

**APPEAL AGAINST THE DECISION OF
NORTH LINCOLNSHIRE COUNCIL TO REFUSE
OUTLINE PLANNING PERMISSION FOR
THE ERECTION OF SIX DWELLINGSS WITH
ALL MATTERS RESERVED**

**AT
WRESSLE HOUSE, BRIGG ROAD,
BROUGHTON, WRESSLE, DN20 0BU.**

APPELLANT'S WRITTEN STATEMENT



February 2018

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1. INTRODUCTION

1.1. This appeal arises out of the refusal of planning permission, application number PA/2017/1801 (The application) by North Lincolnshire Council (The Council/LPA) on 1st February 2018.

1.2. The appeal is being submitted on behalf of Mr K Turner (The Appellant).

1.3. The application was refused for the following reasons:

1. "In respect of sustainable development it considered that the adverse social and environmental impacts outweigh the benefits of the proposal and therefore the presumption in favour of sustainable development set out in paragraph 14 of the National Planning Policy Framework has not been met. The proposed development is contrary to policies RD2 of the North Lincolnshire Local Plan; CS2, CS3 and CS8 of the North Lincolnshire Core Strategy; and paragraph 55 of the National Planning Policy Framework in that the site lies outside of a defined settlement boundary, in the open countryside, and is located in an unsustainable location, remote from local services. In addition, insufficient evidence has been provided to justify a special need for a dwelling in this location."

2. "No biodiversity or ecological appraisal has been submitted with the planning application. Due to the absence of this information, the local planning authority cannot assess whether the proposal will have an adverse impact upon habitats and the biodiversity value of the land. The proposal is considered contrary to policies LC5 of the North Lincolnshire Local Plan, CS17 of the adopted Core Strategy and guidance within the National Planning Policy Framework."

1.4. This Written Statement sets out the Appellant's case in response to the refusal, including the main issues raised and the application's merits, physical and policy contexts including the NPPF to explain why it is considered that the appeal should be allowed.

2. SITE HISTORY & BACKGROUND

No relevant planning history but similar development was approved nearby the application site:

PA/2015/1258 - Planning permission to convert and extend outbuildings to form a dwelling - Full Planning Permission with conditions.

PA/2015/1259 - Planning permission to erect a replacement dwelling (including demolition of existing dwelling) –Full Planning Permission with conditions.

An appeal is awaiting determination by PINS for:

PA/2017/613 - Outline planning permission to erect one dwelling with all matters reserved. Appeal reference: APP/Y2003/W/17/3187274.

3. THE PROPOSAL

- 3.1. The outline planning application seeks permission for residential development. The illustrative plan show a total of 6 dwellings with all matters reserved.
- 3.2. The residential development would be sited in land adjacent to Wressle House, Brigg Road, Broughton, Wressle, DN20 0BU. The access to the proposed dwelling house would be from Brigg Road.

4. SITE LOCATION AND PHYSICAL CONTEXT

- 4.1. The application site consists of a field located 84.7 metres to the south-west of the Applicant's existing property called Wressle House. A children's play area is located 46.5 metres to the north-west.
- 4.2. Brigg Road runs along the southern west boundary. Vast open space and countryside dominates the adjacent landscape of the site.
- 4.3. The built-up area of Wressle is further north in a relatively close distance from the appeal site.
- 4.4. From the north along Brigg Road, there are properties of an eclectic mixture, from large country style houses, farm cottages to two-storey modern dwelling houses.

- 4.5. The site is heavily bordered by mature trees in excess of 4 metres high along all of its borders. This is such an established landscape that provides a sense of privacy and contains any detrimental visual impact to the neighbours and road users of Brigg Road.
- 4.6. According to the Environment Agency Flood Risk map, the site location falls within Zone 1. Given that the plot occupies an area of less than 1 hectare and risk flood probability is not significant, there was no need to prepare and submit a Flood Risk Assessment (FRA) report attached to the planning application.
- 4.7. The appeal site is accessed from Brigg Road. Visually and physically, the site is well enclosed and not too far remote from the village, with good access to facilities and services, available within this village and those of the nearby Broughton. The land serves no sustainable purpose for the village and its surroundings. The land is surplus to the appellant's requirements, but still requires on-going maintenance and security. The site itself is quite vulnerable to trespass and fly-tipping if not monitored frequently.

