

Guildhall Gainsborough

Lincolnshire DN21 2NA

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## AGENDA

This meeting will be recorded and the video archive published on our website

Note – the Council Chamber has a limited capacity and the doors will be closed once the room is full according to fire regulations

### Planning Committee

Wednesday, 21st September, 2016 at 6.30 pm

Council Chamber - The Guildhall, Marshall's Yard, Gainsborough, DN21 2NA

**Members:**

- Councillor Stuart Curtis (Chairman)
- Councillor Ian Fleetwood (Vice-Chairman)
- Councillor Owen Bierley
- Councillor Michael Devine
- Councillor David Cotton
- Councillor Matthew Boles
- Councillor Ian Fleetwood (Vice-Chairman)
- Councillor Thomas Smith
- Councillor Roger Patterson
- Councillor Judy Rainsforth
- Councillor Hugo Marfleet
- Councillor Mrs Jessie Milne
- Councillor Stuart Curtis (Chairman)
- Councillor Giles McNeill
- Councillor Jessie Milne
- Councillor Roger Patterson
- Councillor Judy Rainsforth
- Councillor Thomas Smith

1. **Apologies for Absence**
2. **Public Participation Period**  
Up to 15 minutes are allowed for public participation. Participants are restricted to 3 minutes each.
3. **To Approve the Minutes of the Previous Meeting**  
Meeting of the Planning Committee held on 24 August 2016, previously circulated.

4. **Declarations of Interest**

Members may make any declarations of interest at this point but may also make them at any time during the course of the meeting.

5. **Update on Government/Local Changes in Planning Policy**

6. **Planning Applications for Determination** (PAGES 1 - 2)

**a)** 131181 - Brigg Road, Caistor

Outline planning application for erection of 69 dwellings - access to be considered and not reserved for subsequent applications on land at Brigg Road, Caistor. (PAGES 3 - 34)

**b)** 134462 - Pig Farm, Upton

Planning application to construct 2 pig rearing units and 1 straw storage building on land off Cow Lane, Upton. (PAGES 35 - 48)

7. **Determination of Appeals** (PAGES 49 - 62)

M Gill  
Chief Executive  
The Guildhall  
Gainsborough

Tuesday, 13 September 2016



PL.8 16/17
<b>Planning Committee</b>
<b>21 September 2016</b>

**Subject: Planning applications for determination**

Report by:

Chief Operating Officer

Contact Officer:

Mark Sturgess  
Chief Operating Officer  
[Mark.sturgess@west-lindsey.gov.uk](mailto:Mark.sturgess@west-lindsey.gov.uk)  
01427 676687

Purpose / Summary:

The report contains details of planning applications that require determination by the committee together with appropriate appendices.

**RECOMMENDATION(S): Each item has its own recommendation**

**IMPLICATIONS**

**Legal:** None arising from this report.

**Financial :** None arising from this report.

**Staffing :** None arising from this report.

**Equality and Diversity including Human Rights :** The planning applications have been considered against Human Rights implications especially with regard to Article 8 – right to respect for private and family life and Protocol 1, Article 1 – protection of property and balancing the public interest and well-being of the community within these rights.

**Risk Assessment :** None arising from this report.

**Climate Related Risks and Opportunities :** None arising from this report.

**Title and Location of any Background Papers used in the preparation of this report:**  
Are detailed in each individual item

**Call in and Urgency:**

**Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?**

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

**Yes**

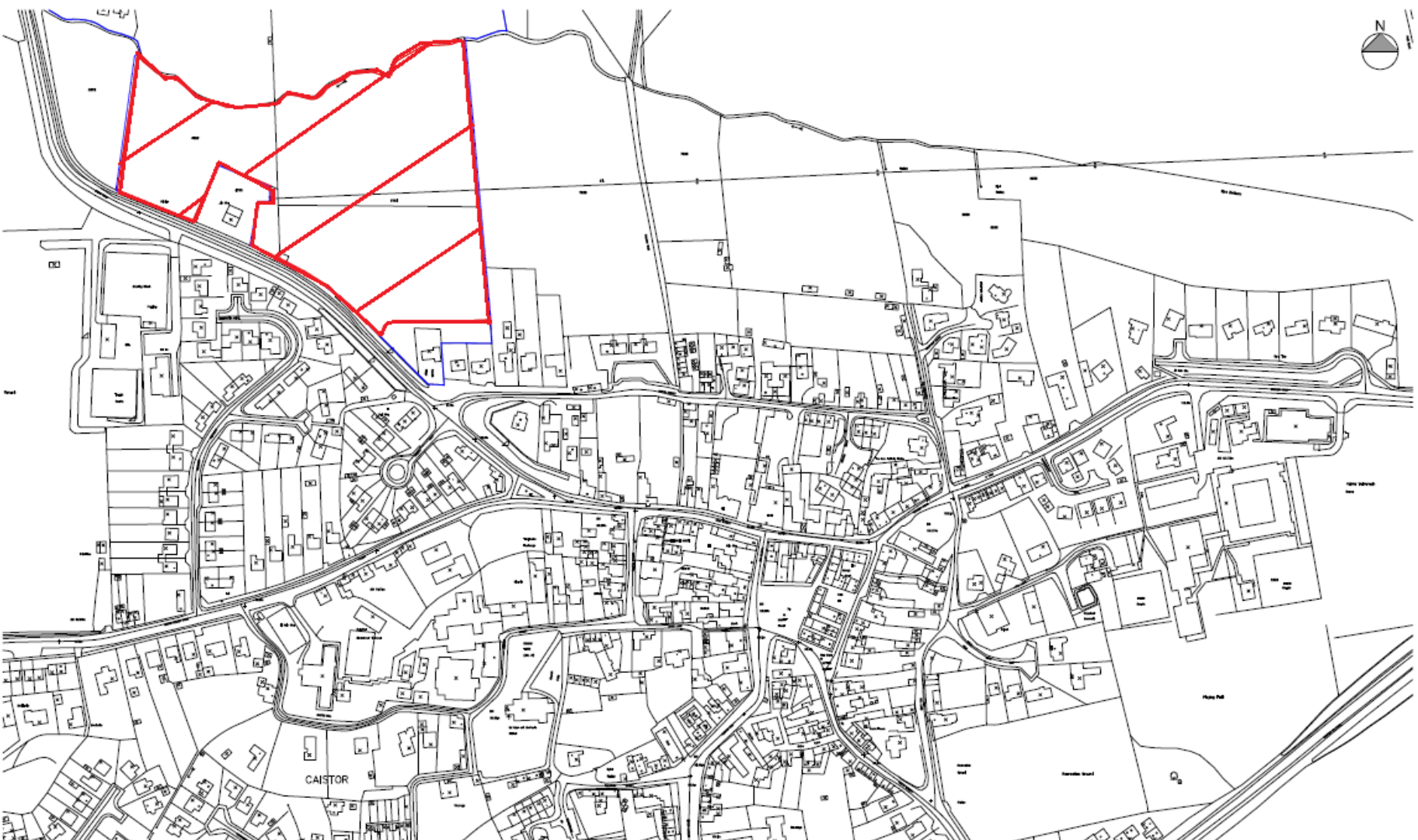
**No**

**Key Decision:**

A matter which affects two or more wards, or has significant financial implications

**Yes**

**No**



## **Planning Application No: 131181**

**PROPOSAL:** Outline planning application for erection of 69 no. dwellings - access to be considered and not reserved for subsequent applications

**LOCATION:** Land at Brigg Road, Caistor, LN7 6QG

**WARD:** Caistor

**WARD MEMBER(S):** Councillor Lawrence, Councillor Bierley

**APPLICANT NAME:** Mr R Oxley and R Marriot

**TARGET DECISION DATE:** 22/05/2014

**DEVELOPMENT TYPE:** Large Major - Dwellings

**RECOMMENDED DECISION:** Refuse permission

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### **Description:**

This application was deferred at the last planning committee for a site visit to take place. This site visit has now taken place. The recommendation remains as previously stated and the report has been up dated to take account of additional comments received. It should be noted that additional drainage details have been submitted but at the time of writing consultations with the relevant bodies has not been completed. Members will be verbally up dated on this issue at the planning committee.

