



Appeal Decision

Site visit made on 24 August 2018

by **S Harley BSc(Hons) MPhil MRTPI ARICS**

an Inspector appointed by the Secretary of State

Decision date: 4th September 2018

Appeal Ref: APP/B2002/W/18/3196126

Land off Butt Lane, Laceby DN37 7FF

- 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 Heyhill Land against the decision of North East Lincolnshire Council.
 - The application Ref DM/0803/17/OUT, dated 21 August 2017, was refused by notice dated 29 November 2017.
 - The development proposed is residential development of up to 81 dwelling houses.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application is submitted in outline only with all matters reserved except for access and layout. An Agreement, dated 22 August 2018, under s106 of the Town and Country Planning Act 1990 (as amended) providing for affordable housing, contributions towards education provision and public open space accompanies the proposal. I consider these matters further below.
3. Since the planning application was refused the North East Lincolnshire Local Plan 2018 (the LP) has been adopted¹. The National Planning Policy Framework 2012 (the original Framework) was revised in July 2018 (the revised Framework). I have considered the appeal on the basis of the Policies in the 2018 LP and the revised Framework.

Main Issue

4. The main issue is whether or not the site is appropriate for the proposed development in the light of national and local planning policies and guidance having regard to location and settlement hierarchy.

Reasons

5. The spatial vision set out in the LP recognises the need to provide housing to address demographic change and improve prospects for economic growth; whilst providing choice within the housing market; and being sensitive to the scale and character of settlements. To help achieve this Strategic Policies S04 and S06 seek to significantly boost housing supply to meet housing needs whilst enhancing the environment and causing minimum harm.

¹ This supersedes the North East Lincolnshire Local Plan 2003 and the North East Lincolnshire Pre-Submission Draft Local Plan (2016).

6. Policy 2 of the LP establishes an objectively assessed housing requirement of at least 9,742 over the plan period. The timescale for delivery is linked to expected increases in jobs growth and, to ensure flexibility, a forecast housing requirement of 13,340 new homes based on the Jobs-Led Scenario 1 - UR (medium growth) forecast has been provided for.
7. Policies 3 and 4 of the LP set out a hierarchy of settlements as a framework for decisions on the location and scale of development and investment in services and facilities. Development should be commensurate with a settlement's position in the settlement hierarchy. Minimising impacts on the character of open countryside; taking account of the setting of settlements; the existing character and form of settlements; preventing coalescence; and taking account of logical physical defining boundaries; are amongst the key criteria taken into account in defining settlement boundaries.
8. The appeal site is located between Laceby and Aylesby. Wrapping around the western and southern edges of the Grimsby and Cleethorpes Urban Area, and only slightly detached from it, is an 'Arc' of smaller settlements that accommodate, at present, about 15% of the Borough's population. Laceby is identified, with the Arc settlements of Healing, Humberston, New Waltham and Waltham, as a Level 2 Local Service Centre. These offer a good range of basic services and amenities and good accessibility to wider services available in the Urban Area. For Local Service Centres future development would principally be of green field sites adjacent to but within the defined settlement development area boundary². Provision is made for 30-35% of new homes in and on the fringes of the Arc settlements. Only limited development is envisaged in minor rural settlements such as Aylesby.
9. Policy 5 establishes development boundaries for settlements and sets out criteria for considering proposals for development. Beyond the development boundaries land is regarded as open countryside and the Policy allows for development to be supported where it recognises the distinctive open character, landscape quality and role these areas play in providing the individual settings for independent settlements and subject to a number of other criteria. Policy 13 of the LP specifically identifies three sites within the development boundary for Laceby: HOU068A, which I understand has planning permission for 100 houses; HOU075A which is expected to deliver some 150 houses; and HOU066 which is under construction for 30 dwellings.
10. The appeal site is outside any identified development boundary and is therefore in the open countryside for the purposes of the spatial strategy. It is not one of the allocated sites³ and has not been identified for development through a neighbourhood planning process. Accordingly I find significant conflict with Policies 2, 3, 4, 5 and 13 of the LP in respect of the established settlement hierarchy. Nor does the proposal satisfy the criteria for affordable housing as a specific need for a rural exception site in this location has not been demonstrated, albeit a proportion of affordable housing would be provided.
11. The LP advises that continued commitment to retaining the individual identity of settlements and preventing coalescence is considered to be important over

