

Mr Mark Niland
Planning Dept.
North Lincolnshire Council
Civic Centre
Ashby Road
Scunthorpe
DN16 1AB

24th June 2021

Dear Mr Niland

PA/2021/715 - Outline planning permission for up to 34 dwellings with appearance, landscaping, layout and scale reserved for subsequent consideration (including demolition of existing workshop, polytunnel and stable) at Fruit Farm, 58 Station Road, Epworth, DN9 1JZ

KVA Planning Consultancy has been commissioned to draft a letter of objection to the above proposal by Mr Parker on behalf of the Northern Lincolnshire Local Group of CPRE 'The Countryside Charity', to be submitted to North Lincolnshire Council.

The Northern Lincolnshire local group of CPRE The Countryside Charity ('CPRENL') objects to this proposal which is not in conformity with local or national planning policies, on the following grounds:

1. The proposed application is sited outside the adopted (and proposed) development limits and within the open countryside;
2. The site is not all brownfield land;
3. The detrimental impact on the historic landscape of the Isle of Axholme; and
4. The detrimental impacts on the Epworth Conservation Area; and
5. The detrimental impact on Highway safety.

In accordance with section 38 (6) of the Planning and Compulsory Purchase Act (2004) the application should be determined against the statutory Development Plan unless material considerations suggest otherwise. The National Planning Policy Framework ('NPPF') (Nov 2019) is a material consideration which should be taken into account when determining the proposal.

Para 213 of the NPPF sets out that policies within the development plan should be given due weight according to their consistency with the Framework. The Council's own evidence base states that the Council cannot demonstrate an up to date five year housing land supply, therefore, in accordance with paragraph 11 of the revised NPPF this means: *'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are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting planning*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 of particular importance provides a clear reason for refusing the development proposals; or*
- ii) *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework when taken as whole.'*

CPRENL consider that there are clear reasons set out with in planning policy (local and national) that provide a clear reason to refuse the proposals, predominantly that the adverse impacts of the proposal outweigh the benefits in terms of additional house building to a significant and demonstrable degree.

The Council are in the process of preparing a new single Local Plan which will replace the existing Development Plan documents once adopted. They published their preferred options for consultation between February and March 2020 to which CPRENL provided comments. In accordance with the NPPF, however, it is at too early a stage in its production and no weight can be attributed to it as yet, however, it does give a good indication in the direction of proposed policy.

Policy CS1 provides the spatial strategy setting out the hierarchy for development. It focusses new development in the Scunthorpe Urban area followed by the market towns, the rural settlements and then the countryside. Epworth is highlighted as being a market town and opportunities are set out in paragraph 5.38 *'Epworth is the main service centre for southern portion of the Isle of Axholme. It has a very strong range of services and facilities, which are mainly located in the thriving town centre. The town is surrounded by an area of special historic landscape interest, which limits opportunities for expansion. There a number of constraints affecting the town. Public transport provision is limited and there are issues with traffic, especially within the town centre where parking can be a problem. Employment opportunities are limited as many of the employment sites have now been redeveloped for housing. It is also felt by many that infrastructure is not suitable and cannot accommodate further growth. To reflect the need to support its important role as a Market Town and taking into account the constraints experienced, the level of future development in Epworth will be limited to that which is already committed in existing plans.'*

Core Strategy Policy CS2 provides a sequential approach to development. It clearly states the preferred order for development within market towns as, previously developed land within development limits, other infill opportunities and then small-scale greenfield extensions to meet identified local need. It goes on to state within the policy that *'any development that takes place outside the defined development limits of settlements [...] will be restricted. Only development which is essential to the functioning of the countryside will be allowed to take place.'*

Policy CS3 confirms that development proposed outside (future) defined development limits *'will be restricted to those for the essential functioning of the countryside'*. The Housing and Employment Land Allocations Development Plan adopted the development limits which were tightly drawn around the

existing built form of Epworth as shown below in figure 1. The figure shows the development limits of the rural settlement and the proposed site location. It also shows the Council’s allocations (from the adopted HELA DPD) for the settlement as being brownfield land and infill opportunities within the development boundaries (shown in brown). The site is covered in its entirety by green and white stripes denoting its importance as an ‘Area of Special Historic Landscape Interest’.