This application seeks outline permission to erect 69 houses with access to be considered and all other matters reserved. The application site is located to the north of Caistor and fronts onto Brigg Road. The application site is irregular in shape with an area of 3.34ha. The site does not include an electrical substation which fronts Brigg Road and has its own access.

The layout provided is indicative but access is under consideration and would be to Brigg Road. The access would have a width of 5.5m with paving either side. Of the site, 2.41ha would be developed leaving an area of 0.93ha as open space. The proposed development would have a range of housing types from bungalows to houses (up to three storeys in height). An area of land to the front of the site would be available as open space whilst a more substantial area of open space would also be formed to the northern section of the site adjoining the stream and the open countryside.

The site is currently grazing land. Whilst relatively flat to the north western parts of the site gradients rise to the east and south east considerably. The maximum change in ground levels at its greatest would be 20m. Gradients at the site would be more severe on some parts of the site compared to others. The northern part of the site includes a stream and is the lowest part of the site.

To the north, north east and east of the site is further grazing land, part of the Waterhills area a locally designated area of nature conservation site. To

the south east is residential development within the North Street area of Caistor. To the south and west is Brigg Road (A1084) which is the main road running through Caistor to the north. Beyond this road are further dwellings within the Keyworth Drive area. Also to the north west of the A1084 is Caistor Sports Ground.

### **Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999:**

The development has been assessed in the context of Schedule 2 of the Regulations and after taking account of the criteria in Schedule 3 it has been concluded that the development is not likely to have significant effects on the environment by virtue of its nature, size or location. Neither is the site within a sensitive area as defined in Regulation 2(1). Therefore the development is not 'EIA development'.

#### **Relevant history:**

None

#### **Representations:**

##### **Original Design for 72 dwellings**

**Sir Edward Lee MP:** I oppose this development as it places too much strain on existing infrastructure.

**Chairman/Ward member:** Have received requests from Town Cllr Caine to clarify information due to a number of discrepancies within the details submitted.

#### **Caistor Town Council:** Object

- Traffic survey states 40 houses when there are 72 leading to approximately 144 vehicles being accommodate at the site. Close to a dangerous bend leading to more accidents. Survey done in the winter when there are no motor cycles using the roads. Access is opposite the sports ground access which will increase conflicting movements and increase danger. The road is an A road with fast moving traffic, this combined with the conflicting traffic movements from these access points would lead to a significant increase in risk for traffic. It is also narrow at this point with no verges to escape to if a collision is imminent.
- The land is part of the Great Landscape Value designation in the current Local Plan and is used by walkers and is important to tourism in Caistor. It would also harm views from the AONB. The site is also important for wildlife and a full survey should be required. The site is boggy and drainage is a concern. Archaeology in this area is important.

- Infrastructure in the area is at capacity significant concerns over sewage, doctor's surgery and schools which are oversubscribed.
- Further comments received from the Town Council include signage should be provided at the pedestrian crossing and speed limits reduced to 30mph at the onset of building. With a gated entrance to be provided further down Brigg Road. A SID speed camera should also be proposed.
- A watching brief for archaeology should be supported and the drainage report is still inaccurate.

***Local residents:***

102, 106 & Shieling Farm, Brigg Road,  
 8 Spa Top,  
 Chapel House, Church Street,  
 22 Old Sessions House Buttermarket,  
 1 The Ropewalk (x2),  
 15 Cherry Holt (x2),  
 2 & 154 North Kelsey Road,  
 1, 3(x2), 5 & 6 Keyworth Drive,  
 4 Knapton Court,  
 60, 84 (x2), 86, 88 & 90(x2) North Street,  
 3 (x2) & 4 Riby Road,  
 6 Yarborough Rise,  
 (x2), 37 & 38 Kelsway,  
 20 High Street,  
 20 (x3) & 43(x2) Lincoln Drive  
 15 Coach House Court,  
 15 Windsor Drive,  
 16 Ayscough Grove,  
 28 Hansard Crescent,  
 15 Newbolt Close and  
 9 Bobs Lane, Caistor.  
 5 Draycot & 5 Woodfarm Close Nettleton,  
 Holly Tree House Kirmond Road Binbrook  
 Fonaby Lodge Fonaby and  
 17 Buttercup Way Castleford (previous resident of Canada Lane Caistor):

Objections to the scheme as originally submitted can be summarised as:

- Highway safety and capacity  
 Brigg Road is very busy and the access is in a hazardous location with a 40 mph limit. Drivers travelling out of Brigg come down hill and gather speed. Coming into Brigg there is a blind bend further reducing the ability of people to stop. There have been a number of near misses at the sports club access, this proposal will be worse. Speed limits are not observed and heavy farm machinery, HGVs, cars and motorbikes use this road. There is no footpath on the western side of the road making sports ground users to cross the road increasing the chance of accidents. At school times the road is grid locked. Other houses at 5 and 7 Brigg Road and notably the development at



Keyworth Drive have had access points denied so why would it be reasonable for 72 houses to access here? Children would cross here to get to the sports field, a very bad idea.

- There are no jobs in Caistor so people will drive to Grimsby, Scunthorpe or Lincoln – there is no benefit to Caistor or its facilities.
- The report was undertaken in winter when there are fewer cars and motorcycles that focus on Caistor in the summer months. Also no account has been taken of the new caravan park at Caistor Lakes.
- Between 08:30 – 09:00 and 15:30 – 16:00 Caistor becomes grid locked with school children.
- Site is very boggy and is known locally as Waterhills. A lot of small creatures use this area for watering including: foxes, Muncjac deer and rodents. A hawk is also noted to use the site. There are also various food plants which wildlife use on the site.
- As the site is boggy, due to the natural springs the area will lead to flooding elsewhere.
- Houses locally have been flooded with sewage in the recent past. The system cannot cope currently. Sewage tankers have to pump the waste out of the system regularly to stop over flow. Electricity supply is poor too with a number of short cuts
- Waterhills is Caistor's equivalent of Hubbard's Hills in Louth. The site is very attractive and visible and is an ancient landscape which should be protected for tourism. It is close to the Viking Way. From Caistor this site gives uninterrupted views of the vale. If this is approved other fields will follow. It is a well-loved area locally and forms part of the valley that defines Caistor. Only in a few places can you walk from a market square into the countryside within a few minutes. This is an attraction for tourists. It would also spoil the view. Local residents love to walk through the site, children play here and families' picnic. The site is known for its archaeological significance and as a result investigations should be undertaken and is part of the Area of Outstanding Natural Beauty. It will lead to further development.
- There are other brown field sites which should be used first.
- The Neighbourhood Plan does not condone development in this area. The plan previously had the site in as we were told to recognise what was in the SHLAA. To build on the lower part of Waterhills Valley would significantly detract from the whole valley.
- The schools and doctors are full and cannot cope with such a large influx of people. There is no dentist.
- People who choose to live in Caistor do so for the rural nature of the town not a built up estate environment

