



Appeal Decision

Site visit made on 4 July 2017

by **Andrew McCormack BSc (Hons) MRTPI**

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

Decision date: 17 August 2017

Appeal Ref: APP/B2002/W/17/3171223

Waltham Veterinary Clinic, Grimsby Road, Waltham DN37 0PR

- 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 P Strawson against the decision of North East Lincolnshire Council.
 - The application Ref DM/0579/16/OUT, dated 9 June 2016, was refused by notice dated 3 February 2017.
 - The development proposed is residential development including access, landscaping and swales.
-

Decision

1. The appeal is allowed and outline planning permission is granted for the erection of 14 dwellings with access and drainage to be considered (amended plans October 2016), in accordance with the terms of application Ref: DM/0579/16/OUT, dated 9 June 2016, and subject to the conditions set out in the schedule attached to this Decision.

Procedural Matters

2. The original application sought outline planning permission with access, drainage and landscaping to be considered and all other matters reserved. Accordingly, I have assessed and determined the appeal on that basis and treated the submitted plans as illustrative other than with regard to access and landscaping.
3. I note that the description of the proposed development has changed from that stated on the application form, as set out in the banner above, to *'the erection of 14 dwellings with access and drainage to be considered (amended plans October 2016)'*, as described on the Decision Notice. On the basis that the appellant has indicated on the application form that the description of development may be altered if required, I have used the description which appears on the Decision Notice as this better describes the proposal and also forms the basis upon which the Council determined the scheme.
4. I note that the Submission North East Lincolnshire Local Plan 2016 (Submission LP) has been subject to examination in public earlier this year. Accordingly, I have had due regard to this emerging plan and the relevant policies therein, including the Council's position on housing land supply. However, I note that the Submission LP has not yet been adopted and therefore does not form part of the current development plan. As a result, whilst I acknowledge its advanced stage in production, based on the evidence before me I have given moderate weight to the document and its policies in determining this appeal.

Main Issue

5. The main issue is whether the proposal would be inappropriate development in the countryside and therefore whether it would constitute sustainable development.

Reasons

6. The appeal site is on the eastern edge of Waltham and is east of Grimsby Road. To the north and east is open countryside with a high hedge forming the western boundary of the site along Grimsby Road. There is an existing agricultural access to the site along this boundary which would form the proposed access to the proposed development. To the south of the site is the Waltham Veterinary Surgery and another development site which has planning permission for residential development. Properties on Grimsby Road are large dwellings which face onto the appeal site and the open countryside beyond. Some landscaping which is proposed as part of this appeal scheme has already been planted along the northern and eastern boundaries of the site and I am led to understand that this is in connection with the approved development to the south.
7. Policy GEN2 of the North East Lincolnshire Local Plan 2003 (LP) deals with development in the open countryside and restricts housing development in such areas. Policy NH9 of the LP considers strategic gaps between settlements. The policy does not preclude development in such gaps but seeks to prevent coalescence between nearby settlements. I find these policies to be broadly consistent with the aims of the National Planning Policy Framework (the Framework). Notwithstanding this, as the Council could not demonstrate a five year supply of housing land, the housing supply element of these policies, such as the first part of Policy GEN2, are out of date and therefore have limited weight.
8. I have given due consideration to the policies within the Submission LP. These are Policies 1, 2 and 39 which relate to the presumption in favour of sustainable development, development within, adjacent to, and beyond settlement boundaries and developing a green infrastructure network. Again, I find these policies to be broadly consistent with the aims of the Framework. However, given the current position of the emerging development plan and policies, I have given only moderate weight to these policies.
9. Whilst I have had due regard to all of the above policies, I have assessed the proposal primarily against the Framework which seeks to boost significantly the supply of housing and sets out a presumption in favour of development where proposals are assessed to be sustainable. Furthermore, the Framework sets out the three strands of sustainable development as being economic, social and environmental benefits which should be sought together.
10. Waltham has a good range of services, facilities and transport links with the nearest bus stop located adjacent to the appeal site on Grimsby Road. Whilst I appreciate that the appeal site is situated on the edge of the existing settlement and is outside the development boundary, it is adjacent to it. As such, I find that the proposed development would be well located in terms of its accessibility to existing services and facilities.
11. The plans submitted with the outline application indicate that the site would incorporate a significant element of landscaping along the northern and eastern boundaries. This has already been commenced, as confirmed by the site visit. Furthermore, the built element of the proposal would be a relatively small proportion of the appeal site and would not significantly extend the built form of the settlement into the strategic gaps between Waltham and the nearby settlements of Scartho and New Waltham.

