



Appeal Decision

Site visit made on 7 November 2023

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 November 2023

Appeal Ref: APP/Y2003/W/22/3313066

Land rear of Wheatsheaf Hotel, 152 Westgate Road, Westgate Belton, North Lincolnshire DN9 1QB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by North Lincs Property Ltd. against North Lincolnshire Council.
 - The application Ref PA/2022/1407, is dated 29 July 2022.
 - The development proposed is Planning permission to erect nine dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Draft North Lincolnshire Local Plan is currently subject to Examination. Paragraph 48 of the National Planning Policy Framework (the Framework) allows me to prescribe weight to a plan dependant on its stage of preparation, extent of unresolved objection and degree of consistency with the Framework. However, due to its early stage of formation I have ascribed only limited weight to the policies of this Plan.

Main Issues

3. The application was not determined by the Council within the statutorily prescribed 8-week timeframe. As such, following the submission of an appeal it falls to me to determine whether planning permission should be given.
4. The council has identified, in its Statement of Case, that had it determined the proposal it would have refused the scheme due to its unsuitable location and its effect on the character and appearance of the area. However, the appended officer report includes a third reason for refusal which relates to the potential of noise disturbance caused by the adjacent public house.
5. Accordingly, in consideration of the Council's Statement of Case, officer report, and the evidence before me, I conclude that the main issues in dispute are:
 - The effect of the proposed development on the character and appearance of the area including the Area of Special Historic Landscape Interest of the Isle of Axholme (ASHLI) and Area of High Landscape Value,
 - Whether the site would be a suitable location for development having regard to local and national policies, and
 - The effect of the proposal on the living conditions of future residential occupiers with particular regard to noise impacts from the public house.

Reasons

Character and appearance

6. Belton is a village with a linear pattern of development, concentrated around Westgate Road and High Street. Housing consists of a variety of styles and scales which are mostly of traditional rural design. Gaps between housing reveal occasional views of the open countryside, lending a strong rural character to the setting of built form. The appeal site is a paddock, beyond the car park of a public house. The site is enclosed by an agricultural building and manage to the east and fencing to the west with the rear and remaining east boundary enclosed by hedging. Rear hedging is sparse in places providing views of the countryside beyond. The site is an open area with an absence of built form, which makes a positive contribution to the character and appearance of the surrounding countryside.
7. The ASHLI was historically a wetland area. It is locally designated as a historic landscape due to its pattern of medieval open strip fields, enclosed fields and turbaries that surround this and nearby villages. This historic area as described and mapped by the 1997 Countryside Commission Report, demonstrates that it includes Ancient Open Strips Fields (AOSF) which forms the core of the area, Early Enclosed Land (EEL) and Recently Enclosed Land.
8. The site is within the EEL character zone, which forms part of the setting of the adjacent AOSF. The AOSF character area consists of agricultural land that is unenclosed and has a general absence of farms or other buildings. The EEL character area includes amalgamated blocks of strip fields used in the past for stock keeping and mixed farming and are typified by their narrow and long or irregular shapes. The Council identify that the ASHLI, especially it's AOSF, is the best example of such a landscape of the three best known survivors of a medieval field pattern. It is therefore of national importance and high significance.
9. The Council recognise that the ASHLI it is not protected as a national heritage asset, not being a Listed Building, Conservation Area or Scheduled Monument. Nevertheless, the Framework requires that in weighing the effect of development on the significance of a non-designated heritage asset, a balanced judgement is required having regard to the scale of any harm and the significance of the asset.
10. The proposed scheme would place residential development within a former paddock. The housing would be arranged in two rows that would be parallel to Westgate Road, creating a second and third tier of development recessed from the highway. The housing would consist of detached and semi-detached properties. These would be two-storey in character with rooms in the roof space of some dwellings creating second-floor accommodation.
11. Many existing local residential plots are narrow and long. These demonstrate their former role as agricultural strips of land, which contribute to the contextual understanding of the EEL and the AOSF within the landscape. Most existing housing directly addresses Westgate Road, with little evidence of development behind the primary frontage of built form, although I note that permission was given recently for a dwelling behind No 146. The proposed form of development would introduce new rows of housing in an area typified by linear housing that follows the roadside or is perpendicular to this axis. As

such, the proposed layout would be at odds with the established pattern due to the orientation of internal roads.