- Car parking is a significant problem in Caistor and this proposal will lead to more people travelling into the centre making it worse.
- Too many houses are being built in Caistor and it will de-value existing property. A lot of new houses being built are still empty.
- Policing in Caistor is poor and the proposal will place further stress on the town. A playground would introduce greater anti-social behaviour.
- Having a high voltage substation close to where children live will be a bad idea
- The proposal is an over development of the site with little area for footpaths, due to car parking. The development covers too greater area. Too many houses! The density is too high, would be better to be lower with more space to blend it with the countryside. The garage blocks to the centre of the development will appear unattractive.
- The site does not appear in the Neighbourhood Plan which whilst not approved by referendum does shown local support for retaining this open area. To approve housing would appear undemocratic.

Supporting: 59 North Kelsey Road, 66 South Street & Support Grimsby –

- Support proposal as I would like to move back to the town. Director and Chairman of Caistor Development Trust – The town has reached a water shed after a number of important projects such as the Caistor Townscape Heritage Initiative, Caistor Montessori, Co-op store and the Arts and Heritage Centre. These social and economic enterprises have provided a boost to the area but the economic and social well-being of the town is limited by its population which is less than 3000. To succeed Caistor needs more houses and jobs. There are few sites which would provide easy pedestrian access into the market square. Perhaps, however, a s106 planning legal agreement could be provided to support the Caistor Development Trust to use for the provision of additional car parking.
- Houses for sale in Caistor too expensive and with little choice, this will help
- Having to move away as so little choice.
- Still a lot of beautiful views in the town.
- Will assist to bring more facilities to the town.

**Civic Society:** Access is dangerous with a number of fatal accidents in the area. It is close to a bend and people do not abide by the speed limit. It would also make it more difficult to access Brigg Road from North Kelsey Road. There are already two large housing developments in the town and this will increase significant pressure on schools, doctors and the sewerage system. There would be a loss of attractive open countryside, wildlife will be

affected by the proposal and it would prevent the land being farmed again. There are also a number of natural springs on the site leading to surface water drainage concerns Tourism would suffer as parking is at a premium in the centre but these spaces would be taken by new residents.

**LCC Highways:** Requires additional information and amendments – A footpath should be provided along the full length of the frontage. The pedestrian link to the sports ground on the opposite side of Brigg Road would be improved with tactile paving. The proposed access should be designed to accommodate 40mph traffic and a traffic regulation order should be agreed to reduce the speed once the development is occupied.

**Archaeology:** The settlement of Caistor is known to be of Roman origin with Romano- British pottery being removed from other sites in Canada Lane and Brigg Road. The use of the town into the Anglo-Saxon period has led to burial finds in two locations on North Street. The site is also identified as having ridge and furrow on site. Further assessment is required including intrusive evaluation to identify the nature, extent and significance of any archaeological features on the site.

**Lincolnshire Police:** Do not object but offer general advice on the layout which is indicative only.

**Environmental Protection:** No objection in principle but need to address contamination from substation and potential hot spots of contamination resulting from long term burning on the site. Should also consider noise from the substation. Need to consider the terrain which would need to mitigate the surface water generated by the proposal and the ability to store, attenuated and infiltrate the surface water on site.

**Education:** A contribution of £157 870 is requested for the primary school

**Environment Agency:** Object on the grounds of no Flood Risk Assessment. Sewerage works has capacity but confirmation from Anglian Water is required. The site is within a public water supply abstraction area and a watercourse is known within the site. No surface water runoff should occur during construction. Water running into water courses during construction should be eliminated.

Following additional consultation the objection has been withdrawn subject to conditions being imposed to agree a surface water drainage strategy and limitations on surface water flows based on green field rates during a 1:100 year storm event plus climate change.

**Lincolnshire Wildlife Trust:** Object the site is close to the Waterhills Local Wildlife Site (LWS) which has a connection to the proposed development site through the stream which runs to the north. The LWS is important due to its calcareous and neutral grassland indicators as well as those of flowing and standing water associated with the springs. Given the ecological linkages between the two sites and that aerial photos indicate that the development site may be unimproved grassland, there is a possibility that the site could be of ecological interest. There is no ecological report attached and there should be a report which assesses the site for potential for

protected or notable species to be present and make recommendations for mitigation or enhancement as well as providing a botanical survey of the site. Until the extent of the impacts are known the Trust objects to the proposal.

Additional comments – the additional supporting information was completed in December when the plants of interest are dormant. Therefore the assessment required should be done at the appropriate time of year.

**Anglian Water:** Have confirmed that there is capacity for a 72 house development within the sewerage network. Surface water is not a matter relevant to Anglian Water and the Environment Agency should be contacted.

Revised plans were subsequently submitted reducing the number of dwellings from 72 to 69.

### **Comments on the revised plans:**

**Sir Edward Lee MP:** has significant objections to the proposal due to the impact on the limited infrastructure in the village: highway safety, schools, doctors and drainage (in particular flooding & lack of sewerage capacity in the area).

**Caistor Town Council:** Objects on the following grounds

#### *Highways safety and capacity*

- The development will generate 150 car movements a day.
- The access is dangerous
- Since the original survey undertaken Caistor Lakes has opened and all year round occupation at the Wolds Retreat this has had an effect on traffic levels.
- The report also was undertaken in winter when traffic levels were lower. An additional access of Brigg Road has been resisted.
- The Council is also aware of a number of unrecorded accidents in the area.
- Speed reduction to 30mph should take place at the commencement of development not completion.
- Footpath extension is welcomed
- Requires a right hand turn lane
- Advice note requested re construction traffic.

#### *Procedural*

- If outline consent granted a detailed application should follow

#### *Drainage*

- Concerns remain with respect to drainage and the ability of soakaways to deal with water

#### *Environmental*

- Concern that surface water run off would contaminate sensitive Local Wildlife Area up stream.
- An archaeological watching brief is required.

*Infrastructure*

- Concerned that foul drainage system capacity is exceeded.
- Reduction in house numbers is therefore recommended.
- Insufficient fresh water will be available to the site
- The local doctors, dentist and school cannot cope with the influx of users

## Conclusion

The Council is opposed to further development in Waterhills Area as allocated in the new Local Plan.

**Local residents:**

5 Spa Top & Chapel House, Church Street,  
 9 Horsemarket,  
 9, 60, 82, 84 & 90 North Street,  
 Hilltop Cottage & 4 Cherry Halt,  
 22 Plough Hill,  
 Belleau Lodge Grimsby Road,  
 28 South Street,  
 102a Brigg Road,  
 Whitegate Hill,  
 20 Lincoln Drive,  
 18 Southgate,  
 9 Chapel Street,  
 Raynesway Canada Lane,  
 12 Cromwell View  
 2 Eddington House Nettleton,  
 1 Stainton Drive, Immingham

- Objections

Brownfield sites in Caistor should be utilised first. Caistor Hospital site has been under construction for many years and is not built out yet. Navigation Way is the same. No need for further houses

Spring water emanates in the area and flooding occurs at times. Developing this area will increase this risk and lead to damp and land fall.

