

DEVELOPMENT MANAGEMENT

APPEALS LIST - 19TH OCTOBER 2026

APPLICATION NUMBER & SITE ADDRESS

APPEAL REFERENCE & STATUS

OFFICER & PROCEDURE

DM/0854/25/CEA 4 Westhill Road Grimsby North East Lincolnshire DN34 4SF	AP/004/26 INPROG	Abigail Hattersley Written Representation
DM/0189/26/TPO 32 Meadowbank Great Coates North East Lincolnshire DN37 9PG	AP/011/26 INPROG	Paul Chaplin Fast Track
EN/0454/25 Street Record Stallingborough Road Immingham North East Lincolnshire	AP/013/26 INPROG	Martin Ambler Written Representation



Appeal Decision

Site visit made on 8 September 2026

by **P Eggleton BSc(Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 October 2026

Appeal Ref: 6010479

39A and 39B Lord Street, Grimsby, North East Lincolnshire DN31 2ND

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Ms Sugand of Complete Housing Real Estates Limited against the decision of North East Lincolnshire Council.
 - The application reference is DM/0713/25/FUL.
 - The development proposed is change of use from two five bedroom houses in multiple occupation (C4) to one eighteen bedroom house in multiple occupation (Sui Generis).
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect on the living conditions of neighbouring residents with regard to the intensity of the use; and the living conditions of future residents with regard to the quality of the accommodation.

Procedural Matters

3. The description above is taken from the application form. It is evident that the scheme was altered during the application process. I have considered the plans listed by the council in the committee report but have also considered the other plans that were superseded. The council's description differs from that above as it refers to an alternative existing lawful use and to two separate houses in multiple occupation (HMO), one for six bedrooms and the second for twelve. Whilst the council's description may be more accurate, I have retained the original description as no information has been provided to demonstrate that a change was agreed. I have however had regard to the planning history of the site and the previous consent. I am also mindful that the development is in two parts with no link between the two HMO units, albeit that they would share the courtyard and access.
4. The appellant claims not to have received an invitation to the council's committee meeting. However, this is a matter that is beyond the scope of this appeal. I have however had full regard to all the representations made by the appellant.

Reasons

5. The reason for refusal is in two parts. It raises concerns with regard to disturbance to neighbouring properties; and in relation to the living conditions of future residents.

Neighbouring property users

6. The property is accessed by a covered passage between buildings which opens out into a courtyard. There are commercial properties at ground floor level to each side of the passage and what appears to be residential accommodation above. The communal area of the courtyard is set back from the frontage buildings and partly enclosed. Most of the windows open into the partly enclosed area. Eighteen residents would result in an intensive use, with comings and goings at different times, including with regard to visitors and service providers. However, given the layout of these particular buildings and the nature of this area, activity associated with the occupants would not cause undue disturbance to nearby property users.
7. There are some existing windows that look outward, including over existing neighbouring properties. I am not persuaded that these would result in greater overlooking or noise than the previous use for religious meetings. Some new windows are proposed but these would be high level with obscured glazing. Whilst there is some potential for increased noise from these new openings, this would not unacceptably harm the amenities of nearby residents.
8. Overall, although an intensive use, the proposal would not result in material harm to neighbouring residents or other property users. The proposal would not therefore conflict with Policy 5(d) of the North East Lincolnshire Local Plan (2018) (LP) with regard to the impact upon neighbouring land users.

Living conditions of future residents

9. The second concern relates to the living conditions of the future residents. All bedrooms would be of a reasonable size for single occupancy rooms. The outlook from bedroom A2 would be constrained by the under-croft and four of the first floor rooms would have an outlook that would be limited by the hipped roof of the central part of the building. Although not ideal, these bedrooms would have a satisfactory outlook.
10. The proposed communal living areas would be of a good size and subject to appropriate sound insulation, could be used without harming the living conditions of those in adjacent bedrooms. These rooms are shown to accommodate all the communal living, kitchen and dining facilities. The larger communal room in 39A would have a very small window to the courtyard with the main window being at a high level and obscure glazed. The smaller communal room to the rear, would similarly have only a high level obscure glazed window. The communal area in 39B would have a high level obscure window with two small existing windows that are also to be obscure glazed. None of the three rooms would have windows that would provide a satisfactory outlook.
11. It is acknowledged that residents may wish to spend much of their time in their own bedrooms. The courtyard also offers a relatively enclosed area for sitting out. However, the lack of any outlook from the communal kitchen/dining/living areas would be entirely unsatisfactory. Whilst it is appreciated that the high level obscure glazed windows would protect the privacy of adjoining neighbours; and provide natural light and some ventilation, the proposal would result in unacceptably poor living conditions for future residents. This represents particularly poor design. It would conflict with the expectation for a high standard of sustainable design set out in LP Policy 22.

