

APPLICATION NO	PA/2021/1336
APPLICANT	N Brown & C Osborne
DEVELOPMENT	Application for permission in principle to erect up to three dwellings
LOCATION	Land adjacent to 51 The Nooking, Haxey
PARISH	Haxey
WARD	Axholme South
CASE OFFICER	Kevin Robinson
SUMMARY RECOMMENDATION	Grant permission in principle
REASONS FOR REFERENCE TO COMMITTEE	Departure from the development plan

POLICIES

National Planning Policy Framework:

Paragraph 7 states, '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.'

Paragraph 8 states, '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 wellbeing; 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 9 states, 'Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.' It also explains that the three overarching objectives are not criteria against which every decision can or should be judged.

Paragraph 10 states that at the heart of the Framework is a presumption in favour of sustainable development.

Paragraph 11 sets out the presumption in favour of sustainable development and confirms that, for decision-taking, this means:

- (c) approving development proposals that accord with an up-to-date development plan without delay; or
- (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting planning permission 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 the Framework as a whole. Paragraph 38 states, 'Local planning authorities should approach decisions on proposed development in a positive and creative way...Decision-makers at every level should seek to approve applications for sustainable development where possible.'

Paragraph 127 states that planning policies and decisions should ensure that developments:

- (a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- (d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- (e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where

crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

North Lincolnshire Local Plan:

Policy H5 (New Housing Development)

Policy RD2 (Development in the Open Countryside)

Policy T1 (Location of Development)

Policy LC14 (Area of Special Historic Landscape Interest)

North Lincolnshire Core Strategy:

Policy CS1 (Spatial Strategy for North Lincolnshire)

Policy CS2 (Delivering more Sustainable Development)

Policy CS3 (Development Limits)

Policy CS6 (Historic Environment)

Policy CS7 (Overall Housing Provision)

Policy CS8 (Spatial Distribution of Housing Sites)

Housing and Employment Land Allocations DPD:

Inset 23 – Haxey

Policy PS1 (Presumption in Favour of Sustainable Development)

CONSULTATIONS

Highways: No objections subject to conditions requiring details of the access.

Waste Services: Make informative comments regarding the requirements for waste collection from the site.

Anglian Water: Have no objections or comments.

Environmental Protection: Request information on the investigation and, if necessary, remediation of the site with regard to land contamination.

LLFA Drainage: No objection subject to conditions requiring the submission and implementation of a detailed drainage scheme.

Historic Environment Record: Advise that three new dwellings in this location would be an over-development of the roadside resulting in the unacceptable extension and intrusion of the built environment into the historic landscape. Recommend refusal on these grounds.

PARISH COUNCIL

Objects to the proposal on the following grounds:

'The site is outside the development limits of Haxey, in the historic Isle of Axholme landscape LC14. It has not been previously developed. This site has been proposed for inclusion previously in land allocation process but rejected and remains outside the building envelope of Haxey, several applications have also been made to develop but again have been refused; we see nothing that changes these previous decisions. It is our view that until it is included in the building envelope through the proper legal and democratic process, it should be refused. Any application, should it be included in the building envelope, should then be subject to planning rules relating to rural village policies. This proposal is not consummate with policy CS3; it is subject to CS1, RD1 of the local plan and NPPF 70.'

Objections are also raised in relation to the proximity to the school opposite the site.

PUBLICITY

A site notice has been displayed adjacent to the frontage of the site. No comments have been received.

ASSESSMENT

Site

The application site is a 0.19 hectare parcel of land located to the northern edge of the settlement of Haxey. The site abuts the dismantled railway line to the west, is open to the north, has neighbouring properties at 51 and 53 The Nooking to the east, and the Haxey Church of England Primary School on the opposite side of the road to the south. The site is bordered to the road and to the west by mature hedges and to the north and east is open.

The site lies within the Isle of Axholme Area of Historic Landscape Interest.

Planning history

There are historic applications relating to the site, the most recent being:

PA/2018/1620: Outline planning permission to erect a dormer bungalow with all matters reserved for subsequent consideration – refused 05/11/2018.

PA/2018/684: Outline planning permission to erect a detached dormer bungalow with appearance, landscaping, layout and scale reserved for subsequent consideration – refused 06/06/2018.