There is also concerns as to contamination of spring water impacting upon drinking water.

During periods of heavy rain significant floodwater runs down North Street towards the site entrance. Drains surcharge in the area. This will make matters worse. The incidents of heavy rain is increasing due to climate change.

Potential impact on flora and fauna is not adequately assessed. Kestrels are noted in the area. Orchids are also found here. Many of the hedgehogs nursed to health are released there.

It was mentioned by the Area of Outstanding Natural Beauty contact at a meeting that views into, out of, and including views within that boundary are

of equal importance. Therefore the Viking Way which enjoys National Walkway status should have views of attractive scenery from its path. The housing development will impede on this view from the Viking Way. Within the area tourism is important and this will harm it.

The area is the beginning of the end for this well-loved area which has a unique character. It is well used by locals for recreation and aesthetic value. Although in private ownership it is much appreciated by residents. Natural water in the area runs down into streams which flow by the Grammar School. Lots of people use the footpaths in the area which overlooks the site. Ruin the pleasant nature of the site.

The road is not safe at this point due to the tight bends in the road, blind spots and the rising terrain. Extra footpaths and cycle ways will increase vulnerable traffic in this location. There needs to be a pedestrian crossing to the sports field. There should be right hand turn lanes to limit safety concerns. During winter this area of the road floods and freezes increasing danger.

Changes made to the previous scheme are very minor and make no difference to the issues

Insufficient traffic assessment has been undertaken, and that a number of safety risks have not been addressed and that should consideration be given to recommending approval, the following concerns must be seriously considered on the grounds of highway safety. An access to Keyworth Drive close by has been refused on safety grounds. At least two additional accidents have occurred with a car leaving the road and a cyclist knocked off.

The overall growth of the traffic on the A1084 has been under estimated and the increases in traffic should be investigated further. Traffic growth from the site has also been grossly underestimated at least 130 cars will be attracted. The road is used by all classes of traffic and includes: 44 tonne HGV's, children cycling to the nearby sports facilities and motorcycles. Slow moving turning vehicles are also found in the area particularly if there is an event at the sports club like a cricket/ football match. Bike nights also increase motor cycle use in the area considerably. Survey was undertaken in winter when there are no holiday traffic.

A western relief road is needed to take heavy traffic out of the town.

Not enough doctors, residents cannot get appointments within 10 days. The GP's lost a doctor recently how will the surgery cope with extra patients? Schools are full and there is no pre-school provision. There are no shops in the town so no additional dwellings should be erected until infrastructure and services are made available.

Not sustainable most journeys will be by car.

Power lines should be underground and the substation is not sufficient for the area and fails often.

Having housing next to the substation will increase vandalism and reduce security and safety.

Lack of capacity in the foul drainage system and drinking water.

Density is too great and not in keeping with the area, bungalows would be better with larger gardens – fewer more up market dwellings are required.

The issue of this application has divided the town of Caistor and has led to a lot of bad feeling and apathy. It has also stopped people getting involved with the Neighbourhood Plan.

- Support: Whitegate Hill, 18 Wood Farm Close Nettleton, 12 North Kelsey Road,

Caistor needs additional development to take the regeneration agenda forward it has now stalled. Due to its limited population the economy of the area is fragile. The site is ideally placed close to the market square and the town needs small developments such as this.

The visual impact is not as bad as made out and is mainly behind North Street. It is not on the Waterhills area

If more houses are allowed it will increase the pressure on authorities to get a new GP.

It is as infill site

Proposal has good urban design principles.

People will walk as the local centre is very close by.

**Public Rights of Way:** The Definitive Map and Statement shows Definitive Bridleway (Caistor) No. 30, Canada Lane, and Footpath No. 29, Hundon Walk, in the wider vicinity of the site although not directly affected by the proposed development.

New households will seek opportunity for fresh air and exercise and a planning condition is sought to provide a further footpath or bridleway link to Canada Lane. This would be to affect only lands in the same ownership with detail of the alignment and surface of this to be agreed in negotiation with LCC.

**Anglian Water:** Caistor recycling centre has capacity to accommodate the development. Proposals will require foul water to be pumped to the network. The foul sewerage network does not have capacity and will result in unacceptable flooding downstream. A drainage strategy will be required to determine mitigation measures. A condition is required to agree improvement works before work commences on site.

**Environment Agency:** Request condition relating to contamination to protect the aquifer.

**Lincolnshire Wildlife Trust:** Previous plans illustrated that the majority of the botanical interest in the sloping areas running down to the stream would be retained. Further information regarding water discharge and management of retained habitats would be required at a later date however. Current plans however, are now unclear about the status of these areas. The revised Design and Access Statement refers to these areas of retained vegetation as 'green space' and the landscape strategy on page 54 shows the garden areas stopping short of this. Plans, however, show the plots extending all the way down to the stream. If the retained habitat is included within individual plots then it is effectively garden land and is likely to be ultimately lost as there will be no control over management. If such areas are lost an objection would be required. Clarification is therefore required.

The provision of two new SUDS ponds within the scheme which will hold permanent water is supported and should be designed to benefit wildlife as well as serving their principal drainage function.

The terrestrial area surrounding the ponds should be managed to provide species rich grassland with features suitable for amphibians and reptiles which may be attracted to the area. It is recommended that existing grassland in these areas be retained and protected wherever possible. Advice is also given on measures to be taken if damage to such areas occurs complement habitats at the adjacent stream and nearby Water Hills Local Wildlife Site.

Details of the final surface water drainage strategy is required given the stream is at the head of the catchment. This can be conditioned. Only clean water should be discharged to the watercourse.

**Archaeology:** No further input required.

**Public Protection:** Objections remain:

- Concerns remain in relation to the contamination and noise from the substation.
- Surface water and potential for surface water flooding.

Many of the original concerns remain particularly with respect to the issue of surface water drainage. Despite a number of attempts to resolve matters these issues remain.

Additional concerns include the proposed bunds which are proposed to the eastern boundary which would redirect water which currently flows onto the site. It is not detailed as to how such flows would be managed increasing the risk to others.

Despite the potential and innovation that has been apparent, it is not reflected in this application. Accordingly I cannot recommend approval.

