, cycling and public transport. Green Lane is a Public Right of Way. Once at the junction with Westgate Road there is a separate footpath providing access to the centre of Belton. Whilst visiting the site and the surrounding area, it took me between 30 and 40 minutes to walk from the appeal site to the primary school, pre-school, post office, shop and surgery in Belton.
12. Whilst some people would walk or cycle that distance, not all would find it an attractive option, particularly those that struggle with mobility or those with young children. This means that future occupiers would be likely to use private vehicles to access the services and facilities. Whilst I recognise that the distances travelled in a car would be limited, the location of the appeal site would not encourage journeys to be carried out on foot or by bicycle. The appellants assert that there are bus stops nearby that provide access to bus services to and from Doncaster, Scunthorpe and Gainsborough. However, I have no information before me relating to the frequency or accessibility of this public transport provision.

13. The appellants have identified three planning applications dealt with by the Council that they contend are also outside the development limit boundary. However, other than a reference number and a brief description of the proposal, I have no other information before me in order to make a full comparison to the appeal proposal before me.
14. I therefore find that the proposal would conflict with Policies CS2, CS3 and CS8 of the CS. These policies seek, amongst other things, to protect the countryside from inappropriate development and to ensure proposals minimise the need to travel and to encourage any journeys that are necessary to be possible by walking, cycling and public transport. The proposal would also conflict with the relevant paragraphs of the Framework in this regard.

Character and appearance

15. The appeal site comprises in part, a builder's yard, located to the rear of The Cottage and The Nook, two existing dwellings that front onto Green Lane. A ribbon of development of a mixed character and appearance runs along Green Lane, from the junction with Westgate Road to the western edge of the appeal site. The remainder of the appeal site is formed of part of an open grass field. Hedgerows bound the wider grass field to the northern, eastern and southern boundaries. The wider grass field contributes positively to the rural character and appearance of the area. Agricultural fields are located to the north and south of the appeal site. To the east of the wider grass field is Fieldside Farm, beyond which is open countryside.
16. It is common ground between the parties that the appeal site is located within The Isle of Axholme Area of Special Historic Landscape Interest (AoSHLI) designation. Saved Policy LC14 of the North Lincolnshire Local Plan Adopted Plan May 2003 (LP) states that within this area, development will not be permitted which would destroy, damage or adversely affect the character, appearance or setting of the historic landscape, or any of its features.
17. The AoSHLI is a non-designated heritage asset, the significance of which is identified as its unique historic landscape retaining the pattern of ancient open strip fields and enclosures surrounding the villages on the Isle and the Turbaries. The appeal site is located within the Early Enclosed Land character zone, created by the enclosure of blocks of former strips of land into small irregular fields.
18. Paragraph 203 of the Framework states that the effect of an application on the significance of a non-designated heritage asset should be taken into account and in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
19. Part of the appeal site is currently used as a builder's yard, a use for which the Council has issued a certificate of lawfulness. The appellants assert that the redevelopment of this part of the appeal site for housing would be less harmful visually than the existing use, removing the storage and display of building materials.
20. Due to the backland location of the builder's yard, to the rear of existing two storey built form and given the substantial hedgerow along the northern boundary of the adjacent field, even if the existing use were to intensify, the

visual impact of it would be localised. Nevertheless, the development of this part of the appeal site, due to its location to the rear of existing built form and given the existing use, would have a more limited impact on the significance of the AoSHLI.

21. However, the residential development proposed on part of the grass field to the east would represent an extension to the existing ribbon of development, rather than infill development. The appeal proposal would represent a prominent encroachment of built form into the open countryside which would result in a harmful urbanising effect on the rural character and appearance of the area. It would be harmful to the significance of the AoSHLI, sub-dividing the wider field and providing built form that would have no association with the historic landscape in which it would sit.
22. Whilst I note that the appeal site forms only a small part of the much wider AoSHLI designation and that the sensitivities of the landscape do vary across the designated area, the introduction of development into part of the grass field would be at odds with the open and rural character of the area and the significance of the AoSHLI.
23. I find that the proposal would be harmful to the character and appearance of the area, with particular regard to the Isle of Axholme AoSHLI designation. It would conflict with Saved Policy LC14 of the LP which seeks, amongst other things, to ensure that developments do not destroy, damage or adversely affect the character, appearance or setting of the historic landscape, or any of its features.

Other Matters

24. The appellants and the Council were in agreement at the time the appeal was submitted that the Council did not have a five year housing land supply. However, as stated above, the Council, during the appeal has submitted additional evidence in the form of a Five Year Housing Land Supply Statement, published in July 2023, which confirms its view that there is now a five year housing land supply in place. The appellant has been given the opportunity to comment on this evidence, but no response has been received.
25. Nevertheless, even if I were to accept the appellants original position, the adverse impacts of the development outlined above would significantly and demonstrably outweigh the limited benefits of three dwellings when considered against the Framework as a whole. Accordingly, the development would not benefit from a presumption in favour of development set out in paragraph 11 of the Framework in any event.
26. The appellants assert that the proposal would be policy compliant with regard to highway safety, noise, flood risk, protected and priority species, habitats and biodiversity and the quality of design. Compliance with these other requirements is a neutral consideration and weighs neither for or against the proposal.
27. A number of interested party comments were made during the processing of the planning application, some of which were in support of the proposal due to the fact that new dwellings would be provided in the local area. The proposal would contribute to the housing stock and given the scale of the scheme, it could be delivered quickly. However, the provision of three dwellings would

only make a small contribution to the housing supply. There would be associated economic benefits from the construction phase, albeit temporary. Future occupiers may also make a general economic contribution through spending in the local economy. However, given the scale of the development, the amount of expenditure is unlikely to be high.

28. I have been referred by the appellants to an appeal decision at the Duke William in Haxey. Whilst I have only been provided with an extract of the appeal decision and not the full details, it is clear in that case that there was no dispute between the parties that the Council did not have a five year housing land supply at that time. This is different to the circumstances of the appeal before me. I also do not have the details in relation to the site context of this other example and how it relates to the AoSHLI and cannot therefore make a comparison with the appeal before me.

Conclusion

29. The proposal conflicts with the development plan taken as a whole and with the Framework. There are no material considerations to suggest the decision should be made other than in accordance with the development plan. Therefore, having regard to all other matters raised, I conclude that the appeal is dismissed.

G Dring

INSPECTOR