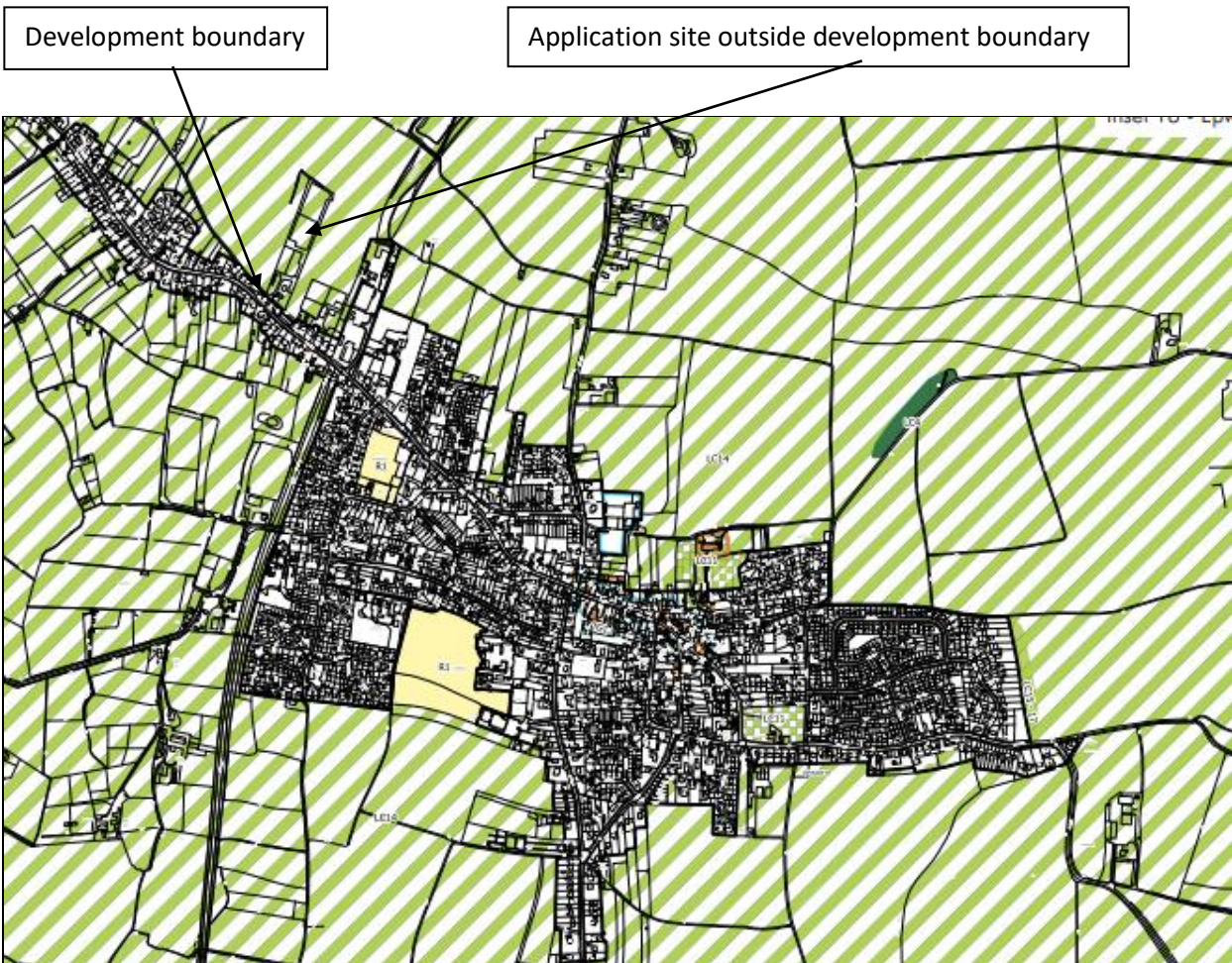


Figure 1 – Epworth Development Limits (current Local Plan)

The preferred options version of the emerging Local Plan has replaced the reference to Market Towns and placed Epworth in the ‘large service centre’ category of the settlement hierarchy, coming below ‘major sub-regional centre’ and ‘principal towns.’ Section 3 of Policy SS2p sets out clearly that large service centres are ‘to maintain and enhance their role as large service centres, that provide local employment opportunities, and key services and facilities for their surrounding areas, these settlements will be the focus for an appropriate level of growth. This will be through the provision of allocated sites within this plan, and through non-allocated sites within their defined development limits. Any development should reflect the character and nature of the settlement, together with infrastructure capacity.’

