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## Appeal Decision

Site visit made on 6 May 2025

by **N Kempton BAHons, PGDip, MA, IHBC, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14<sup>th</sup> July 2025

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**Appeal Ref: APP/Y2003/W/24/3357386**

**Land Off Low Hall Road, East Lound, North Lincolnshire DN9 2LU**

- 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 Geoff Sanderson against the decision of North Lincolnshire Council.
  - The application Ref is PA/2024/85.
  - The development proposed is residential development of 1 dwelling.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. I have used the description of development as stated on the application form, removing words that do not relate to an act of development.
3. On 12<sup>th</sup> December 2024, the same day that the appellant submitted the appeal, the Government published a revised National Planning Policy Framework (the Framework). Those parts of the Framework most relevant to this appeal have not been amended. Both parties have had an opportunity to comment on the changes during the course of the appeal. As a result, I consider that there is no requirement for me to seek further submissions on the revised Framework. I am satisfied that no party's interests have been prejudiced by this.
4. The North Lincolnshire Local Plan 2020-2038 was submitted for examination in November 2022 but was formally withdrawn from the examination on 4 October 2024 (the withdrawn LP). The main parties have had an opportunity to address any implications of this for the appeal as part of their appeal submissions. The withdrawn LP has no weight in the determination of this appeal.
5. The planning application was for outline planning permission with all matters reserved. The appellant's appeal statement confirms that the submitted indicative site layout plan is for illustrative purposes only. I have determined the appeal on this basis.

### Main Issues

6. The main issues are:
  - Whether the site is a suitable location for residential development, having regard to the development plan and other material considerations;
  - The effect of the proposed development on the character and appearance of the area, with particular regard to the historic landscape; and,

- The effect of the proposed development on highway safety, with particular regard to access.

## Reasons

### *Location*

7. The appeal site is located at the settlement edge and extends into open countryside. The site is accessed via a private road, which does not meet adoptable highway standards, leading eastwards from the junction with Brackenhill Road/Low Hall Road.
8. The adopted development plan comprises the policies of the North Lincolnshire Core Strategy (2011) (CS) and the saved policies of the North Lincolnshire Local Plan (2003) (LP).
9. East Lound is identified as a Rural Settlement in the CS settlement hierarchy. The appeal site extends beyond the East Lound development boundary. CS Policies CS2, CS3 and CS8 establish that development outside the defined boundaries will be restricted to that which is essential to the functioning of the countryside, which does not include market housing.
10. I have not been directed to any policies which permit housing development outside the development boundary and the general thrust of policy, insofar as it has been given to me, is to protect the character and appearance of the area, which includes the open countryside outside of the settlements.
11. The appellant refers to recent planning decisions and claims that the Council has found East Lound to be locationally sustainable. Given the recent support for new dwellings on sites around East Lound, the appellant contends that material considerations indicate that a departure from policy should be supported in this case. Whilst it is acknowledged that these past decisions relate to residential development outside of the development boundary, I cannot comment on the circumstances within which these planning decisions were made. On the limited information provided, I am unable to draw any direct comparison with the appeal before me.
12. Residential development on the appeal site would extend into open countryside. East Lound lacks major facilities, services and amenities. Furthermore, the appeal site would not offer genuine alternative transport options to the car.
13. The proposed development would fail to respect the local context and would create disharmony with the development pattern. The proposed dwelling would intrude into the open countryside and appear as a discordant element. It has not been satisfactorily demonstrated that the proposed development is essential to the functioning of the countryside, or that it is an appropriate location for development. In local planning policy terms, the appeal site is partially outside the development limit and within open countryside.
14. As such, the appeal proposal would be contrary to CS Policies CS2, CS3 and CS8 and would be in conflict with the strategy for the location of new development in the District. The weight to be attributed to that conflict, having regard to the relevant material considerations in this case, is a matter to which I return in the Planning Balance section of this decision.

### *Character and appearance*

15. East Lound is located within the Isle of Axholme, which is designated as an Area of Special Historic Landscape Interest (ASHLI) by reason of the significant areas of medieval open strip fields and turbaries which are of national importance. Furthermore, the early enclosure land (EEL) and overall settlement pattern of the area make it unique in the county. LP Policy LC14 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.
16. The Framework describes heritage assets as an irreplaceable resource, that should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. It advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
17. In addition to the coherent areas of EEL to the south of East Lound, areas of ancient open strip fields (AOSF) survive to the east and the ASHLI encompasses the entire village, including the appeal site. The erection of a dwelling on the appeal site would introduce built form into the well- preserved historic landscape at the edge of the settlement, where land use transitions from residential development to open countryside beyond. Notwithstanding the reference to a dwelling formerly occupying the site, albeit some decades ago, this land is open and integrates with the surrounding landscape due to the absence of buildings or visual intrusion. Although the site has partially been cultivated and maintained, and essentially functions as a domestic garden, the character and appearance of the remaining site makes a strong contribution towards the setting of the village and the open, rural character of the area.
18. Whilst the reserved matters stage would consider the detailed development proposal, the indicative site layout plan persuades me that development of the site, as proposed, is feasible. However, the proposed development would not assimilate well with the settlement. An appropriate design and material palette could be secured, but the proposal would not be visually well-related to the built form of the settlement and would fail to positively contribute to the spatial quality of the area. It would erode the character of the settlement and its setting in the open countryside.
19. The proposed development would fail to restore the historic landscape, rather it would adversely impact upon this valuable and irreplaceable historic resource. It would fail to complement the character, setting and legibility of the historic landscape and the appearance of the existing built form.
20. For these reasons, the proposed development would be harmful to the character and appearance of the area, with particular regard to the historic landscape and would conflict with LP Policy LC14.