12. The proposal would also conflict with Policy DP3(2a) of the National Planning Policy Framework 2026 (Framework), as although it does not anticipate residential uses being put forward with communal facilities with no outlook, it does refer to well-designed places, liveability and places which will function well. This proposal would not function well or be well designed with regard to liveability as residents would have such a poor outlook from the communal living areas.

Other matters

13. The increased intensity of use and the provision of housing, gains support from Framework Policy L2(1b) and L3(2a) by making better use of vacant and underutilised land and buildings; and increasing densities. Policy L2 is clear that substantial weight should be given to these benefits. Policy HO7 also requires that substantial weight be given to the benefits of providing homes, given the council's lack of a five year supply of available housing land.
14. I have had regard to the council's decision relating to nearby 16 Dudley Street, Grimsby (DM/0074/25/FUL), which allowed a change of use from an office to an eighteen-bedroom HMO. However, the two proposals are not comparable with regard to my main concern.
15. I am mindful that no objections were received from consultees with regard to this proposal. The location represents an accessible location with regard to services and facilities and the potential to use sustainable modes of travel. It would also provide flexible and more affordable accommodation. The proposal could be conditioned to accommodate a maximum of 18 residents and a management plan would help to ensure that it would operate efficiently and effectively for the benefit of residents and neighbours.

Conclusions

16. The proposal would not harm the surrounding area, neighbouring residents or adjacent property users. There is considerable policy support for the development, particularly given the housing supply position. The Framework requires that substantial weight be afforded to this provision; the re-use of buildings; and the high density achieved. However, the proposal would result in poor living conditions for future residents with regard to outlook from the communal areas of the property. This represents particularly poor design. It conflicts with the design requirements of the development plan, which can be afforded full weight as they are consistent with those of the Framework.
17. Framework Policy S4(1) is clear that development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies of the Framework. The circumstances in which the benefits of approving development are likely to be substantially outweighed by adverse effects include (but are not restricted to) situations where the development proposal would fail to comply with one of the national decision-making policies which state that development proposals should be refused in specific circumstances.
18. The proposal would be contrary to the design requirements of Policy DP3(2a). Part 3 of Policy DP3 advises that development proposals should be refused if, without clear justification, they conflict with relevant aspects of the principles of Policy DP3(2), which would be the case. Whilst I have considered all the various floor

plans submitted, none adequately provide communal living accommodation with an appropriate outlook. I am not persuaded however that an alternative design could not be achieved with much improved communal accommodation, albeit that the number of bedrooms may need to be revised. In these circumstances, I am not satisfied that there is clear justification for the poor outlook to the communal areas.

19. The conflict with Framework Policy DP3(2a) and the design policies of the development plan, represent the circumstances in which the benefits of approving development, although afforded substantial weight, would be substantially outweighed by adverse effects, including the failure to comply with one of the national decision-making policies which state that development proposals should be refused in specific circumstances. As revisions to the internal layout may need to be significant and change the scale of the proposal, this is not something that could be controlled by condition. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR



Appeal Decision

by Zoë Franks, Solicitor

an Inspector appointed by the Secretary of State

Decision date: 15 October 2026

Appeal Ref: APP/B2002/X/25/3360768

167 Hainton Avenue, Grimsby, DN32 9LF

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr Nassir Emadi against the decision of North East Lincolnshire Council.
 - The application ref DM/0740/24/CEU, dated 27 August 2024, was refused by notice dated 6 December 2024.
 - The application was made under section 191(1)(a) of the Town and Country Planning Act 1990 (as amended).
 - The use for which a certificate of lawful use or development is sought is for an existing use for the conversion of the ground floor former retail unit into 1 self-contained flat.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the Council's decision to refuse to grant the LDC was well-founded.
3. To succeed in this appeal, the appellant must show on the balance of probabilities that the appeal land had been used as a self-contained flat for a substantially uninterrupted period of four years prior to the date of the application (27 August 2024). The period is four years rather than ten years because the breach, i.e. the material change of use, took place before 25 April 2024 and is therefore covered by the transitional provisions under Regulation 5 of *The Planning Act 2008 (Commencement No.8) and Levelling—up and Regeneration Act 2023 (Commencement No. 4 and Transitional Provisions) Regulations 2024*.
4. In the application form, the appellant says that the material change of use of the ground floor took place in 2011 before he purchased it as a residential flat. The Council accepts that there has been a residential use of the ground floor unit, but that the required precision regarding what is being applied for and the land to which the application relates has not been provided by the appellant. There is more than one residential unit within the larger site and the physical layout and extent of the flat in this case is unclear. The title information in the official copies HS58880 identifies the land shown within a red line plan but this does not differentiate between different floors or parts of the site identified at 167 Hainton Ave.
5. The appellant has not provided any site layout plans, and the only submitted plans relate to planning permission reference DC/594/09HEN for the "proposed conversion of rear of 167 Hainton Avenue" dated 13 July 2009. This application

was not granted and there is nothing before me to show that the scheme shown in the plans was implemented.

6. A Council customer services document reference 680678 refers to three flats identified as Ground Floor at 167 Hainton Avenue, 167a Hainton Avenue and 167b Hainton Avenue. This matches the description of a residential unit used in Council Tax records as described as “Flat Ground Floor, 167 Hainton Avenue” which was listed for domestic use from 20 November 2009. The appellant has also provided various documents, including Council Tax Bills and letters relating to 2014/2015 and 2023 which refer to Flat Ground Floor, 167 Hainton Avenue.
7. Various tenancy agreements dated 2009, 2011, 2014 and 2015, 2016, 2022 and 2023 refer to 167 Hainton Avenue but with no plan attached, and no indication as to whether they relate to the ground floor flat of the premises. Similarly, the documents relating to tenancy deposit securities and gas safety certificate, and an email from the Job Centre refer only to 167 Hainton Avenue with no further clarification. The email from Universal Credit does not include any address.
8. Planning practice guidance advises that the applicant for an LDC is responsible for providing sufficient information to support an application, although a local planning authority always needs to co-operate with an applicant who is seeking information that the authority may hold about the planning status of the land. In this case the appellant has sought information from the Council Tax and Benefits departments in order to corroborate his version of events. However, the records held by these departments are not direct proof of the actual use of the ground floor flat in planning terms, or indeed of the substantially uninterrupted occupation of the property as a self-contained flat. Proof that Council Tax or Housing Benefit were paid in relation to the ground floor flat are not enough alone to show the actual residential use on balance.
9. Whilst the information provided by Council Tax and Housing Benefit could support such a case it would need to be alongside direct evidence, to show that the flat has been occupied over a relevant 4 year period prior to the making of an LDC application. Evidence can be accorded the most weight if it is a sworn statement and should be from people who have first-hand knowledge of the use during the relevant periods.
10. In this case, the appellant’s evidence is not sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability. It is unclear as to what part of 167 Hainton Street the corroborating documents refer, or indeed if they all refer to the same part of the property, or if there has been a residential use of the ground floor unit for a substantially uninterrupted period of 4 years.

Conclusion

11. For the reasons given above, I conclude that the Council’s refusal to grant a certificate of lawful use or development for the conversion of the ground floor former retail unit into 1 self-contained flat is well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act (as amended).

Zoë Frank
INSPECTOR



Appeal Decision

Site visit made on 8 September 2026

by **P Eggleton BSc(Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 01 October 2026

Appeal Ref: 6009363

Land at Mushroom Lane, Brigsley, North East Lincolnshire DN37 0BJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs Hansen against the decision of North East Lincolnshire Council.
 - The application reference is DM/0749/25/OUT.
 - The development proposed is nine dwellings and garages with access to be considered and all other matters reserved.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the houses would be in a sustainable location for new development and represent an effective use of land; and the effect on the character and appearance of the area.

