



Appeal Decision

Site visit made on 16 May 2023

by A Hunter LLB (Hons) PG Dip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 November 2023

Appeal Ref: APP/Y2003/W/22/3312089

Land off Main Street, Sturton, Brigg DN20 9DL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Tom Strawson of Qudos Homes Ltd against the decision of North Lincolnshire Council.
 - The application Ref PA/2021/1755, dated 29 September 2021, was refused by notice dated 3 November 2022.
 - The development proposed is erection of 14 dwellings and improvements to vehicular access.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. A planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (the Agreement) is before me. This is dated 5 April 2023 and is signed by the appellant, relevant landowners, and the Council. The Agreement secures financial contributions towards affordable housing, open space, recreation, and Biodiversity Net Gain (BNG). I shall return to the Agreement later.
3. The Council has advised of an emerging plan; North Lincolnshire Local Plan Submission, dated November 2022 (NLLPS). This Plan has yet to be examined and I have been made aware of unresolved objections to it. I therefore attach limited weight to the NLLPS in my decision.
4. During the determination of this appeal, I was made aware by the Council that its supply of housing position has changed, they now have a 5-year supply of housing equating to 6 years and 10 months and the Housing Delivery Test shows 113% of its required housing has been delivered in the 3 years up to 2021, set out in the North Lincolnshire Council Five Year Housing Land Supply Statement, dated August 2023. The appellant has had the opportunity to comment on this, and the appeal has been determined on this basis.
5. The Council's reason for refusal makes reference to the site being within the open countryside. However, its reason for refusal does not relate to the suitability of the site for housing, nor has the Council raised any objections in this regard. Consequently, that issue is not disputed by the Council, and it is not necessary for me to assess that within my decision.

Main Issue

6. The main issue with the appeal is the effect of the proposed development upon the character and appearance of the area, with particular regard to its siting, design and layout.

Reasons

Character and Appearance

7. The appeal site is located within the countryside and comprises paddocks mainly used for grazing horses, most of the appeal site is located behind existing properties that front onto Sturton's two key roads, Main Street and Station Road. The grassed paddocks include trees and hedging predominantly along their boundaries. In this immediate area the dwellings are a mixture of single and two storey properties, in a variety of styles, and mainly face onto the road with generous plot sizes and spaces between them. This, alongside the low density in this immediate area allows views between buildings into the appeal site. Thereby creating an open and rural character in this edge of settlement location. The appeal site also includes a strip of land that has a frontage onto Main Street, opposite is Home Farm a grade 2 listed building.
8. Although there has been some limited development undertaken/being constructed behind existing properties, including Sturton Gardens, most of the properties in the immediate area are street frontage and development in depth, such as this, would be contrary to the established pattern of dwellings. Whilst there are also other residential developments much further away in Scawby (conjoined with Sturton) in the form of cul-de-sacs, such as those off Gainsborough Road, the character and form of Sturton is distinctly different to those areas.
9. Plot 1 would adjoin the proposed new access and face onto Main Street. Despite one adjoining property, Pas de Chat, being set back away from Main Street, the proposal would broadly continue the building line of frontage development along the road. However, the particularly long, narrow, and straight new access road to one side of plot 1 would be visually jarring when viewed from Main Street. Whilst plot 2 would face onto the access road, it would have an uncharacteristic small plot depth. In addition, the varying positions of properties facing onto the new cul-de-sac, partly due to the differing rear boundaries of adjoining properties, would be at odds with the relatively simple arrangement of properties in the area. This includes plot 12 that would be partly located behind other properties appearing in a tandem form with plot 13.
10. The proposed internal roadway features corners, with many of the proposed dwellings would also uncharacteristically have more than one of their elevations facing onto the new road. The varying setbacks and alignment of properties in relation to the new road, combined with the overly contrived internal road design would not create a legible form of development. Whilst planting has been proposed within the plots, it would not address the inappropriate siting and layout of the proposed dwellings.
11. The large scale of some of the proposed individual house types, particularly types C1, C2 and E, are out of character with the scale of most of the surrounding properties and harmfully contrast against the adjoining single

storey properties, including those on Station Road. Furthermore, some of the detail of their designs, such as the excessive fenestration on the C1 and C2 house types is not locally distinctive, neither is the design of the E house type, with its opposing front facing gables and linked section between them. It is acknowledged that there is some other modern housing near to the appeal site, but its design is relatively simple, and its scale and form is mainly in keeping with the area.

