



## The Planning Inspectorate

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Mrs L Morton  
North Lincolnshire Council  
Development Control  
Planning Dept  
P O Box 42, Church Square House  
Scunthorpe  
N Lincs  
DN15 6XQ

Your Ref: PA/2008/0676  
Our Ref: APP/Y2003/A/08/2086108/WF  
Date: 12 January 2009

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Dear Mrs Morton

**Town and Country Planning Act 1990**  
**Appeal by Mr A Graves**  
**Site at Land Off Holland Place, Marsh Lane, New Holland, Barrow-upon-**  
**humber, DN19 7PY**

I enclose a copy of our Inspector's decision on the above appeal.

Leaflets explaining the right of appeal to the High Court against the decision, our complaints procedures and how the documents can be inspected are on our website - [www.planning-inspectorate.gov.uk/pins/agency\\_info/complaints/complaints\\_dealing.htm](http://www.planning-inspectorate.gov.uk/pins/agency_info/complaints/complaints_dealing.htm) - and are also enclosed if you have chosen to communicate by post. If you would prefer hard copies of these leaflets, please contact our Customer Services team on 0117 3726372.

**If you have any queries relating to the decision please send them to:**

**Quality Assurance Unit**  
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**E-mail: [complaints@pins.qsi.gov.uk](mailto:complaints@pins.qsi.gov.uk)**

Yours sincerely

*Christopher Salmon*

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# Appeal Decision

Site visit made on 15 December 2008

by Peter Eggleton MRTPI

an Inspector appointed by the Secretary of State  
for Communities and Local Government

The Planning Inspectorate  
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Decision date:  
12 January 2009

**Appeal Ref:** APP/Y2003/A/08/2086108

*Holland Place, Marsh Lane, New Holland, Barrow-Upon-Humber DN19 7PY.*

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr A Graves against the decision of North Lincolnshire Council.
- The application Ref PA/2008/0676, dated 9 March 2008, was refused by notice dated 22 August 2008.
- The development proposed is a detached dwelling.

## Decision

1. I dismiss the appeal.

## Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the countryside.

## Reasons

3. Policy ST3 of the Local Plan states that development outside development boundaries, which is the case with this proposal, will be considered as development in the open countryside. The proposal does not meet the requirements for development in the countryside and is therefore contrary to this policy. It also fails to satisfy the requirements of Policy H1 which has similar requirements for considering development in the countryside. The proposal does not fall to be considered under Policy ST2 as this relates to development within the settlement boundary.
4. Under certain very specific circumstances, Policy H13 allows for exceptions to normal planning policies on sites adjacent to minimum growth settlements, if a proven need exists for affordable housing. I have not been provided with evidence of affordable housing need or an assessment of why such a need could not be met within this or nearby settlements. I have not been provided with a legal agreement, as required by the policy, to ensure that a new dwelling would be affordable within the terms of the policy and would remain so. The proposal fails to satisfy the requirements of this policy.
5. To allow development contrary to the development plan would undermine the restraint policies of the Local Plan unless there were very clear and compelling benefits that outweighed the policy objections and any harm that would result. Without such benefits it would be difficult for the local planning authority to resist similar proposals which would lead to unsustainable patterns of

development and harm to the character and appearance of the countryside and the setting of existing settlements.

6. It is suggested that this proposal would have development all around it and not be visible in longer views. I do not find this a compelling argument as it could be applied to many different areas around this and other settlements where fragmented and more sporadic urban form exists beyond the development boundaries. Reference has been made to Green Belt policies but these are not relevant to this proposal. It is claimed that the settlement policy boundary is drawn too tightly. I have no reason to believe this to be the case but in any event, it is a matter that should be addressed through the Local Development Framework process rather than on an application by application basis.
7. The adjacent site is designated under *Policy LC11 - Areas of High Amenity Importance* and it also lies outside the settlement boundary. This has been developed for housing. I have not been provided with any details of the reasons for permission being granted. However, apart from being outside the settlement boundary the two sites have little in common. I am not satisfied that it offers any support for this proposal. I have also been advised that two dwellings, 50 metres from the site, were allowed in a back garden. I have not been provided with any information relating to this so I am unable to take it into account.
8. Reference has been made to the personal circumstances of the appellant including his history of residence in this village and his desire to remain. I have also been advised of concerns relating to subsistence associated with his existing house. A suggestion has been made that if this property were to be built, an affordable dwelling would be released for use by others on the housing register. I find no certainty in this offer and I have no details relating to the condition or tenure of the appellant's property.
9. I have been provided with evidence to demonstrate that houses were previously located on this site. These have been absent for many years but their foundations and some services remain. Given the time that has elapsed, this proposal cannot be considered under Policy RD10 which relates to replacement dwellings. It may cast doubt as to whether the land is greenfield or brownfield but this does not weigh heavily in favour of the proposal given that there is no policy support for brownfield development in the countryside.
10. The Environment Agency has objected to the proposal with regard to flood risk. This matter has not been addressed by the appellant but given my overall conclusion this is not a matter on which my decision would turn. It does however add to my concerns. I conclude that the proposal would result in harm to the character and appearance of the countryside. Whilst some of the matters put forward by the appellant weigh in favour of the proposal, they are not sufficient to outweigh my concerns or the policy objections. I therefore dismiss the appeal.

*Peter Eggleton*

INSPECTOR

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