Policy SS6p provides the spatial distribution of housing sites allocating 92 new units for the lifetime of the plan in Epworth which perhaps reflects the constraints for the town as set out in adopted policy CS1 as shown above. As such, the Council has chosen not to redraw the development boundary of Epworth and as such the Council’s preferred approach is clearly for this site to remain in the open countryside, preferring to allocate another site elsewhere as shown below in figure 2.

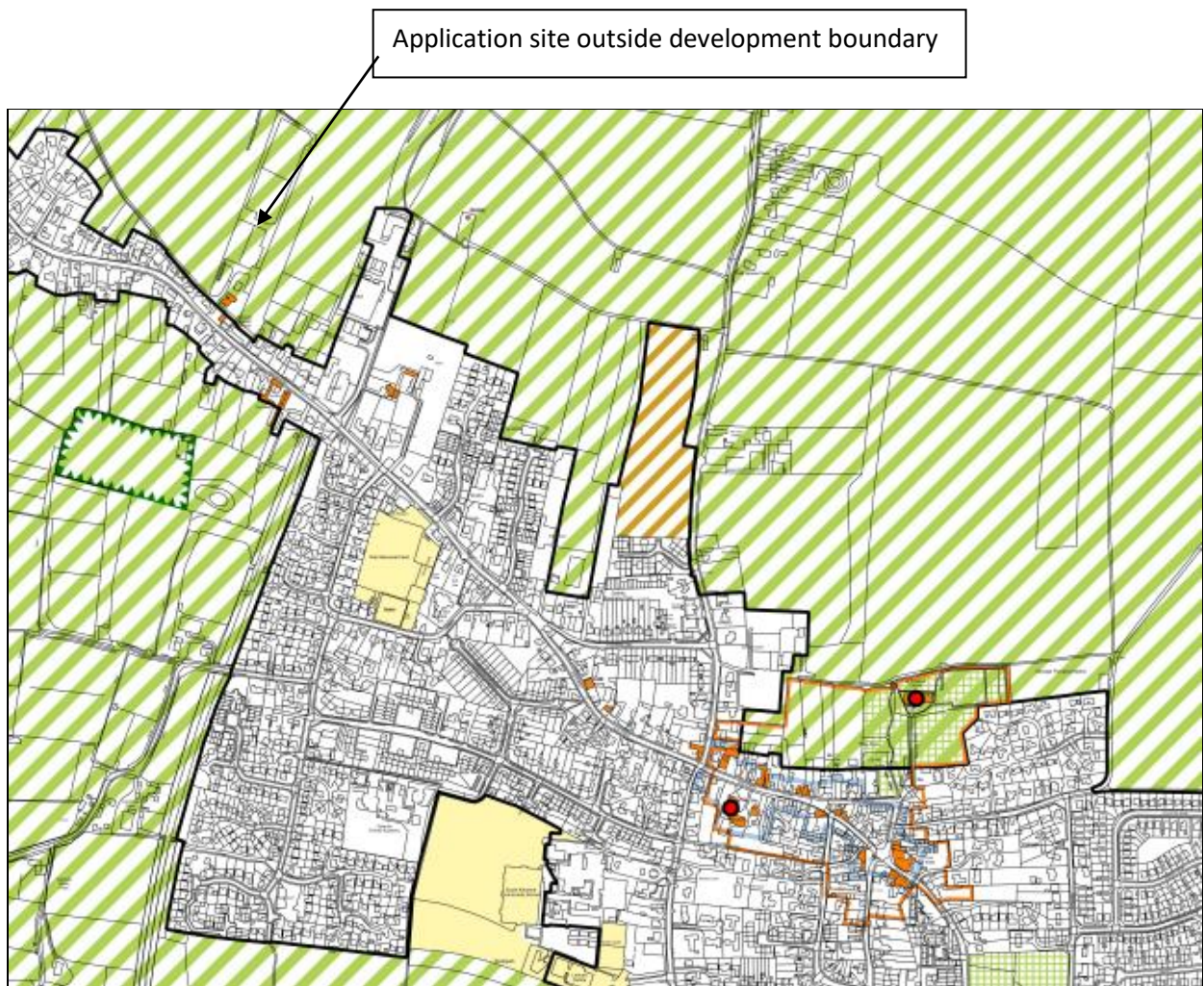


Figure 2 – Epworth Development Limits (emerging Local Plan)

In planning policy terms, the site is located within the open countryside. In a similar vein to CS1-3 above, Saved Local Plan Policy RD2 sets out what type of development will be supported in the open countryside.

The application is an outline proposal for 34 new dwellings in the open countryside adjacent to Epworth. This does not fall within the list of supported development set out in the policy which is confined to those essential to the operation of the countryside or to provide affordable housing to meet a proven

local need. CPRENL can see no evidence of local needs housing to be provided within the applicants supporting Design and Access Statement and no Planning Statement has been submitted detailing this. It is acknowledged that the applicant has stated they could be up to 7 affordable housing units delivered onsite in line with the Council's adopted policy, however, this does not justify the proposal for local housing needs as the majority of the site (and indeed the applicant's wider intentions for phase 2 and 3 totalling 240 units) is for market housing. Therefore, the proposal is clearly not in conformity with the Local Plan policies either adopted or emerging. The application form states that the applicant sought pre-application advice regarding the proposal and received a positive response. This is somewhat at odds with both current and emerging policy and would seem strange to CPRENL if this was the case as the Council's policy intentions appear clear.

It is noted that the proposal is in 'outline' form at this stage and as such all illustrations are indicative and liable to change between this and reserved matters should the Council be minded to approve, however, it is unusual for an application to proffer different layouts in various documents at this stage and is confusing for the reader.

