

APPLICATION NO	PA/2019/1912
APPLICANT	Mrs Marie Lydon
DEVELOPMENT	Outline planning permission to erect a single dwelling with all matters reserved for subsequent consideration
LOCATION	Land adjacent to Whitegate Stables, Star Carr Lane, Wrawby, DN20 8SG
PARISH	Wrawby
WARD	Brigg and Wolds
CASE OFFICER	Emma Carrington
SUMMARY RECOMMENDATION	Refuse permission
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllrs Carl Sherwood and Rob Waltham – significant public interest)

POLICIES

National Planning Policy Framework: Paragraphs 7 and 8 state that:

7. The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
8. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):
 - (a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity, and by identifying and coordinating the provision of infrastructure;
 - (b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
 - (c) **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising

waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

Paragraph 11 states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking. Section 5, paragraphs 59–79 relate to delivering a sufficient supply of homes and states that housing applications should be considered in the context of the presumption in favour of sustainable development.

Paragraph 77 states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby.

Paragraph 79 states that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- (a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
- (b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- (c) the development would re-use redundant or disused buildings and enhance its immediate setting;
- (d) the development would involve the subdivision of an existing residential dwelling; or
- (e) the design is of exceptional quality, in that it:
 - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
 - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

Paragraphs 124–132 state that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people.

North Lincolnshire Local Plan:

DS1 – General Requirements

DS16 – Flood Risk

H5 – New Housing Development (criteria a–m)

H8 – Housing Design and Housing Mix

RD2 – Development in the Open Countryside

R5 – Recreational Paths Network

T1 – Location of Development

T2 – Access to Development

North Lincolnshire Core Strategy:

Policy CS1 – Spatial Strategy for North Lincolnshire

Policy CS2 – Delivering More Sustainable Development

Policy CS3 – Development Limits

Policy CS5 – Delivering Quality Design in North Lincolnshire

Policy CS7 – Overall Housing Provision

Policy CS8 – Spatial Distribution of Housing sites

CONSULTATIONS

Highways: No objections subject to conditions and an informative.

Drainage (Lead Local Flood Authority): No objections subject to conditions.

Tree Officer: Provision should be made for the protection of existing trees.

Environmental Protection: No objections subject to conditions.

PRoW Officer: No comments received for this application, but commented on the previous application (PA/2019/905) as follows:

Star Carr Lane at this point is Public Footpath 285. Walkers should not be impeded, deterred or inconvenienced before, during or after works as a result of planning permission being granted. It is also an offence under section 34 of the Road Traffic Act 1988 to drive a mechanically propelled vehicle along a public footpath unless this is done with lawful authority. The applicant would therefore have to demonstrate lawful authority for access by motor vehicles to the property. Any alteration to the surface would require explicit consent.

PARISH COUNCIL

Objects on the following grounds:

- The application falls outside the village development line.
- The application differs only slightly from planning application PA/2019/905.
- As stated in the council's objection to PA/2019/905, the lane is narrow and the substantial hedges on either side of the narrow lane not only provide a rich wildlife habitat but also recent studies by the University of Surrey show that hedges cut air

pollution sustainability and for these reasons the council feels strongly that these hedges should not be disposed of.

- Council's objections to PA/2019/905 remain relevant.

PUBLICITY

Site notice posted and advertised in the press as a departure from the local plan. No comments received as a result of the publicity carried out.

ASSESSMENT

Outline planning permission is sought, with all matters reserved for subsequent consideration, to erect a detached dwelling on paddock land adjacent to the applicant's existing dwelling. This is a re-submission of a previous application (PA/2019/905), which was refused on the following grounds:

- 1. The proposed development is considered to be out of character with the surrounding area, which is characterised by large dwellings in spacious plots. Allowing an additional dwelling in this rural location would be at odds with the character of this rural and open area and would have an adverse impact on the character and appearance of the locality. The siting of the proposed development outside of any defined development boundary has not been adequately justified and it is not considered that any benefits of a single dwelling in this rural location would outweigh the harm to the character of the area. Additionally no evidence has been submitted to justify a special need for a dwelling in this location. The proposed development is therefore contrary to policies RD2 of the North Lincolnshire Local Plan; CS2, CS3 and CS8 of the Core Strategy and paragraphs 11 and 79 of the National Planning Policy Framework.*
- 2. Due to the location of the site with the only means of vehicular access via a public footpath, inadequate information has been submitted with the application to demonstrate that the proposal would not restrict, prejudice, damage or otherwise have an adverse impact on Public Footpath 285 or users of this footpath or that lawful authority has been granted for an additional dwelling to drive a mechanically propelled vehicle over it. The proposal is therefore contrary to policy R5 of the North Lincolnshire Local Plan.*

The details of the proposed development have not changed, but the applicant has tried to address the previous reasons for refusal.

The main issues for determination are therefore also still the same, which are:

- **whether sufficient justification has been provided to demonstrate that there is a proven need to build a dwelling in the open countryside, which outweighs the harm that would be created by extending the built form of the settlement beyond the defined settlement boundary; and**
- **whether the proposal demonstrates that there will be no adverse impact on the use or the character of the defined Public Right of Way (PF 285).**

The applicant considers that the proposal is infill development, as the site is adjacent to other residential properties, and that the erection of one dwelling will not adversely affect

the character of the area. The applicant acknowledges that the dwelling is not essential in connection with agriculture or some other special need associated with the open countryside, but considers that the personal justification submitted with the application is sufficient to demonstrate that the development of one dwelling is acceptable and in keeping with the character of the area. It is also stated in the submitted supporting documents that the location of the plot, which is not far from the settlement boundary, is a material consideration and that the proposal would create a sustainable form of development. In addition, the applicant considers that the proposal will not have an adverse impact on the Public Right of Way, as it is already used by vehicular traffic, including refuse vehicles, cars with horse boxes and for access to other properties on the lane. It is stated that the route of the footpath will not be obstructed, which has been the case for many years. The applicant considers that as Highways have raised no objections, the proposal is acceptable in planning terms, and the issues with the Public Right of Way can be dealt with outside of the planning process.

However, in planning terms, the site is located outside the settlement boundary and is therefore in the open countryside. Both national and local planning policies seek to limit development in the open countryside to that which is essential for the countryside to function. This does include residential development where there is a proven, essential need in relation to agriculture, forestry or some other use associated with the open countryside.

Policy RD2 of the North Lincolnshire Local Plan sets out the type of development that is appropriate in the open countryside and the criteria against which all applications in the countryside will be assessed. Policy RD2 only supports residential development in the countryside where it is to meet some essential countryside need, such as farm workers' dwellings. Policy CS3 of the Core Strategy also restricts development in the countryside to that which is essential to the functioning of the countryside. The proposed development is contrary to these policies as it is for market housing not essential to the functioning of the countryside, or any rural business, nor does it meet any special need such as providing affordable housing.

The application site is entirely outside the defined development boundary for Wrawby and is therefore considered not to be in accordance with policies CS2, CS3 and CS8 of the Core Strategy and RD2 of the local plan. No such evidence has been provided by the applicant to demonstrate that there is a need for a dwelling in this location, in relation to the functioning of the open countryside. The development of this land would alter the character and appearance of the open countryside by introducing a building that is not essential for the purposes of agriculture, forestry or other need associated with the open countryside. In addition, no satisfactory evidence has been submitted to demonstrate to the council that the development will not have an adverse impact on the defined Public Right of Way. Although the applicant has referred to the lane being currently used by refuse vehicles and other dwellings in the locality, this does not demonstrate that the use is permitted, or that future occupants of the proposed dwelling have a right to travel over the route of the footpath in a vehicle.

Notwithstanding the development plan policies set out above, the National Planning Policy Framework (NPPF) is a material consideration when determining planning applications. Paragraph 11 and Footnote 7 (page 6) of the NPPF state the presumption in favour of sustainable development applies for applications involving the provision of housing where the local planning authority cannot demonstrate a five-year supply of housing sites and that

housing applications should be considered in the context of the presumption in favour of sustainable development.