12. Access to the site would be between the existing public house and two recently erected dwellings. This would be a narrow and enclosed route with the site being in a backland location and thus making a limited contribution to the street. Furthermore, the development would protrude into the countryside, considerably beyond existing built form and would not integrate well with the arrangement of existing housing. Consequently, despite the proposed housing complementing the scale and style of existing development, their disconnection with nearby housing would result in a poor relationship to the existing village.
13. Furthermore, the proposal would be evident in long views from nearby roadside viewpoints and surrounding public rights of way. The development would intrude into views of the AOSF, adding significant built form that would be obtrusive and prominent in local views which would not blend in well with existing development along Westgate Road. Moreover, the proposal would erode the understanding of the formation of part of the EEL and its contribution to the setting of the AOSF. As such, harm to this non-designated heritage asset would also occur, albeit this harm would be limited due to the broad landscape setting of the ASHLI and the framing of the site within views of the village from the north.
14. Accordingly, the proposal would adversely affect the character and appearance of the area and erode the significance of the historic landscape. As a result, the proposal would conflict with policies CS5 and CS6 of the North Lincolnshire Core Strategy [2011](CS) and saved policies LC14, RD2, LC7 and DS1 of the North Lincolnshire Local Plan [2003] (LP). These seek, among other matters, for development to be well designed and appropriate for its context and to protect, conserve and enhance North Lincolnshire's historic environment.

Suitability of location

15. The CS establishes the Council's approach to the distribution of housing across the district. CS Policies CS2 and CS8 describe the Plan's spatial strategy of a sequential approach to future development. CS policy CS2 states that any development that takes place outside defined settlement limits or within rural settlements in the countryside will be restricted. This seeks to direct development towards the Scunthorpe urban area, the district's Market Towns and then within the defined development limits of rural settlements that would meet identified local needs.
16. CS policy CS3 states that the defined development limits will be applied to steer future development into areas within the boundaries and that consider existing development patterns, capacity, extent consents and character. The policy also states that development outside the defined boundaries will be restricted to that which is essential to the functioning of the countryside, including for forestry and agriculture and other uses that require a countryside location. LP Saved policy RD2 relates to development in the open countryside. This largely repeats the penultimate paragraph of CS policy CS3. LP policy RD2 limits development to a closed list of essential countryside activities, including affordable housing to meet a proven local need.
17. The appeal site is outside the settlement of Belton, beyond its development boundary. Accordingly, whilst adjacent to the settlement boundary the appeal

site is within the countryside for policy purposes. The proposal would not consist of affordable housing and would not be targeted to meet an identified local need. As such, the proposal would not accord with the policy requirements of housing development in the countryside.

18. Consequently, the proposal would be contrary to CS policies CS2, CS3 and CS8 and LP saved policy RD2. The LP makes no housing provision in the village. Even so, CS policy CS2 allows for housing in Belton, as it is a 'Rural Settlement' where small scale development, that would meet identified needs, would be supported. Such settlements are the lowest tier of settlements identified as suitable for development, albeit small-scale. As such, Belton is, in principle, a suitable location for some new housing insofar as the development plan is concerned.
19. However, the appeal site lies beyond the development limits of the settlement as these policies are principally concerned with restricting housing development and is therefore in effect within the countryside. This being so, given the requirements of CS policies CS2 and CS3, the appeal proposal conflicts with the locational restrictions of the adopted development plan. This is a matter to be weighed in the planning balance.

Noise impact

20. The Council's Environmental Protection Officer notes that due to the site's proximity to the Public House there is the potential for an adverse noise impact to future occupiers. It is identified that noise sources may originate from extraction, ventilation and refrigeration, patrons arriving and leaving and from the venue itself. However, the Officer has not indicated that the facility is currently a source of noise complaint.
21. The proposed development consists of two rows of housing. The first row would comprise three detached houses that face towards Westgate Road. These would overlook the car park of the public house and the rear pub garden. However, these three dwellings would include a considerable separation distance from the public house and would also be set away from its garden and car park. It may also be necessary to require improved boundaries and landscaping planting to soften and diffuse noise from the facility, which could be secured by planning condition. Furthermore, the private rear gardens of these dwellings would be screened from the facility ensuring that future occupiers would achieve a good standard of amenity. Therefore, whilst a noise impact assessment has been sought by the Council, the likelihood of adverse noise impacts being experienced by future occupiers would be limited.
22. Furthermore, the existing public house is within a row of dwellings with housing either side and opposite. Two houses adjacent to the building are adjacent to both the car park of the public house and its access drive. Due to the close proximity of existing housing, it seems unlikely that the public house would cause substantial noise impacts without causing a statutory noise nuisance. As such, the proposed housing, being located a greater distance from the public house, would be less vulnerable to adverse noise effects than existing housing.
23. Consequently, the evidence does not demonstrate that the future occupiers of the proposal would be vulnerable to significant adverse noise disturbance to conclude that the proposal would be incompatible due to proximity. Accordingly, the proposal would be suitably located from a noise impact

