

**APPLICATION NO** PA/2012/0794

**APPLICANT** Mr & Mrs F Mumby

**DEVELOPMENT** Planning permission to erect a detached dwelling

**LOCATION** Land adjacent to The Lilacs, Melton Road, Wrawby

**PARISH** **WRAWBY**

**WARD** Brigg and Wolds

**CASE OFFICER** Tanya Eggett

**SUMMARY** **Refuse permission**

**RECOMMENDATION**

**REASONS FOR REFERENCE TO COMMITTEE** Member 'call in' (Councillor Waltham – planning history of the site)

## **POLICIES**

**National Planning Policy Framework:** Paragraphs 47 to 55 set out the national housing strategy to significantly boost the supply of housing and deliver a wide choice of high quality homes.

**Regional Spatial Strategy for Yorkshire and the Humber:** No specific policies apply.

**North Lincolnshire Local Plan:** Policy RD2 (Development in the Open Countryside) identifies acceptable development in the open countryside.

Policy T2 (Access to Development) requires all new development to have a satisfactory access.

Policy DS1 (General Requirements) – a high standard of design is expected in all developments.

**North Lincolnshire Core Strategy:** Policy CS1 (Spatial Strategy for North Lincolnshire) sets out the spatial vision and the future development requirements which will be delivered through the spatial strategy for North Lincolnshire.

Policy CS2 (Delivering More Sustainable Development) – a sequential approach for development will be adopted.

Policies CS3 (Development Limits) and CS5 (Delivering Quality Design in North Lincolnshire) – all new developments in North Lincolnshire should be well designed and appropriate for their context.

Policy CS7 (Overall Housing Provision) sets out North Lincolnshire's housing requirement between 2010 and 2026.

Policy CS8 (Spatial Distribution of Housing Sites) – the allocation of sites for 12,063 new dwellings will be delivered in accordance with sustainable development principles and a sequential approach. In the open countryside housing development will be strictly limited. Consideration will be given to development which relates to agriculture, forestry or to meet a special need associated with the countryside.

## **CONSULTATIONS**

**Highways:** No response.

**Anglian Water Developer Services:** No response.

## **PARISH COUNCIL**

No response.

## **PUBLICITY**

Advertised by site notice and adjoining properties notified. No responses have been received.

## **ASSESSMENT**

This proposal is to erect a large detached three-bedroom property in the garden of an existing residential property known as The Lilacs, set back from the road. The site is located within the open countryside. Melton Road comprises a ribbon development of detached dwellings, with a large section of the road frontage located outside the development boundary of Wrawby. Melton Road comprises a mix of housing designs.

**The main issues associated with this application are whether the proposal is acceptable in planning policy terms, and if so, whether it is acceptable in terms of design, impact on the amenity of neighbours and the locality, impact on the highway network and the relevant planning history.**

### **Policy**

The site is located outside the development boundary of Wrawby within what is termed the open countryside and is therefore not considered to be a sustainable location for new development. The proposal is for a private dwelling which is not required in connection with agriculture or forestry, or a special need associated with the open countryside. The proposal is therefore contrary to policy RD2 of the North Lincolnshire Local Plan and policies CS1, CS2, CS3, CS5, CS7 and CS8 of the North Lincolnshire Core Strategy.

There is a proposal in the development plan to extend the development boundary of Wrawby along Melton Road, but it is only a proposal at this stage and therefore little weight can be given to it. In any case, if the proposed extension to the development boundary of Wrawby is approved, it will not include this site, which will therefore still be located in the open countryside. As the dwelling is not required in connection with agriculture or forestry, or to meet a special need associated with the open countryside, the proposal will still be contrary to planning policy even if the proposed extension to the development boundary of Wrawby is agreed.

In terms of the National Planning Policy Framework (NPPF), paragraph 55 sets out the special circumstances for permitting isolated homes in the countryside. These circumstances include the essential need for a rural worker to live permanently at or near their place of work in the countryside, or where development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure future heritage assets, or where development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting or the exceptional quality or innovative nature of the design of the dwelling. Such design should be truly outstanding or innovative, helping to raise standards of design more generally in rural areas, reflect the highest standards in architecture, significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area. In this case, none of the above circumstances apply. The proposal is therefore contrary to paragraph 55 of the NPPF.

### **Planning history**

It is noted that an appeal for a dwelling on this site was allowed in 1993 (planning reference 7/1992/0257). This was before North Lincolnshire Council was formed and before the North Lincolnshire Local Plan and Core Strategy were adopted. As a result, little weight can be given to a decision made by an appeal inspector over 20 years ago. In any case, more recently in 2006 (planning reference PA/2006/0211) an outline application for a dwelling on this site was refused and subsequently dismissed at appeal. The inspector in this appeal agreed with the council that the proposal was not required in connection with agriculture or forestry, or for any other exception provided for by local planning policies, and would therefore undermine planning policy objectives of directing additional development to the most sustainable communities, if approved. He concluded that there was a substantial and clearly defined settlement policy objection to a new dwelling on this site. (A copy of the appeal decision is attached.)

