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The countryside charity  
Northern Lincolnshire

5<sup>th</sup> October 2020

Dear Emmanuel

**PA/2020/1354 - Planning permission to erect six two-storey detached dwellings and change the use of the main building of the Duke William Motel to residential use (and demolition of an existing side extension to the Duke William and rear chalets)**

KVA Planning Consultancy has been instructed to respond to the public consultation on the above-mentioned planning application to be submitted to North Lincolnshire Council on behalf of the Northern Lincolnshire district branch of CPRE The Countryside Charity (CPRENL).

*Please note that whilst CPRE has nationally rebranded and no longer uses the title 'Campaign to Protect Rural England', the charity and what it stands for remains the same.*

A previous application was considered by NLCPRE and objected to in 2018 – that proposal was to erect seven, two-bed detached bungalows and a two-storey dwelling adjacent to the Duke William and change the use of the main building to residential use. Following a refusal of that application, the applicant appealed the decision which was duly dismissed by the Planning Inspectorate who concluded that the proposed development would cause significant harm in relation to the character and appearance of the area and that there would be harm arising from the proposed developments impact on the Isle of Axholme Area of Special Historic Landscape Interest (ASHLI) and the setting of a Listed Building (25 Church Street, Grade II Listed). This revised proposal reduces the overall number of dwellings on site, does not propose any bungalows but increases the height to two-storey for all six proposed dwellings.

CPRENL objects to this proposal on the following grounds:

- The proposal would not be in full conformity with the Development Plan in force;
- Development at this location would not constitute sustainable development;
- Impact on the setting of Heritage Assets and Area of Special Historic Landscape Interest;

- Development at this location would not be in keeping with the character and nature of the settlement;
- The supporting information is lacking in justification and is missing key information namely, housing for Local Need or Affordability; and
- The development fails to deliver quality design and lacks a good standard of amenity.

### **Planning Comment**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that: *'If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'* In February 2019, the Government published the revised National Planning Policy Framework (NPPF) which set out the Government's planning policies for England. It clarifies the Government's expectations in the delivery of appropriate development by setting a clear presumption in favour of sustainable development and is a clear material consideration to be weighed in the planning balance when determining this application.

Paragraph 213 of the NPPF confirms that due weight should be given to relevant policies in existing plans according to the degree of consistency with the framework. The statutory development plan for North Lincolnshire Council comprises the policies of the:

- North Lincolnshire Core Strategy adopted in June 2011;
- The Housing and Employment Land Allocations Document, adopted March 2016; and,
- The saved policies of the North Lincolnshire Local Plan, adopted in May 2003.

The Council are in the process of preparing a new Local Plan. It is intended that when adopted, the new single Local Plan will replace the existing development plan documents currently used to determine planning applications. The Council consulted the public and stakeholders on its Regulation 18 'Local Plan - Issues & Options Consultation Document' which NLCPRE responded to in March 2018. A further consultation was held in February 2020 on the 'Preferred Options Local Plan' to which CPRENL responded. However, in accordance with paragraph 48 of the NPPF, no weight can be attributed to the emerging document in determining this application, due to its early stage in plan preparation.

The NPPF requires that housing applications are considered in the context of a presumption in favour of sustainable development, stating at paragraph 11 that where there are no relevant development plan policies, or where the most relevant policies to the determination of the application are out-of-date, the application should be approved unless other policies in the

Framework warrant a refusal, or that any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

The Council produced a Five-Year Housing Land Supply Statement which covers the period from 1 April 2019 to 31 March 2024 demonstrating that the Council had a five-year housing land supply and as such, paragraph 11 of the NPPF is not triggered. However, due to persistent under delivery of housing the Council are now required to produce a Housing Delivery Action Plan requiring the them to apply a 20% buffer to its housing land supply calculations, meaning that the Council are obliged to deliver 75% of their requirement over the period April 2017 to March 2020 otherwise the tilted balance will apply even if the Council can demonstrate a five-year housing land supply. The Council are currently reviewing their current housing land supply figure and as such CPRENL believe that the test is triggered and the proposal should be determined against the provision of paragraph 11.

