

## Appeal Decision

Site visit made on 13 September 2016

**by David Troy BSc (Hons) MA MRTPI**

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

**Decision date: 21 September 2016**

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**Appeal Ref: APP/N2535/W/16/3152757**

**Brampton Dale, Cade Lane, Upton, Gainsborough DN21 5NN**

- 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 Mrs Marian McDaniel against the decision of West Lindsey District Council.
  - The application Ref 134178, dated 15 March 2016, was refused by notice dated 3 June 2016.
  - The development proposed is one three bed house/cottage/bungalow.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The Council's statement and decision notice refers to Policies LP1, LP4 and LP55 of the emerging Submission Draft Central Lincolnshire Local Plan (CLLP) (April 2016). The CLLP is at an advanced stage, having been submitted for examination. However, as I do not have evidence before me as to whether there have been any significant objections to the above policies and the Inspector's report has not yet been published, I give these policies in the emerging Development Plan moderate weight as a material consideration.
3. The application was made in outline with all matters reserved for future consideration. I have determined the appeal on this basis.

### Main Issue

4. The main issue is whether the proposal would be appropriate to its location in the context of planning policies relevant to the provision of housing in the countryside.

### Reasons

5. The Council's Settlement Hierarchy is set out in saved policy STRAT 3 of the West Lindsey Local Plan Review 2006 (LP). This policy defines a settlement hierarchy, with the aim of directing most development to the district's larger settlements and lesser amounts to lower tiers in the hierarchy. Upton is identified as a Subsidiary Rural Settlement in saved policy STRAT 3 of the LP and a Small Village in Policy LP2 of the CLLP where small scale development of a limited nature will be considered.
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6. However, the appeal site is not within Upton's development boundary nor is it at the edge of the settlement. Indeed, the appeal site falls within the lowest tier of the hierarchy, being defined as countryside under saved policy STRAT 3, where development is restricted under saved policy STRAT 12 to particular types of development essential to support the rural economy. Policy LP2 of the CLLP supports the objectives of saved policy STRAT 3 whereby development in the countryside is restricted under policy 55 to particular types of development demonstrably essential to the effective operation of rural uses.
7. There is no indication in the evidence before me that the proposed dwelling would fall within any of the specified categories of development that would be appropriate in this location. It follows that the principle of housing development on the appeal site would be contrary to saved policy STRAT 3 and STRAT 12 of the LP and Policies LP2 and LP55 of the CLLP. However, the Council acknowledges it cannot identify a five year supply of deliverable sites to meet the requirements of the LP. Consequently, the housing supply saved policy STRAT 3 cannot be considered up to date in accordance with Paragraph 49 of the National Planning Policy Framework (the Framework).
8. The provisions of Paragraph 55 of the Framework are relevant to my assessment. Paragraph 55 seeks to promote sustainable development in rural areas by locating housing where it will enhance or maintain the vitality of rural communities. Paragraph 55 goes on to state that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances. These include where there is an essential need for a rural worker, or where the development would be of exceptional quality, or would be of a truly outstanding or innovative design, to help raise design standards more generally in rural areas, which does not apply in this case.
9. The proposal is an open parcel of land located adjacent to a detached property known as Brampton Dales Farm and its associated outbuildings and is approximately 440m to the north of the village of Upton. The appeal site forms part of a larger field that previously had military use as part of a RAF/USAF air base until the mid-1960's. The appeal site is set in attractive countryside, defined by gently undulating fields punctuated by hedgerows and trees. The proposed dwelling would be accessed via a long unmade track from Cade Lane to the south-east of the site. This also provides access to Upton, which would be within walking distance of the appeal site.
10. Upton, however, has a limited range of local services and facilities, lacking any medical or shopping facilities, and significant employment opportunities. This would, therefore, necessitate the need to travel for day to day services and facilities to other towns and villages. These settlements are a reasonable distance away and, from the evidence provided and from my observations on my site visit, are not readily accessible by safe public footpaths. The Council indicate that Upton has a regular bus service to Gainsborough and Lincoln but does not provide any information about the frequency of the service. Therefore, the appeal site would be sufficiently isolated in this rural location such that the future occupiers of the proposed development would be reliant on the use of the car to reach day to day services, facilities and employment elsewhere.
11. The appellant considers that the appeal site is not in an isolated position given the existing property and buildings at Brampton Dales Farm and nearby

buildings. However, rather than the site having any close connection with adjacent property and buildings, it reads strongly as an integral part of the extensive surrounding countryside and as such would constitute an isolated form of development in this rural location.

12. The proposed dwelling would not, therefore, result in a pattern of development which would fall within any of the specified categories of development that would be appropriate in this location as set out in paragraph 55 of the Framework. In addition, a single dwelling would make a limited contribution to the vitality of this rural community.
13. Consequently, I conclude that the proposal would not be appropriate to its location in the context of those planning policies relevant to provision of housing in the countryside. It would conflict with saved policy STRAT 12 of the LP and policies LP4 and LP55 of the CLLP which aim to focus limited levels of housing growth in the villages and restrict housing in the open countryside to particular types of development essential to support the rural economy. It would conflict with saved policy STRAT 1 of the LP that seeks to promote sustainable development that takes full account of the need to protect the environment including providing access to public transport and reducing car use.
14. In addition, it would conflict with paragraphs 17 and 55 of the Framework which seeks to avoid isolated homes in the countryside and to actively manage patterns of growth through the plan-led system.

### **Other matters**

15. The Council accepts that it cannot demonstrate a five year supply of deliverable housing sites. Consequently, the relevant housing supply policy as set out above cannot be considered up to date and as such the application needs to be considered against the presumption in favour of sustainable development in paragraph 14 of the Framework. For decision making this means that where the development plan is absent, silent or relevant policies are out of date, planning permission will be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
16. The appellant states that the appeal site is available for housing. This would have some social benefits through adding to the mix of housing in the area that would support local services and some short term economic benefits, particularly during the construction period. However, the adverse impacts arising from the proposed development in this isolated rural location would significantly and demonstrably outweigh the benefits. As such, the proposal would not represent a suitable sustainable form of development for which the Framework carries a presumption in favour and would also conflict with Policy LP1 of the CLLP which has similar objectives in line with the Framework.
17. I have considered the appellant's comments that the appeal site is brownfield given the previous use and that the rural land registry information shows the land as hardstanding/building. I saw from my site visit that whilst there were remnants of the previous use on other parts of the land, the appeal site consists of a small and level grassed area and as such would be excluded from the definition of Brownfield or Previously Developed Land (PDL) as defined in Annex 2 of the Framework. This definition, amongst other things, specifically excludes land that was PDL but where the remains of the permanent structure

or fixed surface structure have blended into the landscape in the process of time, which is the case in this instance. I also note the appellant's comments that they wished to suggest a slight change to the Council in the location of the site to one of the pre-existing foundations on land prior to the decision being made. I do not, however, consider that this would overcome the adverse effects outlined above and the site's significant locational shortcomings. I therefore accord these matters limited weight in this case.

18. I have noted the planning permission in the area drawn to my attention by the appellant. However, based on the limited evidence provided I am not convinced that the development characteristics of the application are compellingly similar to that of the present appeal proposal. I therefore accord this limited weight as a precedent in this case.

### **Conclusion**

19. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*David Troy*

INSPECTOR