### **Highways and amenity issues**

The development of this site is unlikely to have adverse road safety implications as there is adequate visibility and space for a turning facility on the site. Although in a prominent location, the visual impact of the new house is reduced by trees and hedging on the eastern boundary. There are a wide number of property styles nearby and the design proposed would not have an adverse effect on neighbours or the appearance of the area.

### **RECOMMENDATION Refuse permission for the following reasons:**

The site is located outside the development boundary of Wrawby within the open countryside. The proposal is for a new dwelling that is not required for agricultural or forestry purposes, or to meet a special need associated with the open countryside. It is therefore contrary to policy RD2 of the North Lincolnshire Local Plan and policies CS1, CS2, CS3, CS5, CS7 and CS8 of the North Lincolnshire Core Strategy.

The site is located outside the development boundary of Wrawby within the open countryside. The proposal is for an isolated dwelling which is not required for a rural worker to live permanently at or near their place of work in the countryside, nor for the optimal viable use of a heritage asset, nor for the re-use of redundant or disused buildings that would lead to an enhancement to the immediate setting. The proposed dwelling is not of exceptional quality or innovative nature of design that would justify it being located on this site. The proposal is therefore contrary to paragraph 55 of the National Planning Policy Framework.



# Appeal Decision

Site visit made on 14 November 2006

by **R A Sexton** BSc(Hons) DipTP MRTPI

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

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Date: 22 November 2006

**Appeal Ref: APP/Y2003/A/06/2022367**

**The Lilacs, Melton Road, Wrawby Nr Brigg, North Lincolnshire DN20 8SS**

- 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 Frank Mumby against the decision of North Lincolnshire Council.
- The application Ref 2006/0211, dated 18 April 2006, was refused by notice dated 15 May 2006.
- The development proposed is residential development for one dwelling.

## Decision

1. I dismiss the appeal.

## Reasons

2. The application was made in outline with all matters reserved for later consideration. Notwithstanding the planning application is dated differently, the Council's decision notice and the appeal form both give the date of the application as I have transcribed it above and I proceed on this basis.
3. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals shall be determined in accordance with the development plan, unless material considerations indicate otherwise. The statutory development plan in this instance includes the North Lincolnshire Local Plan, adopted in May 2003. The Local Plan shows the appeal site beyond the development boundary for Wrawby.
4. Wrawby is identified as a 'minimum growth settlement' by Local Plan policy ST2. New housing – restricted to the building of single and in exceptional cases very small groups of dwellings – is permitted on infilling plots within the main body of the settlement in accordance with Local Plan policy H1. However, as I have noted above, the appeal site falls outside the defined development boundary for the village. Local Plan policy ST3 explains that development outside development boundaries will be considered as development in the open countryside. And thus, while I recognise the appeal site is not 'open countryside' in the normally accepted sense of the word, it is considered as such in planning policy terms.
5. New dwellings in the open countryside are permitted only in a limited number of circumstances. None of those circumstances apply here. There is, for example, no suggestion that this proposal is required in connection with agriculture or forestry, or for any other of the exceptions provided for by local policy. I am satisfied therefore that there is a substantial and clearly defined settlement policy objection to the proposal.

6. I acknowledge planning permission for a dwelling has previously been allowed here on appeal in 1993. Although that was plainly some time ago, there has been no apparent change in the physical setting of the site, which comprises part of the garden and yard area associated with the appellant's house and haulage business. The site is situated within a ribbon of development on the northern side of the Melton Road sandwiched between a water pumping station and existing residential development. I see no reason to differ from my colleague's conclusion that a dwelling on this site would not be obtrusive, subject to satisfactory details.
7. The development plan however has changed since 1993. The current Local Plan was adopted in 2003. Its settlement strategy is the cornerstone for the greater emphasis now placed on the delivery of sustainable development in plans and planning decisions. Its approach is wholly consistent with national advice as expressed, for example, in Planning Policy Statement 1: *Delivering Sustainable Development* (PPS1) and PPS7: *Sustainable Development in Rural Areas* – published respectively in 2005 and 2004. And, although the thrust of the development plan appears similar to that previously in force, I am nonetheless satisfied that the balance has changed greatly. The visual impression of the site, its planning history and current usage – the other considerations relied upon by the previous Inspector – are now insufficient in my judgement to indicate that determination should be made otherwise than in accordance with the development plan.
8. I did note on my site inspection the other dwellings on Melton Road and Mill Lane which I am told have been built outside the village development boundary since the Local Plan was 'produced'. I do not however have the full details and particulars of those developments before me. I am not advised most crucially when the relevant planning permissions were granted. In the circumstances I do not consider these cases provide a strong argument in favour of the current proposal on the evidence available.
9. Overall I have concluded that the proposal would involve development expressly contrary to Local Plan policy ST3. Allowing this appeal would in my opinion undermine the Plan's settlement policy objective of directing additional development to the most sustainable communities. I consider the other considerations advanced in support of the scheme insufficient to overcome that objection.
10. I have taken account of all the other matters raised but have found nothing to alter my conclusion that the appeal should be dismissed.

*RA Sexton*

INSPECTOR



