
Appeal Decision

Site visit made on 12 January 2026

by **L Wilson BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 January 2026

Appeal Ref: APP/Y2003/W/25/3373556

Land to the North of 47 Low Street, Haxey DN9 2LE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Mark Husler against the decision of North Lincolnshire Council.
 - The application Ref is PA/2023/493.
 - The development proposed is the erection of 13 elderly persons residential dwellings, areas of communal open space and landscaping, and associated access and car parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address of the appeal site differs slightly on the application form to that used on the appeal form and on the Council's decision notice. I have used the address sited on the decision notice as this is a more precise reflection of the site location.

Main Issues

3. The main issues are:
 - Whether the proposal would be suitably located having regard to relevant development plan policies concerning the location of housing;
 - Whether the proposal would contribute towards meeting an identified need for older people's housing;
 - The effect of the proposal on the Area of Special Historic Landscape Interest (ASHLI); and
 - The effect of the proposal on the Area of Amenity Importance (AAI).

Reasons

Location

4. The site is located outside the development boundary of Haxey and therefore is within the countryside, as defined by local planning policy. Haxey is identified as a Market Town/Large Service Centre in the North Lincolnshire Settlement Survey 2018 (2019 Revision). In general, the local development plan policies are aimed at focusing housing within settlement limits. Development plan policies set out circumstances where permission would be granted for development in the countryside. Based on the evidence presented, none of these exceptions apply to the proposal before me.

5. The appellant's submission sets out a list of local facilities and services, and their proximity to the site, as well as information relating to local bus services¹. However, the distances provided, in relation to local facilities and services, are as the crow flies, rather than on-the-ground distances that reflect actual travel routes. Furthermore, the information relating to local bus services lacks clear information on service frequency.
6. Whilst there are some services and facilities within walking distance of the site, based on the evidence submitted, the site is not within reasonable walking distance to conveniences, community services, health and education, transport, and access to employment. Moreover, there is insufficient evidence to suggest that sustainable forms of transport, such as the bus, would be a realistic mode of transport to access services and facilities. Consequently, future occupiers would be largely reliant on a private motor vehicle to access services and facilities, and would need to travel to other settlements to meet their day-to-day needs, resulting in unsustainable travel patterns.
7. Considering its scale, the proposed development may, to a limited degree, support local services and facilities. However, no compelling evidence has been presented to demonstrate that it would maintain or enhance community vitality.
8. For these reasons and based on the information presented, the proposal would not be suitably located having regard to relevant development plan policies concerning the location of housing. Accordingly, it would conflict with Policies CS2, CS3 and CS8 of the North Lincolnshire Local Development Framework: Core Strategy (2011) (CS) and Policies RD2 and H5 of the North Lincolnshire Local Plan (2003) (LP). These collectively set out the spatial strategy for North Lincolnshire and aim to focus housing within settlement limits. The development would therefore undermine the Council's plan-led approach to development which seeks to locate new housing in the most sustainable locations.
9. The reason for refusal in relation to this main issue refers to Policy DS1 of the LP. It is not clear which part of this policy the Council considers the proposal conflicts with. In any event, given the above conflict found with other development plan policies, this is not a determinative factor in this case.

Need

10. The Council acknowledges that they have an ageing population. As a result, it recognises that it is important that more homes are constructed at an adaptable standard, offering greater choice and enabling older people to remain in their homes. The Council also supports the provision of specialist and older persons' housing where appropriate.
11. The Council has no specific planning policies relating to older people's housing. Paragraph 63 of the National Planning Policy Framework (the Framework) states that in the context of establishing need, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. The groups identified include older people (including those who require retirement housing, housing-with-care and care homes). The Framework also provides a definition for the term 'older people'.

¹ Including paragraphs 2.7 and 7.26 of the Planning Design and Access Statement and Landscape Impact Appraisal

12. In relation to this main issue, my attention has been drawn to policies in the emerging local plan². Based on the evidence presented, the plan is still at a very early stage and therefore it should only be given extremely limited weight.
13. The appellant has provided a report on older persons housing need in North Lincolnshire. This concludes that there is a substantial level of unmet need for specialist older persons housing in North Lincolnshire. They also highlight that the Council's North Lincolnshire Housing and Economic Development Needs Assessment (2020) identified a projected shortfall of 1,250 dwellings for older people by 2039 across North Lincolnshire. Furthermore, the Strategic Housing Development officer sets out that there is a need for an additional 17 units for older people for private sale by 2027 in the Axholme South wards.
14. However, the Strategic Housing Development officer's comments on Older Persons Housing Need are not specific to Haxey and generally relate to North Lincolnshire as a whole. They acknowledge an overall need for older person housing but there is a lack of specific data for smaller areas like Haxey. The appellant's evidence does not demonstrate that there is a need for this type of housing in the area, and the evidence before me suggests that the need could effectively be met through the provision of mainstream housing.
15. The appellant states that they would be willing to enter into a Section 106 agreement to address the requirements identified by the Council. However, no such obligation has been submitted for my consideration. Thus, even if I had concluded that a need for older people's housing had been robustly demonstrated, I would be unable to afford this matter weight, as there is no mechanism before me to secure the provision of older people's housing in perpetuity.
16. For these reasons, the proposal would not contribute towards meeting an identified need for older people's housing. Furthermore, the development does not fulfil the criteria necessary for it to be treated as an exception site to meet housing needs for older people. Consequently, the proposal would not align with the Framework, including paragraphs 61, 62, and 63.