There is also a more recent approval for permission in principle on the opposite side of Haxey that has a number of similarities with the proposal:

PA/2019/1117: Application for permission in principle to erect one to three dwellings on land adjacent to 61 Haxey Lane – approved at committee in August 2019.

Proposal

This application seeks 'permission in principle' for residential development of one to three dwellings on the site.

Permission in principle

The permission in principle consent route is an alternative way of obtaining planning permission for housing-led development, which separates the consideration of matters of principle for proposed development from the technical detail of the development. The permission in principle consent route has two stages: the first stage (or permission in principle stage) establishes whether a site is suitable in principle; and the second (technical details consent) stage is when the detailed development proposals are assessed.

Following a grant of permission in principle, the site must receive a grant of technical details consent before development can proceed. The granting of technical details consent has the effect of granting planning permission for the development. Other statutory requirements may apply at this stage such as those relating to protected species or listed buildings. An application for technical details consent must be in accordance with the permission in principle that is specified by the applicant.

A decision on whether to grant permission in principle on a site following a valid application must be made in accordance with relevant policies in the development plan unless there are material considerations, such as those in the National Planning Policy Framework (NPPF) and national guidance, which indicate otherwise.

The scope of permission in principle is limited to location, land use and amount of development. Issues relevant to these 'in principle' matters should be considered at the permission in principle stage. Other matters should be considered at the technical details consent stage. Matters such as visual amenity, residential amenity, impact upon highway safety, drainage, ecology, heritage and environmental protection considerations will be dealt with as part of any future application for technical details consent.

It is not possible for conditions to be attached to a grant of permission in principle and its terms may only include the site location, the type of development and amount of development.

The only consideration relevant to the determination of this application is whether the principle of development is acceptable with respect to the location, land use and amount of development proposed.

Policy context

Policy CS1 of the Core Strategy sets out a spatial strategy for North Lincolnshire, which, amongst other matters, provides that rural settlements will be supported as thriving sustainable communities, with a strong focus on retaining and enhancing local services to meet local needs and that any development that takes place should be in keeping with the character and nature of the settlement.

Policy CS8 deals with the distribution of housing sites and prioritises development in Scunthorpe and the market towns, with brownfield sites and sites within development boundaries being the primary focus. With regard to rural settlements, the policy states that new housing will create opportunities for small-scale infill development that maintains the viability of the settlement and meets identified local needs without increasing the need to travel. Policy CS8, whilst restricting housing outside development limits, contemplates some greenfield development as it refers to allowing development on such sites where it can be demonstrated that this would bring additional community benefits, contribute to building sustainable communities and be acceptable in terms of its impact on the high

quality environment and adjoining countryside. This overall approach is supported by policy CS2 which sets out a sequential approach for development.

Policy CS3 provides that development limits will be defined in future development plan documents. Outside these boundaries, development will be restricted to that which is essential to the functioning of the countryside. The development limits were subsequently defined in the HELAP, and the application site is located outside the designated development limits for Haxey.

Local plan saved policy RD2 restricts development in the open countryside other than in exceptional circumstances. This policy only supports residential development outside defined development limits where it is to meet an essential proven need and the open countryside is the only appropriate location for the development. Whilst this policy remains part of the development plan, it has largely been overtaken by policies in subsequent plans addressing the same issue (such as policies CS2 and CS3 referenced above).

Notwithstanding the development plan policies set out above, the NPPF is a material consideration when determining planning applications. Paragraph 11 of the NPPF states that decisions should apply a presumption in favour of sustainable development and that for decision-taking this means:

- (c) approving development proposals that accord with an up-to-date development plan without delay; or
- (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - (i) the application of policies in this Framework that protect areas or assets of particular importance provides 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.

Location

The application site is located directly adjacent to the defined development boundaries for Haxey, with the boundary running along the western and southern extents of the site. On this basis the site would normally be considered to be within the open countryside for the purpose of planning. However, the principle of a very similar location for residential development was considered by the inspector during the determination of a recent appeal on a similar site on Haxey Lane (APP/Y2003/W/19/3220869) who made the following comment:

“The appeal site and neighbouring dwellings appear to be outside the development boundary of the villages of Haxey and Graizelound as defined in the local development framework. However, there is clearly a well-established ribbon development along the eastern side of Haxey Lane such that the built form of these villages approach each other at the appeal site. Therefore, notwithstanding the development boundaries, the site appears to be located within the village of Haxey and immediately adjacent to the village of Graizelound.”

