

NORTH LINCOLNSHIRE COUNCIL

Town and Country Planning Act 1990

APPEAL BY QUDOS HOMES LTD

**AGAINST THE REFUSAL BY NORTH LINCOLNSHIRE COUNCIL TO GRANT
PLANNING PERMISSION TO ERECT 14 DWELLINGS WITH ASSOCIATED
ACCESS**

AT

LAND OFF MAIN STREET, STURTON, NORTH LINCOLNSHIRE, DN20 9DL

Local Planning Authority's Reference: PA/2021/1755

Planning Inspectorate's Reference: APP/Y2003/W/22/3312089

March 2023

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1. INTRODUCTION

1.1 This appeal relates to the refusal of planning permission (planning ref no PA/2021/1755) for 14 dwellings with associated access. The application was refused at planning committee on 2 November 2022 with the decision notice dated 3 November 2022.

1.2 The application subject to this appeal was refused on the following ground:

‘The site is located in the open countryside. The proposed development, due to its siting, design and layout, is considered to be out of character with the area and would result in demonstrable harm to the amenity of the locality. Accordingly, the proposal is contrary to policies DS1, H5 and H8 of the North Lincolnshire Local Plan, and CS5 and CS7 of the North Lincolnshire Core Strategy.’

2. APPEAL SITE AND PLANNING HISTORY

2.1 The site comprises 1.21 hectares and is a paddock containing a number of fruit and ash trees and hedges. It is known as locally as being within Sturton, and is closely related to Scawby. The site is outside the development boundary of Scawby, within the open countryside, and has a field access onto Main Street. The site wraps around the long curtilage of the neighbouring property to the east known as Pas De Chat, which is a dormer bungalow. The site is adjacent to the rear boundaries of Cobbles Close and Holmesfield on Main Street, and Tunbridge, Oberland and The Paddock on Station Road. It shares its western boundary with Sturton Cottages and the Sturton Nurseries site.

2.2 This area of Main Street comprises a mix of housing types and designs with traditional and more modern development. Traditional materials used on the older buildings comprise red brick and stone. To the north, opposite the site, is Home Farm, a late 19th century grade II listed building. To the south is Sturton Nurseries which is being redeveloped for 5 dwellings, and further

south is Manor Farm, a farming enterprise. The site is within flood zone 1 and in an area of archaeological interest.

- 2.2 There is no relevant planning history for the site. The site is allocated for housing in the emerging local plan under policy H1P-30 for 24 dwellings. The application site also includes land to the south that is not part of the housing allocation under H1P-30 and this area of land is also located in the open countryside in the new local plan. This matter will be discussed in later sections of the report.

3. **PLANNING POLICY**

- 3.1 The development plan for North Lincolnshire comprises three parts. These are those policies of the North Lincolnshire Local Plan (2003) (LP) which were saved by a direction of the Secretary of State in September 2007, the North Lincolnshire Core Strategy DPD (2011) (CS), and the Housing and Employment Land Allocations DPD (2016) (HELAP). The details of the relevant policies have been provided with the appeal questionnaire. The site is located outside the development boundary of Scawby within the open countryside.
- 3.2 The newly submitted Local Plan for North Lincolnshire Council was submitted for examination to PINS on 11 November 2022. Examination of the Plan has therefore commenced, although public hearing sessions are not anticipated until autumn 2023. Adoption of the new local plan is anticipated in 2024. Some of the application site in the new local plan is proposed to be located within the development limit of Scawby with some of the application site allocated for residential development (Policy H1P-30) for 24 dwellings in the new local plan. The relevant policies from the new local plan were sent with the appeal questionnaire.
- 3.3 The submitted new North Lincolnshire Local Plan can be given some weight as a material planning consideration in the determination of planning applications. The degree of weight given to these policies must be decided

according to paragraph 48 of the NPPF (July 2021). In this case there are a significant number of unresolved objections to a number of the policies in the new local plan that relate to this development. This includes significant objections to the proposed housing allocation on the site (Policy H1P-30). As a result, limited weight can be given to these policies in the new local plan at the present time.

4. STATEMENT OF CASE

4.1 In the current development plan for North Lincolnshire the site is located outside the development boundary of Scawby within the open countryside. The site is an open, grassed paddock area. The proposed development would introduce 14 substantial sized dwellings with associated accesses and hardstanding areas into the site resulting in the majority of the site covered by buildings. A modern residential housing will be formed on the site that will be out of character with the rural, spacious open character of the area. Furthermore the proposed development will be highly intrusive on the area. Policies RD2, H5 and DS1 of the LP and policies CS5 and CS7 of the CS together expect development to have a high standard of design that reflects or enhances the character, appearance and setting of the immediate area and the settlement as a whole. It is considered that the proposed development will not enhance the character, appearance and setting of this area of Sturton. As a result, the proposal is considered to be contrary to policies DS1, H5 and H8 of the North Lincolnshire Local Plan, and CS5 and CS7 of the North Lincolnshire Core Strategy.

