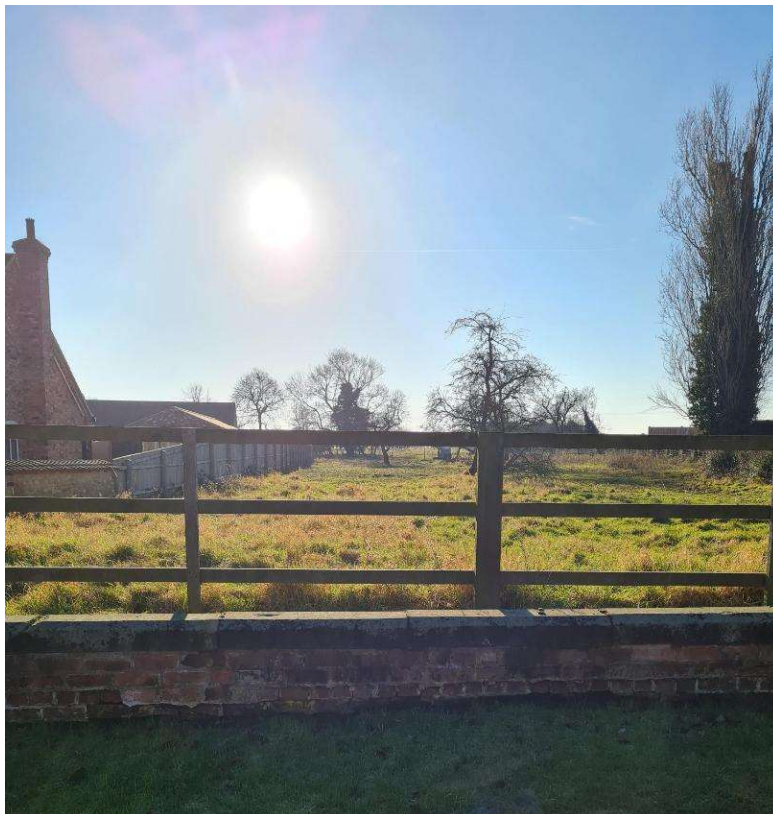


**Formal Objection  
Made on Behalf of Residents of Main Street**

**Objection to PA/2021/1755**

**full planning permission for the erection of 14 dwellings and improvements to  
vehicular access on land at Main Street, Sturton.**



Prepared by

January 2022

## **INTRODUCTION**

Mark Simmonds Planning Services have been instructed to prepare and submit a formal objection on behalf of residents of Main Street, due to the direct adverse impacts created by this development, if permitted by the Council.

This submission incorporates the instructing parties objections to the proposal which have been applied to Local and National Policy principles which support the refusal of this application.

### **The Proposal**

PA/2021/1755- Planning permission to erect 14 dwellings and improvements to vehicular access - [Amended flood risk assessment and outline drainage strategy – December 2021]. The proposal comprises a mix of two storey dwellings and dormer bungalows, which due to their size and location would be considered in the higher price range and not the affordable market.

### **The Principle of Development**

The objectors, who are some of the nearest neighbours to the proposal, feel that this site is completely unsuitable for any kind of residential development, let alone a small estate of 14 dwellings. The objectors have identified the site as an area of open countryside which acts as a backdrop to the established development whilst acting as a natural buffer between development and the wider open countryside which is typical of Lincolnshire villages.

The main objection is that of inappropriate development on land which should be retained as open countryside.

This protection of the open countryside is detailed in both Local and National Policy requirements and is a key consideration when assessing the development boundaries of villages.

The site sits outside the village of Sturton which is closely associated with Scawby. Scawby is a larger rural settlement and in the North Lincolnshire Settlement Survey (2019) the village scored 32 points and was 20th overall out of all the settlements in North Lincolnshire on sustainability grounds and contains 4 of the 7 key facilities.

However, despite the average sustainability rating and the access to some of the key facilities, the site is fundamentally flawed due to it being located outside of any development boundary and very much being in the open countryside.

It is noted that this site has been put forward by the owner as a suitable site for allocation by the Council in the Local Plan, however, this can be said for a very large number of sites, both suitable and in this case unsuitable and due to the incomplete stages in the Local Plan allocation process, the proposed allocation carries very little weight at all.