Reasons

3. The description of development has been agreed by the parties and would result in outline permission for nine dwellings. The main parties have had the opportunity to comment on the content of the National Planning Policy Framework 2026 (Framework) including Policy L3; and given its expectations, the effective use of land has been included within the main issues.
4. The site is located outside, but adjacent to, the development boundary established by the North East Lincolnshire Local Plan (2018) (LP). Part 1 of Policy 5 advises that development within or outside the boundaries will be considered with regard to suitability and sustainability, having regard to a number of matters including size, scale and density; and provision of services (education, healthcare, community, retail and recreation). This is generally consistent with the Framework and can be afforded full weight. Part 3 of the policy is inconsistent with the Framework and can be afforded very limited weight.
5. For sites outside settlements, Framework Policy S5 lists developments that should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects. As this proposal does not represent infill development, the only other potentially relevant matter, within the list, is part (j), development which would address an evidenced unmet need. As it is accepted that the local planning authority cannot demonstrate a five year supply of deliverable housing sites, it

satisfies Policy S5(1ji) in that it would be physically well-related to an existing settlement.

6. Framework Policy S5(2) sets out that the circumstances in which the benefits of approving development proposals are likely to be substantially outweighed by adverse effects include, but are not restricted to, situations where the development proposal would fail to comply with one of the national decision-making policies which state that development proposals should be refused in specific circumstances. The only relevant national decision-making policies which state that development proposals should be refused relate to the effective use of land, and principles for well-designed places. These are considered below along with the issue of the suitability of this location for new development.

Effective use of land

7. Framework Policy L3(2b) requires that development footprints should make the best use of a site's development potential, taking into account the policies in the Framework. The design and access statement sets out that the density of the site would be 6.8 dwellings per hectare across the 1.3 hectares site. This represents a gross rather than net density.
8. The appellant has provided comments following the publication of the Framework and refers to the layout and character of the adjacent developments; and advises that the proposal would retain the established hedgerows and tree boundaries as well as incorporating adequate areas of landscaping, including biodiversity enhancements and an attenuation pond. A net density figure has not been provided. The Indicative Site Plan provides the sizes of areas listed as garden, parking, road and dwelling footprint. Setting aside all of the open space, biodiversity area, swales and attenuation pond area figures, this would still result in a very low net density.
9. I am mindful of the character of the adjacent housing and the landscaping and biodiversity benefits proposed. I also note the support for low density development from local residents. However, whilst acknowledging that the site plan is indicative, I am not persuaded that the provision of nine dwellings on this site represents an effective use of land or satisfies Framework Policy L3. In these circumstances, the policy is clear that the development should be refused. The proposal would also fail to satisfy the efficient use of land required by LP Policy 22(Bix) which can be afforded full weight.

Character and appearance

10. Housing development on the site was previously considered in relation to the dismissed appeal APP/B2002/W/17/3184046. The Inspector found that the development of the site for housing would change its intrinsic character from an open field associated with the countryside around the village to a site of a more suburban residential character; and would represent an inappropriate intrusion into this rural setting. It was concluded that the proposal would represent built development projecting into the countryside and would be detrimental to the character and appearance of the area.
11. Whilst I have not been provided with the plans associated with the previous appeal, the current proposal, whilst retaining and able to consolidate the landscaping around the boundaries of the site, would also result in harm to the character and

appearance of this area. It would fail to satisfy Framework Policy N2(1a) with regard to landscape character and would also be contrary to Part 1(l) of LP Policy 5.

12. Framework Policy DP3(3) advises that development proposals should be refused if, without clear justification, they conflict with its objectives. The proposal has sought to satisfy this policy and although the proposal would result in harm to the character and appearance of the area, the details of design are reserved matters and it would not result in clear conflict with Policy DP3 to the extent that it would trigger the requirement that it should be refused. However, the landscape impact and policy conflict weighs against it.

