



Appeal Decision

Site Visit made on 12 January 2021

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 July 2021

Appeal Ref: APP/Y2003/W/20/3248764

Land to the East of Hunts Lane, Hibaldstow DN20 9EH

(Grid Ref Easting: 497896; Grid Ref Northing: 402948)

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Johnson, Brown & Wright against North Lincolnshire Council.
 - The application Ref PA/2019/1105, is dated 19 June 2019.
 - The development proposed is outline planning application with all matters reserved for the erection of up to 100 dwellings with associated access improvements, public open space and LEAP.
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Decision

1. The appeal is dismissed and planning permission for outline planning application with all matters reserved for the erection of up to 100 dwellings with associated access improvements, public open space and LEAP is refused.

Application for Costs

2. An application for costs was made by Johnson, Brown & Wright against North Lincolnshire Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The application has been submitted in outline with all matters reserved for future consideration. I have dealt with the appeal on that basis, treating the proposed site layout as being indicative.
4. A signed and completed Planning Obligation under Section 106 of the Town and Country Planning Act 1990 has been submitted in support of the proposal. The Obligation includes provision for contributions towards education, leisure, recreation and public transport. It also secures the provision of affordable housing as well as open space and a Local Equipped Area of Play (LEAP) within the site. This Obligation meets the tests set out in paragraph 56 of the National Planning Policy Framework (the Framework), and I have proceeded to determine this appeal giving due consideration to the Obligation.

Background and Main Issue

5. The appeal was submitted following the Council's failure to give notice of its decision within the prescribed period. In its Statement, the Council has indicated what decision it would have made had it been in a position to do so. Having regard to the Council's Statement, the main issue is the effect of the proposal on the character and appearance of the area.

Reasons

6. The appeal site is located on agricultural land on the edge of the large village of Hibaldstow. It is located outside of, but adjacent to, the defined settlement boundary and is therefore considered to be within the open countryside in terms of planning policy.
7. As a relatively large village, Hibaldstow contains various forms of development. This includes the historic core of the village, as well as more recent residential estates which are of a similar extent as the appeal proposal.
8. However, the proposal is located adjacent to an area of the village which has a distinct linear form. The extent of the village to the west of the site consists of relatively modern development extending along the highway. This linear form is especially apparent due to the fields and paddocks which extend from the core of the village and establish a clear character of ribbon development on one of the main entrance routes into the settlement. The housing to the west of the site mainly consists of detached and semi-detached houses set in large elongated plots, which enable views of the open landscape beyond, further emphasising the linear character of development in this area. The landscaped setting gives this area a pleasing rural character in comparison to the relatively built-up areas of the village.
9. The appeal scheme, whilst in outline, proposes the construction of up to 100 dwellings. Although the submitted layout is indicative, in order to achieve the number of dwellings proposed it is inevitable that the development would result in a large housing estate set behind the existing ribbon development. Although details including the appearance, layout and scale of the development would be addressed by the reserved matter stage, I consider that the extent of development resulting from the proposal would be apparent in views from the west. Landscaping may also appear as an urbanising element projecting into the open countryside, and would also take a significant period of time to reach maturity. Within that context, the proposal would not be in keeping with the adjacent linear pattern of development and would be an unacceptable urbanisation of this part of the village.
10. There is a public right of way some distance to the east of the site, and in views from this path the development would be seen against the backdrop of the built extent of the village. However, I consider that the change in the pattern of development created by the proposal would also be apparent, albeit to a more limited degree. The extension of development to a rectilinear field boundary to the north would also not reflect the pattern of built development and would have an awkward relationship with the built form of the village. I am not persuaded that this could be addressed by landscaping which may in itself appear as an incongruous feature in this countryside setting.
11. The extent of the settlement to the south of the site has a more densely packed character, but this does not mitigate for the unacceptable relationship of the proposal with development to the west. As stated previously, there is also built development elsewhere in the village which reflects the nature and extent of that proposed, and I am mindful of the appellant's submission that all development has an impact on the surrounding landscape. However, the appeal proposal would result in a fundamental change in the pattern of development of this part of the settlement on one of the main routes into the

village, and the form of development elsewhere does not lead me to a different conclusion in respect of the unacceptable harm arising from the proposal.

