



Appeal Decision

Site visit made on 11 July 2023

by P J G Ware BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 October 2023

Appeal Ref: APP/Y2003/W/23/3315141

The Old Cottage, 32 Church Street, Elsham DN20 0RG

- 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 Ms Jane Leach against the decision of North Lincolnshire Council.
 - The application Ref PA/2022/1495, dated 16 August 2022, was refused by notice dated 21 October 2022.
 - The development proposed is the erection of one detached dwelling with a detached double garage.
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Decision

1. The appeal is dismissed.

Main issue

2. There is one main issue in this case. That is whether the proposal would represent sustainable development in terms of the spatial strategy of the development plan and in terms of accessibility to services and facilities.

Application for costs

3. An application for costs was made by Ms Jane Leach against North Lincolnshire Council. This application is the subject of a separate Decision.

Procedural matter

4. By email dated 4 September 2023 the Council advised that it was able to demonstrate a 5 year housing land supply (stated to be 6 years and 10 months). This was set out in the North Lincolnshire Council Five Year Housing Land Supply Statement (August 2023), which was supplied by the authority. This matter, although received at a late stage in the appeal process, is clearly a material consideration of some weight and I have taken it into account. The appellant was notified of this document and has responded to it.

Reasons

5. The site is located on the eastern side of Elsham, and is an area of amenity land to the rear of the host property (32 Church Street). The proposal is the erection of a detached dwelling and garage, with access from Front Street to the east. It is noted that no objection has been raised by the Council to the details of the proposal.

Spatial strategy

6. I will deal first with the development plan position, and then turn to the accessibility of the site.
7. The development plan includes the North Lincolnshire Core Strategy (CS) (2011) 2011 and the saved policies in the North Lincolnshire Local Plan (LP) (2003). It is common ground that the site is located just outside of the defined settlement boundary of Elsham¹. For planning purposes it is therefore in the open countryside as defined in the development plan. In a plan-led system this is a matter of considerable weight.
8. The CS sets out that development outside the defined development limits of settlements will be restricted.² Only development which is essential to the functioning of the countryside will be allowed to take place. (This matter is not argued in this case.) It is also noted that LP policy RD2 adopted the same approach, but this appears to have been overtaken by policies in the CS and is of reduced weight.
9. I note that the emerging plan for the area, whilst at a very early stage, is said to maintain the settlement boundary in this vicinity. Although this has very limited weight at this time, it does serve to indicate that there is no current intention to change the settlement limits.
10. The approach to restricting development in the countryside set out in the development plan accords with the National Planning Policy Framework which is that housing should be located where it will enhance or maintain the vitality of rural communities.
11. The appellant's position is that the precise settlement limit for Elsham should not be considered up to date in that it is not reflective of the settlement form created more recent developments. However on my visit to the village I was not struck by any development around the appeal site which indicated to me that the settlement limits were no longer reflective of the position on the ground.
12. The appellant also states that the limits have not been reviewed since 2003 and were an entirely desk-based exercise based on arbitrary criteria rather than a site survey. I have no knowledge of this. Also it is stated that the settlement limits predated the development of Landscape Character Assessment and the use of online tools. However all these matters, to whatever extent they are correct, are matters for a review of the local plan, and are outside my remit in dealing this appeal.
13. Overall, the proposal would be harmful and would not represent sustainable development in terms of the development plan. It would conflict with CS policies CS3 and CS8, which deal with settlement limits and the distribution of housing sites.

Accessibility

14. Turning to the accessibility of the site to services and facilities, there is a dispute between the parties as to whether the appeal site is in a sustainable

¹ Also shown in the Housing and Employment Land Allocations DPD 2016

² CS3 and CS8

location. In dealing with this matter I appreciate that facilities are likely to be relatively limited in rural areas such as this.

15. The appellant has provided information on local services, which I visited whilst I was in the area. Even leaving aside the concern raised by the Parish Council about the extent of the facilities, I have reached the clear conclusion that the settlement has only a very limited range of facilities, and there is little more in a reasonable walking or cycling distance.
16. The appellant criticises the 2019 Settlement Survey, which ranks the settlement at 41 out of 76. The suggestion is that the Survey failed to identify all applicable facilities in the village or is out of date. It is stated that Elsham may have been underscored. However, even if that were proven to be the case, I have based my findings on the evidence submitted by the parties and from what I saw on my visit, and not the 2019 Survey.
17. The appellant has drawn attention, in their costs claim, to the recent establishment of a new bus service in the area. According to the Council's response this apparently provides 5 services across the working day. However I have been provided with little further information as to timings or trip length and, while this is to be welcomed, the site remains in a location where accessibility is limited.
18. Given the nature of the surrounding roads, I consider it is highly unlikely that many residents would choose to walk or cycle to the limited facilities. Even given the presence of a bus service, the residents of the proposed house would be much more likely to use private cars for most journeys.
19. Overall, there is limited accessibility to services and facilities and the proposal would conflict with CS policy CS2, which deals with sustainable development.

Other material considerations

20. I am aware of a previous appeal decision³ related to a similar development at the site. That appeal was dismissed in relation to accessibility to services. I am aware that the current appellant criticises the way in which that Inspector reached the decision, but it was not challenged and remains a material consideration in the current case.
21. There is agreement between the parties that the development would not result in any harm to the significance of the nearby heritage assets. These are 1 Church Street (renumbered 32)(Grade II) and All Saints Church (Grade I). In accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have paid special regard to the desirability of preserving or enhancing these listed buildings or their settings or any features of special architectural or historic interest which they possess. I find that the development conserves the heritage assets in a manner appropriate to their significance in line with the Framework and the Act.
22. The appellant has submitted evidence as to whether the proposal would represent an isolated home in the countryside, in terms of paragraph 80 of the Framework. However the fact that the site is outside the settlement boundary does not mean that it would be isolated in those terms. That is not the issue before me.

³ A{/Y2003/W/21/3284175

Planning balance and conclusion

23. Set against the conflict with the development plan spatial strategy and the accessibility issues, I have considered those factors which might weigh in favour of the proposal.
24. In economic terms there would be temporary small scale employment opportunities during the construction period, possibly along with local supply chain benefits. In the longer term there could be some additional local spend by future residents. In social terms, although the Council has a five year supply of housing, there is no cap on housing development in either local or national policy, and the provision of even one house is a benefit – albeit limited. The site is currently amenity land and the proposal would involve the removal of some vegetation. In environmental terms, although I appreciate that some planting would be undertaken, the proposal would be neutral at best.
25. The fact that the proposal would preserve the nearby heritage assets is neutral in the planning balance.
26. Overall the proposal is contrary to the development plan and is not well located in accessibility terms. The limited benefits summarised above do not outweigh the harm.
27. For the reasons given above I conclude that the appeal should be dismissed.

P. J. G. Ware
Inspector