



Appeal Decision

Site visit made on 19 April 2005

by **J Chance BSc DipTP MRTPI**

an Inspector appointed by the First Secretary of State

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Date

23 MAY 2005

Appeal Ref: APP/D2510/A/04/1159293

Land at The Blue Bell Inn, High Street, Belchford, Horncastle, Lincs. LN9 6LQ

- 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 Robert Pickles against the decision of East Lindsey District Council.
- The application Ref S/013/00266/04, dated 14 February 2004, was refused by notice dated 21 May 2004.
- The development proposed is described as "residential development for 4/5 houses".

Summary of Decision: The appeal is dismissed.

Procedural Matters

1. The application, which is the subject of this appeal, was submitted in outline, with all matters reserved for further consideration. I have taken account of this in my determination of the appeal and I have regarded the possible layout of the dwellings as illustrative only.
2. The application as submitted was based on the 1:1250 site location plan and a layout of 5 dwellings with suggested landscaping and boundary treatment on drawing ref. ALM 10. Following the Council's refusal, the layout was revised, as shown on drawing ref. ALM 11. However, that amended scheme has not been subject to consultation and accordingly I am only able to consider the original plans which were refused by the Council, and I have determined the appeal on that basis.
3. When checking the plans at the site visit it was revealed that the appellant no longer owns the public house and car park, which were included within the blue line on the application site location plan. This was confirmed subsequently through a revised land ownership plan, which also shows an increase in the width of the proposed site access.

Main Issues

4. The main issues are:
 - (a) the implications for the Council's strategy for residential development;
 - (b) the effect of the proposed development on the provision of community facilities, with particular regard to the provision of recreational facilities; and
 - (c) the effect of the proposed development on the form and character of the existing settlement.

Planning Policy

5. The development plan includes the East Lindsey Local Plan, Part One: District Wide Policies, Alteration 1999 and Part Two: Settlement Proposals, 1995 (LP) (adopted). Belchford is identified as a medium sized village in the adopted LP. Policy H3 indicates

that housing development will be permitted on sites not allocated for housing within the medium sized villages, provided that, amongst other things, the site is not allocated for another use; the development would not result in the loss of an existing use which is essential to the local community's social or economic fabric; it would not result in the loss of open space or a frontage which contributes significantly to the village's character; it would be accessible to public transport and local services; and it would not harm the village character.

6. Policy CF2 seeks to prevent development which would involve the loss of a community or social facility, unless the continued use of the facility has been shown not to be necessary in the long term; it is a business which will not be viable in the long term; or an accessible replacement facility is provided elsewhere.
7. Policy H12 indicates that new housing will be permitted only where, amongst other matters, its siting, layout, density and design protects the residential amenity of adjacent occupiers; it reflects or enhances the locally distinctive character; and it incorporates suitable on-site landscaping and boundary treatment. The main thrust of Policy A5 is that development will only be permitted where, amongst other things, its design does not detract from the distinctive character of the locality.
8. I have been referred to Supplementary Planning Guidance entitled "Lincolnshire Design Guide for Residential Areas" (SPG). As it has been adopted and subject to public consultation, in line with the advice in Planning Policy Statement 12: Local Development Frameworks, I accord it significant weight. It indicates that outline planning applications should be accompanied by a Development Appraisal, which should identify opportunities and constraints relating to the site, its surroundings and the type of proposal.
9. My attention has been drawn to the East Lindsey Local Plan – Draft First Deposit June 2004. Belchford is identified as a small village in the emerging LP, in which under Policy H3 housing would only be permitted where it can be shown, amongst other things, to be essential for the needs of agriculture, horticulture or forestry or there is a proven local need that cannot be met in one of the key settlements. Policy CP 4 seeks to prevent the loss of an important village or community facility unless it cannot reasonably be retained. The emerging LP appears to be at an early stage of preparation and, since I cannot be sure that its policies will be adopted as they stand, although it is a material consideration, I am only able to accord it limited weight.
10. I have also been referred to Planning Policy Guidance Note 3: Housing (PPG 3). Paragraph 38 of PPG 3 advises that local authorities, whose development plans are to be reviewed, should have regard to the policies contained within PPG 3 as material considerations, which may supersede the policies in their plans in the interim period. The overall presumption is that previously-developed sites should be developed before greenfield sites.

Reasons

11. The appeal site relates to a grassed area to the rear of The Blue Bell public house and car park in Belchford. The land has a current planning permission for use as a recreation area, together with parking and the creation of a pedestrian access, which was obtained by the Parish Council.