**Lincolnshire County Council Highways & Lead Flood Authority:**



## Relevant Planning Policies:

### National guidance

National Planning Policy Framework (NPPF)

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

National Planning Practice Guidance (NPPG)

<http://planningguidance.communities.gov.uk/blog/guidance/>

### West Lindsey Local Plan First Review 2006

STRAT1 – DEVELOPMENT REQUIRING PLANNING PERMISSION

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt3a.htm#strat1>

STRAT3 – SETTLEMENT HIERARCHY

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt3a.htm#strat3>

STRAT5 – WINDFALL AND INFILL DEVELOPMENT WITHIN MARKET RASEN & CAISTOR

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt3b.htm#strat5>

STRAT9 – PHASING OF HOUSING DEVELOPMENT AND RELEASE OF LAND

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt3b.htm#strat9>

STRAT12 – DEVELOPMENT IN THE OPEN COUNTRYSIDE

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt3b.htm#strat12>

STRAT 19 – INFRASTRUCTURE REQUIREMENTS

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt3b.htm#strat19>

SUS 1 – DEVELOPMENT PROPOSALS AND TRANSPORT CHOICE

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt4.htm#sus1>

SUS 4 – CYCLE AND PEDESTRIAN ROUTES IN DEVELOPMENT PROPOSALS

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt4.htm#sus4>

MT 1 - MARKET TOWNS

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt5.htm#mt1>

RES1 – HOUSING LAYOUT AND DESIGN

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt6.htm#res1>

RES5 – PROVISION OF PLAY SPACE/RECREATIONAL FACILITIES IN NEW RESIDENTIAL DEVELOPMENTS

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt6.htm#res5>

RES 6 – AFFORDABLE HOUSING

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt6.htm#res6>

CORE10 – OPEN SPACE AND LANDSCAPING WITHIN DEVELOPMENTS

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt8.htm#core10>

NBE9 – THE LINCOLNSHIRE WOLDS – AREA OF OUTSTANDING NATURAL BEAUTY

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt11.htm#nbe9>

NBE 10 - PROTECTION OF LANDSCAPE CHARACTER IN DEVELOPMENT PROPOSALS

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt11.htm#nbe10>

NBE 12 - DEVELOPMENT AFFECTING LOCALLY DESIGNATED NATURE CONSERVATION SITES AND ANCIENT WOODLANDS

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt11.htm#nbe12>

NBE 14 - WASTE WATER DISPOSAL

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt11.htm#nbe14>

NBE 15 - WATER QUALITY AND SUPPLY

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt11.htm#nbe15>

NBE20 - DEVELOPMENT ON THE EDGE OF SETTLEMENTS

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt11.htm#nbe20>

**Submitted Central Lincolnshire Local Plan (June 2016)**

<https://www.n-kesteven.gov.uk/resources/assets/attachment/full/0/17818.pdf>

LP1: A presumption in favour of sustainable development

LP2: The spatial strategy and settlement hierarchy

LP9: Health and wellbeing

LP10: Meeting housing needs

LP11: Affordable housing

LP12: Infrastructure to support growth

LP13: Accessibility and transport

LP14: Managing water resources and flood risk

LP16: Development on land affected by contamination

LP17: Landscape, townscape and views

LP18: Climate change and low carbon living

LP21: Biodiversity and geodiversity  
 LP24: Creation of new open space, sports and recreation facilities  
 LP25: The Historic Environment  
 LP26: Design and amenity  
 LP51: Residential allocations – Market Towns

The CLLP has completed its third and final round of public consultation and has now been submitted for examination by the Planning Inspectorate. The Plan will be subjected an Examination in Public (EIP) and those policies which have been objected to will be defended during this process. In accordance with paragraph 216 of the NPPF the weight afforded to policies within this draft of the Local Plan has significantly increased.

### **Caistor Neighbourhood Plan (CNP) Made Version**

<https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/neighbourhood-plans-being-prepared-in-west-lindsey/caistor-neighbourhood-plan/>

#### **CNP Policies:**

- 1 - Growth and the resumption in favour of sustainable development
- 2 - Type scale and location of development
- 3 - Design quality
- 4 - Housing mix and affordable housing provision
- 5 - Improved pedestrian and cycling linkages
- 8 – Leisure facilities
- 10 - Tourism
- 14 – Community infrastructure requirements

Aspiration 1 – Transport, traffic and highway infrastructure delivery and management strategy

The Caistor Neighbourhood Plan has been produced following extensive public consultation. The formal making of the plan occurred on the 6<sup>th</sup> March 2016. Through the making of the plan the CNP now forms part of the Adopted Development Plan for West Lindsey and is used to determine planning applications.

#### **Main issues**

- *Principle of housing in this location (STRAT1, STRAT3, STRAT5, STRAT9, STRAT12 and MT1)*
- *Character & nature conservation issues (STRAT1, NBE10, NBE12, NBE15 and NBE20)*
- *Highway safety and capacity (STRAT1, MT1, RES1, RES3)*
- *Drainage and Flooding (STRAT1, NBE14 & NBE15)*
- *Archaeology (STRAT1)*
- *Design and residential amenity (STRAT1, STRAT5, CORE10, RES3, RES5).*

#### **Assessment:**

- *Principle of housing in this location (STRAT1, STRAT3, STRAT5, STRAT9, STRAT12 and MT1)*

*i) Provisions of the West Lindsey Local Plan First Review*

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

The Local Plan, which has a lifetime of 2006-2016, contains a suite of strategic (STRAT) and residential (RES) policies that are designed to provide a policy framework to deliver residential development in appropriate locations to respond to need and the Council's housing provision objectives.

The site lies outside of the settlement limit for Caistor and is therefore classified as being within the open countryside. Policy STRAT12 applies and states that development should not be permitted in such locations unless there is justification for it being in an open countryside location or it can be supported by other plan policies.

Permission is sought for residential development comprising both market and affordable housing – it does not meet the exceptional criteria of STRAT12. As an undeveloped, or 'greenfield' site it also falls on the bottom rung of STRAT9's sequential approach towards prioritizing previously developed land.

The development is contrary to the development plan and falls to be refused unless there are material considerations to indicate otherwise.

*ii) National Policy*

A significant material planning consideration is the National Planning Policy Framework (NPPF). Paragraph 49 states that:

*'Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.'*

The latest assessment indicates that the 5 year housing land supply requirement (taking account of a 20% buffer) amounts to 11531 dwellings for Central Lincolnshire. The spatial housing policies of the adopted Local Plan fall somewhat short of West Lindsey's proportion of this figure and as a result to meet the identified housing need greenfield sites not allocated in the adopted WLLP will need to be considered for development. It is therefore accepted that spatial housing policies of the WLLP should be considered out of date.

Planning Practice Guidance states that *"Where evidence in Local Plans has become outdated and policies in emerging plans are not yet capable of carrying sufficient weight, information provided in the latest full assessment of housing needs should be considered. But the weight given to these*

*assessments should take account of the fact they have not been tested or moderated against relevant constraints.”*

The NPPF post-dates the development plan and requires Councils to *“identify and update annually a supply of specific deliverable sites sufficient to provide five years’ worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land.”* The buffer raises to 20% where there is a consistent record of under delivery.

The latest Housing Land Availability Assessment (May 2016) identifies a need of 11,531 dwellings across five years, which includes a 20% buffer due to the previous undersupply of housing land. The latest (May 2016) five year supply figures are based upon an overall housing requirement for the plan period of 36,960 dwellings – this figure is based on a published Strategic Housing Market Assessment (SHMA).

The assessment also identifies a land supply suitable for residential development. This shows a supply of 5.33 years (12,283 dwellings) in the five year period 2016/17 to 2020/21. The assessment includes:

- sites under construction;
- sites with full planning permission, but development has not started;
- sites where there is a resolution to grant planning permission;
- sites with outline planning permission;
- sites allocated in an adopted Local Plan; and
- sites not allocated in a Local Plan or without planning permission and which have no significant infrastructure constraints to overcome
- A windfall allowance (of 187 dwellings a year from the second year)

The Submitted CLLP identifies a large number of sites, including the application site, to meet the assessed housing need. These sites have been considered in detail and approved by the Full Council of West Lindsey District Council. These comments have been sent to the Secretary of State as the Council’s formal consultation response to the Local Plan.