The objectors have been concerned with the proposed amendments to the village development boundary and these have been noted, however, regardless of these proposals the site still very much falls outside of any development boundary and as such, is in the open countryside.

**The application, therefore, is for a small estate of 14 dwellings, outside of the development boundary in the open countryside.**

#### The five year housing land supply

Up until very recently the Council did not have a 5 year housing land supply and the 'tilted balance' was engaged for assessing development, as the current housing policies were considered to be out of date, and couldn't be given weight in the determination of applications for housing. This presumption in favour of sustainable locations was used for the adjacent site to this proposal featuring under planning reference PA/2018/569 Sturton Nurseries, Main Street, Sturton, Scawby. This was permitted in 2018 under the tilted balance where development should be approved unless the adverse impacts significantly and demonstrably outweigh the benefits.

For this site the assessment has very much changed, although arguably even on the tilted balance the harm is likely to outweigh the benefits. The Council have now produced a Five Year Housing Land Supply Statement which covers the period 1 April 2021 to 31 March 2026. This states that North Lincolnshire currently has a 5-year housing land supply of deliverable sites during the period 1 April 2021 to 31 March 2026. Therefore, the housing policies contained in the Local Plan are now considered to be up to date and should be considered in relation to this planning application.

#### The Relevant Planning Policy

Key in assessing the principle of this development is as follows:

The Core Strategy:

#### **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.

This policy identifies that 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. Policy CS3 further supports the notion of development limits and the need to demonstrate a rural need which is essential to the functioning of the countryside.

This proposal has no relation at all to the functioning of the countryside as it is not related to agriculture, forestry or any other use attributable to the countryside such as sustainable rural tourism. General residential is not an essential need in this location.

**Respectfully the Council is asked to consider that the proposal fundamentally fails to comply with Local Plan Policy CS2.**

The North Lincolnshire Local Plan (2003):

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.

Again, the application fundamentally fails the policy requirements of RD2; the site is a green space used as grazing paddocks, which is undeveloped and the proposal does not constitute infill, nor meet any essential countryside need.

A small amount of affordable housing would be provided through policy, but on balance the dwellings proposed are not meeting a specified need and are in fact likely to be on the higher side of the housing market and unobtainable for first time buyers for example.

**Based on the assessment Local Plan Housing Policy the proposed 14 dwelling estate in the open countryside fails in principle and the Council is respectfully asked to consider the fundamental failure to comply with any of the Councils policies which seek to direct housing away from open countryside location.**

#### **OTHER MATERIAL PLANNING CONSIDERATIONS.**

My clients wish to raise the following concerns with the proposal:

##### 1. Residential Amenity

It is fully accepted that in the planning balance private individuals do not have a right to a view and even if a new development significantly changes a view from a private property and this is not normally a legal ground on which planning application can be refused.

However, the exception to this approach is when a visual impact on a private property is so severe that it may affect the residential amenity of a dwelling. This detrimental effect on amenity should be considered in the same way as other planning considerations such as daylight, noise and air quality. All of these have the potential to be compromised by a development to such an extent that the

impact on residential amenity would be unacceptable and planning permission can be refused.

Inspector Kingaby in a 2011 windfarm Inquiry (APP/D0515/A/10/2123739), provided a very useful comment of this point:

*“No individual has the right to a particular view but there comes a point when, by virtue of the proximity, size and scale of a given development, a residential property would be rendered so unattractive a place to live that planning permission should be refused. The test of what would be unacceptably unattractive should be an objective test.”*

The Council is respectfully asked to consider the impact the large-scale development would have on the amenity of the neighbours that directly abut the site. The residents and objectors at Pas De Chat are greatly affected by the proposal as the entrance to these 14 dwellings runs along the full length of their garden and their main rear aspect will be severely dominated by a dense mass of development.

The site currently is set to pasture and visually is a green expanse of open countryside. The dwellings which back onto this site currently have clear views from windows; the owners of Pas De Chat have incorporated this benefit into the design of their home which features a balcony to one of the main bedrooms with seating area. These views of land which sit outside of the development boundary, currently poses no amenity issues, however with the introduction of 14 dwellings, overlooking and infringement on privacy is an unavoidable result. With respect there is no design which can prevent overlooking and privacy issues in this situation.



View from the balcony looking across what will be the main access road to the 14 dwellings.



View from existing balcony across the garden to where the development will be notably dense.