Implications for the Strategy for Residential Development

12. Belchford is identified as a medium sized village in the adopted LP, where a limited amount of housing development would be acceptable in principle under Policy H3. The existing site appears to be currently unused and the scale of the proposal would not, in my opinion, represent an unduly large addition in terms of the existing number of dwellings in the settlement. However, although the site is almost entirely enclosed by existing properties and there would be little opportunity to view the proposed development from the surrounding roads, it would result in the loss of an area of open space, which is seen from the rears of many dwellings which front onto Ings Lane, Chapel Lane and Church View/High Street, as well as from the public house car park. It also is, to my mind, an important feature in terms of the character of the village, which has a particularly open and fairly informal layout, with different shaped and sized spaces throughout, but with roughly open central areas within the two main clusters of built form. Consequently, I find that the visual loss of that open space would be sufficiently important to outweigh the overall intention within Policy H3 of the adopted LP to allow limited housing development within the settlement framework.
13. In terms of access to public transport and local services, which are further considerations with Policy H3 of the adopted LP, I saw that Belchford has a public house which has reopened relatively recently, a church, village hall, telephone call box, a Post Office which is open part-time, and is served by a school bus service and a semi-flexible rural bus service. However, it lacks a shop and school and has very little employment. Furthermore, contrary to the appellant's view, I consider that the frequency of the community bus service does not provide a realistic alternative to the use of the car for residents of the village. In addition, although some of the potential future residents of the proposed dwellings might be retired or work from home, it is likely that some might not, and I consider that there would be a high level of dependence overall on the car by those occupiers for employment, shopping and leisure trips and for other essential services and facilities not available in the village. Consequently, I find that the limited accessibility to public transport and local services would not be fully in line with the intentions of Policy H3 of the LP.
14. The Government is committed to promoting more sustainable patterns of development within urban and rural areas. PPG 3 indicates that villages will only be suitable for accommodating significant additional housing where it would support local services that might otherwise be unviable, meet local needs, such as affordable housing and be in keeping with the character of the village. In this particular case, there are few services or facilities to be sustained or improved by occupiers of the proposed development. Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS 7) states that sustainable development is the core principle underpinning land use planning and advises that away from larger urban areas, most new development should be focussed in or near to local service centres. It also indicates that any limited development in or next to rural settlements which are not local service centres should meet local business and community needs and maintain the viability of those communities. In my opinion, the appellant has not demonstrated that the proposed development would achieve those objectives.
15. The intentions of the Housing policies in the emerging LP are to direct housing development towards urban areas and the main villages with services and facilities, with residential development in the smaller villages and the countryside based on a demonstrated

local need. Belchford is identified as a small village in the emerging LP. The appellant has not put forward any special justification in terms of an overriding need for the proposed dwellings, or that they would be for farm, forestry or other workers in rural enterprises, or that they would be affordable. In the absence of such justification, I consider that the proposed development would be contrary to the intentions of Policy H3 of the emerging LP.

16. The appellant cites the Barker Review as evidence of a national shortage of housing and housing land. Notwithstanding that report, the Government is committed to sustainable development principles and national housing policy guidance seeks to ensure that all development is in accordance with those principles. The appellant points out that the emerging Structure Plan indicates that additional housing is still needed to meet the District's future needs and, in my view, there is no suggestion that the housing allocation in the emerging LP is not being revised to meet the new housing targets. In addition, the Council is monitoring and managing according to the advice in PPG 3 in the interim period before the review of the LP. I accept that the housing land supply figures have not been fully tested within the development plan review process and that figures from the latest Census are unlikely to have been used. I also acknowledge that there appears to be no suggestion that over the entire life of the future development plan there should be no greenfield development in meeting the District housing target.
17. In summary on this issue, I have previously found that the proposal would be contrary to Policy H3 of the adopted LP. I have also concluded that this site is in a location which is not particularly sustainable, although there are limited local facilities. Furthermore, both parties agree it is not previously-developed land. The proposed development would therefore not be in line with national policies for housing development in rural areas and it would conflict with the intentions of Policy H3 in the emerging LP. Even though this would be a relatively small development, the potential cumulative effect of allowing a succession of small developments in this and other villages with few community facilities and services could, in my view, put at risk the underlying aims and intentions of the housing strategy for the area.
18. I therefore conclude that the proposed development would significantly harm the Council's strategy for residential development.