As the CLLP has been submitted to the Planning Inspectorate, with the Examination in Public (EIP) expected in the autumn, it is considered that the allocation should be given additional weight in any determination. Substantial evidence reports have been published, including sustainability appraisals for all allocated sites. Such reports justify the selection of the allocated sites and show they are readily available. This site is readily available and is underlined by the submission of this application.

Nevertheless the NPPF’s presumption in favour of sustainable development (para. 14) is still activated, which for decision-taking means: *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
- *specific policies in the Framework indicate development should be restricted.*

### iii) Submitted Central Lincolnshire Local Plan

The Submitted Central Lincolnshire Local Plan (Jul 2016) also contains a suite of policies relating to the planning principle for the area and land allocations. The plan categorises settlements as per their function, scale, services and connections. Policy LP2 indicates that Caistor would be determined as Market Town. Here policies indicate that Caistor will be the focus for significant but proportionate, growth in housing... Most of its growth it notes will be via sites allocated in this plans, or the intensification or renewal of the existing urban area. However, additional growth on non-allocated sites in appropriate locations on the edge of these market towns may also be considered favourably though these are unlikely to be supported if over 50 dwellings/2ha per site (whichever is the smaller).

The application site includes CLLP allocation CL1888 which has an area of 2.21ha with an indicative number of dwellings being noted as 50. This allocation covers the majority of the application site with only the northern eastern corner falling outside the allocated area. As noted above the allocation of housing sites within the Local Plan has been considered and approved by the Full Council of West Lindsey District Council. The remaining part of the site is, however, unallocated open countryside.

It is accepted, therefore, that the majority of the application site does include the allocated site but exceeds the designated site in terms of area and proposed housing numbers. Nevertheless the increased numbers required would still accord with policy LP2.

### iv) Caistor Neighbourhood Plan

Paragraph 184 of the NPPF indicates: *Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community. The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan.*

The NPPF further notes that: *Once a neighbourhood plan has demonstrated its general conformity with the strategic policies of the Local Plan and is brought into force, the policies it contains take precedence over existing non-strategic policies in the Local Plan for that neighbourhood, where they are in conflict (para 185).*

The Caistor Neighbourhood Plan should be given full weight in this application assessment as it has now been made. The CNP does not allocate development sites but its policies seek to provide a broad criteria for future development. Of particular note is policy 1 which seeks a presumption in favour of sustainable development. Policy 2 goes further and provides guidance as to the type, scale and location of development. The policy indicates, amongst other requirements, that proposals should reflect the character and appearance of the town and be within 800m of the market square where a large number of the town facilities are.

The application site falls clearly within this distance based criteria, a well-used tool for assessing sustainable access. In addition to this, the site falls outside of the natural and semi-natural green spaces as shown within the Composite Plan.

The impact on the character of the area is an important consideration but will be assessed below.

### **Sustainability**

Paragraph 7 of the NPPF identifies three dimensions to sustainable development: economic, social and environmental. It is important to note from paragraph 37 of the Dunholme appeal decision that *“the NPPF enjoins the planning system to seek joint and simultaneous gains across the three mutually dependent dimensions of sustainable development: social, economic and environmental”* and *“the overall balance must look across all three strands”* but that *“weakness in one dimension did not automatically render a proposal unsustainable.”*

Caistor is allocated as a Market Town (WLLP policy STRAT3, CLLP LP2). The settlement contains: primary and secondary schools, churches, community and sports facilities, shops, public houses and employment. The site is located approximately 400 - 600 metres from the centre of the village which would be a comfortable walking distance even taking account of topography. It is accepted that as a maximum distance access to some of the schools would be approximately 1km away from the site and uphill however, whilst 800m is a comfortable 10 minute walk this is not the upper limit of advice as 2km is deemed a realistic alternative to the motor car (Manual for Streets DCLG 2007). Similarly, cycling has the potential to replace motor vehicles for trips of 5km or less. The application site is also opposite the sports ground which includes play equipment increasing facilities without having to resort to the use of a motor vehicle.

Caistor is reasonably well served by bus routes and these services are considered to provide a sustainable method of connecting to Grimsby/ Lincoln, Market Rasen and indeed Brigg (although with a very limited service). The bus stop closest to the site is within the Market Place within approximately 400m (600m from the furthest part) of the site.

The application site would also connect to the existing footpath network at the site. At reserved matters stage it is likely that detailed designs would be required to ensure footpath and cycle routes would permeate the site to aid accessibility. These footpaths would be enhanced. This would accord with the requirements of CLLP policy LP13 and CNP5.

NHS England have advised that a financial contribution would not be required to contribute to the capital cost of health care infrastructure in this instance. Whilst the concern over the capacity of the local GP practise is important, the issue of doctor recruitment is not a planning matter and is a national issue which cannot be rectified by individual developments or developers.

The Education Authority have stated that the development would result in a direct impact on local schools. A £157 870 contribution is therefore requested to mitigate against the impact of the development at local level. This is a valid request compliant with legislation and would need to be secured through the S106 planning obligation.

A viability assessment has been provided to your officers and has been assessed. Due to the difficulties of developing this site and low sale values the full request is not deemed viable. It is therefore recommended that a reduced value of £105 000 be agreed. The applicant has agreed this figure. Should the Planning Committee seek to support the proposal it is recommended that a s106 legal agreement be drawn up to include such a requirement.

STRAT19 of the West Lindsey Local Plan requires that infrastructure is required to serve new development. It states that development that increases demand on infrastructure that cannot be satisfactorily provided for within the existing capacity of on- and off-site service and social/community infrastructure or other services will not be permitted unless extra capacity will be provided to serve the development. This accords with policy 7 of the CNP which require support of local facilities.

The developers are offering 15% affordable units to be provided on site based on a viability assessment of the proposal. This is below the 25% affordable housing figure required by WLLP policy RES 6 and the 20% required under CLLP LP11. As noted above the applicant has submitted a viability appraisal and this has been examined by your officers and it is considered an accurate assessment of the proposal. Whilst a reduced figure it would still provide 10 affordable housing units. The provision of affordable housing would also help to provide a balanced community with a variety of housing types and tenures as required by saved WLLP policy RES6, CLLP LP11 but also Neighbourhood Plan Policy 4. Again should the planning committee support this application the requirement for the provision of 15% affordable housing units would form part of the s106 planning agreement.

- *Character & nature conservation issues (STRAT1, NBE10, NBE12, NBE15 and NBE20)*

The application site is positioned on the edge of Caistor and is located outside the town boundary. The application site falls into an Area of Great Landscape Value (AGLV). Saved Policy NBE20 indicates that *Development will not be permitted which detracts from the rural character of the settlement edge and the countryside beyond.*

*Where development on the edge of settlements is permitted the Council will require:*

- i. Design proposals which respect and maintain the existing character and appearance of the boundary of the settlement footprint, or result in the improvement of an unattractive approach;*
- ii. An agreed scheme of landscape treatment and/or open space provision.*



Similarly, saved Policy NBE 10 indicates that high priority will be given to conserving the distinctive landscape features, landscape character and the landscape amenity value of the district. Development will not be permitted if it is likely to have an adverse impact on the features, setting or general appearance of the Landscape Character Areas as defined in the Landscape Character Assessment and amplified in the Countryside Design Summary.