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) sets out that just because a Local Planning Authority does not have a demonstrable five-year supply and housing policies cannot be considered '*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) within the Development Plan was stated to be 'a question of planning judgement'.

It is, therefore, essential that the Council considers the proposal against paragraph 11 of the NPPF *and* whether specific policies within the NPPF as a whole and those within the Development Plan indicate that development at this location should be resisted.

Church Road is located in the west part of the settlement of Haxey where the pattern of development is well distributed and good separation distances are maintained between buildings and rear gardens/allotments helping to maintain the views through sites. The relationship between buildings and spaces and views into and out of Church Road make a positive contribution to the overall character and appearance of the area.

The scale and density of existing development adds to the characterful nature of this part Haxey village. The traditional form generally comprises the main house with ancillary buildings located towards the rear for example, garages and outbuildings. The area is largely free from 'backland' development.

In the immediate vicinity, the Church of St. Nicholas with its C15 square tower, adjoining Chapel and impressive setting lies within 118 metres due west of the Duke William Free House. It carries the highest level of protection being a Grade I listed building. Other structures within the church yard are also listed in their own right. Views of the Church and the Church tower are evident from many vantage points within Haxey village including the application site. NLCPRE are concerned that the

introduction of two storey dwelling houses to the rear of the Duke William would erode views of the Church from within the site and impact on the views of neighbouring occupiers.

The Duke William Free House is one of a few larger buildings in this part of Haxey village and like most of properties, it abuts the edge of Church Road. With development commonly found on both sides of the road this often leaves a narrow thoroughfare and makes access for users of the highway difficult. An increase in comings and goings could worsen the highway situation in an area of unrestricted control.

The Duke William physically adjoins 2 small properties known as 23 & 25 Church Road. They are Grade II listed for their special historic and/or architectural interest. To the right, the Duke William has been extended with a single storey extension. Access to a rear car park lies on the east boundary.

Its location and the importance and immediate setting of the Church means the Duke William Free House falls within the traditional part of the rural settlement. The settlement has developed further to the north and east most recently, which is evident in the build pattern, age of properties and the scale and density of development.

Haxey is classed as a 'rural settlement' in the settlement hierarchy as described in both The North Lincolnshire Core Strategy Development Plan Document (2011) and Saved Local Plan (2003). The site is not allocated for development in the Housing and Employment Land Allocations DPD (2016).

Policy CS1 (c) of The North Lincolnshire Core Strategy Development Plan Document (2011) sets out the broad framework around with the spatial development strategy for North Lincolnshire will be based. It is supportive of thriving rural communities and a vibrant countryside through the protection and enhancement of local service, creating opportunities for rural economic diversification and the promotion of tourism.

Policy CS1 considers rural settlements will be supported as thriving sustainable communities, with a strong focus on retaining and enhancing existing local services to meet local needs. Development will be limited and should take into account levels of local service provision, infrastructure capacity and accessibility. Any development that takes place should be in keeping with the character and nature of the settlement.

Paragraph 5.43 of the Core Strategy (North Lincolnshire's Rural Area and Communities) is supportive of small-scale development in rural settlements where the scale of new development is limited, and a local need is enforced. CPRENL are not aware that the applicant has demonstrated any justification of 'need' at this location for 3-bed and 4-bed dwellings. CPRENL are of the opinion that any new dwellings should be affordable and for genuine local need.

The latter part of paragraph 5.43 states that there is a strong focus on ensuring the existing facilities and services are maintained and enhanced to meet local needs and sustain the quality of life for people in rural communities. NLCPRE Members are keen to ensure that this is seen as key consideration in terms of maintaining the vitality of the community and ensuring existing community infrastructure is maintained.