ASHLI

17. The site lies within the ASHLI, which has been designated for its unique, nationally important historic landscape, characterised by medieval strip fields, early enclosures, and peat cutting areas (turbaries). The Ancient Open Strip Fields (AOSF) form the historic character core of the Isle of Axholme historic landscape persisting since medieval times. Historically, the enclosure of the open strip fields, whether by individuals or parliamentary act, was strongly resisted in the Isle and the communal arrangements for farming the strips continued through to modern times.
18. The development would result in the loss of part of the historic landscape of the Isle of Axholme and erode the open character of the site. Many of the adjoining strips have been developed, and the appeal site is a surviving example of the AOSF historic character within the village. The AOSF have historically been in agricultural use for many centuries, remaining in cultivation and contributing to the rural character and heritage of the village. The proposal would result in the loss of

² Including Policy H5

agricultural use of the land, and extend built development into the ASHLI, and would have an urbanising effect.

19. The development would be visible from public vantage points, including the public bridleway towards the rear of the site, along with more distant views from The Nooking and glimpsed views from Low Street. However, it would be read against the backdrop of the established residential development that encloses the site to the east, south and west.
20. The proposal would not project beyond the building line of these established neighbouring dwellings to the east and west. Furthermore, the proposed landscaping (particularly the native hedging along the northern boundary) would provide screening over time, albeit with a period required for it to mature. In addition, although the dwellings would be a noticeable feature within the landscape, their bungalow form and limited height would help to moderate their overall visual impact. Accordingly, although the proposal would result in some harm to the character and legibility of this valued historic landscape, the extent of that harm would be limited.
21. For these reasons, and in undertaking a balanced judgement, the proposed development would have a harmful effect on the ASHLI, albeit to a limited degree. Consequently, it would conflict with Policies CS5 and CS6 of the CS and Policies LC14, LC7, RD2 and DS1 of the LP. These collectively seek to ensure that development does not adversely affect the character, appearance or setting of the ASHLI, or any of its features, and proposals should reflect or enhance the character, appearance and setting of the immediate area.

AAI

22. The site is also designated as an AAI, which is a specific land use planning designation, primarily used in North Lincolnshire, to protect open spaces and green areas from development. Its purpose is to preserve the open character, visual appeal, and environmental value of these areas for the benefit of the local community. The Council highlights that these areas make a significant contribution to the character and amenity of settlements.
23. The survival of the historic landscape, as outlined in the previous section, contributes to its designation as an AAI. Considering the site is currently an open field, the development would inevitably diminish its open character and visual amenity. Having said that, based on the evidence submitted, and my site visit observations, the site does not significantly contribute to the character and setting of the village. This is because, as set out above, established residential developments adjoin three of its boundaries. Moreover, the siting of the development, which would not extend further north than the existing built form, together with the bungalow design, would limit its overall impact. The Council has also not suggested that the proposal would adversely affect wildlife value or compromise the gap between conflicting land uses.
24. For these reasons, having regard to the development's siting, scale and design, the proposal would have a harmful effect on the open character and visual amenity of the AAI, albeit to a limited degree. Consequently, it would conflict with Policy CS5 of the CS, and Policies LC7, LC11, RD2 and DS1 of the LP. These state, amongst other things, that within important amenity areas, development will only

be permitted where it would not adversely affect their open character, visual amenity or wildlife value or compromise the gap between conflicting land uses.

Other Matters

25. The proposal aims to deliver several benefits. The appellant intends to use a local building firm and tradespeople to support the local community and economy. I also note that the appellant, and their wider family, have long-standing ties to the village, and the proposal seeks to provide smaller, more manageable, cost effective and energy efficient properties for older residents. This in turn could help to release larger housing stock back onto the market. It is further proposed that a local nurse would occupy one of the bungalows to assist residents living in the proposed bungalows. The appellant also highlights that a substantial part of the site would remain undeveloped, and they are willing to undertake additional tree planting or establish a nature reserve to support the Council's wider ecology/biodiversity targets. I also acknowledge that there have been submissions supporting the proposal, albeit I recognise residents have raised serious questions regarding the accuracy of the information set out in the consultation feedback summary.
26. There is a lack of certainty that a number of the highlighted benefits would occur in practice, for example relating to employing a local building firm and housing a local nurse. Furthermore, given the lack of a S106 agreement there is no mechanism before me to secure a number of these benefits, including relating to housing for older people.

Planning Balance and Conclusion

27. Given that the Council is unable to demonstrate a five-year housing land supply, paragraph 11(d)(ii) of the Framework is engaged. Weight may still be afforded to policies depending on their consistency with the Framework. Paragraph 232 of the Framework states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. Based on the evidence submitted, the overall aims of the most relevant policies are broadly consistent with the aims of the Framework. There is nothing within the Framework to suggest that the policy requirements should be lessened on account of the shortfall in housing supply.
28. In considering paragraph 11(d)(ii) of the Framework, I must determine whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
29. For the reasons given above, the proposed development would not be suitably located having regard to relevant development plan policies concerning the location of housing. Furthermore, the proposal would not contribute towards meeting an identified need for older people's housing. In addition, the proposal would have a harmful effect on the ASHLI and AAI, albeit to a limited degree.
30. Based on the evidence submitted, the associated economic, social and environmental benefits of the proposal would not outweigh the conflict found. Consequently, the adverse impacts would significantly and demonstrably outweigh

the benefits when assessed against the policies of the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

31. The proposal would be contrary to Policies CS2, CS3, CS5, CS6 and CS8 of the CS and Policies LC7, LC11, LC14, DS1, RD2 and H5 of the LP. I afford this conflict, with the relevant policies of the development plan, significant weight.
32. For the reasons given above, to conclude, the proposal conflicts with the development plan as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Consequently, the appeal does not succeed.

L Wilson

INSPECTOR

Richborough