5. PLANNING POLICY

National Planning Policy Framework (2012)

- 5.1. Planning applications should be made in accordance with the Council's adopted development plan unless other material considerations indicate otherwise. Section 38(6) of the Planning and Compulsory Purchase Act sets this as a legal requirement. The most relevant national planning policy guidance in the determination of this application are contained within the National Planning Policy Framework (NPPF) (March 2012) and additional information provided in the National Planning Practice Guidance (NPPG).
- 5.2. The main purpose of the NPPF, as stated at paragraph 6, is to contribute to the achievement of sustainable development. Para 7 goes on to identify three dimensions of sustainable development; economic, social and environmental which should be sought jointly and simultaneously through the planning system.
- 5.3. The NPPF also provides 12 core planning principles. The key principle of each of these provided below:
1. Be plan led, with up to date development plans;

2. Not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
3. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth;
4. Always seek to secure high quality and a good standard of amenity for all existing and future occupants of land and buildings;
5. Take account of the different roles and character of different areas;
6. Support the transition to a low carbon future in a changing, taking full account of flood risk and coastal change and encourage the reuse of existing resources;
7. Contribute to conserving and enhancing the natural environment and reducing pollution. Allocation of land for development should prefer land of lesser environmental value;
8. Encourage the effective use of land by reusing land that has been previously developed;
9. Promote mixed use development and encourage multiple benefits from the use of land in urban and rural areas;
10. Conserve heritage assets in a manner appropriate to their significance;
11. Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable;
12. Take account of and support local strategies to improve health, social and cultural wellbeing for all and deliver sufficient community and cultural facilities and services to meet local needs.

5.4. A key objective of the NPPF is to deliver 'a wide choice of high quality homes' that 'boost significantly the supply of housing'. Local authorities are required to identify and update annually a supply of specific deliverable sites sufficient to provide five year's worth of housing against their housing requirements with an additional buffer of 5% to ensure choice and completion in the market for land'.

5.5. It is considered that the proposed scheme will make a positive contribution to sustainable development and fully accords with the overall national objective of boosting the supply of housing. Additionally, if this planning application is approved, it

can contribute towards the continuing need for an overall supply of housing immediately.

- 5.6. Paragraphs 6 and 7 of the NPPF confirm the commitment to sustainable development based on three dimensions:

An economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

A social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being;

And an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.”

- 5.7. This is followed by a commitment to a presumption in favour of sustainable development and at paragraph 14:

“For decision-taking this means: approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: – any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or – specific policies in this Framework indicate development should be restricted.”

- 5.8. Paragraph 55 addresses how to promote sustainable development in rural areas.

“Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- the essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- the exceptional quality or innovative nature of the design of the dwelling.

Such a design should:

- be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
- reflect the highest standards in architecture;
- significantly enhance its immediate setting; and
- be sensitive to the defining characteristics of the local area”

5.9. Paragraphs 196 and 197 confirm that applications should be determined in accordance with the Development Plan and that in such cases Local Authorities should apply the presumption in favour of development.

5.10. **The Core Strategy - North Lincolnshire Local Development Framework**

This core policy document was adopted in June 2011 and sets out the long term vision for North Lincolnshire and provides a blueprint for managing growth and development in the area up to 2026.

It is the most important element of the North Lincolnshire Local Development Framework. It is part of the development plan for North Lincolnshire and is used to make decisions on planning applications.

CS2: DELIVERING MORE SUSTAINABLE DEVELOPMENT

In supporting the delivery of the spatial strategy set out in policy CS1, as well

as determining how future development needs will be met in North Lincolnshire, a sequential approach will be adopted. Development should be focused on:

1. Previously developed land and buildings within the Scunthorpe urban area, followed by other suitable infill opportunities within the town, then by appropriate Greenfield urban extensions
2. Previously developed land and buildings within the defined development limits of North Lincolnshire's Market Towns, followed by other suitable infill opportunities then appropriate small scale greenfield extensions to meet identified local needs
3. Small scale developments within the defined development limits of rural settlements to meet identified local needs.

Any development that takes place outside the defined development limits of settlements or in rural settlements in the countryside will be restricted. Only development which is essential to the functioning of the countryside will be allowed to take place. This might include uses such as that related to agriculture, forestry or other uses which require a countryside location or which will contribute to the sustainable development of the tourist industry.

