
Appeal Decision

Site visit made on 12 January 2026

by **L Wilson BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 January 2026

Appeal Ref: APP/Y2003/W/25/3375482

Land west of Britton Close, Luddington DN17 4RL

- 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 Karl Howe against the decision of North Lincolnshire Council.
 - The application Ref is PA/2025/784.
 - The development was originally described as proposed self/ custom build dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline with all matters reserved for future consideration. I will proceed on the basis that details shown on the submitted drawing in respect of matters reserved for future approval are for illustrative purposes only.

Main Issues

3. The main issues are:
 - Whether the proposal would be suitably located having regard to relevant development plan policies concerning the location of housing; and
 - Whether there are reasonably available sites appropriate for the proposed development in areas at lower risk of flooding and whether the sequential and exception tests have been met.

Reasons

Location

4. The site lies outside the defined development boundary for Luddington and is therefore within the open countryside. The development plan generally seeks to direct new housing within settlement limits, permitting development in the countryside only in specific, limited circumstances. Based on the evidence before me, none of those exceptions apply to the proposal.
5. The appellant sets out that the site is well located in relation to Crowle, Goole, Doncaster and Scunthorpe, providing access to employment, services and education. Public transport is available nearby, with bus stops within walking distance of the site. However, there is no clear evidence before me regarding the

frequency of public transport or information regarding local facilities and services within walking distance of the site.

6. Luddington is a small, rural settlement. It is likely that future occupiers would be reliant on a private motor vehicle to access local services and facilities and would need to travel to other settlements to meet their day-to-day needs, resulting in unsustainable travel patterns. Considering its scale, the development may, to a very limited degree, support local services and facilities. Nevertheless, no compelling evidence has been presented to demonstrate that it would enhance or maintain community vitality.
7. For these reasons, the proposal would not be suitably located having regard to relevant development plan policies concerning the location of housing. Consequently, it would conflict with Policy RD2 of the North Lincolnshire Local Plan (2003) (LP) and Policies CS2, CS3 and CS8 of the North Lincolnshire Local Development Framework: Core Strategy (2011) (CS). These collectively set out the spatial strategy for North Lincolnshire and aim to focus housing within settlement limits.
8. While I recognise that a previous, similar application did not cite this matter as a reason for refusal, I have limited information about that case including the Council's reasoning. The scheme before me conflicts with the development plan, which is the starting point for decision-making, and would undermine the Council's plan-led approach that seeks to locate new housing in the most sustainable locations.
9. Furthermore, the proposal would conflict with paragraph 83 of the National Planning Policy Framework (the Framework) which states to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

Flood risk

10. A Flood Risk Assessment, as well as a Sequential and Exception Test report were submitted with the application. These documents acknowledge that the site is located within Flood Zone 3a on the Environment Agency's Flood Map for Planning (Rivers and Sea) and the North Lincolnshire Strategic Flood Risk Assessment shows the site as being within Zones 2/3(a) tidal areas.
11. The Planning Practice Guidance (the PPG), in relation to the sequential test, sets out that for a non-major housing development, it would not usually be appropriate for the area of search to extend beyond the specific area of a town or city in which the proposal is located, or beyond an individual village and its immediate neighbouring settlements... The sequential test should be applied proportionately, focusing on realistic alternatives in areas of lower flood risk that could meet the same development need¹.
12. In considering the search area, I have had regard to the appeal decision², drawn to my attention, and the Inspector's approach to flood risk. However, the overall considerations in relation to whether there are sequentially preferable sites cannot be directly compared given the location, and associated search area boundaries, differences.

