

PLANNING APPEAL

COTSWOLD FARM, CADNEY ROAD, HOWSHAM, NORTH LINCOLNSHIRE LN7 6LA

PLANNING APPLICATION PA/2022/2197

FULL STATEMENT OF CASE

1.0 INTRODUCTION

1.1 This Planning Appeal Statement has been prepared by Richard Alderson on behalf of The Douglas Partnership [“the Appellant”] to support an appeal following the refusal by North Lincolnshire Council [“the LPA”] to grant outline planning permission for 29 mixed houses with all matters reserved for subsequent consideration.

1.2 The application (LPA ref: PA/2022/2197) was refused by delegated powers on a notice dated 22.03.2023 on the following grounds:

1. The proposed development would be an unsustainable form of development as the site is within the open countryside outside of the defined development limits of Howsham and would not meet any of the exceptions noted for development in this countryside location. Howsham has very limited services and facilities and the proposal would increase the need to travel by private motor vehicle in order to access services and facilities for every day needs. The proposal is therefore contrary to policies CS1, CS2, CS3 and CS8 of the Core Strategy, policy RD2 of the North Lincolnshire Local Plan, and paragraph 79 of the National Planning Policy Framework.

2. The proposed residential development by virtue of its scale and location would substantially harm the intrinsic rural character of Howsham. It would therefore conflict with the requirements of policies RD2, H5, H7, H8 and DS1 of the North Lincolnshire Local Plan and policies CS3, CS5, CS7 and CS8 of the Core Strategy which collectively seek to ensure that new development is of a scale appropriate to its location and that it also does not harm the character of a settlement or the setting of an area. It would also conflict with paragraph 130 of the National Planning Policy Framework which seeks to ensure developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.

3. The proposal does not provide a surface water drainage and SuDs strategy and is therefore contrary to policy DS16 of the North Lincolnshire Local Plan, policies CS18 and

CS19 of the Core Strategy, and paragraphs 167 and 169 of the National Planning Policy Framework.

4. No ecological preliminary appraisal and biodiversity net gain metric has been submitted with the application. As a result, an assessment cannot be made on the impacts on any protected species on the site and if biodiversity net gain can be provided on the site. In the absence of this information the proposal is contrary to policy LC5 of the North Lincolnshire Local Plan, policy CS17 of the Core Strategy and paragraphs 174 and 180 (d) of the National Planning Policy Framework.

5. No noise assessment has been submitted with the application. As a result, a robust assessment of the noise impacts from surrounding and adjoining land uses on future occupiers of the proposed dwellings cannot be made. In the absence of this information, there are uncertainties in relation to noise impacts on future occupiers of the dwellings and therefore the proposal is contrary to DS1 and DS11 of the North

2. SITE & SURROUNDINGS



The site is a redundant intensive pig breeding unit on the edge of Howsham Village. In his response to the pre-planning application the officer confirms that the site is a brownfield site.

The site is well screened by mature hedging on 3 sides and open views to the existing housing on Cadney road to the east. At the north end of the site is a small lake which it is proposed to use for surface water drainage combined with a site-specific SUDS development.

The remainder of the site is currently covered in concrete and redundant buildings. The only non-hard surface area is the lake and associated grass bunding.

The nearest dwellings in the village are, to the east, 86 metres, 121 metres, 280 metres and 360 metres. This section of Howsham is similar to many villages in Lincolnshire where housing has been developed, through the decades, on land that became available, resulting in areas of housing interspersed with agricultural land.

The village does not have a recognisable centre of facilities, but the village hall and recreational ground are 800 metres east of the site. This compares with houses on Brigg Road which are up to 770 metres from these facilities, and houses on Kelsey Road are up to 500 metres from the same facilities.

Local centres for schooling, shop and medical facilities are found in Brigg, Caistor and Market Rasen. The larger towns of Scunthorpe and Grimsby both have comprehensive facilities including hospitals and higher education facilities.

The village is part of the parish of Cadney cum Howsham within the unitary authority of North Lincolnshire.

The area surrounding the site to the north, south and west is rural, gently undulating land allowing for sympathetic positioning of any new houses to blend in with the larger picture.