12. Notwithstanding the limited views from public footpaths, the introduction of so many large two-storey detached properties, parts of which would be visible from Station Road and Main Street, both between and above some of the existing single storey properties, would create a scale and form of development that did not respect the surrounding area. The change in character from an open undeveloped paddock to residential development, including its associated outbuildings and hardstanding areas, said to comprise 48% of the site's area, would urbanise this undeveloped land. For the same reasons, the scale and design of the proposals would also harm the interface between the countryside and the village by creating taller and more prominent buildings beyond the edge of the existing settlement, which would not be adequately mitigated through new planting.
13. The low density of the proposed dwellings; the proposed mix of housing, containing predominately detached houses; along with the proposed external materials, would be broadly reflective of the character and appearance of the immediate area and the properties within it. Whilst I did not find harm in this respect, these matters do not outweigh the above identified harm to the character and appearance of the area.
14. I therefore conclude that the proposed development would be harmful to the character and appearance of the area, and conflict with the relevant parts of Policies DS1, H5 and H8 of the North Lincolnshire Local Plan, adopted May 2003 (NLLP) and Policy CS5 of the North Lincolnshire Local Development Framework, Core strategy, adopted June 2011 (CS), which amongst other things require new residential development to be well-designed and for its layout and scale to both respect and reflect the settlement as a whole, including existing buildings and spaces. In addition, the proposed development is inconsistent with paragraph 130 of the Framework, that seeks development to function well and add to the overall quality of an area, be visually attractive and sympathetic to the local character.
15. The proposal also conflicts with the relevant requirements of Policies DM1 and SS3 of the NLLPS, which amongst other things, require development to be of high quality and respect and enhance the character and local distinctiveness of the area.
16. The Council referred to Policy CS7 in their reason for refusal. Policy CS7 of the CS is mainly focussed on housing provision across North Lincolnshire, although it does require a density range of 30-35 dwellings per hectare for new residential development in rural settlements, but this is dependent upon the character of the area. In this location the lower density of the proposal is reflective of the area. Consequently, I did not find the proposal to conflict with Policy CS7 of the CS.

Other Matters

17. As I am dismissing the appeal due to the identified harm above to the character and appearance of the area, it is not necessary for me to assess the contributions within the Agreement.
18. There are two listed buildings near to the site, Home Farm is opposite the proposed access and Manor Farm is located elsewhere on Main Street, said to be approximately 100 metres from the appeal site. Planning (Listed Building and Conservation Areas) Act 1990, S66(1) requires that when considering whether to grant planning permission for development which affects the setting of a listed building, I am required to have special regard to the desirability of preserving that setting. Paragraph 199 of the Framework also requires me to give great weight to the conservation of the setting of listed buildings.
19. Home Farm is a double fronted farmhouse that faces onto Main Street, it has a generous set back from the road and is located near to traditional outbuildings. The appeal site is mostly located some way from Home Farm, with only the proposed access and plot 1 opposite it. However, given the separation between them, and the intervening road, together with plot 1 being designed in a form that respects the traditional vernacular of Home Farm and the nearby traditional buildings, the proposal will preserve the setting of Home Farm consistent with my duty under S66(1). Owing to the distance from the appeal site, and the intervening roads and buildings, the proposal is not considered to affect the setting of Manor Farm.
20. The appellant has referred to an earlier appeal decision¹ on land at Brigg Road, Messingham. That appeal was allowed despite harm being identified to the character and appearance of the area, as the presumption in favour of sustainable development was engaged in accordance with Paragraph 11 d ii) of the Framework. The Council did not have a 5-year supply of housing at that time. Although there are some similarities between that appeal and the appeal proposal before me, in this case the Council has a 5-year supply of housing and paragraph 11 d ii) is not engaged in the same way. Consequently, the determination of this appeal is not entirely comparable to the earlier appeal decision, and I attach limited weight to it.
21. The appellant has stated that the proposal will boost housing supply and add to North Lincolnshire's overall housing supply; provide accessible homes for the elderly and free up local homes, allowing other residents to stay in the village; it would support the vitality of the rural settlement; it is said to be in a well-connected area, in respect of transport, local services and facilities; that the proposal would contribute to the local economy, including through its construction phase; that it will include significant new tree, hedge and shrub planting; provide a BNG contribution; and make an affordable housing contribution. These arguments are acknowledged, but given the limited scale of the proposed development, these benefits are tempered, and the contribution to the overall supply of homes in North Lincolnshire would be a limited. I therefore attach modest weight at most to these points collectively.
22. It is stated by the appellant that the application had been recommended for approval at the Council's Committee meeting. This is noted, but the decision of the Council was to refuse the application, and that decision forms the basis of

