

Appeal Decision

Site visit made on 1 August 2024

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2024

Appeal Ref: APP/B2002/W/23/3327248

3 Kingsfield Farm, Barnoldby-Le-Beck, Grimsby DN37 0SB

- 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 Andrew West against the decision of North East Lincolnshire Council.
 - The application Ref is DM/1070/22/OUT.
 - The development proposed is described on the notice of decision and the planning appeal form as "Outline application for the erection of 2 dwellings and associated works with all matters reserved (Amended Description and Plans received 22nd May 2023 to reduce dwellings to 2 and include pedestrian refuge points for the public right of way)".
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application was submitted in outline with all matters reserved for future consideration. Notwithstanding the description of the development given on the planning application form, the proposal was amended during the course of the planning application to reduce the scheme to 2 dwellings, and this is reflected on the plans submitted with the appeal. I have taken the description of the development from the Council's decision notice and the planning appeal form, as I consider that it accurately reflects the proposal before me. I have dealt with the appeal on that basis, treating the proposed site plan and elevations as being indicative of the reserved matters.

Main Issues

3. The main issues are:
 - Whether the appeal site is an appropriate location for housing in respect of local and national planning policy; and
 - The effect on the character and appearance of the area, with due regard to protected trees.

Reasons

Location of Housing

4. The site is located outside of the development boundary of the village as defined in the North East Lincolnshire Local Plan 2018 (the Local Plan). In accordance with Policy 5 of the Local Plan, the site is regarded as being within the open countryside.
5. Policy 3 of the Local Plan also identifies the village as a Minor Rural Settlement which offers very few services and amenities as well as poor accessibility to higher level settlements. Although the village does contain some services, these are of a limited nature and I consider that the classification of the village in Policy 3 reflects the circumstances I saw on my visit. The appellant refers to services in Waltham, but due to the nature and length of this route, including lack of streetlighting, walking and cycling would not be a realistic option for future occupiers of the dwellings, particularly in the evenings and during the winter months. On that basis, I do not consider that facilities available in the wider area would materially decrease the reliance of residents on the private vehicle to access services and employment.
6. Policy 5(3) sets out that development will be supported beyond development boundaries where it recognises the distinctive open character, landscape quality and role that these areas play in providing the individual settings for independent settlements, subject to a number of further criteria. Within that context, the site has the appearance of being within the residential curtilage of the host property, and I note that planning permission for a change of use from paddock to residential garden has previously been granted.
7. However, the appeal site is an open area of land, and the introduction of 2 dwellings would harm this open character. Furthermore, the harm to the open character and the contribution that the site makes to the setting of the village would be apparent from a public right of way adjacent to the site, even allowing for substantial screening from trees and shrubs. That said, given the appearance of the site as residential curtilage and the relationship with other developed plots in the vicinity of the site, the harm to the open character and countryside setting of the village would only be of a moderate degree.
8. Due to the harm to the open setting of the village, the proposal would conflict with the principal aims of Policy 5(3) of the Local Plan, even allowing for the moderate degree of harm.
9. In respect of the further criteria of Policy 5(3), residents of the proposal would support services in this rural area, and there would be economic benefits during the construction phase, although given the scale of the proposal these benefits would be very limited. These very limited benefits are not sufficient to meet the requirements of criteria A and B of Policy 5(3), and it has not been demonstrated that the proposal would meet any of the other criteria, even if the scheme met the overarching aim of the policy.
10. Although there are other developed plots in the vicinity of the site, the extent of built development on the edge of the village in this area is of a more dispersed character. Given this character and the projection of the proposal onto an open area beyond the development boundary, I also consider that the

proposal would not represent limited infill within the terms of Policy 3 of the Local Plan.

11. I therefore conclude that the proposal would conflict with Policies 3 and 5 of the Local Plan in respect of the sustainable location of residential development on the basis of the settlement hierarchy and specified development boundaries. The proposal would also be contrary to the National Planning Policy Framework (the Framework) in respect of sustainable development in rural areas.