² Table 10.1 of the LP

³ In this respect the appeal before me differs significantly from the cited examples planning permission has been granted ref DM/0335/14/OUT Larkfield Homes - allocation HOU068A and APP/B2002/W/15/3081086 -now allocation HOU075A

- the plan period. The spatial vision seeks to ensure that open countryside that separates settlements will be protected to maintain the sense of separation.
12. The site and immediate surroundings are predominantly open agricultural fields although there are hedges along the field boundaries and groups of trees. These are typical characteristics of the local area which is defined as Open Wooded Farmland in the Council's LCAs⁴. The appeal site and the adjacent land are identified as of medium sensitivity with medium capacity for change. Whilst this does not mean development could never take place care must be taken to ensure any development is responsive to the local environment in terms of size, scale and relationship to existing settlements.
 13. The appeal site is separated from the Laceby development boundary by Butt Lane, grassland, and land identified as 'proposed open space and woodland' on the LP Policies Inset Map. The site is therefore physically distinct from the settlement of Laceby and not within or adjacent to its settlement boundaries. The land rises of the order of 2m from Butt Lane. The proposed development would result in a suburban style cul-de-sac estate in the open countryside and separated from the built up parts of the village. It would not amount to the tight and uniform arrangement of properties with settlement expansion of an appropriate scale to the local context envisaged in the LCAs guidelines in relation to development and management strategies even though a significant landscape buffer would be provided along one edge of the site.
 14. The proposed development would be substantial. It would be not particularly intrusive from most more distant viewpoints in the rolling farmland interspersed with woodland and hedges and small settlements. However, it would be particularly intrusive in more immediate views from Butt Lane and from Blyth Way, which rises up from Butt Lane, and from footpaths. I acknowledge that the appeal site is not protected by any formal landscape designation. However, harm can still occur.
 15. In this case the appeal site is an intrinsic part of the countryside setting between Laceby and Aylesby. The proposed development, due to its scale, extent and siting, would harmfully intrude on the setting of these settlements by substantially extending the built form of Laceby beyond logical physical defining boundaries and narrowing the gap between the two settlements. I give this harm significant weight. Moreover, I remain of this view even taking into account Natural England's confirmation that the proposal would not be likely to have a significant impact on the special qualities and purposes of designation of the Lincolnshire Wolds Area of Outstanding Natural Beauty, which is some 1500m away on the other side of Laceby. I find significant conflict with Policy 5 of the LP in respect of the size and scale of the proposed development, visual intrusion into the open countryside and extending the settlement built form beyond established physical boundaries.
 16. The proposal includes substantial open space and planting along the northern boundary of the site where the highest risk of flooding from fluvial sources would prevent development. However, this would take some time to become effective as screening and, as there are also aims of retaining the visually open landscape, the lower to medium sized hedges with few trees as proposed in the site specific Landscape and Visual Impact Assessment, would be not

⁴ The North East Lincolnshire Council Landscape Character Assessment 2010 and the updated Landscape Character Assessment, Sensitivity and Capacity Study 2015

particularly effective at screening and preventing an appearance of coalescence between Laceby and Aylesby. Although the landscape buffer would comply with Policy 5, I consider it would not overcome the harmful effect on the character and appearance of the area described above. I therefore give the proposed mitigation moderate to limited weight in terms of minimising impacts on the character of the open countryside.