The applicants documents also incorrectly describe the proposed site as being brownfield land. This is clearly not the case. Allotment and garden land is not included in the NPPF definition of previously developed land or 'brownfield' land and is clearly to be considered 'greenfield'. Whilst part of the site *could* be classed as brownfield (the part with the building on) it entirely depends on what this was used for and no direct information has been provided. Agricultural buildings – whilst built development – are not included in the NPPF as being previously developed land or brownfield. If the site was a 'fruit farm' as the site address suggest this is certainly not brownfield. As such no weight should be attributed to this element of the proposal.

Policy CS8 sets the spatial distribution of housing sites across the district. As the site is considered to be in the open countryside, this policy takes further the approach of saved policy RD2 in controlling development in the countryside setting out '*In rural settlements in the countryside and]in the open countryside outside development limits, housing development will be strictly limited. Consideration will be given to development, which relates to agriculture, forestry or to meet a special need associated with the countryside. All development should not have an adverse impact on the environment or landscape.*' It goes on to state that '*Development on greenfield sites will only be allowed where it can be demonstrated that this will bring additional community benefits*' there is no evidence of community benefits being delivered through this proposal.

The site is included within an Area of Special Landscape Interest under adopted Local Plan policy LC14 which sets out that development will not be permitted that would destroy, damage or adversely affect the character, appearance or setting of the historic landscape , or any of its features. The supporting text at paragraph 12.26 states specifically that '*The Isle of Axholme has been the subject of an intensive study of landscape character commissioned by the Countryside Commission. The study has identified*

significant areas of medieval open strip fields and Turbaries, both of which are of considerable national importance. These attributes together with enclosed land and the overall settlement pattern of the area make it unique in the country. It is essential therefore that future development is not allowed to adversely impact on this valuable historic resource. This is particularly so in relation to the character of settlements and to individual buildings or overall groups of buildings in the open countryside.'

The figures above show the application site is located in an area where the medieval strip fields are clearly visible, to allow this or future phases of development at this location would be to erode this important historic setting to Epworth and completely alter the character of the settlement. Further, Core Strategy Policy CS16 states development on or adjacent to locally important landscape areas will not be permitted where it would result in an unacceptable conflict with the function or characteristics of that area.