Character and Appearance

12. As indicated previously, the appeal site has the appearance of being within the residential curtilage of the host property, even allowing for the relatively large extent of the site. There are also plots containing built development to the south west of the site which project further beyond the built envelope of the village, as well as other development in the vicinity. Within that context, the site is not viewed as being part of the countryside around the village, but neither is it an integral part of the built extent of the settlement. The site has the character of a large open area of residential curtilage projecting beyond the edge of the village, including in views from a nearby public right of way.
13. The appeal proposal would introduce 2 dwellings and their associated curtilages onto this open plot, and these would appear as the projection of development beyond the built envelope of the village. However, given the appearance of the site and its context, the harm to the character and appearance of the area and the setting of the village would only be of a moderate degree.
14. There are a number of trees within and around the site that are subject to a Tree Preservation Order. The appellant has submitted an Arboricultural Report which concludes that the site can be developed without an adverse impact on the retained trees. The Council's Trees and Woodlands Officer also accepts that it would be possible to construct the properties as indicated and protect the trees during construction, but also expresses concern in respect of ongoing pressure on the trees.
15. However, the appeal site is of a size where the dwellings could be located away from the retained trees in a manner which would reduce pressure for works to the trees in respect of built development. The proposed plots could also provide extensive garden areas that would not be subject to unacceptable overshadowing or other potentially detrimental effects from protected trees. Given the outline nature of the proposal, there is also a degree of flexibility as to the layout of the development. Based on the evidence before me, I conclude that it has not been demonstrated that the proposal would lead to pressure for the felling of protected trees or works which would harm their amenity value.
16. Notwithstanding my conclusions in relation to protected trees, I conclude that the proposal would lead to moderate harm to the character and appearance of the area due to the projection of development onto an open area beyond the built extent of the village. The proposal would therefore be contrary to Policies 5, 22 and 42 of the Local Plan in respect of the effect of

the proposal on the open character of the site and the effect on the landscape setting of the village.

17. The Council's reason for refusal on this issue refers to Policy 43 of the Local Plan, but it has not been established that the proposal is one of the green spaces or recreation areas identified on the Policies Map. Based on the evidence before me, this policy does not relate to the appeal proposal.

Other Matters

18. The submitted evidence indicates that over the course of the planning application, the Council's Housing Land Supply (HLS) stood at 3.9 years in December 2022, but this increased to 13.1 years in April 2023 due to a change in the calculation method. The appellant also refers to a recent HLS of 4.2 years and evidence of a history of undersupply, although it has not been demonstrated that this supersedes the HLS of April 2023 or that the presumption in favour of sustainable development is triggered by the Housing Delivery Test results published by the Government. Based on the evidence before me, the Council's HLS position reflects that published in April 2023, and the tilted balance of paragraph 11(d) of the Framework is not engaged.
19. On 30 July 2024 the Government published a consultation on proposed reforms to the Framework and other changes to the planning system. A direction of travel has been outlined within the Written Ministerial Statement (WMS) 'Building the homes we need', which is a material consideration of very significant weight. Both the Council and the appellant were given the opportunity to comment on the consultation and the WMS, and I have had regard to the comments raised.
20. The Government's consultation includes proposed changes to the method of calculating local housing need as set out in the Draft Framework, which may have a significant effect on the Council's HLS. However, the Draft Framework is still being consulted on. As such its wording could change and draft revisions in respect of the calculation of housing need amongst other things could be revised further. I therefore cannot be certain of the exact circumstances arising from potential revisions to the Framework at this time. On that basis, I cannot attribute more than very limited weight to the draft revisions of the Framework, and this is not a determinative matter in this appeal. I have therefore determined this appeal on the basis of the Council's HLS as set out previously.
21. I am mindful of the benefits of the proposal, including the contribution to the supply and mix of housing in this area and the efficient use of land. However, given the Council's HLS, the benefits arising from 2 dwellings would be limited even allowing for the emphasis on significantly boosting the supply of housing in the Framework and the direction of travel set out in the WMS. Residents of the proposal would support local services, and there would be economic benefits during the construction phase, although given the scale of the proposal these benefits would be very limited.
22. The appellant refers to a number of developments permitted in the area, but I do not have full details of the circumstances that led to those permissions, or whether they are a direct parallel to the appeal proposal on matters including planning history, site context, or the Council's HLS position at the

time the decisions were made. The Council has also submitted copies of recent Appeal Decisions on other sites in the area, and I have noted the appellant's further comments in respect of these. Reference has also been made to a recent Appeal Decision¹, but although I have had regard to the Inspector's comments highlighted by the appellant in respect of HLS, it has not been demonstrated that the circumstances relating to the planning balance of that appeal are the same as those before me, including in respect of the amount and form of housing proposed.

23. I have had regard to the comments raised locally in support of the proposal, including in respect of the character and context of the site and the sustainability of the location. But they do not lead me to a different conclusion based on what I have seen and read.

Conclusion

24. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. For the reasons given above the appeal should be dismissed.

David Cross

INSPECTOR

¹ Appeal Ref: APP/B2002/W/22/3311282