12. From what I have seen and read, I find that the proposed landscaping would limit the visual impact of the proposal with regard to the strategic gaps. Furthermore, in my view, the proposed development would not be particularly visible from Station Road due to the landscaping, the construction of dwellings at the approved development to the south of the appeal site and the existing development located along Station Road, such as that at Grove Farm. Longer range views from the north and east would be limited by the landscaping.
13. The Council argues that the proposal does not meet any of the criteria set out in Policy 2 of the Submission LP and is therefore contrary to the plan. Whilst I appreciate this, the emerging policy does not yet form part of the development plan and therefore does not have substantial weight. Notwithstanding this, I note that Policy 2 also states that when development is adjacent to defined boundaries, as is the case here, particular regard should be paid to the nature and form of the settlement edge and that where possible and where appropriate, development should contribute to the network of green infrastructure, respecting the relationship between countryside and the settlement built form. On the basis of what I have seen and read, I find that the proposed development would successfully achieve this.
14. I acknowledge that the appeal site as a whole would encroach slightly into the strategic gaps between Waltham, New Waltham and Scartho. Furthermore, I note the concerns raised by interested parties regarding such matters. However, although the size and scale of the proposed dwellings is not before me at this stage, I find that the proposed scheme has sought to address such concerns through landscaping and the relatively small proportion of the site indicated for dwellings. The outline scheme would accord with and continue the substantial landscaped area attached to the approved development to the south of the appeal site. This would provide a consistent and sympathetic treatment to the edge of the settlement and limit any adverse visual impact on the wider area. Furthermore, the gaps between settlements would effectively be retained with no significant erosion or detriment to visual amenity.
15. The proposal would inevitably alter the character of the surrounding area. However, notwithstanding the Council's point that the Submission LP would provide a five year housing land supply, I find that the limited harm to character and visual amenity would not be so significant as to outweigh the benefits of delivering housing in a sustainable and accessible location, such as construction jobs, education contributions and the provision of footpaths nearby.
16. Having had regard to the above, and all other evidence before me, including the referenced appeal decision¹ relating to land to the south of the appeal site in which such matters were considered at length, I find that due to its location adjacent to the settlement and the indicated extent of the built form and landscaping on the site, the proposal would be an acceptable and appropriate development which would be sustainable and bring economic, environmental and social benefits.
17. Consequently, I conclude that the proposal would not be inappropriate development in the countryside and would constitute sustainable development. It would therefore comply with the relevant sections of the Framework. Furthermore, I find that the proposal would be broadly consistent with the relevant adopted policies of the LP and the emerging policies within the Submission LP. Amongst other matters, these policies and guidance seek to ensure that development is sustainable, accessible and has no significant adverse impact on the character and visual amenity of the surrounding area.

¹ Appeal Decision Ref: APP/B2002/W/15/3035911, dated 31 March 2016

Other Matters

18. Concerns have been raised by interested parties which have not been addressed within the substantive matters discussed above. These include access to the site, traffic congestion and highway safety and the impact on existing infrastructure.
19. Whilst I appreciate the importance of such matters to those parties concerned, I have seen no substantive evidence to indicate that the proposal would have any significant adverse impact with regard to access, traffic generation and highway safety which could not be appropriately dealt with by planning conditions at the reserved matters stage. Furthermore, I note that the highway authority has raised no objections to the outline proposal and I have no reason to differ from that view.
20. I acknowledge that the proposed development would inevitably have some impact on existing infrastructure. However, the proposal before me is for outline planning permission. The details of the proposed development would follow at the reserved matters stage when a full assessment of the scheme would be appropriately undertaken. This would include a full assessment of its impact on infrastructure. Notwithstanding this, I am satisfied that there is nothing before me to indicate that the outline proposal would result in any substantive reason to refuse outline planning permission with regard to infrastructure.

Conditions

21. I have had regard to the planning conditions that have been suggested by the Council. Where necessary, and in the interests of conciseness and enforceability, I have altered the suggested conditions to better reflect the relevant parts of the Planning Practice Guidance.

In addition to the standard time limit (1) and reserved matters details (2) conditions, I have imposed a condition relating to the submission and approval of the details of highways, drainage and street lighting on the proposed scheme development (3) and the management of any such features (4) not to be adopted by the local authority. These conditions are necessary and reasonable and have been imposed for reasons of certainty and in the interests of public safety.

22. I note that in addition to the suggested conditions, the Council has sought provision for a Section 106 legal agreement relating to financial contributions towards education and to the maintenance of open space and landscaping. I have not conditioned this specifically as such agreements are matters most appropriately resolved and agreed between the Council and the appellant.
23. It is necessary that the requirements of Conditions 3 and 4 are agreed prior to the commencement of the development hereby permitted to ensure an acceptable development in respect of the living conditions of future occupiers and in the interests of public and highway safety.

Conclusion

24. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

Andrew McCormack

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Applications for the approval of the matters referred to in Condition 2 (known as reserved matters) shall be made within three years of the date of this permission and the development to which it relates shall begin no later than whichever is the later of the following dates:
 - (a) three years from the date of the grant of outline planning permission; or
 - (b) two years from the final approval of the reserved matters, or in the case of approval on different dates, final approval of the last such matter to be approved.
- 2) The permission hereby granted is in outline form only and no development shall begin until full details of the following reserved matters have been submitted to, and approved in writing by, the local planning authority:
 - (a) The layout, scale and appearance of the development;
 - (b) A landscaping scheme for the site including details of existing trees, hedges and planting to be retained; and
 - (c) A scheme for sustainable surface water drainage.
- 3) Development shall not begin until the following details have been approved by the local planning authority:
 - (i) Detailed plans to a scale of at least 1 to 500 showing:
 - (a) The proposed layout of the carriageways and footways on the development;
 - (b) The wearing course materials proposed for the carriageways and footways;
 - (c) Cross sections;
 - (d) The highway drainage system;
 - (e) The proposed locations of street lighting columns, all services and ducts for services, within the carriageways and footways;
 - (f) The number, location and layout of the vehicle garaging and/or parking facilities within the site to serve the proposed residential development; and
 - (g) Management arrangements for any carriageways, footways and/or landscaped areas not to be adopted by the local authority.
- 4) Development shall not begin until management arrangements for any carriageways, footways or verge areas not to be adopted by the local highway authority have been submitted to, and approved in writing by, the local planning authority. All areas shall thereafter be managed in accordance with the details approved for the lifetime of the development.

END OF SCHEDULE