A recent review of the of the Five Year Housing Land Position Statement has identified that the council's housing land supply has reduced from five years and six dwellings, to four years. The council has prepared a Housing Delivery Action Plan in accordance with the NPPF and PPG. The Action Plan will assist in securing a five-year land supply; some of the actions include reviewing the windfall allowance calculation, and working with developers to bring forward outline planning applications.

The revised Five Year Housing Land Supply Position Statement will be published in April 2020, any decisions made by the planning authority will take account of the presumption in favour of sustainable development as set out in Paragraph 11 of the NPPF. The current local policies relating to housing will carry reduced weight during this period.

Planning Policy guidance paragraph 008 states that, in decision-taking, if an authority cannot demonstrate a five-year housing land supply, including any appropriate buffer, the presumption in favour of sustainable development will apply, as set out in paragraph 11d of the National Planning Policy Framework.

Paragraph 11d states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:

- (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

There are three dimensions to sustainable development as set out in paragraph 8 of the Framework: economic, social and environmental.

Whilst the erection of one dwelling on the site would give a short-term benefit to the economy during the construction process, by creating employment, it is not considered that this would be a long-term benefit that would make the erection of the dwelling economically sustainable. In addition, there are no long-term social benefits that would outweigh the harm to the environment. The site is not considered to be in a sustainable location as it is some distance away from the built-up area of Wrawby, which has limited services and access to public transport. The site is also a significant distance away from the nearest large settlement of Brigg (3.7 kilometres), and it is likely that the future occupants of any new dwelling in this location will be reliant on the car to access the facilities in Brigg. With regard to sustainability, it is therefore considered that the site is in an unsustainable location, remote from everyday services and facilities. Policy CS2 of the Core Strategy promotes sustainable development and sets out criteria against which all new developments should be assessed in this regard. These criteria include minimising the need to travel and making necessary journeys possible by public transport, cycling and walking and making sure that people have access to community and cultural facilities that they need for their daily lives. Due to the relatively remote nature of the site, together with its distance from local facilities, the proposed development would not minimise the need to travel and would promote reliance on the private car to access everyday facilities. The

development would therefore be contrary to policy CS2. It should also be noted that sustainable development is the key emphasis of the National Planning Policy Framework, which sets out a presumption in favour of sustainable development.

For the reasons outlined above, the proposed development is not considered to be sustainable and would not benefit from this presumption in favour.

It is considered, therefore, that the proposal is unacceptable and contrary to the provisions of the adopted policies in the North Lincolnshire Local Plan and Core Strategy, and guidance in the NPPF. The application is therefore recommended for refusal.

RECOMMENDATION Refuse permission for the following reasons:

