

THE DOUGLAS PARTNERSHIP

The Old Rectory, Croxby, Market Rasen, Lincolnshire. LN7 6BW

**RESPONSE TO NORTH LINCOLNSHIRE COUNCIL REPORT DATED
SEPTEMBER 2023 RE APPEAL BY THE DOUGLAS PARTNERSHIP AGAINST
THE REFUSAL BY NORTH LINCOLNSHIRE COUNCIL TO GRANT PLANNING
PERMISSION FOR 29 MIXED HOUSES WITH ALL MATTERS RESERVED FOR
SUBSEQUENT CONSIDERATION AT COTSWOLD FARM, CADNEY ROAD,
HOWSHAM. LN7 6LA**

Appeal reference: APP/Y2003/W/23/3320270

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INTRODUCTION

This is a response to the Statement of Case received from the Planning Inspectorate on 14th September 2023. This document has been prepared by Richard Alderson on behalf of the Douglas Partnership.

The responses will be referenced to the paragraphs in the document submitted by North Lincolnshire Council (NLC), and the Full Statement of Case submitted (DP) when the appeal was lodged on the 13th of April 2023.

RESPONSES

NLC 1.3 “does not provide a surface water drainage and SUDS strategy”

DP 2. “At the north part of the site is a small lake which it is proposed to use for surface water drainage combined with a site-specific SUDS development.

NLC1.4 “no ecological preliminary appraisal and bio-diversity net gain metric was submitted”

NLC 1.5 “No noise assessment has been submitted”

DP page 5 None of the above reports/strategies were requested. “The application submitted is an outline application with all matters reserved for future consideration”

NLC 2.1 “ the site is not a greenfield site”

DP 5. “Guidance was sought and received from North Lincolnshire Council which revealed:

“The site is a brownfield site”. Evidence of this advice was submitted with the application and the appeal.

NLC 2.1 “The site is classified as Grade 3 Agricultural Land”

DP 2. “The remainder of the site is covered in concrete and redundant buildings. The only non-hard surface area is the lake and associated bunding”

NLC4.1 “ Howsham... is ranked 46th out of 86 in the council’s settlement survey 2019”

Appellant comment. This shows the extent of rurality in North Lincolnshire as Howsham is just below half way on the list with a further 39 communities with less facilities.

NLC4.4 “The council can now demonstrate a 5 YHLS of deliverable sites”

DP Whilst this is not contested here, however this was not the situation when the application was refused.

Appellant comment.

The five year housing supply includes:

35 houses in Sandtoft which is 62nd in the settlement survey.

7 in Cadney which is 60th in the Settlement survey

6 in Redbourne which is 47th in the settlement survey

6 in Graizelound which is 74th in the settlement survey

NLC 4.8, NLC4.9, NLC4.10 and NLC4.11 Reasons for refusal 3

DP page 5 See response to NLC 1.3, NLC1.4and NLC1.5

Appellant comment. It was made clear in Section 2. site and surroundings that Surface water drainage and SUDS had been referenced in regard to the small lake at the north end of the site.

NLC5.1 “The site is not considered to be previously developed land.”

DP2, Site & Surroundings states: “In his response to the preplanning application the officer confirms that the site is a brownfield site”.

Appellant comment. This response from the planning officer pre-dates the NLC but gets no mention or explanation in this final response from NLC.

NLC5.4 “ material considerations put forward by the appellant do not justify overriding planning policy”

Appellant comment. Presumably there will be a site visit.

NLC5.7 “no additional information has been submitted”

Appellant comment. Would that have altered the Council’s decision?

NLC5.8 “The public did respond to the application and there were three responses, 2 objecting. The Parish Council also objected. “

DP5. “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”

Appellant comment. The level of objections was very low, The Parish Council saw the benefits.

NLC5.9 “ The council reiterates that it can now demonstrate a 5 YHLS”

DP6 “The NPPF and 5 year housing land supply”

“NLC accept that they are unable to demonstrate a 5 year supply of deliverable housing sites”

Appellant comment. This was the case at the point of refusal and at the submission of the appeal. The 5 YHLS has only been recently achieved. The plan to achieve this was announced on the 11th of August 2023.

NLC5.12 “Howsham only has a village hall and play area”

Appellant comment. That they have signed a Section 106 agreement that will provide funding for improvements at the village hall and play area, as well as to other services, namely local education and health services currently used by Howsham residents.

NLC6.4 “Paragraph 2 of the NPPF (2023) states that, ‘Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise’. In this case the council’s position is that there are no material considerations in this appeal case that override the planning policies for the site and the proposed development. The proposal has very few benefits and when the planning balance is applied, overall the proposal would conflict with the council’s strategic policies and would result in demonstrable harm to the character and appearance of the open countryside and Howsham. The proposed development is an unsustainable location and would increase the need to travel by private motor vehicle in order to access services and facilities for everyday needs. Furthermore there is a lack of information/evidence submitted in relation to drainage, ecology/biodiversity and noise matters and therefore it has not been demonstrated that the proposal is acceptable in drainage, ecology/biodiversity and noise matters”

Appellant response to NLC6.4

Both the appellant and the Local authority are aware that at the time of submission of the original application that, according to NPPF Para 11d

“where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. 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.

SUMMARY

The Appellant strongly believes that the proposal to redevelop the site will bring benefits to the whole community of Howsham and the wider parish of Cadney cum Howsham.

The arguments for the Economic and Environmental Dimensions are made in the documents already submitted to the Inspectorate.

North Lincolnshire Council state that there are no material considerations. Their statement at 5.3 states that “paragraph 11d of the NPPF is no longer triggered because 5 YHLS can be demonstrated. This appeal is against the Council’s decision on the 20th of March 2023.

We contend that there will be many material benefits for the community of Howsham and the immediate area. This is an opportunity for improvement to the environment.

The Appellant respectfully asks that the Inspector grants this appeal.