
Appeal Decision

Site visit made on 30 May 2025

by S Hartley BA(Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 05 June 2025

Appeal Ref: APP/D2510/W/25/3359576

Bridgewood, Fendyke Road, Firsby, PE23 5QJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr John Hough against the decision of East Lindsey District Council.
 - The application reference is S/051/00854/24.
 - The development proposed is for the erection of a single storey affordable residential dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. While I have used the appellant's description for the proposed development in the banner, the description by the local planning authority (LPA) also includes the provision of a vehicular access and which I have considered as part of the appeal proposal.
3. While the development is described as being for an affordable dwelling, the appellant clarifies this by noting that it would be affordable to construct, low on running costs, would meet his own needs and which would allow him to remain in the community within which he has lived for many years. Nevertheless, a draft planning obligation is submitted with the appeal to the effect that any future sale of the dwelling would be limited to 80% of its full market value, but it is unsigned.
4. Although not before the LPA at the time of their decision, the appellant has submitted an ecological assessment report with the appeal. The LPA and interested parties have had the opportunity to submit comments upon it and in these circumstances, I am satisfied that my consideration of it would cause no injustice to any party by my consideration of it as part of the appeal documentation.
5. The National Planning Policy Framework was revised in December 2024 and amended on 7 February 2025 to correct cross references from footnotes 7 and 8, and to amend the end of the first sentence of paragraph 155 to make its intent clear. The 2025 Framework (the Framework) has not materially changed in terms of the identified main issue below and therefore, it has not been necessary for me to seek comments from the main parties.

Main Issues

6. The main issues are (i) whether the proposal accords with development plan policies relating to the location of residential development in the area and (ii) the effect of the proposal upon biodiversity.

Reasons

Locational sustainability

7. The appeal proposal is for a small bungalow of approximately 79m² in size, situated in a rural location near to the small hamlet of Firsby which includes a handful of dwellings, and from which the proposed dwelling would be separated from them, within woodland.
8. The East Lindsey Core Strategy 2018 (CS) policy SP1 establishes a hierarchy of settlements for development purposes, including towns, large then medium and then small villages. Hamlets and isolated groups of houses are included in hierarchical terms as 'open countryside'. Firsby is a small hamlet which is not a named settlement in the policy. Moreover, the proposed dwelling would be separated from the cluster of buildings in the hamlet and can best be described as being sited in an isolated location in the countryside.
9. The CS seeks to promote new development according to the above hierarchy of named settlements. Policy SP9 does allow new housing elsewhere subject to certain conditions, one of which is when there is clear evidence of a local need, to be drawn from the Council's Housing Register and from housing need assessments.
10. The appellant considers that he cannot afford to purchase any property within the parish and that the lesser cost of constructing a dwelling as proposed meets the needs exception to policy SP9. However, I have no evidence before me relating to the Council's Housing Register or the appellant's inclusion in it, nor to any wider housing assessment relating to need.
11. In addition, I have no corroborating evidence before me relating to local house prices or indeed to the personal financial circumstances of the appellant, nor to whether more affordable house prices might be found elsewhere, or whether renting might be a viable option. Therefore, I only attach limited weight to this matter in the decision making process.
12. The appellant notes that CS policy supports single plot development for affordable housing in the medium and small villages. However, Firsby is not classed as either of these.
13. The Framework permits isolated housing in the countryside where the design is of an exceptional quality. While the appellant considers that the proposed design with its grass roof meets this criterion, I do not consider that it meets the exceptional quality test, or that it would help to raise standards of design.
14. The appellant considers that the proposed dwelling would not be isolated when considered in the context of the Braintree judgement¹ and its location in relation to

¹ Braintree District Council v Secretary of State for Communities and Local Government & Ors [2017] EWHC 2743 (Admin)

other buildings and people. However, it is set apart from existing development, even if, as the appellant asserts, that Firsby should be considered to include both 'new' Firsby and 'old Firsby' which are separated from each other.

15. Moreover, while the appellant considers that it would be within a 2km walking radius of facilities and services, a 5km similar radius for cyclists, and within 5km of a railway station. However the LPA refers to the general absence of footpaths and lighting for such journeys. Furthermore, I have no details of the 'call connect' bus service which serves the various settlements in the area and to which the appellant refers.
16. I have taken into account that paragraph 110 of the Framework notes that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and that this should be taken into account in decision-making.
17. Taking all of the above matters into account, I conclude that the proposed development would not be in a sustainable location and therefore would be contrary in this regard to the requirements of CS policies SP1 to SP4, to policy SP8 and to chapter 2 of the Framework.

Biodiversity

18. While no ecological assessment of the impact of the proposed development was submitted at the application stage, despite the LPA's request at that time, an ecological assessment is submitted with the appeal and which recommends that any effect could be adequately mitigated by conditions. The LPA considers that *'the mitigation measures and recommendations made within that document cannot be adequately secured via condition'*, though it does not elaborate why that should be the case. However, as I am refusing the appeal on other grounds, I have not needed to consult the parties further on this matter.

Other Considerations

19. The appellant has submitted with the appeal a draft planning obligation (i.e. a unilateral undertaking) to the effect that the dwelling if sold, would be limited in value to 80% of its full market value. However, I have no comments before me from the LPA as to the acceptability of its content, but, in any event, the planning obligation is not signed and, in this regard it has no effect.
20. The appellant has referred to the requirement of the Framework for Councils to provide a sufficient supply of homes, though I have no details before me to suggest that the LPA is failing to meet its housing supply requirements.
21. I accept that the occupants of the proposed dwelling would help to sustain the vitality, services and facilities of the rural community around it, but the additional benefit of one additional household would be limited in social and economic terms.
22. These additional considerations, neither individually nor collectively, outweigh my conclusions upon the main matters.

Planning Balance and Conclusion

23. There are no material planning considerations that indicate that the application should be determined other than in accordance with the development plan. Even if evidence had been submitted to show that the LPA could not demonstrate a five

year supply of deliverable housing sites, I would have concluded that the identified adverse impacts arising from the development, including the conflict with development plan policies, would not have been outweighed by the benefits of the proposal when assessed against the policies in the Framework taken as a whole. Therefore, the appeal should be dismissed.

S. Hartley

INSPECTOR