
Appeal Decision

Site visit made on 2 September 2024

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2024

Appeal Ref: APP/B2002/W/24/3340871

Land south of Anita Grove, Waltham, North East Lincolnshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Glover against the decision of North East Lincolnshire Council.
 - The application reference is DM/1144/23/FUL.
 - The development proposed is the erection of 8 dwellings and garages with associated works to include provision of attenuation pond.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development used on the planning application form and appeal form included a reference to the scheme being a resubmission of an earlier application. I have omitted that wording in the banner heading above, as it is not descriptive of the proposed development.
3. The site address was given on the planning application and appeal forms as "Gare Loch, Cheapside, Waltham DN37 0HU", but was referred to in most other documentation (including the Council's decision notice and the appellant's statement) as "Land south of Anita Grove". The appeal site boundary shown on the submitted location plan does not include the dwelling Gare Loch. I have therefore used the address referring to Anita Grove in the banner heading, as it gives a more accurate description of the site location.

Main Issues

4. The main issue is whether the appeal site is an appropriate location for the proposed development, having regard to the spatial strategy for the area, and the development's effect on the character and appearance of the area.

Reasons

5. The appeal site is some three quarters of a mile or so south of the centre of Waltham. It is at the rear of dwellings on the west side of Cheapside (including Gare Loch with which it is, or was, associated) and immediately south of a group of relatively recently-built houses on Anita Grove. There is a commercial depot or similar premises adjacent to the south-east corner of the site, and open fields to the west and south.

6. The proposed development is the erection of eight dwellings, which would be arranged around a new cul-de-sac road taken off the south side of Anita Grove. The scheme would also include a drainage attenuation pond, alongside the access road towards the north-eastern corner of the site.
7. Policy 3 of the 2018 North East Lincolnshire Local Plan ("the NELLP") defines a settlement hierarchy which it states will provide the framework for decisions on the location and scale of development. Waltham is a second-tier settlement, a "local service centre"; these are described as places offering a good range of basic services and amenities combined with good accessibility to the wider services available in the Grimsby and Cleethorpes urban area. The policy states that "future development would involve development principally of greenfield sites adjacent to but within the defined settlement development area boundary".
8. Although close to existing housing as I have described, the appeal site is outside (and is not adjacent to) the development boundaries identified in the policies map for the NELLP. It is therefore "open countryside" in the terms set out in Policy 5 of the NELLP. That policy states that development in such areas will be supported "where it recognises the distinctive open character, landscape quality and role these areas play in providing the individual settings for independent settlements", *and* [my emphasis] where at least one of five other criteria are met. The proposal is for eight market dwellings, and there is no substantive evidence before me to demonstrate that it would meet any of those five criteria. The proposal would therefore be contrary to the spatial strategy for the area.
9. Moving south from the centre of Waltham along Cheapside towards the appeal site, there is a clear visual distinction between the pattern of development on the two sides of the road. The east side has almost continuous residential development from the village centre which continues a short way beyond the appeal site towards Waltham Windmill Golf Club, and this includes some recently-built streets (The Drive, The Green, and Golf Course Lane) which extend some way back from Cheapside. The west side, on the other hand, is much more characterised by intermittent ribbon development; although some developments (including Anita Grove) have punctured this and extend further back from Cheapside, the presence of the surrounding open countryside is still much more keenly felt.
10. The appeal site has trees and hedgerows on much of its northern and southern boundaries, and is separated from the fields to the west by an open post and rail fence. It is described by the appellants as "unused garden land", though it is generally rough grassland and its appearance, especially towards its south-western end, is much more that of a paddock than a formal domestic garden. The north-eastern end of the site is visually and spatially associated with the adjacent houses on Anita Grove and Cheapside, though the trees and hedgerows provide a degree of screening and separation which prevents the site from feeling dominated by the housing. The character of the south-western part of the site is set more by the broad open fields to the south and west, and the development of the appeal site for housing would represent a further incursion of urban, or at least suburban, form into the countryside.

11. Having said all this, I consider that the appeal site itself makes a limited contribution to the character of the surrounding countryside, and there is nothing before me to indicate that it forms part of a valued landscape. Public views of the site are restricted by the commercial unit, by Gare Loch and other houses on Cheapside, and by Anita Grove. To the extent that the proposed development would be visible, it would be seen in the context of the intermittent development along Cheapside. Subject to the use of appropriate materials and the approval of a suitable landscaping scheme, which are matters that could be dealt with by conditions if the scheme were acceptable in all other respects, I am satisfied that there would be no significant harm caused specifically to the character and appearance of the area. Nevertheless, the conflict with the spatial strategy would remain.
12. Several of the residential projects approved in recent years along Cheapside lie outside the development boundary identified in the NELLP. These are the Anita Grove scheme itself (planning permission for seven dwellings granted November 2016, LPA Ref: DM/0420/16/FUL), the "Highgate" (planning permission for three dwellings granted April 2019, LPA Ref: DM/0825/16/FUL) and "Helsenor" (planning permission for seven dwellings granted March 2018, LPA Ref: DM/0607/17/FUL) schemes a quarter of a mile or so to the south of the appeal site, and the "Haigh" scheme (planning permission for nine dwellings granted on appeal in March 2023, PINS Ref: APP/B2002/W/22/3307340) a short distance to the north.
13. These other schemes have contributed to "puncturing" the previous ribbon development pattern along Cheapside, as I have briefly described above, to varying degrees. However, all were approved in the context of the Council being unable to demonstrate a five-year supply of housing land, and where there was no dispute that the "tilted balance" described in Paragraph 11 of the National Planning Policy Framework ("the Framework") should be applied. It is now the Council's position (based on its April 2023 assessment) that it has 13.1 years' worth of deliverable land when considered against housing need calculated using the "standard method" described in the Framework.
14. No more recent figure for the Council's housing land supply has been put before me, although the appellants suggest in the light of the dismissal of an appeal relating to a proposal for 225 dwellings on an allocated site in the neighbouring village of Humberston in March 2024 (PINS Ref: APP/B2002/W/23/3329352) that the figure should be significantly less than 13.1 years. It is of course not for me to pre-empt any alternative proposal which might come forward for the *Humberston* site, but that appeal decision does not on my reading raise such fundamental issues that the site should be totally excluded from consideration of future housing supply in the area¹. While the appellants suggest that other allocated sites would not come forward for various reasons, there is nothing before me to demonstrate why that might be so, or that the current housing land supply does not still comfortably exceed five years.