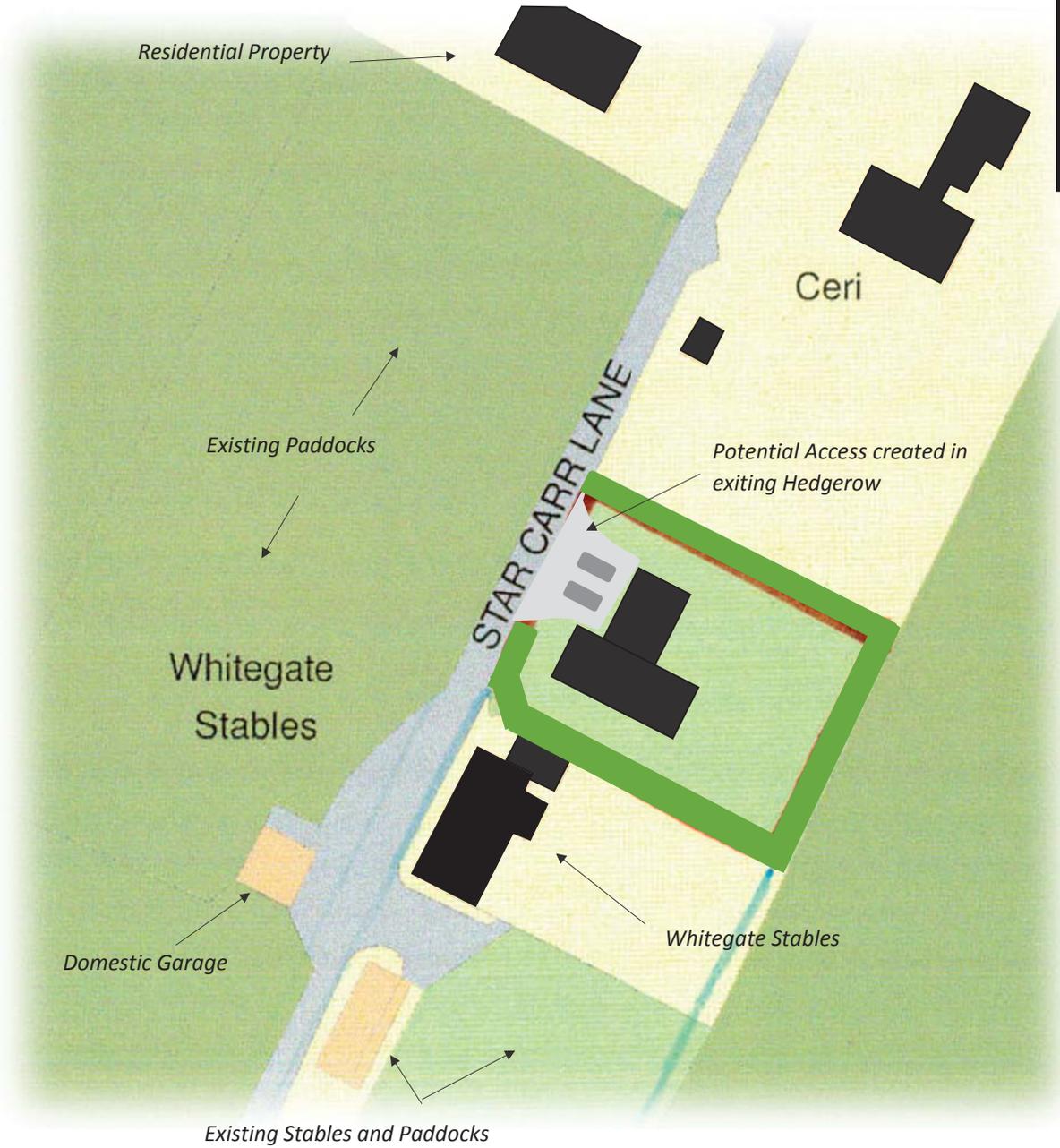
1.

The proposed development is considered to be out of character with the surrounding area, which is characterised by large dwellings in spacious plots. Allowing an additional dwelling in this rural location would be at odds with the character of this rural and open area and would have an adverse impact on the character and appearance of the locality. The siting of the proposed development outside of any defined development boundary has not been adequately justified and it is not considered that any benefits of a single dwelling in this rural location would outweigh the harm to the character of the area. Additionally, no evidence has been submitted to justify a special need for a dwelling in this location. The proposed development is therefore contrary to policies RD2 of the North Lincolnshire Local Plan; CS2, CS3 and CS8 of the Core Strategy and paragraphs 11 and 79 of the National Planning Policy Framework.

2.

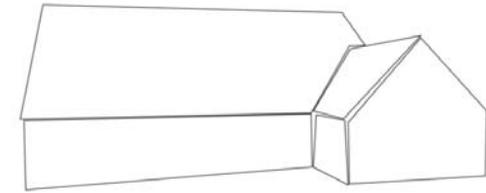
Due to the location of the site with the only means of vehicular access via a public footpath, inadequate information has been submitted with the application to demonstrate that the proposal would not restrict, prejudice, damage or otherwise have an adverse impact on Public Footpath 285 or users of this footpath or that lawful authority has been granted for an additional dwelling to drive a mechanically propelled vehicle over it. The proposal is therefore contrary to policy R5 of the North Lincolnshire Local Plan.

PA/2019/1912 Indicative layout (not to scale)



INDICATIVE PLANS ONLY

DO NOT SCALE



The indicative plan seeks to demonstrate that a proposal is achievable within the site and accessible from Starr Carr Lane. It is envisaged that the proposal would be for a single storey or a i.5 storey property with living above the eaves.

Indicative Plans for Whitegate Stables, Wrawby.

Single dwelling