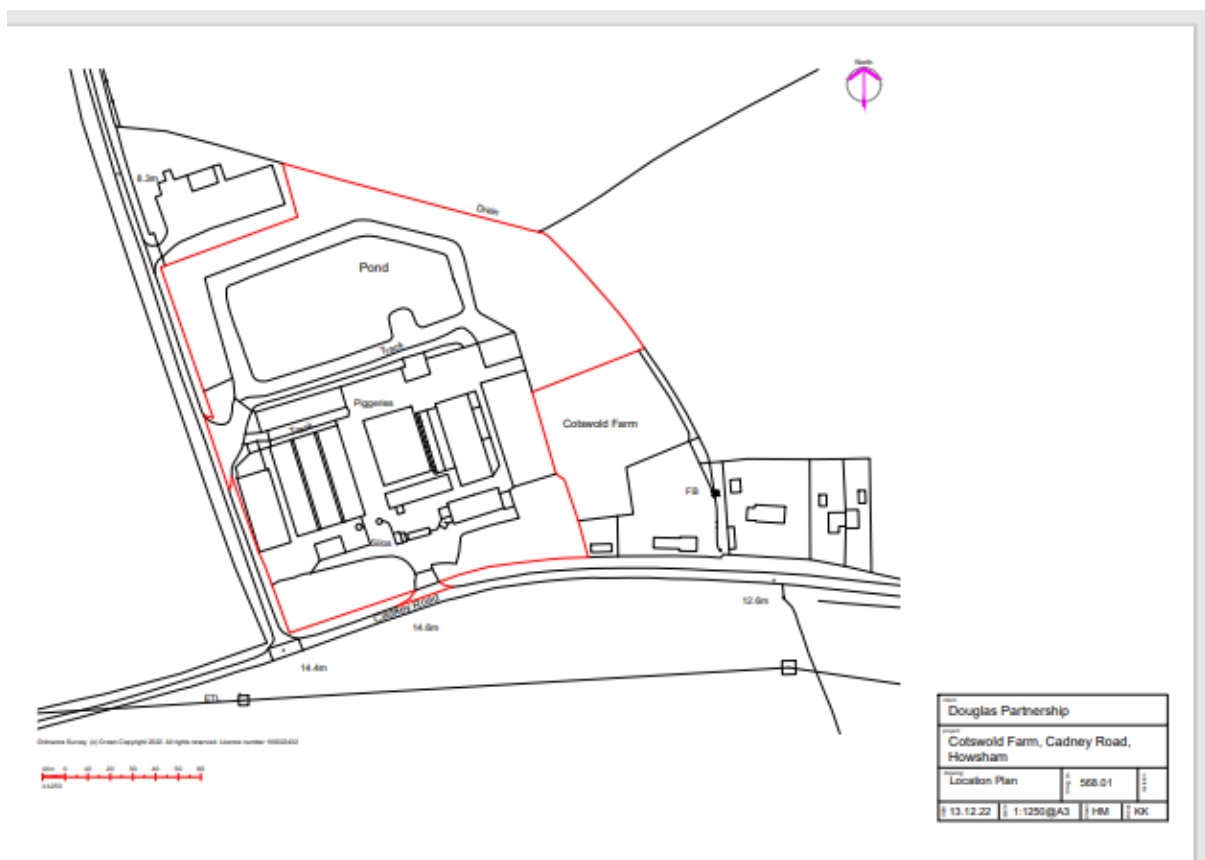


Figure 1: Location Plan (not to scale)

3 SITE PLANNING HISTORY

PA/2003/1479 Change of use Refused

PA/2004/0763 Change of use and demolition of 10 buildings Refused

4 PLANNING POLICY CONTEXT

Pre-application advice was requested from NLC and a comprehensive response was received. (PRE /2022/81)

The advice received set out the three dimensions of sustainable development, namely: Social, Economic and Environmental.

The advice pointed to Paragraphs 78-80 of the National Planning Policy Framework (NPPF), being relevant to all proposals for rural development.

78. In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this.

79. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.

80. Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;

b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;

c) the development would re-use redundant or disused buildings and enhance its immediate setting;

d) the development would involve the subdivision of an existing residential building; or

e) the design is of exceptional quality, in that it:

- is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and

- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

Planning law requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan is, therefore, the starting point for the assessment of all planning proposals. Development plan policies of particular relevance to this application are summarised below.