¹ Ref: APP/Y2003/W/21/3278257

the appeal. Furthermore, it is acknowledged that part of the appeal site is proposed as a residential allocation in the NLLPS. However, the NLLPS is yet to be examined and the Council has made me aware of significant objections to the proposed allocation. Accordingly, this attracts limited weight in my decision.

23. It is acknowledged that that the proposal is said to provide contributions to community and recreational facilities; contributions to Council revenue from local tax and government grants; that there are no technical consultee objections to the proposal in regard to highways, drainage, environmental health, trees, heritage, ecology and emergency services; the proposed dwellings would not overlook existing properties or harm the living conditions of neighbouring occupiers; that the properties would be energy efficient and they are designed to reduce crime risks; and that there would be adequate parking and turning for vehicles provided. However, the contributions referred to are to mitigate the effects of the proposed development, these and the other matters are all likely to be requirements of any well-designed housing scheme, as such these points combined are neutral matters that neither weigh in favour or against the proposal.

Planning Balance

24. It is suggested by the appellant that the most important policies for determining this appeal should be considered out-of-date for the purposes of paragraph 11 d) of the Framework. There is no dispute between the main parties that the council can demonstrate a five-year supply of deliverable housing sites and therefore paragraph 11 d) is not automatically engaged. Paragraph 219 of the Framework confirms that policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework.
25. The most relevant policies for determining this appeal are Policies DS1, H5 and H8 of the NLLP and Policy CS5 of the CS. I have not referred to Policy CS7 in this regard as I did not find the proposal to conflict with it. Both the NLLP and the CS were adopted more than 5 years ago and whilst the NLLPS is emerging, for the reasons outlined above it has limited weight.
26. Paragraph 130 of the Framework requires development to add to the overall quality of the area and be visually attractive, furthermore paragraph 134 states development that is not well designed should be refused, and paragraph 131 encourages tree lined streets in new housing developments.
27. Policy DS1 of the NLLP addresses development standards generally, in regard to character and appearance, it requires a high standard of design for new development in all areas. Policy H5 of the NLLP is focused on new housing, it also states development should be in scale and character with existing settlements, and the relevant parts of Policy H8 of the NLLP requires that the scale, massing, design, and form of the development to respect and reflect the local environment. Policy CS5 of the CS seeks well designed development to enhance the overall quality of design in North Lincolnshire and encourages planting and landscaping within new developments. In view of the above, I find the relevant policies of the development plan to be consistent with the Framework.

28. The appellant has argued that the development plan policies relating to the location of the proposed development are out of date and are not consistent with the Framework. However, there is no dispute between the main parties regarding the location of the proposal and that matter is not before me.
29. I acknowledge that there is a legal requirement for all local plans to be reviewed to assess whether they need updating at least once every five years. However, there is nothing to suggest that the failure to do so would result in policies being automatically considered out of date. In this case, I find the relevant policies relating to the appeal proposal to be broadly consistent with the Framework and I attach full weight to them. Accordingly, I do not consider paragraph 11 d) to be engaged and the proposal does not benefit from the presumption in favour of sustainable development.
30. The benefits of the proposal are clearly set out above. Set against them, for the reasons I have already explained, the proposed development would introduce a new housing that would be harmful to the established character and appearance of the area and conflict with policies of the development plan. Whilst I acknowledge the benefits from the proposed development, which given the scale of the development can be considered to be modest, I do not consider them to collectively outweigh the identified harm to the character and appearance of the area and the conflict with the development plan and the Framework. Even had the presumption in favour of sustainable development been engaged, the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies of the Framework taken as a whole.

Conclusion

31. For the reasons given above, and having considered all matters raised, I conclude that the proposal conflicts with the development plan taken as a whole, there are no material considerations of sufficient weight, including the Framework, which indicate a decision should be made other than in accordance with the development plan. The appeal is therefore dismissed.

A Hunter

INSPECTOR