Suitability of the location

13. The Site Context Plan shows a 500m isochrone centred on the site. This does not represent walking distances but there are no services or facilities shown within this area. The limited services of Brigsley are between the 500m and 1000m isochrones. These include a bus stop; a village hall, play area and church. The footpath to Brigsley is narrow and unlit.
14. There is a footpath all the way to the larger settlement of Waltham. However, the services within that settlement are a significant distance; the footpath initially is of limited width; and the road is not lit until the outskirts of Waltham. The Framework defines a reasonable walking distance as being around 800m. Distances from the site are prohibitive for walking to schools, shops and healthcare facilities. Whilst reference has been made to bus stops, including the Brigsley stop and the stop required by application DM/1167/16/FUL, these are also some distance away; and as no evidence is provided with regard to bus frequency, it cannot be assumed that a convenient service would be available.
15. LP Policy 3 sets out the settlement hierarchy and provides a framework for the council's decisions on the location and scale of development advising that development should be commensurate with a settlement's position in the settlement hierarchy. Waltham, to the north, is a Level 2 Local Service Centre. The policy sets out that such settlements perform the role of key local service centres offering a good range of basic services and amenities, combined with good accessibility to the wider services available in the urban area. Whilst proximity to Waltham is a benefit, its services nearly all lie beyond the 1000m isochrone and well beyond a reasonable walking distance.
16. With regard to locating development in sustainable locations, Framework Policy TR3(1a) advises that proposals should be in locations that are sustainable, limiting the need to travel, particularly by private car; and offer a genuine choice of transport modes. It advises that the Connectivity Tool should be used alongside other relevant quantitative or qualitative evidence in assessing the connectivity of particular locations. Based on the evidence presented and my findings during my visit, it must be concluded that this site is poorly connected and residents would be likely to rely heavily on the use of private vehicles to access most services. Both parties have had the opportunity to comment on the results from the Connectivity Tool. The results do not conflict with this conclusion.
17. The site performs poorly with regard to the promotion of sustainable travel and it does not offer a genuine choice of transport modes for residents. In particular, services such as education, healthcare and retail are not easily accessible by

sustainable travel options. The proposal conflicts with Framework Policy TR3. It also conflicts with Part 1(C) of LP Policy 5 which similarly requires an assessment in relation to sustainability.

Other matters

18. Framework Policy HO7 requires that substantial weight be given to the benefits of providing homes which would contribute towards meeting the evidenced accommodation needs of the community. The houses would also contribute to the economic objectives of the Framework, during construction and as a result of their occupation. They would support the social objectives of the Framework from the provision of the houses themselves and the benefits the residents would bring with regards to supporting local services, social facilities and the local community.
19. It is proposed that the development would exceed the statutory requirement for biodiversity net gain. It would also gain support from Framework Policy N2(c-g) as it would use green infrastructure and nature-based solutions to secure multiple benefits including for biodiversity; surface water and pollution management; and recreation. It would also gain support from Policy N3 as it is proposed to incorporate a large number of new trees in addition to those to be retained. This also gains support from elements of LP Policy 22 which can be afforded full weight.
20. Reference has been made to the approvals of housing within the vicinity of the site over a number of years. Whilst I have had regard to these; and the dismissed appeal, the proposal must be considered on its own merits; and local and national policy.

Conclusions

21. The proposal would result in nine new houses in an area where the supply of housing land is significantly below that required. The provision of houses must be given substantial weight. Considerable weight can be given to the benefits to the social and economic objectives of the Framework from the building of new houses and the actions of the future residents. The proposal exceeds the biodiversity net gain requirements; would provide new habitats; and proposes to retain and considerably enhance the amounts of trees on the site. These matters gain support from Framework Policies N2(c-g) and N3; and LP Policy 22.
22. The site is well-related to the existing settlement boundary and therefore satisfies Framework Policy S5(1ji) and results in a number of benefits as set out above. The Framework is clear that development should be approved, unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against its national decision-making policies.
23. The development would fail to make an effective use of land in conflict with Framework Policy L3 which is one of the national decision-making policies which state that development proposals should be refused. It also conflicts with the density requirements of LP Policy 22(Bix). The site is located in an area of poor connectivity contrary to Framework Policy TR3 and Part 1(C) of LP Policy 5, which results in considerable weight against it. I also give considerable weight to the impact on the character and appearance of the area and the failure to satisfy Framework Policy N2(a) and Part 1(I) of LP Policy 5 with regard to landscape character.

24. These conflicts, particularly but not limited to Framework Policy L3, represent the circumstances, set out in Framework Policy S5(2), in which the benefits of approving development proposals are likely to be substantially outweighed by the adverse effects. I conclude that the benefits, when taken together, would be substantially outweighed by the adverse effects, when assessed against the national decision-making policies of the Framework. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR



Appeal Decision

Site visit made on 17 September 2026

by J D Clark BA (Hons) DpTRP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2026