The planning officer in her delegated assessment under the heading **The Principle** says:

“NPPF Paragraph 11(d) states that housing applications should be considered in the context of the presumption in favour of sustainable development. Where the local authority cannot demonstrate a five-year housing supply of deliverable housing sites, relevant policies which were most important to determining the application should not be considered up to date. The council cannot currently demonstrate a 5YHLS and therefore this proposal triggers paragraph 11(d) of the NPPF. “

The delegated assessment continues to assess the application against 11(d) ii which states:

“granting permission unless:

ii any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

NPPF Paragraph 14 refers to the relevance and importance of the Neighbourhood Plan. There is no Neighbourhood Plan for Howsham.

The delegated assessment contends that the application “does not constitute sustainable development”.

A separate submission statement on Sustainability was sent to the council and was added to the application at the request of the case officer. This is included with the documents submitted with this appeal.

The delegated assessment accepts that there are:

“some modest level of economic, social and environmental benefits”

“The proposal would make a modest contribution to the 5YHLS and provide a mix of dwellings and a small number of affordable dwellings.

“ The proposal would remove the former pig buildings on the site” (See D&A Appendix)

The policies considered in the decision process were:

Core Strategy

CS2, CS3 and CS8 as not met.

CS9 and CS19 both met

The Local Plan

RD2, not met

T1, T2, and T8 not fully met, but “ *has the potential to create satisfactory access arrangements*”

DS16 met

NPPF

Para 11(di) met

Para 11(dii) not met on grounds of sustainability

The Decision notice cites three reasons for refusal as matters that would usually be covered in an application for Full Planning, viz:

No surface water drainage or SuDs submitted.

No ecological preliminary appraisal and biodiversity net gain metric

No noise assessment

NB None were requested

The application submitted is an Outline application with all matters reserved for subsequent consideration. Responses from the applicant via the agent are included in the documents supplied for this appeal.

The National Planning Policy Framework should be “read as a whole (including footnotes and annexes) and the application was submitted on that basis. The planning officers delegated assessment refers to 9 different chapters including chapter 11, Making effective use of land, where Paragraph 120 (c) states:

“Planning policies and decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.”

Inspection of the site will demonstrate how the application site meets most of those categories and match those descriptions.

Redevelopment for residential use is an opportunity to provide a place that will give the opportunity to give to the community an area to be proud of, whilst at the same time offering Biodiversity net gains, economic improvements and social enhancement.

5 GROUNDS OF APPEAL

Guidance for this application was sought and received from North Lincolnshire Council which revealed two important factors:

- i. The site is a brownfield site
- ii. The Local Authority does not have a 5 year housing supply

In addition we were encouraged to proceed with an application by the Ward councillor for Cadney cum Howsham, on the grounds that the site was a blot on the landscape and detrimental to the village. The D & A Appendix has good pictorial evidence to support this.

Despite the Parish Council objecting to the application, it was recognised that the proposed development would solve the problem of the negative impact the site currently has on residents.

The application meets the aims of NPPF chapter 11 paragraph 120 (c), Making effective use of land.

NPPF Paragraph 78 calls for planning decisions to be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable homes to meet identified needs, and consider whether allowing some market homes on these sites would help to facilitate this.

Paragraph 79 asks planning authorities to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a nearby village.

The Parish Council have recognised that Howsham is generally populated by older people, and new housing could attract younger families. This would lend support to Cadney and other local communities, particularly Brigg and Caistor market towns, and North Kelsey village.

Although the site is regarded as outside the development limits of Howsham, it is actually less than 100 metres from the neighbouring house, and only slightly more distant from the village community centre than houses at the two other edges of the village.

In the existing planning line for Howsham there is hardly any scope for enlargement, almost determining a limited future for the village. The application offers some affordable housing where there is currently none, either in Howsham or Cadney. The application also

“suggests” self-build houses. Local authorities are asked to monitor provision for this. According to North Lincolnshire Council’s own records, there are currently less than forty sites allocated in the whole authority area. Self-build houses would give a greater variety of design and size.

Public Response

There have been 3 responses from the general public, of which 2 were against and a third objected to this application but saw the merits of developing the site.

The applicant and the agent have both received messages of support on all the major grounds, social, economic, and environmental.

6 CONCLUSIONS

The application under consideration is an Outline application with all matters reserved.

Returning to the thrust of the NPPF, our Sustainability Statement set this out, and was submitted to NLC in response to their request. It says:

The NPPF and the concept of Sustainable Development

Paragraph 8. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and
- c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural

resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

To achieve sustainable development, the NPPF identifies that economic, social and environmental gains must be sought independently and in mutually supportive ways.