All future development in North Lincolnshire will be required to contribute towards achieving sustainable development. Proposals should comply with the overall spatial strategy together with the following sustainable development principles:

- Be located to minimise the need to travel and to encourage any journeys that remain necessary to be possible by walking, cycling and public transport. It should be compliant with public transport accessibility criteria as set out in the Regional Spatial Strategy
- Be located where it can make the best use of existing transport infrastructure and capacity, as well as taking account of capacity constraints and deliverable transport improvements particularly in relation to junctions on the Strategic Road Network
- Where large freight movements are involved the use of rail and water transport should be maximised

- Contribute towards to the creation of locally distinctive, sustainable, inclusive, healthy and vibrant communities
- Contribute to achieving sustainable economic development to support a competitive business and industrial sector
- Ensure that everyone has access to health, education, jobs, shops, leisure and other community and cultural facilities that they need for their daily lives
- Ensure the appropriate provision of services, facilities and infrastructure to meet the needs of the development, but where appropriate it is to be recognised that a phased approach may not be required on small scale development proposals.
- To be constructed and operated using a minimum amount of non-renewable resources including increasing the use of renewable energy in construction and operation
- Take account of local environmental capacity and to improve air, water and soil quality and minimise the risk and hazards associated with flooding, and
- Be designed to a high standard, consistent with policy CS5, and use sustainable construction and design techniques.

All change will be managed in an environmentally sustainable way by avoiding/minimising or mitigating development pressure on the area's natural and built environment, its existing utilities and associated infrastructure and areas at risk of flooding. Environmental impacts to or from development that cannot be avoided should be adequately mitigated for it to be acceptable.

CS3: DEVELOPMENT LIMITS

Development limits will be applied to the Scunthorpe urban area, the Market Towns and Rural Settlements. They will not be applied to rural settlements in the countryside.

In applying development limits the following considerations will be taken into account:

- Existing development patterns - the development limit will be drawn around the main built up area of the settlement. Scattered, sporadic or dispersed development or buildings separated from the main body of the settlement by areas of undeveloped land, roads or industrial areas will not be included. Where possible, limits should follow clearly defined features or constraints such as roads.
- Capacity - the ability of the settlement to accommodate future development based on existing and proposed infrastructure, on its access to facilities and services and levels of public transport. This also includes the availability of previously developed land.
- Existing planning consents/development - land with planning consent for residential development or community facilities where development has been implemented.
- Character - the limit will be drawn to reflect the need to protect and enhance settlement character. This means protecting areas of open space or land with the characteristics of open countryside within and adjacent to settlements by not including them within development limits. Large rear gardens or paddocks stretching well out the villages built form will also be excluded.

Development outside these defined boundaries will be restricted to that which is essential to the functioning of the countryside. This will include uses such as that related to agriculture, forestry or other uses which require a countryside location or that which will contribute to the sustainable development of the tourist industry.

The extent of the development limits will be defined in the Housing & Employment Land Allocations Development Plan Documents and shown on the accompanying Proposals Map and settlement insets.

CS8: SPATIAL DISTRIBUTION OF HOUSING SITES

The allocation of sites for 12,063 new dwellings will be delivered in accordance with sustainable development principles and the following sequential approach:

- The principal focus for housing is previously developed land and buildings within the development limits of Scunthorpe followed by a greenfield urban extension to the west of the town. 82% of all new dwellings will be located in and adjacent to the urban area, equating 9,892 new dwellings. A total of 6,000 new dwellings will be provided within the Lincolnshire Lakes area during the plan period, with 1,250 being provided elsewhere within the urban area. Of these new dwellings 2,642 will be provided from sites that already have planning permission or are under construction.

- The Market Towns of Barton upon Humber, Brigg, Crowle, Kirton in Lindsey and Winterton will have approximately 18% houses built overall equating to 2,171 new dwellings of which 840 will be provided from sites that already have planning permission or are under construction. The overall provision will be divided as follows to enhance the level of services provided or meet the needs of the settlements and its immediate area:
 - Barton upon Humber 6% (724 dwellings)
 - Brigg 7% (844 dwellings)
 - Crowle 1.2% (145 dwellings)
 - Kirton in Lindsey 1.5% (181 dwellings)
 - Winterton 2.3% (277 dwellings)
 - New housing within the rural settlements will create opportunities for small scale infill development that maintains the viability of the settlement and meets identified local needs without increasing the need to travel.

In rural settlements in the countryside and in the open countryside outside development limits, housing development will be strictly limited. Consideration will be given to development, which relates to agriculture, forestry or to meet a special need associated with the countryside. All development should not have an adverse impact on the environment or landscape.

Urban extensions to support the Scunthorpe Urban Renaissance Programme will be promoted particularly alongside proposals for Lincolnshire Lakes project. To ensure that the scale of the house building is in line with the housing allocation the western urban extension will be phased to release land in such a way as to allow for the control of the pattern and speed of urban growth, co-ordination of infrastructure, and delivery of the previously developed land target and other sustainability objectives.

The first priority is to re-use previously developed land and buildings within North Lincolnshire's built up areas which will be promoted by setting a target of 30% of the housing provision on such land. Second priority will be given to other suitable infill opportunities in North Lincolnshire's built up areas.