¹ The Inspector's decision in Humberston turned on that scheme's failure to provide appropriate mitigation relating to the Humber Estuary Special Protection Area and associated functionally-linked land (in the form of the enhancement or creation of habitat for birds, and the avoidance of recreation disturbance to designated sites), which Natural England had considered could be implemented.

15. The appellants also suggest more generally, if somewhat tentatively, that the age of the NELLP, and the “evolved nature of Cheapside” which has resulted from the various developments described above, mean that the development boundaries (and even the development plan as a whole) should be considered out-of-date. The supporting text to Policy 5 of the NELLP explains the purposes of the development boundaries (including, among other things, the prevention of the coalescence of settlements, the protection of the intrinsic character of the countryside, and the avoidance of ribbon or scattered development). These purposes are not incompatible with the aims of the Framework, and the incremental change which has taken place in the area over the six years or so since the adoption of the NELLP does not in itself justify treating the plan, or the spatial strategy therein, as being fundamentally out of date. The “tilted balance” is not therefore engaged for either of the reasons suggested to me.
16. There is one further other decision to which the appellants have referred, the November 2023 “Snape” appeal (PINS Ref: APP/B2002/W/22/3311282) in which the Inspector granted planning permission for a development of 64 dwellings on a site outside the development boundary on the southern edge of Scartho, the settlement north of Waltham. Although the Inspector accepted that the Council could demonstrate a deliverable housing land supply of 13.1 years, they considered that the overall economic, social and environmental benefits of that scheme would outweigh conflict with the locational strategy of the development plan.
17. I acknowledge that the requirement to demonstrate a five-year supply of housing land does not set a ceiling for the delivery of housing. However, some factors which were relevant in *Snape* do not apply in this appeal. The Inspector in *Snape* noted that that site was “heavily influenced by the amount of built development locally”, and the “dense housing and its arrangement along the edges of the site [which] results in a hard and domesticated edge”; although I have not found any significant harm to character or appearance in this case, for the reasons I have briefly set out above I consider that the appeal site has a different relationship with the nearby built-up area to that in *Snape*. In the *Snape* decision, the delivery of affordable homes was also given significant positive weight in the planning balance by the Inspector; this scheme would not provide affordable housing. The different site-specific circumstances, as well as differences in the scale and nature of the two schemes, means that my reaching a different conclusion in this appeal is justified.
18. The appeal site is outside the development boundary defined in the NELLP, and the proposed development would therefore conflict with the plan-led spatial strategy for the delivery of housing. It would therefore also conflict with Policies 3 and 5 of the 2018 NELLP, the relevant provisions of which I have set out at paragraphs 7 and 8 above.

Other Matters

19. Earlier this year the Council held a consultation on potential housing sites as part of reviewing its local plan. It includes several sites along Cheapside, and the appellants state that the appeal site has also been promoted through that review process (though it was not highlighted on the relevant map

extract provided to me). I have not been provided with any information about the outcome of that stage of the review, but I do not infer from the fact that it is taking place that it is the Council's hope, intention, or expectation that all of those sites should ultimately be allocated for residential development. It is in the nature of preparing or reviewing a development plan that some of the sites considered will fall away for various reasons. That the appeal site or its neighbours have been promoted or considered at an early stage of the local plan review does not carry significant weight in favour of the appeal scheme.

Planning Balance and Conclusion

20. The Government's objective is to significantly boost the supply of housing. The proposed development would provide eight new market dwellings. There would be a short-term economic benefit during the construction phase, which would be carried out by a local builder. Given the small scale of the appeal scheme, these benefits would be modest; I therefore give them moderate weight in the overall balance. A lack of significant harm to the character or appearance of the area is a neutral factor.
21. From the evidence before me, it is apparent that the Council can demonstrate a housing land supply of more than five years. Paragraph 15 of the Framework emphasises that the planning system should be genuinely plan-led. The appeal scheme would be outside a development boundary, and would undermine the plan-led approach to the delivery of housing. This matter carries substantial weight, and outweighs the benefits associated with the development.
22. The proposal would therefore conflict with the development plan. There are no other considerations, including those of the Framework, that outweigh this conflict. Therefore, for the reasons outlined above, I conclude that the appeal should be dismissed.

M Cryan

Inspector