In this regard the inspector goes on, in his conclusion, to confirm that:

“Policy RD2 refers specifically to development in the open countryside but as I have found that the appeal site is within the village of Haxey, this policy is not directly relevant.”

This assessment ultimately supported the granting of permission in principle for frontage development at the site as granted under reference PA/2019/1117.

Whilst the Inspector is discussing a different site, there are a number of parallels to this proposed site. The sites both immediately abut the development limits and have development to the side running away from the settlement. It is therefore considered that the approach taken previously under approval PA/2019/1117 is notable and must be given due regard in considering this proposal.

This proposal would result in the infilling of a gap in an otherwise built up frontage of properties along The Nooking. The proposal could be controlled at technical details stage to ensure that the development runs in a linear form with frontage only onto The Nooking. It is therefore considered that there would not be any appreciable encroachment into the Isle of Axholme Area of Historic Landscape Interest (policy LC14) and would not have any detrimental impact of encroachment of the settlement into open countryside locations.

The site is currently grassland with mature hedgerows to the frontage and to the western boundary. Details of any necessary biodiversity gain can be addressed through the technical details stage, however there is not considered to be any ecological justification against the principle of developing the site for up to three residential properties.

Haxey is a larger rural settlement and is the largest village in the Isle of Axholme providing a range of local services and facilities, with public transport links to larger centres. The settlement scored 45 points in the North Lincolnshire Settlement Survey (2016), ranking 9th out of all of the settlements in North Lincolnshire for sustainability. As well as being sustainable in its own right, the village of Haxey performs an important role in supporting and providing facilities for adjacent, smaller, settlements such as Graizelound, East Lound and Westwoodside. Consequently, it is considered that the application site is a sustainable location for residential development with respect to the accessibility of services and facilities.

It is acknowledged that the proposal would be contrary to Core Strategy policy CS3 and local plan policy RD2, which seek to strictly control development outside of defined development boundaries. However, as noted above, the inspector for the recent appeal gave minimal weight to conflict with these policies when considering the merits of an appeal for similar infill development adjacent to the development boundary. This is due to the fact that the inspector considered that site to form part of the village of Haxey and to not be located in the wider countryside. Given the extent of built form bounding the site and that there would be no further encroachment into open countryside from this proposal, it is considered that the same approach is applicable. It is also noted that the restrictive approach of policies RD2 and CS3 is inconsistent with the more positive approach towards development contained in the National Planning Policy Framework. Given this recent appeal decision and the fact that the site lies between existing ribbon development, directly adjacent to the defined development limits of Haxey, it is considered that little weight can be attributed to the conflict with policy CS3. On this basis the presumption in favour of sustainable development should apply.

Land use

The application site is currently grassland. It is abutted to the east and south by existing residential development and to the further west by the extent of the settlement of Haxey. The development of the site will not see the loss of any special resource and, given the existing pattern of development in the area, residential development of the site to continue the existing ribbon development along Haxey Lane is considered to be an appropriate use of the site. This proposed development will provide a contribution towards the supply of housing in the area and would support existing services and facilities in the settlement of Haxey. Therefore, the development aligns with the aims of the NPPF and in particular paragraph 78, which seeks to promote housing to enhance and maintain the vitality of rural communities.

Amount of development

The proposal is for residential development of one to three dwellings. The proposal is therefore considered to constitute small-scale infill development, which reflects the density and development pattern of housing found in the surrounding area. The scale of development is therefore considered to be acceptable and proportionate to its context.

Other considerations

Haxey Parish Council have raised concerns in relation to the proximity to the school opposite the site. In this regard details of the access to the properties would be considered at technical details stage. It is not uncommon to have residential properties near to schools. There are inherent sustainability benefits from such proximities. As the details of the access can be suitably considered at the next stage and given the limited number of up to three properties, it is not considered that the location of the site opposite the school would substantiate a reason to resist the proposal.