12. I conclude that, due to its siting and extent, the proposal would lead to substantial harm to the character and appearance of the area. The proposal would therefore conflict with policies RD2, H5 and DS1 of the North Lincolnshire Local Plan 2003 (the Local Plan) and policies CS5 and CS8 of the Core Strategy 2011 in respect of the design of new housing in the countryside. The proposal would also be contrary to paragraphs 127 and 170 of the Framework in respect of achieving well-designed places as well as conserving and enhancing the natural environment, including recognition of the intrinsic character and beauty of the countryside.

Other Considerations

13. The proposal would provide up to 100 new dwellings. It is common ground that the Council cannot demonstrate a 5-year housing land supply. Since the appeal was lodged, the national Housing Delivery Test results have been published which show housing delivery to be below the requirement for this area, with the consequence that the Council must prepare an action plan. Having regard to those matters and the Government's objective to significantly boost the supply of housing, the contribution to housing supply carries positive weight in favour of the proposal. In conjunction with the provision of 10% of these dwellings as affordable housing, these matters carry significant weight as a benefit.
14. Hibaldstow is a relatively sustainable settlement for the location of residential development and has a good range of key services. The North Lincolnshire Sustainable Settlement Survey 2019 identifies Hibaldstow as a Larger Rural Settlement unsuitable for substantial growth but capable of accommodating an allocation. The Council submits that the proposal would represent approximately a 10% increase in the number of dwellings in the village. However, given the scale of the settlement and the services it contains, I do not consider that this level of growth would be unduly substantial. This matter does not therefore weigh against the proposal.
15. The appeal site would provide good access to the range of services within the village and residents of the proposal would generate custom and support for those services, including the potential to generate further jobs. However, this can be said of many sites on the edge of this settlement, and this benefit has to be weighed against the harm I have identified in respect of character and appearance. I have also not been provided with substantive evidence that services and facilities in the area are facing problems due to a lack of support. I give these matters limited weight as a benefit.
16. The construction of new housing would bring jobs to the area, although this would be for the construction phase only and I therefore give this limited weight as a benefit.
17. The provision of open space and a LEAP within the development may have benefits to the wider community. However I have not been provided with evidence of a lack of these facilities in the wider settlement, and as I consider that these features would primarily serve the appeal proposal then they carry limited weight as a benefit.

18. Contributions towards education, leisure, recreation and public transport are necessary to offset the impact of increased numbers of residents arising from the proposal, and I afford these neutral weight in my assessment of the scheme.
19. Whilst the site may currently have little biodiversity value, the potential for biodiversity improvements would be of limited benefit due to the scale and nature of the proposal. Given my conclusions in respect of character and appearance, I also conclude that landscaping proposals would not represent an enhancement to the area.
20. The site has been identified as being potentially suitable for residential development in the Council's Strategic Housing and Economic Land Availability Assessment (SHELAA). However, the evidence suggests that the site has not been included as an allocation in emerging development plan documents. The Council also emphasises that the SHELAA is an evidence document prepared to support emerging policy, and that the appeal site is only one of a number of sites which were considered and which will be subject to further consideration and screening. On that basis, the inclusion of the site in the SHELAA carries no more than very limited weight in favour of the proposal.

Planning Balance and Conclusion

21. The Council accepts that it cannot demonstrate a 5 year supply of deliverable housing sites. As such, paragraph 11(d) of the Framework is engaged in respect of the presumption in favour of sustainable development.
22. I have previously concluded that the proposed development in the countryside on the edge of this part of Hibaldstow would lead to substantial harm to the character and appearance of the area. In this regard, I find that the proposal would conflict with the development plan for the area as a whole. Overall, I conclude that the identified adverse effect of the development on the character and appearance of the countryside would significantly and demonstrably outweigh the aforementioned benefits when assessed against the policies in the Framework taken as a whole. Consequently, the proposal would not amount to sustainable development and the appeal should be dismissed.

David Cross

INSPECTOR