¹ Paragraph: 027a Reference ID: 7-027a-20220825

² APP/W4325/W/25/3365149

13. Within the appeal submission, the appellant has considered the neighbouring areas of Garthorpe and Eastoft. Within this wider search area, they set out that only one site is available, but based on the evidence presented, it is not sequentially preferable as it is also located within Flood Zone 3a. Having regard to the PPG, the applied area of search is appropriate as the appellant has considered both Luddington as well as neighbouring settlements. No substantive justification has been provided to support extending it to the wider district. Furthermore, there is no evidence before me to indicate that there are alternative lower-risk sites which would be capable of accommodating the development.
14. Framework paragraph 178 identifies the requirements for the exception test to be passed, and both elements of the test must be passed for development to be permitted. The PPG sets out examples of how it can be demonstrated that wider sustainability benefits to the community outweigh flood risk³.
15. The appellant sets out wider sustainable benefits of the proposal, which include that the dwelling would contribute to the Council's housing supply at a time where they cannot demonstrate a five-year supply of deliverable sites. Furthermore, they highlight that small, site specific schemes of this scale play an important role in sustaining rural communities and maintaining local vitality. The appellant goes on to outline that the proposal would reduce pressure on more sensitive or isolated locations in the open countryside, and set out economic, social and environmental benefits.
16. In relation to this matter, my attention has been drawn to an appeal decision⁴ where the Inspector found that the benefits of the development, particularly its contribution to the Council's spatial development strategy, would outweigh the flood risk. Nonetheless, that case is not directly comparable as it appears the site was located within a secondary village and accorded with relevant development plan policy. Furthermore, it involved redeveloping an unsightly brownfield site that would contribute to the vitality of the rural community.
17. As set out above, the development is likely to result in unsustainable travel patterns and a reliance on the use of a private vehicle to meet future occupiers' day-to-day needs, and no compelling evidence has been presented to demonstrate that it would maintain or enhance community vitality. Overall and taking into account the scale of the development as well as the evidence presented, I am not satisfied that the development would provide wider sustainability benefits to the community that outweigh the flood risk.
18. Drawing the above together and on the basis of the information submitted, I have found that the sequential test has been passed, as it has been adequately demonstrated that there are no reasonably available sites appropriate for the proposed development in areas at lower risk of flooding. However, the exception test has not been passed as it has not been demonstrated that the development would provide wider sustainability benefits to the community that outweigh the flood risk. Consequently, the proposal conflicts with Policy DS16 of the LP and Policy CS19 of the CS. These collectively seek to safeguard people and property from the risks of flooding, and in areas of high flood risk, require proposals to demonstrate that the development provides wider sustainability benefits to the community and the area that outweigh flood risk.

³ Paragraph: 036 Reference ID: 7-036-20220825

⁴ APP/U2750/W/24/3355423

19. It would also conflict with chapter 14 of the Framework, and specifically paragraph 178 set out above.

Other Matters

20. The appellant states that the development makes an efficient use of land and adjoins the existing settlement. In addition to the benefits set out above, they assert that the proposal would contribute to the district's self-build and custom housebuilding register. The other matters highlighted do not alter or outweigh the conclusions I have reached on the main issues set out above.

Planning Balance and Conclusion

21. The Council acknowledges that they cannot demonstrate a five-year housing land supply, and they have no policies regarding self and custom build housing. Given the Council's housing land supply position, paragraph 11(d)(i) of the Framework is engaged.
22. Weight may still be afforded to policies depending on their consistency with the Framework. Paragraph 232 of the Framework states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Based on the evidence submitted, the overall aims of the most relevant policies are broadly consistent with the aims of the Framework. There is nothing within the Framework to suggest that the policy requirements should be lessened on account of the shortfall in housing supply.
23. In considering paragraph 11 (d)(i) of the Framework, I must determine whether the application of policies in the Framework that protect areas or assets of particular importance, set out in footnote 7 of the Framework, provides a strong reason for refusing the development proposed.
24. For the reasons given above, the development would not be suitably located, having regard to relevant development plan policies concerning the location of housing. I have found that the sequential test has been passed. However, the exception test has not been passed as it has not been demonstrated that the development would provide wider sustainability benefits to the community that outweigh the flood risk.
25. Given the scale of the development, the associated social, economic and environmental benefits would be limited and would not outweigh the conflict found. Footnote 7 of the Framework includes areas at risk of flooding. Consequently, given my findings above, the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed. As a result, the presumption in favour of sustainable development does not apply.
26. The proposal would be contrary to Policies DS16 and RD2 of the LP and Policies CS2, CS3, CS8 and CS19 of the CS. I afford this conflict, with the relevant policies of the development plan, significant weight.
27. For the reasons given above, to conclude, the proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Consequently, the appeal does not succeed.

L Wilson

INSPECTOR