In cases where development is to be permitted proposals should meet the following criteria:

- i. It should respect and enhance local distinctiveness;
- ii. The scale, design and materials used should reflect local styles and respect the local environment;
- iii. Important landscape features should be maintained or enhanced as part of the scheme;
- iv. Development should not have a detrimental effect on skylines or important views.

Areas of particularly high local landscape value because of their distinctive characteristics have been identified on the Proposals Maps as Areas of Great Landscape Value

Within the West Lindsey Landscape Character Assessment the area is noted as forming part of the North West Wolds Escarpment although the lower edge of the site adjoins the Heathland Belt character area. The Escarpment forms the backdrop to this part of the district and the slopes are steep, hummocky and indented by the action of streams and landslips. Although Caistor extends up the escarpment and punctures the skyline in places, the adopted Countryside Design Summary for the area advises that new development should be severely restricted along the prominent ridgeline and scarp face. New buildings it notes should only be accommodated on the lower slopes, following the existing settlement pattern.

It further notes that careful consideration should be given to the siting of buildings, taking account of local topography, vegetation and views. Buildings which are situated at the foot of slopes or in the folds of undulating ground are characteristic; they should be associated with substantial tree planting designed to integrate them with the surrounding contours and landscape pattern. Developments should not be linear but seek to ensure buildings contribute to the setting of the village. Substantial blocks of development would be inappropriate in this natural landscape setting.

CNP policy 2 notes that the growth of the town is welcomed but that growth needs to be at a scale and in locations that reflect the historic character of the town and avoid undue expansion.

CLLP LP17 follows similar lines indicating that proposals should seek to protect and enhance the intrinsic value of the landscape and townscape including the setting of settlements. Proposals it notes should have particular regard to maintaining and responding positively to any natural and man-made features within the landscape and town scape which positively contribute to the character of an area. It further notes that the impacts on the

character of the Lincolnshire Wolds AONB and Area of Great Landscape Value (AGLV) is particularly important.

The visual impacts of this proposal on the character of the area are twofold: a) impact on the character of the countryside including the entrance to Caistor itself and b) the layout and design of the development.

- a) Impact on the character of the countryside including the entrance to Caistor

As noted the site is currently grazing land which extends from Brigg Road upwards along the escarpment to the east and to existing dwellings to the south, south east. To Brigg Road the site wraps around a large fenced compound that accommodates a single storey brick substation and transformer. This compound is partially screened from the road with hedges but is nonetheless clearly seen particularly when arriving into Caistor from Brigg. It is also present in many of the views of the escarpment from Brigg Road. On a more positive note mature trees existing in the southern corner of the site currently provide a green entrance to the village.

It is considered that the proposed development would modify the character of the entrance to the village in this location but that the harm of the existing substation could be reduced through screening of some views with positive housing designs either side of the compound. This could enhance the entrance to Caistor particularly with the retention of the mature trees in southern corner of the site, the mature hedges to the site boundary and the creation of a village type green area to the Brigg Road frontage. In addition to this, the termination of the development short of the curve in the road and the stream to the north would retain some undeveloped views of the escarpment/ Waterhills beyond. The site is also partially opposite the housing to Keyworth Drive which is formed of two storey buildings. This provides a partial setting for the site along Brigg Road.

The Viking Way is positioned to the east of the site, some way up the escarpment. This well-known long distance pathway does not directly adjoin the application site which is some 120m to the west. Views from the pathway especially during the summer months is heavily screened by hedging and trees which form a canopy over the pathway. In addition to this, the topography of the land relative to this long distance footpath would considerably reduce views of large sections of the development.

Similarly, although more views of the site would be possible from Canada Lane, again hedging and mature trees would screen most views whilst from closer sections any development would be seen in the context of the housing to North Street, the substation and Keyworth Drive beyond. Therefore whilst again changing the character of this area it is not deemed significant nor sufficient to seek to resist development on landscape grounds.

Views from other public vantage points on top of the escarpment at Riby Road would be limited by the brow of the descent with the development being on the lowest levels of the hill in accordance with the West Lindsey Character Assessment.

## b) The layout and design of the development

Although outline in form and as such any plan is indicative, the applicant has sought to consider the character of the development through assessing the layout of Caistor, its building types, position, density and spaces. It seeks to provide a unique design that follows the character of the town rather than a standard estate plan. The proposal also seeks to address the open countryside with a reduction in density towards the edges of the site. Building heights are also indicative but range from single storey to three storey in height. Similarly, detached, semi-detached and terraced formats are proposed again mimicking the town itself.

Therefore whilst the proposal would replace a greenfield site and some views from public vantage points would change, the impact on views of acknowledged importance would be limited whilst other views would benefit from the screening of the substation.

## Ecology

The site is not designated as an ecologically important site but it is close to Waterhills Local Wildlife Site (LWS). This is an area which is located above the Viking Way walk to the east of the site and is designated within the adopted Local Plan. Saved Policy NBE12 states: *Development will not be permitted which would adversely affect any of the following, unless there is a demonstrable overriding regional or local need for the development which cannot be accommodated elsewhere and the reason for the development clearly outweighs the need to safeguard the substantive nature conservation value of the site:*

- i. Site of Nature Conservation Importance;*
- ii. A Local Nature Reserve;*
- iii. A Lincolnshire Trust Nature Reserve;*
- iv. A Regionally Important Geological or Geomorphological Site;*
- v. Ancient Woodlands;*
- vi. Any species of animal or plant, or its habitat, protected under British or European Law.*

*Where development is permitted planning conditions will be imposed which will require:*

- a. That adequate opportunity is provided to enable proper recording of the site;*
- b. That before development commences measures are agreed with the Council and taken by the Developer which mitigates the effects of the development on the site, the woodland and the wildlife, and compensate for any potential loss, in order to recognise and preserve the nature conservation interest.*

## Other matters

The CCLP also includes policy LP21 which relates to biodiversity and geodiversity. It notes: *All development should:*

- protect, manage and enhance the network of habitats, species and sites of international, national and local importance (statutory and*

*non-statutory), including sites that meet the criteria for selection as a Local Site;*

- *minimise impacts on biodiversity and geodiversity; and seek to deliver a net gain in biodiversity and geodiversity.*

*Planning permission will be refused for development resulting in the loss, deterioration or fragmentation of irreplaceable habitats, including ancient woodland and aged or veteran trees, unless the need for, and benefits of, the development in that location clearly outweigh the loss or harm.*

*Proposals for major development should adopt a landscape scale and ecosystem services approach to biodiversity and geodiversity protection and enhancement identified in the Central Lincolnshire Biodiversity Opportunity Mapping Study.*

*Development proposals should create new habitats, and links between habitats, in line with Biodiversity Opportunity Mapping evidence to maintain a network of wildlife sites and corridors to minimise habitat fragmentation and provide opportunities for species to respond and adapt to climate change. Development should seek to preserve, restore and re-create priority habitats, ecological networks and the protection and recovery of priority species set out in the Lincolnshire Biodiversity Action Plan and Geodiversity Action Plan.*

*Where development is within a Nature Improvement Area (NIA), it should contribute to the aims and aspirations of the NIA.*

*Development proposals should ensure opportunities are taken to retain, protect and enhance biodiversity and geodiversity features proportionate to their scale, through site layout, design of new buildings and proposals for existing buildings.*

