



Appeal Decision

Site visit made on 15 August 2017

by Jason Whitfield BA (Hons) DipTP MRTPI

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

Decision date: 29th August 2017

Appeal Ref: APP/N2535/W/17/3176775

The Garage, Bishop Norton Road, Atterby, Market Rasen LN8 2BJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Graham Everett against the decision of West Lindsey District Council.
 - The application Ref 135770, dated 22 February 2017, was refused by notice dated 12 April 2017.
 - The development proposed is new dwelling with change of use of part of commercial haulage yard.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the heading above is taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
3. Following refusal of the original application, the Council formally adopted the Central Lincolnshire Local Plan (CLLP) on 24 April 2017. In its decision notice the Council made reference to the West Lindsey Local Plan (First Review) 2006, as well as Policies LP2, LP4 and LP55 of the then emerging CLLP. The Council have since confirmed that relevant policies in that plan have now been superseded by the newly adopted CLLP. The parties have been given the opportunity to comment on the relevant policies of the adopted CLLP and therefore would not be prejudiced by my determining of the appeal against the policies of the CLLP as the adopted development plan.

Main Issues

4. The main issues are:
 - whether the appeal site would be suitable location for new housing having regard to reliance on private car; and,
 - the effect of the proposal on the provision of employment land in the area.

Reasons

Location

5. CLLP Policy LP2 sets out the spatial strategy to deliver sustainable growth in the area and provides a settlement hierarchy to direct that growth. Atterby is not identified as a settlement under any of the categories of the hierarchy. The policy sets out that a settlement not listed in the hierarchy is to be considered as a hamlet. A hamlet must comprise dwellings clearly clustered together to form a single 'developed footprint'. The 'developed footprint' is defined as the continuous built form of the settlement, excluding, inter alia, individual buildings or groups of dispersed buildings which are clearly detached from the continuous built up area. Furthermore, a hamlet must have a dwelling base of at least 15 units as at April 2012.
6. From what I observed on my site visit, and from the evidence of the parties, I am satisfied that Atterby predominately comprises dwellings clustered together to form a single developed footprint around the junction of Atterby Lane. The appellant indicates that there are currently 16 dwellings within Atterby. This is supported by the evidence of Bishop Norton Parish Council which indicates that, due to a recent change of use of holiday homes to permanent dwellings, that the total number of dwellings in Atterby is 16, albeit that includes two dwellings which are between 40m and 90m from the developed footprint.
7. Whilst I note the Parish Council's views that the settlement is now of the scale initially envisaged when Policy LP2 had been devised, it is nevertheless clear from the evidence of all parties that, as at April 2012, there were less than 15 dwellings within the main built footprint of the settlement. The wording of the policy is unambiguous in that, to be considered a hamlet under the hierarchy, a settlement must have had a dwelling base of at least 15 units as at April 2012. That is not the case here. As a result, it seems to me that Atterby cannot be considered to be a hamlet for the purposes of Policy LP2.
8. In hamlets, single dwelling infill developments will be supported under CLLP Policy LP2 where they are within the 'developed footprint' and within 'appropriate locations'. Whilst I note the representations of the appellant in respect of this matter, as I have found Atterby would not be a hamlet for the purposes of LP2, there is no need to consider the proposal against the criteria under sub paragraph 7 of Policy LP2. Instead, the proposal falls to be considered under sub paragraph 8 of the Policy LP2 which relates to development in the countryside.
9. CLLP Policy LP2 allows for proposals in countryside locations which fall under Policy LP55. Policy LP55 states that new dwellings will only be acceptable where they are essential to the effective operation of rural operations as listed in Policy LP2. Those operations are restricted to development which is essential for agriculture and other rural activities, minerals and waste, and renewable energy. Such operations are not relevant here.
10. LP55 does allow for the re-use and conversion of non-residential buildings for residential use in the countryside. Whilst the proposal would relate to the redevelopment of part of a previously developed site and would not extend the built form of the settlement into the open countryside, it would nevertheless result in the demolition of the existing building rather than its re-use or conversion. Consequently, the proposal would conflict with CLLP Policy LP55.