CPRENL believe that allowing the town to extend into this area by 34 residential units would be rendering boundaries indefensible and allow the applicant to pursue his ambitions for further phased development, well above that which the policy department believes is sustainable for the town, would be contrary to the settlement hierarchy (approved and emerging) and would introduce development to an area where it previously has not existed into the open countryside, to the detriment of the historic landscape. The applicant's heritage impact assessment focuses predominantly on the built development of the town and the potential impact the development will have on various assets. It does mention the field strip patterns setting out that the development will be retained within the existing boundary limits and that the boundary features will be retained within the development when built out. Whilst this would be preferred if the proposal was approved, CPRENL believe that the addition of the second and third phases will lose the impact of these features once developed and as such the special landscape features would be lost.

The historic town centre of Epworth (mentioned in the Domesday Book) has been designated as Conservation Area, the appraisal to which suggests that there are several pressures facing the Conservation Area status including '*new development on the peripheries of the town has impacted on the setting of the conservation area and the structure of the town as a whole. Further development pressures will need to be controlled and managed in order not to compromise the character and appearance of historic Epworth.*' CPRENL are of the opinion that the Council has sought to manage the development of Epworth by allocating land for development for a managed growth and setting out clearly that development should only be within the defined boundary or at specific allocation. This periphery development is neither and could add pressure to the Conservation Area if approved.

Members have reported to CPRENL that the access to the proposed site is a cause of concern. The width of the highway (Station Road) at this junction is that of a relatively typical rural street. The proposal is for 34 residential units to be located behind the existing housing, The access is proposed to be taken from the existing access. The applicant has stated that this is the first phase of 3 with a total of 240 proposed dwellings to be accessed from this location. Whilst the Council can only comment on the

application before them, the fact that the applicant has stated it within his planning documents makes it a material consideration and can be considered in the round. CPRENL do not consider that this access is suitable for this number of vehicles. Given that CPRENL consider that a positive determination of this proposal would completely alter the character of the settlement at this location and render boundaries indefensible, it is entirely probable that this location would require to be suitable for a much larger number of vehicular movements than predicted through this application.

Proposed access



Fig 3. Proposed access – google maps ©

For the sake of clarification, CPRENL would not object to the redevelopment of the existing brick-built buildings adjacent to Station Road to the entrance of the site which would constitute previously developed land and / or be suitable for redevelopment via the permitted development route. The site would certainly constitute infill development in line with the current built form of the settlement.

The Supreme Court Judgement in the cases of Suffolk Coastal District Council v Hopkins Homes Ltd and Richborough Estate Partnership LLP v Cheshire East Borough Council (2017) makes it clear that just because a Local Planning Authority does not have a demonstrable five-year supply and housing policies are not considered to be ‘up-to-date’ does *not* mean that restrictive policies are too (*my emphasis*). The weight to be given to a restrictive policy (or any other policy) was stated to be ‘*a question of planning judgement*’. Therefore, CPRENL, believe, the fact that this site is currently within the ‘open countryside’ and outside of development limits, and is proposed by the Council to remain that way in their Preferred Options Local Plan, should be given considerable weight in the planning balance when determining this application alongside other restrictive policies and that only policies with specific figures in should be



considered out of date in line with the Supreme Court Judgement.

In summary, when undertaking the planning balance for this proposal, whilst the Council's inability to demonstrate a five-year housing land supply warrants due weight in favour of the proposals, it is not considered sufficient to outweigh the substantial harm which would be caused by the development of this site. The restrictive policies of the Development Plan are not considered out of date and as such the harm to the open countryside, impact on the area of special historic landscape interest 1 all weigh heavily against the proposals.

For the reasons highlighted above, CPRENL wish to register their objection to these proposals. CPRENL would wish to be kept informed of any further amendments or submissions made regarding this application.

Yours sincerely,

Katie Atkinson, MRTPI

Director

KVA Planning Consultancy

On behalf of David Rose, Chairman of CPRE Northern Lincolnshire CPRE



The countryside charity
Northern Lincolnshire