### *Access*

21. The Council has raised concerns that the extent of the red line does not cover all of the land necessary for the likely access works. Access is one of the reserved matters, but illustrative access is shown onto an unmade track leading to

Brackenhill Road. The Highway Authority raised no objection to the illustrative arrangement. It is not explicitly stated or demonstrated by the Council that the red edge fails to connect to highway land. Moreover, the information and drawings provided were evidently considered sufficient for them to validate and determine the outline planning application.

22. In these circumstances, based on the evidence before me, I am satisfied that a suitable and safe access to serve the proposed development would be achievable. Even if minor works to the highway were required as part of a detailed access arrangement, there is little reason to suppose they could not be made the subject of a Grampian style condition. Nevertheless, given my concerns in relation to the other main issues, I have not pursued this further with the parties.
23. Accordingly, I find that there would be no harm to highway safety. As such, the proposal would comply with the following policies of the LP: Policy T2 which states that all development should be served by satisfactory access; Policy T19, which is concerned with general highway safety.
24. Furthermore, the proposal would accord with paragraph 115 of the Framework, which states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

### **Other Considerations**

25. The appellant references other planning permissions in the vicinity of the appeal site. I have not been supplied with the evidence which informed those decisions, and therefore I cannot be certain that the balance of considerations, including the position in relation to the five-year housing land supply, are the same as the case before me. As such, these previous permissions have no material weight in the determination of this appeal.
26. At the time of the appeal submission, the most up to date Five Year Land Supply Statement covered the five-year period 1 April 2023 to 31 March 2028 and dated from August 2023. It concluded that there was a supply of deliverable sites of 6 years and 10 months. The appellant disputes that a five-year deliverable supply can be demonstrated, with particular regard to a previous Inspectors' decision<sup>1</sup> which was based on the Council's updated Five-Year Land Supply Statement for the period 1 April 2024 to 31 March 2029. This updated, but undated, Statement was prepared in accordance with the revised Framework and reflected the changes to the standard method of assessing housing need in the Planning Practice Guidance. It concluded a deliverable supply of five years and one month.
27. The Inspector in that case considered that the five-year supply set out in the updated report is very marginal and that if two (disputed) sites were found to be undeliverable, the supply of housing land would be less than five years. The Inspector concluded that a five-year housing land supply had not been demonstrated and that therefore, the tilted balance in paragraph 11(d)(ii) of the Framework applied.
28. The Council's updated Five-Year Land Supply Statement for the period 1 April 2024 to 31 March 2029, as referred to by the previous Inspector, has not been

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<sup>1</sup> Appeal Decision APP/Y2003/W/24/3352581

included in the evidence before me. Even if I were to take the take this as the latest position and determine this appeal based on the position that a five- year supply of housing has not been demonstrated and that the relevant policies for the supply of housing are out of date, I have identified assets of particular importance that would be harmed by the proposed development and therefore, paragraph 11(d)(i) is engaged. The harm arising from the proposed development to the setting and legibility of the historic landscape presents a strong reason for dismissing this appeal. The proposed development does not, therefore, benefit from the presumption in favour of sustainable development.

### **Planning Balance**

29. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations, which include the Framework, indicate otherwise.
30. The appeal scheme would be contrary to CS Policies CS2, CS3 and CS8 which seek to direct new housing to within defined settlement limits and to limit development outside them to specified development types.
31. I have found conflict with Policy LC14 of the LP, which restricts development in the ASHLI. I have found that the proposed development would result in tangible harm to the open and rural character and historic landscape of the designation.
32. The construction of a dwelling on the site would contribute to the area's housing stock- thereby aligning with the national aim, as set out in the Framework, to boost significantly the supply of homes. However, a single dwelling would only make a very modest contribution and therefore be of only limited benefit, even if there were a housing shortfall. This would not be sufficient to weigh in favour of the proposal to offset the identified harms.
33. The proposed development would bring some uplift to the local economy from construction services and the spending of future occupiers. There are services and facilities in nearby Haxey, which future occupiers of the dwelling may support. These matters attract limited weight. The absence of harm to highway safety is neutral in the overall planning balance.
34. However, the harm to character and appearance of the area, with particular regard to the historic landscape, is contrary to the development plan read as a whole and, in my judgement, confers significant weight against the scheme. Overall, I conclude that the adverse impacts to the character and appearance of the village would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole.

### **Conclusion**

35. For the reasons above, having had regard to the development plan as well as the Framework as a whole and all other matters raised, I conclude that the appeal should be dismissed.

*N Kempton*

INSPECTOR