Development on greenfield sites will only be allowed where it can be demonstrated that this will bring additional community benefits, contributing to building sustainable communities and is acceptable in terms of its impact on the high quality environment of the urban space and adjoining countryside.

Flood risk will be taken into account, as this will be a determining factor in the distribution and location of housing.

5.11. **CS17: BIODIVERSITY**

The council will promote effective stewardship of North Lincolnshire's wildlife through:

1. Safeguarding national and international protected sites for nature conservation from inappropriate development.
2. Appropriate consideration being given to European and nationally important habitats and species.
3. Maintaining and promoting a North Lincolnshire network of local wildlife sites and corridors, links and stepping stones between areas of natural green space.
4. Ensuring development retains, protects and enhances features of biological and geological interest and provides for the appropriate management of these features.
5. Ensuring development seeks to produce a net gain in biodiversity by designing in wildlife, and ensuring any unavoidable impacts are appropriately mitigated for.
6. Supporting wildlife enhancements that contribute to the habitat restoration targets set out in the North Lincolnshire's Nature Map and in national, regional and local

biodiversity action plans.

7. Improving access to and education/interpretation of biodiversity sites for tourism and the local population, providing their ecological integrity is not harmed.

5.12 **North Lincolnshire Local Plan**

The North Lincolnshire Local Plan was adopted in May 2003 and is used to make planning decisions. This plan is gradually being replaced by the Local Development Framework.

Some of its policies have been replaced following the adoption of the Core Strategy and the Housing and Employment Land Allocations DPD.

RD2 -DEVELOPMENT IN THE OPEN COUNTRYSIDE

Development in the open countryside will be strictly controlled. Planning permission will only be granted for development which is:

- i) essential to the efficient operation of agriculture or forestry;
- ii) employment related development appropriate to the open countryside;
- iii) affordable housing to meet a proven local need;
- iv) essential for the provision of outdoor sport, countryside recreation, or local community facilities;
- v) for the re-use and adaptation of existing rural buildings;
- vi) for diversification of an established agricultural business;
- vii) for the replacement, alteration or extension of an existing dwelling;
- viii) essential for the provision of an appropriate level of roadside services or the provision of utility services.

Provided that:

- a) the open countryside is the only appropriate location and development cannot reasonably be accommodated within defined development boundaries;
- b) the proposed development accords with the specific requirements set out in the relevant policies of this chapter and elsewhere in this Local Plan;
- c) the development would not be detrimental to the character or appearance of the open countryside or a nearby settlement in terms of siting, scale, massing, design and use of materials; and

- d) the development would not be detrimental to residential amenity or highway safety; and
- e) account is taken of whether the site is capable of being served by public transport; and
- f) the development is sited to make the best use of existing and new landscaping.

LC5 - Species Protection

Planning permission will not be granted for development or land use changes which would have an adverse impact on badgers or species protected by Schedules 1, 5 or 8 of the Wildlife and Countryside Act 1981 (as amended). Where development is permitted that may have an effect on those species, conditions or the use of planning agreements will be considered to:

- i) facilitate the survival of individual members of the species; and
- ii) reduce disturbance to a minimum; and
- iii) provide adequate alternative habitats to sustain at least the current levels of population.

6. THE MAIN PLANNING CONSIDERATIONS

- Principle of Development in the Countryside;
- Ecology & Biodiversity.

6.1 The principle of development in the countryside

The National Planning Policy Framework (NPPF), adopted in March 2012, has replaced all previous Planning Policy Guidance (PPG) and Planning Policy Statements (PPS) in respect of the consideration and determination of planning applications. The heart of the NPPF is set out within Paragraph 14, which stresses the presumption in favour of sustainable development. In decision taking, this means:

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole;

Or

- Specific policies in this Framework indicate development should be restricted.

6.2 The following Paragraphs are considered relevant to the consideration of the current application and the approach Authorities should take in decision making.

6.3 Paragraph 17 sets out 'Core Planning Principles', which will underpin plan making and decision taking. These principles include a need to support sustainable development to deliver the homes, business units, infrastructure and thriving local places that are needed. 'Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth'.

6.4 Housing matters are considered and addressed within Section 6 of the NPPF, where a key objective for local planning authorities is to 'significantly boost the supply of housing'. Local Planning Authorities are required to meet the full, objectively assessed needs for market and affordable housing in the relevant housing market area. Paragraph 47 establishes that LPAs must be able to identify a supply of specific deliverable sites to provide 5 years' worth of housing, with an additional buffer of 5% to ensure choice and competition in the market for land. In cases where there has been a record of persistent under-delivery of housing, a buffer of 20% should be applied.