Appeal Ref: 6012180

Waltham Road, Barnoldby le Beck, Grimsby DN37 0BN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Robert Baillie against the decision of North East Lincolnshire Council.
 - The application Ref is DM/0468/25/OUT.
 - The development proposed is outline erection of 42 dwellings and associated infrastructure (all matters reserved).
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is an outline application with all matters reserved although it specifies the number of dwellings at 42 and a layout plan has been submitted indicating how this would be provided along with access to the site. However, the plan is entitled 'possible housing development' and so I have taken it as indicative only.
3. An executed Section 106 has been submitted. This would secure a financial contribution toward primary and secondary education; the provision of affordable housing; and secure highway works. I have taken this into account in my assessment.
4. There is no dispute between the parties that the requirements for Biodiversity Net Gain (BNG) would be met on site. I have no reason to conclude otherwise.
5. A revised version of the National Planning Policy Framework (the Framework) was published on 17 August 2026. In the interest of natural justice and to ensure neither of the main parties were prejudiced by this matter, I consulted both parties on the changes to the Framework and have received comments which I have taken into account in my determination of the appeal. Any reference to the Framework in this decision is to the most recent version.

Main Issue

6. The main issue is the effect of the proposal on the character and appearance of the area with regard to the location of the appeal site in relation to the settlement boundary.

Reasons

7. The appeal site is an open area of land comprising approximately 2.26 hectares of arable land used for grass production and ploughed at the time of my site visit. It is located on the outskirts of Waltham with residential properties on the opposite side of the road, a fairly new residential development to the south-east (Oakfield Lane), and open agricultural land to the south and west. The appeal site cuts across ploughed land with no discernible feature defining its boundary to the west. It is bounded by Waltham Road to the north and Oakfield Lane to the east.
8. The appeal site is described as being in Barnoldby le Beck and falls within that Parish Council. However, it is immediately adjacent, but outside, the settlement boundary of Waltham. Policy 5 of the North East Lincolnshire Local Plan¹ distinguishes development boundaries to that within or outside settlements. Policy 5 (3) states that land will be regarded as open countryside where it is beyond development boundaries. It supports development that recognises the distinctive open character, landscape quality and role these areas play in providing the individual settings for independent settlements and, amongst other things, supports a prosperous rural economy (particularly where it promotes the development and diversification of agriculture and other rural businesses); promotes local services; supports leisure and tourism; consists of affordable housing to meet local needs; or it is a development specifically defined and identified through the neighbourhood planning process. The proposal would enable the provision of some affordable housing in line with the Council's affordable housing policy but otherwise, it would not fall into any of these categories.
9. Notwithstanding this, the appellant considers that there would be no actual harm arising from this conflict. The Council's Landscape Character Assessment (2010) identifies the site as having medium to low sensitivity, with medium capacity for additional development. The appeal site falls within Landscape Type 3: wooded open farmland in the Council's Landscape Character Assessment, Sensitivity and Capacity Study² and is further identified as Waltham sub-unit W(i).
10. This sets out two stages of the assessment process. The first, Stage 1, sets out a review, refinement and broad assessment of Landscape Types and highlights the key characteristics of each. The appeal site falls within Type 3: wooded open farmland. Stage 2 comprises a more detailed assessment categorising the Borough into 1. The urban area and main towns; 2. Western and southern arc villages, which includes Waltham; and 3. Rural settlements, which includes Barnoldby le Beck. Sub-units are identified around each settlement. The appeal site falls within Waltham sub-unit W(i).
11. The Landscape Character appraisal judges the sensitivity for each landscape sub-unit and its capacity to absorb change. In accordance with this, the appeal site would be classed as being of medium to low sensitivity and medium to low capacity to absorb change. In assessing the key issues for this area, the appraisal notes development pressures on the fringes of Waltham and the potential coalescence of settlements on the western and south-western edge of Waltham with Barnoldby le Beck.

¹ North East Lincolnshire Council – Local Plan 2013 to 2032 (Adopted 2018).

² North East Lincolnshire Council – North East Lincolnshire Landscape Character Assessment, Sensitivity and Capacity Study, July 2026.