11. Paragraph 34 of the National Planning Policy Framework (the Framework) states that decisions should ensure the use of sustainable transport modes can be maximised. Whilst this needs to take account of policies in respect of rural areas, paragraph 29 also states that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel.
12. There are no services or facilities within Atterby that would fulfil the everyday needs of future residents. The appeal site is located a short distance from the Small Rural Settlement of Bishop Norton. However, Bishop Norton too contains very limited services and facilities, and I have been provided with no evidence that there are any shops or facilities that would meet the everyday needs of residents within walking distance of the site.
13. There are bus stops in Atterby a short distance from the site, however, I have been provided with no evidence of the frequency or extent of any services provided at those stops. As such, I am unable to conclude that public transport would be a reasonable and accessible choice of transport mode for future residents. I recognise the appellant currently lives in Bishop Norton and travels to work at the appeal site and thus, the proposal would reduce the need for him to use private vehicles to commute. However, that would not account for the need to access everyday services and facilities, nor the needs of any future occupiers of the dwelling. As such, I find that future residents would not have a reasonable choice about how they travel and would be almost solely reliant on private car to meet their day-to-day needs.
14. Paragraph 55 of the Framework seeks to avoid isolated new homes in the countryside. Whilst I note the Council's concerns that the appeal site would not relate well to the settlement, it lies adjacent to an existing dwelling which forms part of the developed footprint of Atterby and the proposal would comprise the replacement of an existing building. The Framework contains no definition of the term 'isolated'. In my view, the appeal site cannot reasonably be considered to be lonely or remote owing to its proximity to existing dwellings. As such, I consider the appeal site would not be isolated for the purposes of paragraph 55.
15. Nevertheless, paragraph 55 of the Framework also encourages new housing where it will enhance or maintain the vitality of rural communities. There are very few services and facilities to maintain within Atterby and 1 additional dwelling would be unlikely to enhance the vitality of the settlement. Moreover, the location of the appeal site is such that future residents would not have adequate opportunities to make the fullest possible use of public transport, walking and cycling and would be largely reliant on private car in order to support services within nearby villages and maintain or enhance the vitality of those communities. The proposal would thus fail to contribute towards managing sustainable patterns of growth and the proposal would not be consistent with the role, status and character of the settlement.
16. I conclude, therefore, that the proposal would not be a suitable location for new housing with particular regard to reliance on private car. As a consequence, the proposal would conflict with CLLP Policies LP2 and LP55, as well as paragraphs 29, 34 and 55 of the Framework.

Employment Land

17. The appeal site comprises a vacant shed and hardstanding. It forms part of a wider site which operates as haulage business. The appellant operates a single vehicle for the delivery of various materials and aggregates. It is indicated that the vehicle is housed within the shed to the north of the appeal site. The proposal would result in the demolition of the vacant shed and the use of a significant proportion of the hardstanding.
18. I recognise there is a need to encourage development that makes the best use of appropriate brownfield sites and this includes the re-use of vacant buildings. Clearly, existing employment sites that have become vacant provide an ideal opportunity to introduce new business to an area without the need for additional use of land.
19. The Council's concerns principally stem from the assertion that the appellant has failed to demonstrate that the site is no longer suitable for a haulage business or another employment use. However, the appellant has provided some details about the scaling down of the operations at the business over the past decade or so, in part due to cessation of the transportation business which was running at a loss and the difficulties in attracting employees to the haulage side of the firm, largely due to the location of the appeal site and the necessity for travel. Moreover, the business has long been passed on through the family and, as the appellant points out, he is the last in his lineage to possess the skills or desire to continue the operation. Indeed, I observed on my site visit that there were no signs that the shed or the adjacent yard had been used at any time in the recent past for haulage related operations.
20. Part of the haulage business would be retained close the proposed dwelling. I recognise that there would be the potential for noise and disturbance from the business to affect the living conditions of future occupiers of the dwelling and that this would possibly have implications for the operation of the business. However, as the business only now operates a single vehicle, the appellant indicates that all services and maintenance is carried out off-site at a dealership. This reduces, in my view, the potential for harmful levels of noise and disturbance, or indeed business activities that would be impinged upon by the presence of an additional residential dwelling adjacent. Furthermore, I note the appellant's view in paragraph 3.10 of the appellant's statement that the existing haulage business does not cause nuisance to existing residents and that the level of activity associated with a single vehicle would not be to the detriment of local residents. In the absence of any compelling evidence from the Council to the contrary, it follows that a reduced operation at the site would also be unlikely to be harmful to the living conditions of future residents of the appeal proposal. Thus, the dwelling would be unlikely to constrain any future operations of the business.
21. In addition, the appellant considers that the need to share a single access to the site, and the proximity of the two parts of the site to one another, would present difficulties in attracting an alternative use to that part of the site. In the absence of any evidence to suggest otherwise, I agree.
22. Thus, in the absence of any substantive evidence to the contrary from the Council, I am satisfied the appellant has suitably demonstrated that the building and yard which comprise the appeal site are no longer suitable for the current haulage business or any alternative employment uses.

23. I conclude, therefore, that the proposal would not have a harmful effect on the provision of employment land in the area. To that end, it would accord with paragraphs 17 and 123 of the Framework which seek to encourage the effective reuse of land and that business should not have unreasonable restrictions put upon them by changes in land use.

Other Matters

24. I have had regard to the evidence of the appellant relating to the vulnerability of the business to theft and vandalism and indeed that such events have taken place with subsequent effects on the business. I also note that the proposed dwelling would be designed to maintain overlooking of the business. However, I understand the appellant currently resides around 360m from the appeal site with a dwelling already located adjacent to the appeal site around 43m to the north of the location of the proposal. Thus, it seems to me that, in the absence of any detailed evidence of recent thefts or vandalism at the site and, given there is existing surveillance in the form of the adjacent dwelling, the need for the additional security provided by the dwelling would not be a factor that would outweigh the harm resulting from the failure of the proposal to provide a suitable location for new housing having regard to reliance on private car.

25. I have also had regard to the views of the Parish Council and local residents. However, I find that such matters would not outweigh the harm I have identified.

Conclusions

26. Whilst I am satisfied the proposal would not have a harmful effect on the provision of employment land within the area, the appeal site would be an unsuitable location for new housing having regard to reliance on private car. That is the prevailing consideration in this instance. As a result, for the reasons above and having considered all other matters, the appeal should be dismissed.

Jason Whitfield

INSPECTOR