



Appeal Decision

Site visit made on 5 March 2024

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 March 2024

Appeal Ref: APP/Y2003/W/23/3324440

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 (as amended) 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 is PA/2022/2051.
 - The development proposed is an outline planning application for a residential development of two bungalows on brownfield land (builders yard).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the appeal was lodged, a revised National Planning Policy Framework ('the Framework') has been published. This has not raised any new matters which are determinative to the outcome of this appeal. However, I have referenced the revised paragraph numbers, where necessary.
3. Outline planning permission is sought with all matters reserved for subsequent approval. A drawing (Ref LIBW 010) has been submitted that includes details of access and layout, matters which are reserved for subsequent approval. I have therefore treated this drawing as indicative. I have determined the appeal on this basis.
4. Since the Council determined the planning application, the Council can now demonstrate a housing land supply of deliverable sites of 6 years, 10 months¹. The appellant has had an opportunity to comment upon this and therefore has not been prejudiced. I will determine the appeal on the basis of this up-to-date information.

Main Issues

5. The main issues are:
 - a) whether the appeal site is a suitable location for the proposed development, with particular reference to its accessibility to facilities and services; and
 - b) the effect of the proposed development on the character and appearance of the surrounding area, including the Isle of Axholme Area of Special Historic Landscape Interest.

¹ The North Lincolnshire Council Five Year Housing Land Supply Statement, dated July 2023

Reasons

Suitable Location?

6. The appeal site is located outside the development limits of a settlement and within the countryside. Policy CS2 of the North Lincolnshire Local Development Framework Core Strategy, adopted 2011 (the 'CS') sets out the spatial strategy, while CS Policies CS2, CS3 and CS8 seek to limit developments outside settlement boundaries to those essential for the functioning of the countryside such as uses relating to agriculture, forestry or tourism. The proposal is for market housing and therefore it would conflict with the requirements of these policies.
7. Policies CS2 and CS8 also seek to ensure that developments provide adequate access to services and amenities for future occupiers, including by supporting the retention and enhancement of local services to meet local needs in rural settlements. These policies also seek to limit development to locations where they would minimise the need to travel and promote walking, cycling and public transport for journeys that remain necessary.
8. Belton is the closest settlement to the appeal site and contains some services and facilities including a convenience store, a primary school, a pre-school and a GP surgery. Future occupiers would have to travel along Green Lane and Westgate Road to reach these services and facilities. Green Lane consists of a narrow, winding road with no pavement and no street lighting. While some future occupiers could walk or cycle to the services and facilities in Belton, due to the condition of local infrastructure along Green Lane and the distance, not all future occupants would find it an attractive option, particularly those with young children or mobility issues, especially after dark or during inclement weather.
9. It has been asserted that the appeal site is in proximity to bus stops. However, I am not aware of their location; limited information has been provided regarding the route; and I have not been provided with details of the frequency or regularity of the service. I have been directed to a 'Call-Connect' bus service that operates in the area. However, I have not been provided with details of the frequency or regularity of the service. Therefore, from the information before me, I am not persuaded there is a reliable bus service that would serve the appeal site. I recognise there are employment opportunities at the former RAF Sandtoft site to the west of the appeal site. However, these are a similar distance from the appeal site as the services and facilities in Belton and therefore would have similar accessibility issues.
10. As such, future occupiers are likely to rely on the private car to make journeys to meet their day-to-day needs.
11. Paragraph 84 of the Framework deals with isolated homes in the countryside. This is not applicable to the proposal as the appeal site is in proximity to other built form. Paragraph 89 of the Framework identifies that in rural areas, sites may have to be found adjacent to or beyond existing settlements, in locations not well served by public transport. However, this relates to local business and community needs, not market housing and is not applicable to the proposal.
12. CS Policy CS8 seeks to ensure that first priority is given to proposals that re-use previously developed land ('PDL') in built-up areas, with the second priority

given to infill sites in built-up areas. I have not been directed to a definition of PDL in the development plan. However, the definition of PDL within the Framework's Annex 2: Glossary is *"land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure"*.

13. The appeal site is currently used as a builder's yard and the evidence before me and what I witnessed during my site visit suggests that the use relates to the parking and storing of vehicles, machinery and materials on part of a field. There are no buildings or structures, nor any hardstanding associated with the use. Also, I have not been directed to evidence that the land was previously occupied by a permanent structure. Consequently, the existing use of the appeal site does not fall within the definition of PDL.
14. The Framework does not include a definition of 'infill' and I have not been directed to a definition within the development plan. The term is essentially a question of fact and planning judgement having regard, for example, to the location of the appeal site and its relationship to other existing development adjoining or adjacent to it. The Collins English Dictionary definition of infill is *"the act of infilling or closing gaps etc. in something, such as a row of buildings"*. The appeal site is bounded on two sides by fields and partially along the third side by the undeveloped garden of the appellants' property. Consequently, the proposal would not close a gap in a row of buildings and therefore, it would not comprise infill development.
15. In reference to the first main issue, the appeal site is not a suitable location for the proposed development, with particular reference to its accessibility to facilities and services. It would therefore conflict with Policies CS2, CS3 and CS8 of the CS, the content of which is detailed above. It would also conflict with the Framework that seeks to promote sustainable transport.