standpoint resulting in compliance with LP saved policy DS1 which seeks to ensure that development should not conflict with approved uses in the locality.

Other Matters

24. The Appellant has not provided a biodiversity metric or preliminary ecological assessment. Therefore, it has not been demonstrated that the proposal would not affect protected species or deliver suitable mitigation to off-set any adverse effects of development. However, as I am dismissing the appeal for other reasons, I do need to explore this matter further.
25. The Council cannot demonstrate it has a 5-year Housing Land Supply (HLS), following an Inspector's finding in an appeal¹ in July 2022. The Inspector found that the Council had a supply of between 3.2 and 4.8 years. Based on the evidence submitted I see no reason to disagree with this agreed position. Where a local planning authority is unable to demonstrate a 5-year supply of deliverable housing sites, footnote 8 of paragraph 11 of the Framework, indicates that relevant policies for the supply of housing should not be considered up-to-date. Paragraph 11 of the Framework explains that where relevant policies are out-of-date permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
26. My attention has been drawn to an appeal decision in Haxey where the Inspector found policy LC14 to be out of date as the Council could not demonstrate a 5-year HLS. Although, the details of this case are not before me, the Council's policy objection in this case relate to impact on character. As such, despite the 5-year supply position, I find that this policy is generally consistent with the Framework as it requires development to be sympathetic to local character including landscape setting and to recognise the intrinsic character and beauty of the countryside.

Planning balance and Conclusion

27. The Framework seeks to boost the supply of housing and highlights the important contribution small sites can make. The proposal would deliver 9 family houses, making a modest contribution to the housing needs of the district. These could be delivered relatively quickly, making a rapid positive contribution to the local supply of housing in the village.
28. The village is served by a local bus service, but it is recognised that this service is infrequent. The railway station at Crowle is some distance from the site and may only be accessed by private motor car. I understand that the village includes shops, a supermarket, public houses, hotels, community halls, a church, a school, nursery and some employment opportunities. These services and facilities are a short walk from the site along an illuminated footway.
29. There would be some economic benefits during the construction phase when the development would provide jobs and opportunities for local companies and once occupied when future residents support services in Belton and the surrounding area. The Framework seeks to support housing in rural areas that are responsive to local circumstances, reflect local needs and be located where it will enhance or maintain the vitality of rural communities. The Framework

¹ Planning Appeal Reference: APP/Y2003/W/21/3278257

also seeks, at paragraph 79, should identify opportunities for villages to grow and thrive, especially where this will support local services.

30. Weighed against these benefits is the fact that the appeal scheme would not comply with the Council's spatial housing policies or those that relate to character and appearance. The weight to be given to the spatial housing policies should be reduced by the Council's inability to demonstrate it has a 5-year supply of deliverable housing sites. Policies setting development limits must be regarded as 'relevant policies' in this context. Also, the appeal scheme would broadly comply with the overall strategy of the CS. It would be located adjacent to a Rural Settlement identified as a suitable location for small scale housing development, whilst nine new houses would only make a limited contribution to the district's housing supply.
31. Nonetheless, the proposal would result in substantial harm to the character and appearance of the area and harm, albeit limited to the historic landscape character. This conflict accords with the objectives of the Framework for planning decisions to recognise the intrinsic character and beauty of the countryside and be sympathetic to local character. Therefore, the adverse impacts of the development on the character and appearance of the area would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole and the presumption in favour of sustainable development does not apply.
32. For the reasons given above, the proposal would conflict with the development plan as a whole and there are no material considerations, including the Framework, that would outweigh that conflict. Therefore, the appeal is dismissed and planning permission is refused.

Ben Plenty

INSPECTOR