This statement will attempt to appraise the development proposal in respect of all three 'dimensions' of sustainable development as espoused by national planning policy and guidance.

The NPPF and 5 Year Housing Land Supply

Another dimension of the NPPF is its role in boosting the supply of housing in England. The 'Framework' requires local planning authorities to identify and keep up to date a deliverable five-year housing land supply.

Paragraph 74 of the NPPF "identify and update annually a supply of specific deliverable sites sufficient to provide 5 years' worth of housing against their housing requirements".

North Lincolnshire Council accept that they are unable to demonstrate a 5-year supply of deliverable housing sites.

The Economic dimension

Paragraph 79 of the NPPF states that in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby.

Paragraph 84 NPPF says: Planning policies and decisions should enable: a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.

Paragraph 85 of the NPPF states that: Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that

development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport).

Paragraph 120. Planning policies and decisions should:

- a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside;
- b) recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;
- c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.

The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist. In relation to rural housing, the NPPG identifies that: ...it is important to recognise the particular issues facing rural areas in terms of housing supply and affordability, and the role of housing in supporting the broader sustainability of villages and smaller settlements. A thriving rural community in a living, working countryside depends, in part, on retaining local services and community facilities such as schools, local shops, cultural venues, public houses and places of worship. Rural housing is essential to ensure viable use of these local facilities.

Paragraph 149. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;

- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: – not have a greater impact on the openness of the Green Belt than the existing development; or – not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

The proposed scheme is a 'wider opportunity' for growth, (i.e. a 'windfall'), that has the ability to contribute to promoting the use and ultimately the retention of local services and community facilities as intended by the above facets of national planning policy and guidance. Further, employment will be created for local persons and businesses involved in the physical construction of the development. In addition to the future residents, any construction workers and local trades will also make use of local services and facilities during the construction period. In the long-term it is likely trades people will be required to help maintain the properties, including garden maintenance and other work.

The existing bus services will benefit from an enhanced market which may lead to an expansion of the services now available.

Cadney and Howsham and other neighbouring communities, including Brigg, Caistor, North Kelsey and North Lincolnshire Council area will all benefit economically from this proposed development.

This is an opportunity for long and short-term economic gains for this community which will be considered also under the Social Objective. It also gives the chance to build 29 new homes in an eco-friendly and sustainable way, reducing the cost of living through improved building techniques such as modern insulation, faster construction methods and incorporating self-generating power through incorporation of solar roof panels as

part of the build, and every dwelling to include charging points for electric powered vehicles. Provision will be made for bicycles. There are already local people who commute to Brigg by bike.

The Environmental dimension

Within the countryside, development will only be permitted in exceptional circumstances and subject to a proven justifiable need. The intention of Policy CS2 is to prevent unsustainable patterns of development across the LA area, in part to off-set the negative environmental consequences of further reliance on the private motor vehicle. It is accepted that this site, given its location outside of any defined development boundary, falls within an area designated as ‘countryside’ but is a brownfield site in need of redevelopment. This sits comfortably within the wording of Core Strategy Policy CS2.

The application site is in close proximity to Brigg and Caistor, both centres where most services are available. Distances to travel to nearby communities are:

Brigg	4.3 miles	Most services and employment
Caistor	5.8 miles	Schools, Shops, Work opportunities
North Kelsey	2 miles	Shop including Post Office, School
Market Rasen	10.5 miles	All services except Banks plus train services
Barnetby	3.7 miles	Many services, school plus train services

Local bus services, and “demand” bus service operate, and the Village Hall and children’s play area are both centres of activity for the wide variety of entertainment on offer. More residents will increase usage of these facilities, adding to their sustainability.

The site is safe with no flood risk, in a clean air environment which will not be harmed by eco-friendly house designs. Rather, the development will be an encourager for existing residents to explore improvements to their properties.

The site is 86 metres from the next house in Howsham and 121 metres from the second house. The site is not remote.

Whilst it is accepted that not all facilities and services are readily available on foot, the NPPG recognises that the private motor vehicle remains a necessity in some rural locations:sustainable transport solutions will vary from urban to rural areas and,

.....different sustainable transport policies and measures will be required in different communities.