Effect on the Provision of Community Facilities

19. I note that the public house and its car park would remain under the scheme. Whilst I acknowledge that the appeal land has been used on an informal basis for community events in the past, I saw that the grassed surface is fairly rough and uneven and the area is currently a private open space which has been gated off against public access. Although I note that the site has planning permission for recreational use, it would appear from the evidence put forward that there is little prospect in the immediate future of the land being used in that way.
20. Whilst the adopted LP does not designate the appeal site as use for open space or recreation, it does identify a different site for local recreation and the supporting text refers to possible limited potential for recreation on a further area adjacent to the village hall. Although local residents indicate that there is little prospect of the identified land north of Narrow Lane being released for recreational use and the appeal land is their preferred site for such use, as

the appeal land is also within private ownership it is, in my view, no more likely to be available than the Narrow Lane site.

21. I note that the Council has not so far carried out either an audit of existing open space, sports and recreational facilities or a study of whether the area is lacking in open space for recreational purposes. In the absence of such assessments, it would appear that the appellant has sought to demonstrate through the existing access restrictions that the area no longer has a function as a community recreational resource. Even though the Council contends that support from the community for the appeal land open space being surplus to requirements has not been forthcoming, I note that the Parish Plan of 2004 indicates that there is some opposition to the use of the appeal site for recreation and also some suggested alternative sites.
22. In summary, while the site has been used as a community facility on an informal basis in the past, it is not being used for that purpose now and is not designated in the adopted LP as open space or use for recreation. Since there are further areas of open space elsewhere in the village, one of which is identified for recreation purposes in the current adopted LP, and the Council has not demonstrated that this site is essential to overcome any deficiency in open space or recreational facilities, I conclude that development of the site as proposed and its subsequent loss as a community facility would not result in significant harm. I further conclude that the proposed development would not be contrary to the intentions of Policy CF2 of the adopted LP or Policy CP 4 of the emerging LP.

Effect on the Form and Character of the Existing Settlement

23. I have previously referred to the rather scattered nature of the settlement with its definite and intentional openness and spacing, which I consider to be a key characteristic. Even though the "figure of 8 on its side" mentioned by local residents is not terribly obvious on the ground, the open central area and well-spaced arrangement of properties on irregular sized plots around it is clearly evident in the vicinity of the site.
24. Whilst I accept that the indicated layout is for illustrative purposes, it would, in my view, be more appropriate to a suburban location. Overall, I consider that the erection of five houses would lead to a cramped form of development, which would be out of keeping with the surrounding well-spaced properties of varying forms, shapes and sizes within irregularly shaped plots, many of which are characterised by particularly long rear gardens, arranged around a central space. Development of the site with five houses would result in very little unbuilt area which would virtually destroy the distinctive form and character of this part of the village, as well as leading to the loss of the entire area of open space, which currently, in my opinion, provides a valuable visual contribution. Consequently, the proposal would conflict with Policies H3, H12 and A5 of the adopted LP.
25. I note that the appellant has not submitted an accompanying Development Appraisal, as advised by the SPG. Although I accept that matters relating to detailed siting, layout, form, design, access, existing and proposed planting and other soft and hard landscaping would be dealt with under Reserved Matters submissions, a Development Appraisal at outline stage helps to ensure that key design issues and considerations of the wider surroundings are being taken into account from an early stage. The absence of a Development Appraisal for this relatively sensitive enclosed site is contrary to the advice in the SPG.

26. I therefore conclude that the proposed development would significantly harm the form and character of the existing settlement, in conflict with the intentions of Policies H3, H12 and A5 of the adopted LP, and that the proposal as submitted does not conform with the requirements of the SPG.
27. Notwithstanding my considerations with regard to the provision of community facilities, I nevertheless conclude that the determining factors in this appeal are the harm to the Council's strategy for residential development and the harm to the form and character of the settlement.

Other Matters

28. I have taken account of concerns raised by local residents over the number of dwellings for sale and the derelict properties in the village. However, the numbers involved are not, in my view, unusual for a village such as Belchford and this does not mean that there would be no demand for the proposed houses. I have also given consideration to the potential effects on the living conditions of existing nearby residents and on the trees within and adjacent to the site, to concerns over access, highway safety and lack of parking for the public house and to potential increased custom for The Blue Bell Inn. However, these do not outweigh my conclusions on the main issues as identified above.

Conditions

29. I have taken account of the views expressed by the appellant that conditions covering the number of units, layout, detailed design and landscaping could overcome concerns relating to the impact of the development on the character and quality of the existing village and the AONB. I have also considered the conditions put forward by the Council in the event that the appeal is allowed. However, these would not be sufficient to overcome the harm I have identified and the development would still be unacceptable.

Conclusion

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

Formal Decision

31. I dismiss the appeal.

J. Chance

INSPECTOR