Character and Appearance

16. The appeal site comprises a builder's yard located to the rear of The Cottage and The Nook, two existing dwellings that front onto Green Lane. The builder's yard is open to an adjoining field and, at the time of my site visit, was used for the parking and storage of vehicles, machinery and materials on a grass/non-hardcore surface. A ribbon of development mixed in character and appearance runs along both sides of Green Lane from the junction with Westgate Road. Open fields are located to the east and south of the appeal site, as well as on the opposite side of Green Lane, while gardens and buildings/dwellings are located to the north and west.
17. The appeal site is located within The Isle of Axholme Area of Special Historic Landscape Interest, which is also a Non-Designated Heritage Asset ('NDHA'). The significance of the NDHA is 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 within the Early Enclosed Land character zone (the 'EEL'), created by the enclosure of blocks of former strips of land into small irregular-shaped fields. The block of EEL, of which the appeal site forms part, retains the classic features of the EEL historic landscape having sinuous boundaries, hedges and tracks comprising groups of former strips. Weighing developments that indirectly or directly affect NDHAs requires a

balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset².

18. The proposal, due to its siting to the rear of The Cottage and The Nook, would be incongruous to the existing pattern of ribbon development along Green Lane. Residential use, including associated domestic paraphernalia, has no direct association with this part of the historic landscape and therefore would be inappropriate within it. Furthermore, the siting of the proposed dwellings would subdivide the original field and introduce landforms and enclosure that would not relate to the historic character.
19. The appeal site's stored items are sporadically positioned and are not unduly conspicuous from the surrounding area due to their scale and siting and the height of existing boundary treatments. Even if the existing use were to intensify, the visual impact would be localised and therefore would not unduly affect the character, appearance, setting or significance of the NDHA. In contrast, the proposal would introduce built development onto the land where there is currently none. Even if the height of the proposed dwellings was limited by condition, they would be more prominent than either the existing use or a more intensive use of the land. Therefore, I am not persuaded that the proposal would improve the visual appearance of the site. While the appeal site is close to residential properties, there is nothing before me to suggest that its use has generated complaints, even though it has been operational since around 2008.
20. Consequently, the proposal would significantly harm the character and appearance of surrounding area and the significance of the NDHA.
21. Due to the low number of dwellings proposed, the proposal would make a modest contribution to the Council's housing supply and the Government's objective of significantly boosting the supply of new homes. It would also provide a limited amount of short-term employment through the construction of the development, and future occupiers of the proposed dwellings would provide some support to existing services, facilities and the local economy, to which I attach moderate weight. Biodiversity enhancements and the provision of ground source heat pumps and solar panels are acknowledged. However, the evidence before me does not suggest that these would go beyond the development plan's requirements and therefore are neutral matters.
22. I have been directed to an appeal decision at the Duke of William in Haxley³ where the Inspector concluded that Saved Policy LC14 of the Local Plan was out-of-date. However, the Inspector states that this was because the Council could not demonstrate a five-year housing land supply and therefore, it is not directly comparable to the appeal proposal. Furthermore, I have not been provided with the site context of this example or how it relates to the NDHA and therefore I am unable to make a comparison to the appeal before me.
23. For the reasons detailed above, the moderate economic, social and environmental dimensions of the proposal would not outweigh the significant harm I have found in respect of the effect of the proposal on the character, appearance, setting and significance of the NDHA. Therefore, in reference to the second main issue, the proposal would adversely affect the character and

² Paragraph 209 of the National Planning Policy Framework

³ Appeal Ref APP/Y2003/W/21/3270879

appearance of the surrounding area, including the Isle of Axholme Area of Special Historic Landscape Interest. It would conflict with Saved Policy LC14 of the North Lincolnshire Local Plan Adopted Plan, adopted 2003 (the 'LP') which, amongst other things, 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.

Other Matters

Other Examples

24. I have been directed to an appeal⁴ that was allowed for a housing development in the countryside. However, the appeal site was located on Sandtoft Road where routes to Belton's facilities and services have good footway infrastructure with lighting, and the Council did not consider it harmed the NDHA. I have also been directed to planning approvals whereby the application site was in the countryside and within the NDHA⁵. However, limited information was provided to enable me to fully compare them to the appeal proposal, or at the time of their determination, the Council could not demonstrate a five-year housing land supply. Consequently, these examples are not directly comparable to the appeal proposal. In any event, I must determine the appeal proposal on its own merits.

Flood Risk

25. The proposal would introduce a more vulnerable use to a site that is partially located within Flood Zone 2. CS Policy CS2 and Paragraph 168 of the Framework aim to steer new development to areas with the lowest risk of flooding from any source through the application of the sequential test (the 'ST'). Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. While the Environment Agency has raised no objection to the proposal subject to a condition regarding finished floor levels, in their consultation response, they highlighted the requirement for the ST to be done.
26. The evidence before me does not demonstrate that the ST has been applied. In the absence of the ST, the proposal would not meet the requirements of CS Policy CS2 or the Framework. I would normally allow the main parties an opportunity to comment upon this, however, as I am dismissing the appeal for other reasons, it is not expedient for me to do so in this instance.

Conclusion

27. For the reasons set out above, having regard to the development plan as a whole and all other material considerations, I conclude that the appeal should be dismissed.

A Berry

INSPECTOR

⁴ Appeal Ref APP/Y2003/W/19/3235900

⁵ Planning Refs PA/2021/109, PA/2017/1975 and PA/2022/2117