Policy CS5 of the Core Strategy considers that all new development should be well designed; ensure it takes account of the existing built heritage in terms of scale, density, layout and access; incorporates the principles of sustainable design; considers the relationship between buildings and the spaces around them, and how they interact with each other as well as the surrounding area. The development of the land at the rear for residential purposes is unlikely to be compatible with the traditional development pattern. The application proposes housing in a characterful location in a backland position and does not promote the continued viability of the Duke William Free House nor does it seek to protect the character and environment.

Policy CS6 of the Core Strategy advises that the Council seeks to protect, conserve and enhance North Lincolnshire's historic environment, as well as the character and setting of areas of acknowledged importance including historic buildings. Development at the Duke William is not within the main core of the village, rather it falls within what is essentially the historic core of the village so thus would be in conflict with this policy. Haxey is the largest village in the Isle of Axholme today and has existed as a settlement from pre-Conquest times. Haxey is famous for the "Haxey Hood" which takes place in January every year - a traditional rough game in which opposing teams fight for the "hood" in a local field with the victorious team then carrying it to their favourite public house. CPRENL members have reported that the community value the Duke William and its historical association with the Haxey Hood.

Further, it is considered, development of the site would erode the historic township noted in the Axholme Historic Landscape Characterisation Project (1997), increase the physical scale of development on Church Road and reduce the economic weight of the settlement.

Saved Policy H1 of the North Lincolnshire Local Plan (2003) advises where future housing development will take place. In minimum growth settlements, such as Haxey, new housing development will be restricted to the building of single, and in exceptional cases, very small groups of dwellings (up to a maximum of three dwellings), on infill plots in the main body of the settlement provided that such development would be in keeping with the size, forms and character of the settlement.

CPRENL considers the development far exceeds the housing development hierarchy under Policy H1 and is not considered to constitute a 'small group of dwellings' nor is it considered to be 'infilling within the main body of the settlement'. It is essentially overdevelopment of a small site. A further

significant increase of housing numbers within the settlement could result in the creation of car dependent commuter settlement rather than serve to underpin existing services or diversify the existing economy. The reliance on non-sustainable modes of transport is not considered sustainable and would render the settlement unsustainable for its size in the future.

The Local Plan acknowledges this is a key issue as it is reflected in rural settlements in the Isle of Axholme which has experienced high traffic growth and has increased at twice the national average whilst the average rate of traffic growth in North Lincolnshire is only 2.2 per cent (%).

The expansion of Haxey village with six new properties and the conversion of the main building cannot be achieved without altering the character and function of the settlement. The amount of new housing permitted in villages should be sufficient only to promote their continued viability whilst protecting their character and environment. Haxey is ranked 14th in terms of settlement sustainability in the current North Lincolnshire Settlement Survey 2018 (2019 Revision), meaning that there are other more suitable settlements ahead of Haxey which would better incorporate this level of development.

Saved Policy H3 of the Local Plan (Previously Used Land) deals with the potential for brownfield development and previously used land and is restricted in the rural settlements of North Lincolnshire as they are generally small in scale and contain few previously used sites within the small cores of these towns and villages.

Paragraph 4.41 of the Local Plan considers there are many areas of land within the curtilages of properties and premises, behind frontage buildings (like the Duke William) and away from the highway (backland development). Proposals submitted for dwellings on these sites if not carefully located can result in 'tandem development' i.e. whereby one house is immediately located behind the other and shares the same narrow access. Such proposals are required to be carefully controlled to prevent problems arising from access, loss of privacy and amenity. CPRENL members are concerned that the development proposed under this application is a classic case of tandem development re-occurring.

The Council persistently fall short of delivering their required annual target for housing land, however, CPRENL believe that sites such as the Duke William shouldn't be used as a source of supply to meet Local Authority demand.

## **Conclusion**

Considering the policy criteria set out above, it is the option of CPRENL that the proposal does not comprise a sustainable form of development at this location which if approved, could result in a harmful impact on the area's character. As such, the restrictive policies of the Development Plan are not met, and the proposal should be refused.



CPRENL would wish to be kept informed should any further information be submitted in support of the application.

Yours sincerely

Katie Atkinson, MRTPI  
**Director**  
**KVA Planning Consultancy**

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