Conclusion

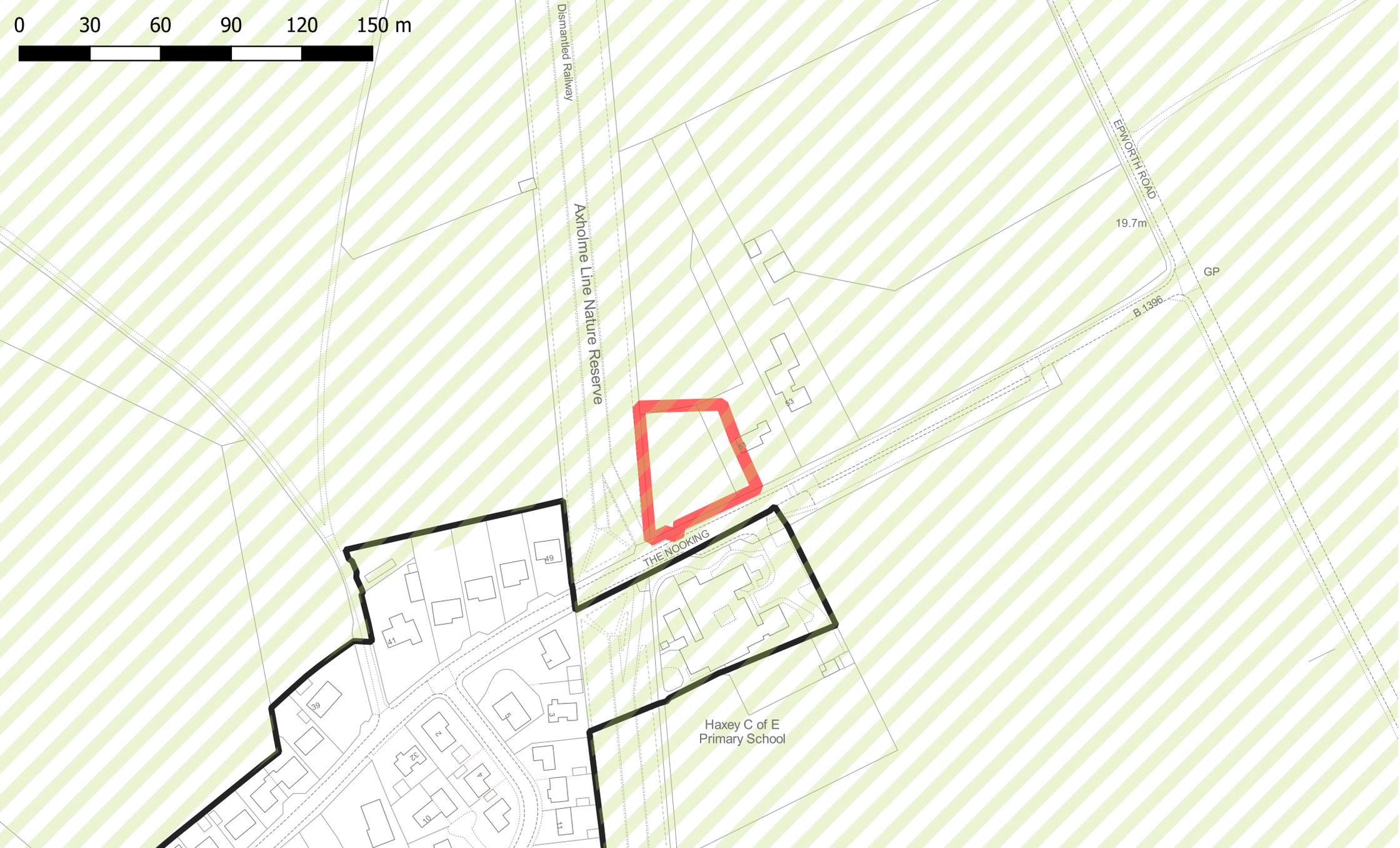
Permission in principle can only be considered on grounds of location, land use and amount of development. Matters such as visual amenity, residential amenity, highway safety etc. cannot be considered at this stage and will be considered as part of any future application for technical details consent.

The proposed development would have social and economic benefits by providing up to three new dwellings. There would be a modest benefit to the economy during the construction phase that would help support local shops and services. These benefits weigh heavily in favour of the development.

Applying the planning balance, it is considered that no adverse impacts would result from the development that would significantly and demonstrably outweigh the social and economic benefits identified above. On this basis it is recommended that permission in principle be granted.

RECOMMENDATION Grant permission in principle.

0 30 60 90 120 150 m



 LC14 Isle of Axholme Area of Special Historic Landscape Interest
 Development boundary

**North
Lincolnshire
Council**

PA/2021/1336

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