4.2 The proposal is for 14 dwellings, which are primarily large, detached dwellings. One dwelling will be located on the site frontage with the remaining 13 dwellings located southwards into the site creating a backland form of development. A long access road creating a cul-de-sac will lead from Main Street, southwards into the site. This will create a harsh, urban feature into the green open countryside which will be highly visible from Main Street. This style of backland, cul-de-sac style of development is not characteristic of this area of Sturton which comprises mainly of more rural style dwellings set within

a pattern of frontage development. As a result, the development will create harmful encroachment into the open countryside creating a modern residential housing estate on this greenfield site that 'jars' awkwardly against the more softer, spacious surrounding rural area which comprises mainly frontage development, with dwellings facing Main Street. As a result, the proposal is considered to be contrary to policies DS1, H5 and H8 of the North Lincolnshire Local Plan, and CS5 and CS7 of the North Lincolnshire Core Strategy.

5. COMMENTS ON APPELLANT'S CASE

5.1 Only part of the site is allocated for residential in the new local plan through policy H1P-30. There is a significant area of the application site to the south that falls outside H1P-30 and outside the development limit of Scawby.

5.2 It is accepted that the council does not currently have a 5 year housing land supply of deliverable sites (5YHLS) and therefore the tilted balance set out in paragraph 11d of the NPPF applies to this case. The council does not consider that policies RD2 of the NLLP or policies CS2 and CS3 are out of date. It is accepted that these policies carry reduced weight due to the lack of the council's 5 YHLS, however these policies are still consistent with the NPPF. The appeal decision the appellant is referring to in para 6.3 of their appeal statement issued on 20 July 2022 (Ref: APP/Y2003/W/21/3278257), the Inspector clearly states that the policies are of 'reduced, but still significant weight.'

5.3 It is agreed that when the 'tilted balance' in paragraph 11d is triggered that 11di) does not apply to this proposed development as there are no policies in the Framework protecting areas of assets of particular importance on this development site. However when 11dii) is triggered, the council's position is that the harm that would be caused to the character and appearance of the area would significantly and demonstrably outweigh the fairly limited benefits of the development. Economic benefits would be limited during construction of the dwellings and 14 dwellings will not provide a high level of support for

existing facilities in Scawby. It should also be noted that 14 dwellings will make only a very slight contribution to the council's 5YHLS. The appellant during the application process reduced the scheme to 14 dwelling to avoid S106 contributions for education. The S106 contributions associated with the proposal are neutral in the planning balance as they are essentially required to mitigate the impacts of the development.

- 5.4 The council does not agree with the appellant that the development can be described as 'infill'. The application site is not surrounded by dwellings on all sides and the proposed pattern of development is not repeated elsewhere in Sturton. The development is considered to be a backland pattern of development and will be highly visible from Main Street and from adjoining residential properties. The development will cover the majority of this open, green paddock area with buildings completely eradicating the open, spacious and rural character of the site. The appellant has not carried out any formal landscape appraisal and has failed to substantiate the claim that *'development will not impact on any views enjoyed from public vantage points of the wider countryside. From Main Street the site would appear as an infill development. Therefore, the harm to the character of the countryside is considered to be very limited.'* The council contends that the proposal will introduce a harsh urban development into the open countryside creating encroachment which has a harmful impact on the open countryside.
- 5.5 The council contends that it has stated clearly and precisely the full reasons for the refusal, specifying all policies and proposals in the development plan that are relevant to the decision as set out in article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 5.6 The council disagrees with the appellant that significant weight can be given to the fact that part of the site is allocated for residential development in the new local plan (policy H1P-30). Paragraph 48 of the NPPF provides clarity on this matter. Whilst the emerging plan has been submitted for examination, no public hearings have yet taken place. There have been a number of

objections in relation to this proposed housing allocation (H1P-30) including an objection containing 50 signatures and therefore there are currently unresolved objections to this housing allocation along with the strategic housing policies in the emerging local plan. As a result, very limited weight can be given to this policy at the present time.

6. PLANNING BALANCE AND CONCLUSION

- 6.1 When the planning balance is applied to the proposal, the small benefits of development do not outweigh the demonstrable harm that would be caused by the development due to the adverse impact on the character and appearance open countryside in this part of Sturton. Therefore the presumption in favour of sustainable development does not apply to this case. There is no other justification for setting aside the conflict with the development plan and there are no material considerations that justify departing from the development plan in this case. The council respectfully requests that the Inspector dismisses this appeal.
- 6.2 If the Inspector is minded to allow this appeal, the council would wish the conditions set out in the committee report (Appendix 1) to be attached to the appeal decision notice. It should be noted that the appellant has previously agreed to all the proposed conditions set out in the committee report.