6.5 Where a Local Planning Authority cannot demonstrate a 5 year housing land supply, Local Plan policies in respect of housing supply should not be considered up-to-date and should, accordingly, be given no weight in the determination of planning applications for residential development. Instead, Paragraph 49 of the NPPF confirms that such applications should be considered in the context of the presumption in favour of sustainable development.

6.6 Paragraph 186: "Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. The relationship between decision-taking and plan-making should be seamless, translating plans into high quality development on the ground."

- 6.7 Paragraph 187: “Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.”
- 6.8 This proposed residential development reflects the above policy considerations and the Planning Application accords with the named NPPF paragraphs which should all be taken into account in the decision making process.
- 6.9 Further, the development represents an opportunity to deliver a high quality sustainable development, through the appropriate use of a site which is closely related to and readily accessible to Wressle and neighbouring Broughton in accordance with Paragraph 186.
- 6.10 The appeal site falls outside of the defined settlement boundary for Wressle. However, it is located just approximately 175 metres away so the dwelling would be in close proximity to the built-up area of Wressle.
- 6.11 Although the settlement of Wressle does not provide a broad range of facilities and services. However, neighbouring urban settlements such as Broughton, Brigg and Scunthorpe offer services that is accessed many Wressle residents and it does not affect its desirability as a popular and sustainable place to live for working professionals and families.
- 6.12 There is a regular bus service between Wressle and Brigg. There is also one more bus service from Wressle to Scunthorpe, and the bus stop is located in a short walking distance off Common Road. The reliance on car usage would therefore, not be as heavier as one may assume.
- 6.13 The Core Strategy identifies Wressle as a Rural Settlement, with specific policy objectives for supporting sustainable communities, through the protection and enhancement of local services. Wressle has itself seen only a limited amount of agricultural growth in the last 10 years. As previously stated, in this appeal statement. It is a small hamlet that

is considered to be a desirable place to live, given its already established quality housing, character and surrounding environment.

6.14 Local services, facilities and amenity often requires more of a population trigger. Without more housing in such rural areas, businesses are unlikely to invest in these areas unless/until it is proven that strong demand exists now and in the future. It is a short sighted plan making strategy to expect local services to be the pioneer of growth in this area without additional housing. Refusing additional dwellings in Wressle will not help reinforce the village's rural economy and risk the area becoming isolated.

6.15 A contribution of 6 dwellings would support the delivery of housing sites in North Lincolnshire and enhance the local community to outweigh the policy constraints of the principle of development and, in turn, development in the countryside and would contribute to overcome theoretical impracticalities without renouncing the presumption of sustainable development of the proposal.

6.16 **Ecology & Biodiversity**

The appellant was disappointed that the LPA had not approached the agent during the 8 week application consideration period to request for a biodiversity or ecological appraisal. The Council's Environmental Planning Team had made no observations about the application, it is unknown if they were a formal consultee.

6.17 The application is in outline form only. If there was an opportunity to condition such assessments, surveys and mitigation measures prior to commencement. The appellant would have been agreeable to this approach rather than have to appeal this reason for refusal.

6.18 The appeal site is currently garden space with no Tree Preservation Orders or other environmental constraints present. The appellant is within his right to clear the site of all vegetation and exercise his permitted development rights, all of which could be detrimental to the ecology and biodiversity. This reason for refusal is therefore considered to be ineffectual and unreasonable, given the fact that the appellant was not allowed the opportunity to commission such works within the application timeframe.

7. CONCLUSIONS

- 7.1. In light of the considerations given above in relation to:
- The principle of development in countryside
 - Ecology & Biodiversity.
- 7.2. On balance and taking into account the benefits that would be generated as a result of this proposal, in the form of 6 dwellings, without compromising the countryside context, that it would constitute a sustainable form of development.
- 7.3. In reaching this conclusion regard has been had to paragraph 98 of the NPPF which advises that when determining planning applications, local planning authorities should approve the application if impacts are, or can be made acceptable. Given the considerations set out in the sections above it has been demonstrated that on balance the material impacts/benefits are acceptable and outweigh some policy constraints following the presumption of sustainable development, and therefore the impacts of the proposal have been made acceptable.
- 7.4. It is the contention of the Appellant, which is felt to be in line with current policy that this proposed development for erection of 6 detached dwelling with all matters reserved, is a sustainable and appropriate use for this site and the starting point of any planning decision or balancing exercise is that sustainable development should be approved, without delay, where that development accords with the development plan.
- 7.5. It is therefore respectfully requested that this Appeal should be allowed and permission granted for the development.