12. The Landscape & Visual Impact Assessment (LVIA) submitted by the appellant notes that the landscape outside the settlement areas have a sense of openness and tranquillity which diminishes when approaching each of the surrounding villages, in particular Waltham. It acknowledges that parts of the study area have a high value in helping preserve the perception of countryside and coalescence of villages. However, it describes the landscape as being neither rare nor unique and greatly influenced by the existing urban edge and main road into Waltham. It evaluates the appeal site and its immediate context as having medium overall value at a local level but places a strong value on the landscape in terms of its role of preventing the coalescence of nearby villages or for development to encroach beyond the urban edge into open countryside. However, it notes that due to the site's location in relation to the urban edge of Waltham, the landscape's susceptibility to change is reduced. The proposal would not give rise to new characteristics and therefore not perceived as an encroachment into the countryside. Susceptibility is therefore considered to be low. With the landscape value being medium/high combined with a susceptibility of low, the landscape sensitivity subsequently carries a value of medium in terms of the types of changes proposed.
13. The LVIA refers to the value of views of the site and scores them accordingly. Whilst I agree that drivers may pass the site and any change may be relatively minor in perception this would not be the case for those living nearby. There are residential properties close by and the change in the appearance of the area to nearby occupiers and the subsequent impact on their living environment would be noticeable to them. I appreciate that vegetation would provide some screening and restrict some views both close up and from a distance.
14. As well as landscape character however, Policy 5 (3) requires development to recognise the distinctive open character and role these areas play in providing settings for individual settlements. I am less concerned about the visual impact during the construction phase, as this will pass in time but once developed, the landscape in this area would be changed forever. Landscape buffers could help lessen the impact but these would take a long time to mature and would not change the fact that the boundaries of the urban area would have expanded.
15. The explanation to Policy 5 sets out that one of the key aspects in defining development boundaries is to ensure that the intrinsic character and beauty of the countryside is respected. Another is to avoid ribbon development so that development does not creep along road frontages into open areas. The proposal would extend the built area along the southern side of the road and whilst the field may not hold any particular characteristics that make it unique, its value is that it is typically open relatively flat agricultural land. The development at the end of Oakfield Lane is an odd protrusion into the countryside but I have no evidence as to the history of this development. I also note other planning approvals for residential development to the north and south-east but whilst I can see the basis for the appellants argument that the proposal would follow a logical 'arcing' of the settlement edge, I consider that this 'arcing' would be exaggerated and extend further out into the open countryside.
16. I note that the LVIA states that planting could help create a new line to define the edge of the settlement and future proof against the coalescence of Waltham and Barnoldby le Beck. The appeal site is part of an open field with the development, including a landscaped buffer following an arbitrary line. There are no natural or

man made features which would lead to a logical redefining of the settlement. Rather the proposal would simply extend the built-up area, urbanising what is open countryside. Furthermore, the scale of the intrusion would be substantial, extending beyond the cluster of properties in Oakfield Lane.

17. In terms of the coalescence of settlements, the space between the substantial settlement of Waltham and the smaller one at Barnoldby le Breck would be reduced. This space is not excessive and certainly driving along the road quite quickly brings one from one to the other. Approximately 750 metres of undeveloped land would remain between the settlements which I consider to be modest enough to provide a sense of open space between settlements but not substantial enough to withhold erosion of this scale. The character of the area is that of rural settlements in a rural area but the overall size and extent of infringement into the countryside significantly intrudes on this characteristic, lessening the space and expanding the built-up area. Whilst this is an outline application with all matters reserved, I consider this extent of urbanisation is not likely to be sufficiently lessened by a landscaping buffer.
18. Whilst the Council's Landscape Character Assessment and the appellants LVIA and the later Landscape Advice Note indicate that the impact as being low to medium, the amount of land that would be subsumed by the built-up area would be considerable. I appreciate that the site area between Barnoldby le Beck and Waltham is not identified as a Strategic Gap but I do not accept that the proposal would form part of an evolving settlement edge representing a contained and logical extension to the existing urban form. Rather, this flat landscape and clear agricultural appearance would be harmed by the erosion of the boundaries of Waltham yet further. The developments to the north and south-east have already expanded Waltham's boundaries and extending it further towards Barnoldby le Beck would harm the intrinsic character and beauty of the countryside. The clear distinction between these two settlements would be lessened and countryside subsumed by encroaching urbanisation.
19. Notwithstanding the criteria for development outside settlement boundaries, Policy 5 sets out further criteria with regard to suitability and sustainability (subsection 1 A to G). The proposed development would be capable of satisfying some of the criteria including access and traffic and any impact on neighbouring properties. Also, the proposal includes a Section 106 agreement for education and affordable housing. However, given that the proposal would not meet the criteria in Policy 5 (3) (other than providing some affordable housing), it would conflict with the objectives of the policy to distinguish development between the built-up areas and open countryside. Meeting detailed aspects of Policy 5 (1) does not overcome the conflict with its main objective to safeguard the countryside and direct development towards existing settlements.
20. Therefore, for the above reasons, I conclude that the proposal would conflict with Local Plan Policy 5, it would have a harmful effect on the character and appearance of the area with regard to the location of the appeal site in relation to the settlement boundary.