17. A public right of way, Laceby FP114, runs along the western boundary of the site and joins to Cooper Lane on the outskirts of the village and thence to the village centre. However, this route which relies on a rural footpath, albeit paved, is unlikely to be a desirable option for most day to day access for goods and services. Apart from the links to FP114 there would be no interconnectivity with Laceby village unlike the Larkfield Homes development where there would at least be close proximity to the houses on Blyth Way.
18. The alternative route via Butt Lane⁵ would be about 1km from the entrance to the site to most services and facilities, and would be further from houses inside the proposed development. Moreover, it is relatively narrow with bends and lacking footways. The evidence indicates there are no bus stops at the northern edge of the village although there are buses from the centre. Accordingly although the village has a range of facilities the site itself is on the fringes of preferred accessibility to these. I also find that the occupants of houses on the Larkfield Homes development would have a shorter distance to walk or cycle to the centre of Laceby than most of the occupants on the appeal scheme would have. Overall I find some conflict with Policy 3 in respect of day to day accessibility to basic services and amenities by means other than the private vehicle.
19. The Housing Land Supply Assessment, October 2017 (HLSA) states that the Council has a total housing land supply of 7.9 years against the medium growth approach set out in Policy 2 of the LP. This HLSA was used to inform the recently adopted LP. Through the LP process the Inspector examined the five year housing land supply and the identified housing trajectory together with likely delivery.
20. The LP Inspector found that, using the stepped approach set out in the spatial strategy and recognising that the numbers of houses with planning permission comfortably exceeded the supply required at the point of adoption of the LP, that it is reasonable to expect that the supply should continue to be sufficient to meet need. The LP makes more than adequate provision to meet the identified housing requirement and provides sufficient margin to meet the higher ambition associated with Moderate growth, Policy Scenario 1⁶. It therefore meets the Government's aim of significantly boosting the supply of homes as set out in Paragraph 59 of the revised Framework.
21. I acknowledge that historically housing delivery has been poor and that the LP is ambitious. However, I see no substantial evidence to doubt the Council's view that delivery from the Council's three Development Company sites should be seen in the context that development will progress once development partner(s) are confirmed and that some slippage of these sites would not be overly significant to the 5 year supply assessment, given that a 7.9 year supply has been identified. The Council also indicates that even if the three

⁵ Paragraph 2.2 of the Planning Statement

⁶ North East Lincolnshire Local Plan, Inspector's Report February 2018 Paragraphs 55 to 59

Development Company sites are removed from the figures the identified supply would fall to 7.5 years, and that, if all of the contribution from the Grimsby West allocation is removed, the supply would amount to 6.9 years. I have seen no overwhelming evidence that would lead me to a different view.

22. It is not the role of a s78 appeal to forensically re-examine detailed housing land supply and delivery particularly in the context of a recently adopted LP; the comments of the LP Inspector; and the relatively generous supply of deliverable housing sites identified. Accordingly I find that in the context of Paragraphs 11 and 74 of the revised Framework an appropriate supply of deliverable housing sites has been demonstrated and that relevant policies are up-to-date for the purposes of this appeal.
23. Taking all the above into account I conclude that the site is not appropriate for the proposed development in the light of national and local planning policies and guidance having regard to location and settlement hierarchy.

Other Matters

24. The s106 Agreement makes provision for 20% affordable houses which would meet the requirements of Policy 18 of the LP. It also provides for a contribution towards local education facilities and for open space and its management which would accord with Policy 6 of the LP. I note that the affordable housing would be a benefit of the scheme and that the education provision would mitigate the effects on local schools. However, as I am dismissing the appeal for other substantive reasons I do not need to consider the Agreement in any more detail for the purposes of this appeal.

Planning Balance and Conclusion

25. As set out above I have found significant conflict with the Policies 2, 3, 4, 5 and 13 of the LP in respect of location and settlement hierarchy; the size and scale of the proposed development, visual intrusion into the open countryside and extending the settlement built form beyond established physical boundaries. This harm would not be overcome by the proposed open space and planting along the northern part of the site. I have found some conflict with Policy 3 in respect of day to day accessibility to basic services and amenities by means other than the private vehicle.
26. The proposed development would boost the supply of housing, including affordable housing. There would be economic benefits arising from employment during construction and spend in the local economy. However, I have seen no evidence to suggest that 81 dwellings in the open countryside are needed to enhance or sustain the vitality of Laceby or Aylesby and the substantial benefits would not outweigh the harm caused by a development of such substantial size and scale in this countryside location. It is not sustainable development. Permitting it would undermine the policy-led spatial strategy and settlement hierarchy.
27. In conflicting with Policies 2, 3, 4, 5 and 13 of the LP the proposal cannot comply with the development plan taken as a whole. Paragraph 15 of the Framework emphasises the principle of a plan-led system and Paragraph 12 states that where a proposal conflicts with an up-to-date development plan permission should not usually be granted. Even taking account of the benefits set out above, I do not consider there to be any material considerations that

would warrant a decision other than in accordance with the development plan.
I therefore conclude, on balance, that the appeal should not succeed.

S Harley

INSPECTOR

Richborough Estates