For reference see Planning Appeal APP/L2630/W/15/3003743 a proposal for 7 houses in South Norfolk. Here the main issue was the suitability of the site for housing having regard to the principles of sustainable development. Many residents highlighted the limited access to local facilities and services. The Inspector deemed, *“in this instance, that while there were a lack of services and facilities available within the immediate vicinity of the site, the NPPF: 24.(now para 85)...recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas and account needs to be taken of this. Even though future residents are likely to rely on the private car to meet most needs, the nearest towns ... are only about 3-4 miles away. Journeys to these locations would be short and this is a significant factor in assessing the sustainability of the appeal site.”*

In another example, this time taken from an appeal in Breckland (APP/F2605/W/16/3148954 - Appendix 2) and where the main issue was again access to services and facilities, the Inspector stated in their decision:

“The site is in the countryside, outside any defined settlement boundary. The proposal conflicts with the approach of Policy CP14. The dwellings would not be isolated in that there would be other dwellings and buildings nearby. They would be remote from towns and villages where services, facilities and employment are focused. It is likely that their occupiers would be reliant on journeys by car, at least for the most part. The Framework promotes sustainable transport modes including walking, cycling and public transport. However, it also recognises that opportunities to maximise their use will vary from urban to rural areas. “

Since these appeals, work patterns have changed, with a considerable number of people who chose to live in rural areas now have the opportunity to work from home, if not completely, many workers now only visit their employer's place of work on one or two occasions a week. This is the case with many employers in North Lincolnshire, including North Lincolnshire Council.

Biodiversity gain

The existing hedges to the South and West of the site already provide good cover for a variety of fauna, nesting birds, bats, bees and other pollinators. The plan is to retain the same level of hedge, planting in another area to replace any lost in the redevelopment.

The presence of the former lagoon to the North offers opportunities for waterfowl, swallows and other birds. Ducks are already present following the cessation of pig production.

The Parish Council, whilst objecting to the application, realised that the proposals offer an opportunity to get rid of an eyesore and area of dereliction, totally out of character for Howsham.

Working with local specialists the application site can provide a very good place for people and flora and fauna to thrive side by side. A requirement for a biodiversity plan can be a planning condition if the application receives approval.

The Social Dimension

There have been very few houses built in Howsham in recent years, although permission was granted for two dwellings in late 2022. Another house is currently under construction. None of these will be affordable houses, but this application offers the opportunity for three affordable dwellings. This fits well with national and local policies and will give the opportunity for younger families to buy or rent. All the properties will have private gardens, and an additional Green Space is proposed at the centre of the development. In addition, there is a village play and recreational area a 10 minute walk away.

A mix of market and affordable homes works very well in a rural setting, and there are examples of this in nearby villages.

The site also contains a small lake at the north end, with a circular walk. This feature will play an important part in the drainage strategy for the development, as well as providing a very pleasant area for relaxation and enjoyment.

Strategic planting is proposed to increase the biodiversity as well as screening to the north and east between the site and neighbouring properties, ensuring maintenance of privacy for the existing residents.

Howsham does have community activities, particularly using the Village Hall and recreation field and play areas. These activities will benefit from new housing and additional residents from a mixed range of ages and family sizes. There will be opportunities for further social activity with a larger, younger, population. With the continuing trend towards working from home, enabled by willing employers, lessens the concern over additional vehicle movements at peak times. In any event, there are three directions of travel from the site. A traffic survey and report are provided as a separate document.

Young families will have options for children's education, with a primary school only 2 miles distant in North Kelsey and secondary schools in Brigg, Caistor or Market Rasen. Local colleges in Scunthorpe, Grimsby and Lincoln provide transport for students across the district.

Residents will have a good choice of activities in the nearby centres of Brigg, Caistor and Market Rasen. Bus services are available although limited. But there is a demand bus service that operates satisfactorily. This is available for carriage to local destinations of their choice. This includes access to train services from Barnetby or Market Rasen, and extended bus services available from Brigg and Caistor, all providing links to any destination in the UK. Humberside Airport is 10 miles distant offering daily services to Amsterdam, for flights to worldwide destinations.

Summary

The parish of Cadney cum Howsham has seen a reduction in population in recent years . The population of Howsham peaked in the mid-19th century. The Parish Council at the meeting on January 18th 2023 recognised that the residents of Howsham were mostly elderly. The list of positives for the residents of Howsham were agreed that the development would:

1. Clean up a derelict site
2. Increase the parish precept
3. Reduce the average age of the residents of Howsham
4. Provide some Affordable Housing
5. Help local businesses and trades people.
6. Increase social cohesion in the parish.