Other Matters

21. Policy S5 of the Framework lists development outside of settlements which should be approved, unless the benefits of doing so would be substantially outweighed by

any adverse effects, when assessed against the national decision-making policies in the Framework. Such development includes that which would address an evidenced unmet need, including the provision of housing where the local planning authority cannot demonstrate a five year supply of deliverable housing sites or scores below 75% in the most recent Housing Delivery Test and where the development would be physically well-related to an existing settlement (S5 1.j).

22. The appeal site is physically located close to an existing settlement and its access to public transport has not been disputed by the parties. I note however, that there is no indication that there is a station within the settlement. Nevertheless, Waltham is of a size to provide a range of services and facilities.
23. The provision of 42 dwellings would make a meaningful contribution to the Council's shortage of housing land although no figures have been produced as to when housing on this site would be likely to be delivered. Given that this is an outline application and approval of reserved matters would be necessary before work could commenced it is unlikely that all 42 houses would be delivered in the short term. However, I have no evidence either way as to the actual likely delivery. Nevertheless, the addition of 42 dwellings carries a significant benefit in favour of development.
24. The appeal documents include a metric calculation to demonstrate that a Biodiversity Net Gain (BNG) can be delivered on site. The Section 106 agreements would secure a financial contribution towards education provision and a scheme for affordable housing in accordance with Policies 6 and 18 of the Local Plan. These too would be a benefit.
25. The decision notice refers to Policies 22, 40 and 42. Policy 22 requires good design in new developments. This would be more applicable at the reserved matters stage. Policy 40 refers to maintaining and improving the network of green infrastructure including the connectivity of green spaces and improvements to access to the countryside. It also refers to the role of strategic gaps. The appeal site would not have an adverse effect on any public right of way and does not fall within the strategic gaps listed in the policy. This policy would therefore have little relevance. Policy 42 relates to landscape character. This is a matter relevant to this proposal and a landscape appraisal was carried out. A detailed scheme could incorporate a landscape buffer and suitable landscaping and provide opportunities for biodiversity.

Planning Balance

26. The proposal would conflict with the development plan in that it comprises development outside the settlement contrary to Local Plan Policy 5 (3). However, the Council cannot demonstrate a five year supply of housing sites as required by the Framework. The shortfall is stated by the Council as being 3.6 years and so the proposal would make a meaningful contribution towards this shortfall. Also, the site has the benefit of being on the edge of the existing settlement and so able to benefit from the services and facilities available there.
27. However, I note that Waltham has undergone some expansion and the recent developments to the north and south have been referred to by the appellant as justification for allowing the proposal to complete an arc of development defining the western boundary of Waltham. Whilst I can see the merits of this argument, the extent of the appeal site goes beyond any reasonable rounding off of the village. It

would extend the urban area into open countryside severing an open field and expanding the built form closer to the neighbouring settlement Barnoldby le Beck.

28. This is an outline application and full details of layout and landscaping are reserved for later determination but I am unconvinced that a landscaped buffer between the newly created urban edge of the settlement and the open countryside would overcome the harm caused by the loss of a substantial area of countryside close to the built-up area.
29. The Framework is clear that the role of the development plan takes precedent in assessing development proposals. The Framework is a material consideration and positively supports the delivery of a substantial increase in the supply of homes. However, it seeks to meet development needs through sustainable patterns of development, including maximising the potential for growth within settlements, enabling development which will support the rural economy, rural communities and the provision of infrastructure, and limiting development away from settlements to help safeguard the intrinsic character and beauty of the countryside.
30. Therefore, I conclude that the proposal would have a harmful effect on the character and appearance of the area and due to its location outside the settlement boundary, this harm would be substantial and permanent. The benefits of the proposal, not least of which is the provision of new homes where there is a shortfall, would not substantially outweigh the adverse effects of the proposal.

Conclusion

31. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Consequently, for the above reasons the appeal should be dismissed.

J D Clark

INSPECTOR