Objections are evident from a number of the dwellings which sit at the front of this proposed development. What is notable is that development within the village development boundary is not overly resisted and new development along Main Road has been permitted (based on the previous tilted balance appraisal).

This is largely accepted where it tends to fall within the village boundary or is on sites more akin to infill which do not greatly affect the open countryside. This proposal proves contrary to all of the principles applied to previously allowed development – it is clearly in the open countryside with no policy justification to support it.

The nearest neighbours will suffer unacceptable levels of harm to their daily amenity with levels of privacy affected which is unavoidable with the introduction of 14 dwellings which is inappropriate back land development in the open countryside. The proposal therefore does not accord with policies CS5 and CS7 of the Core Strategy and policies H5, H7, H8 and DS1 of the North Lincolnshire Local Plan.

## **2. Character of the Area**

Main Road is a traditional rural village single track road which is typified by mainly linear development with the occasional farmstead style courtyard development. The 2018 Sturton Nurseries development was assessed on the tilted balance and five residential dwellings was not deemed to overly compromise the character and appearance of the area. This respectfully did not 'pave the way' for estate style developments along this narrow village road. The proposal is actually a creation of an estate development in a small rural village in a back land location.

The grouping of 14 large dwellings in an urban arrangement does not complement the traditional rural village vista on Main Street and would become a dominant feature which surpasses the modest 5 dwellings approved on the tilted balance. Now with the housing policies in the Local Plan carrying full weight, there is no benefits posed by the scheme to outweigh the development of the open countryside with development which directly contradicts the historic characteristics of this village street.

The proposal therefore contravenes the principles contained in Local Plan Policy and also the Framework which seeks to encourage development which enhances a locality rather than that which destroys its key characteristics.

### **3. Highways and Drainage**

The objectors would rely on the Highways Authority as the professional body, to assess the severity of any harm created by the addition of 14 dwellings on this narrow road. But would wish to highlight the following:

- a. The road is narrow and of poor quality and is used heavily by farm traffic with large tractors and trailers manoeuvring between parked vehicles and the daily comings and goings of neighbours.
- b. There is one narrow footpath and this is a heavily used pedestrian walkway which is used daily by a number of walkers accessing the popular rights of way network located at the top of Main Street.
- c. Although the area is classed as low flood risk, the highways drainage team is asked to consider the recorded issues with surface water run off on Main Street. Residents have experienced flooding in recent years with damage caused to dwellings and I am instructed that flood damage is a real and worrying event for a number of residents along this street. The state of the road reveals an obvious issue with water with damaged pot holes which appear to be a source of underground water and blocked soakaways that sit low in the verges demonstrating the flow of the water. A natural spring is evident just to the east of the proposed site which clearly shows a natural flow of water down the incline of the street. This is an obvious existing issue and the concern is that the addition of 14 dwellings will direct additional surface water run off towards the road which will only make flood matters worse for neighbours.

Although technical highways assessment is very much the remit of the Highways Authority as the experts in this field, there is also a Highway impact in terms of amenity. There will be an increase in traffic experienced by residents of Main Street which will affect their levels of amenity, however the objectors living directly adjacent to the estates access will be greatly affected from the increase in traffic. A standard family home, on average has at least 2 cars and perhaps even more depending on the age of occupants. From 14 dwellings the traffic movements generated are significant and the movements will be a constant for the nearest neighbours. This will have a clear affect on their daily living conditions and the use of their garden, especially in the summer months.

#### **4. Ecology**

Objectors have voiced concerns with the loss of habitat for the wildlife they have come to enjoy. There are no protected species identified, however by the very nature of intense development of an open countryside location, for the local residents, the loss of the current wildlife they currently have is a real concern for them. This by itself may not be considered a material planning consideration by the Council but does however give weight to the principle that this open countryside location outside of the development boundary just is not suitable for this development.

#### **Conclusion**

The Council is respectfully asked to consider my client's real and prominent planning concerns in terms of the negative impacts as outlined above. The proposal fundamentally fails in principle and the Council is asked to take this into consideration and refuse the application.

For and on behalf of:

Mr and Mrs Drury representing the objectors from Main Street and Station Road.

**Angela Simmonds, Planning Consultant and Solicitor (non-practising).**  
**For and on behalf of Mark Simmonds Planning Services.**