### **Mitigation**

*Any development which could have an adverse effect on sites with designated features and / or protected species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance. Where any potential adverse effects to the biodiversity or geodiversity value of designated sites are identified, the proposal will not normally be permitted.*

*Development proposals will only be supported if the benefits of the development clearly outweigh the harm to the habitat and/or species.*

*In exceptional circumstances, where adverse impacts are demonstrated to be unavoidable, developers will be required to ensure that impacts are appropriately mitigated, with compensation measures towards loss of habitat used only as a last resort where there is no alternative. Where any mitigation and compensation measures are required, they should be in place before development activities start that may disturb protected or important habitats and species.*

As noted, the proposal would not fall within the designated LWS and is separated from it by a section of field. Nevertheless, the site has value of its

own and is connected to the Waterhills LWS by the watercourse. A number of ecological surveys have been undertaken which have shown that the site is generally made up of poor quality grassland but that there are areas which are species rich within the northern section of the site close to the watercourse. Whilst such areas are not sufficient to meet the LWS designation criteria such species nonetheless should be protected and enhanced. The applicant has shown the areas of interest to fall into areas of open grassland to the north of the site where the gradient of the site is greater. Although some houses within the site would have gardens extending down to the stream it is recommended that these are limited and areas shown green on the latest indicative plan be conditioned to be maintained as public open space. In addition to this, further conditions would be required to agree a management scheme at the site. Such conditions would address the concerns of the Lincolnshire Wildlife Trust.

The other issue is the potential pollution of the water course. Such pollution could impact on the Waterhills LWS. The applicant was originally seeking to direct surface water drainage directly into the watercourse which would have increased the potential for pollution. The proposal, however, has now been amended to utilise swales and attenuation ponds which allow for some water cleansing. Subject to detailed designs it is considered that such features would protect the LWS but also allow for enhanced biodiversity on site.

Consideration of wildlife using the site are noted but are not considered significant. Standing advice is therefore recommended whilst enhancement works suggested would assist the support of other animals and birds. This together with the planting recommendations of the Lincolnshire Wildlife Trust accord with policy NBE12 of the WLLP and LP21 of the CLLP.

- *Highway safety and capacity (STRAT1, MT1, RES1, RES3)*

The proposed development would be accessed from Brigg Road the A1048. Access is not a matter reserved and can be considered in detail. The proposed access would be located approximately 27m to the north of the substation access. The access road would be 5.5m wide with a pavement either side of the carriageway.

Taking account of vehicle speed at this part of Brigg Road (40mph) the visibility splays required at the access would be between 90 and 116m. Calculated stopping distance for traffic in wet weather to between 96 to 120m. This also accords with Lincolnshire County Council guidance. The applicant has shown that the proposed site access could meet a 116m visibility envelope. The applicant, however, has also agreed to apply to reduce the speed limit in the area from 40mph to 30mph which would reduce vehicle stopping distances required increasing safety. The position of nearby access to the sports club has also been noted. Taking account the nature of the site and details submitted the proposal has not been objected to by the Highway Authority. It is noted that some drivers do not always obey speed limits but this is not a matter for the planning authority and can be enforced by the police.

Accident data has been assessed from 2009 to 2015 which indicates that 31 accidents have occurred in the surrounding area but only one slight

accident, occurred within the vicinity of the application site at the Brigg Road/North Kelsey Road junction. This involved a car and cyclist and took place late in the evening and is attributed to driver error and distraction. This indicates that safety concerns at this location are not significant. Concerns over motor cycles are noted, however, subject to a reduction in speed limits this is not considered significant.

Traffic counts have been undertaken at the site, with approximately just under 300 vehicles per hour passing the site at worst and typically under 200 for the rest of the day. A 69 dwellings estate is considered to generate approximately 296 trips per day, some 34 in the morning peak hour and 25 in the afternoon/evening peak hour. It is noted that a 6.1m wide road, to which the A1084 conforms, can accommodate an hourly flow of 750 vehicles in a single direction. Brigg Road would, even taking account of Caistor Lakes, the Wolds Retreat and the time of year of the survey, be sufficient to accommodate the flows proposed.

As noted above the proposal would generate pedestrian traffic due to its proximity to the Town Centre. The site is currently served by a sub-standard 1m wide footpath. In recognising this the applicant has proposed an enhanced footpath across the site and this would be supported by a condition for a 1.8m footpath. Due to the topography of the site however, the embankment in the south western corner of the site would preclude significant enhancement in this location. The reduction in speed limit in the area to 30mph from 40 mph would however improve safety for pedestrians. To assist pedestrians it is also proposed that a tactile crossing point close to the sports field is also conditioned.

- *Drainage and Flooding (STRAT1, NBE14 & NBE15)*

The site is located within the western escarpment of the Lincolnshire Wolds. It is characterised in part by its steep gradients (1 in 10) within the site and ground levels which generally fall to the north east to the beck which runs along its northern boundary. The area is known to locals as Waterhills although the actual extend of this area is disputed by some.

The site falls within Environment Agency Zone 1 indicating it is not at significant risk from sea or river flooding. No sequential assessment is therefore required. The main issue therefore is surface water drainage both in terms of current flows but also those generated by the proposal. No significant areas of flooding/ponding were noted on site during site investigation during the month of November.

To seek meet the latest Sustainable Urban Drainage (SUDs) guidance a system of above and below ground drainage designs have been submitted. This would take the form of swales which would allow natural drainage from the development with driveways and roads being drained into cascading swales which are linked by pipes into large attenuation ponds to the northern boundary of the site. Due to the steepness of parts of the site flows would need to be attenuated within the site and would form a hybrid scheme with some piped elements being required. In addition to this, the proposal would include areas that could accommodate attenuation crates that would again hold surface water in times of extreme rainfall until it could be released at a

regulated flow. These areas would include the two garage /parking court areas. Infiltration is deemed inappropriate at this site due to the steepness of the gradients as the re appearance of water cannot be ruled out.

Accepting that over ground flows currently occur a series of bunds are proposed to limit flows into the site from the east, whilst further bunds to the west would also seek to prevent water flows flowing outside of the site and would direct water to the beck.

Designs are proposed to be attenuated to greenfield runoff rates for a 100% Annual Exceedance, this amounts to 5.73 litre per second.

The design of the drainage scheme has been a key reason for the extended determination period of this application as the topography of the site and ground conditions have created a number of issues for designers and decision makers. Despite repeated attempts the designs provided have failed to address concerns that the scheme would be able to deal with the amount of surface water generated on site, or passing through it. The concerns raised include the uncertainty that houses on the site would not be subject to flooding, that existing surface water flows would not be redirected causing flooding and the capacity of the proposed system would not be exceeded by flows leading to flooding downstream.

In addition to this, insufficient evidence has been supplied that the facilities would be adequately maintained in future years.

Further revised drainage details have been recently supplied but are still being considered by drainage colleagues and Anglian Water. A verbal update will be provided at the planning committee on progress.

Foul drainage would be to the main foul sewer in Brigg Road/North Street junction. A pumped system would be required and the applicant has shown a pumping station within the north western corner of the site. Anglian Water has indicated that Caistor Water Treatment Works has capacity for the flows but that the immediate pipe network within the area is at capacity. Taking account of this Anglian Water do not object to the proposal but recommend a condition is proposed to deal with this. As with other schemes this could amount to the provision of improvements and capacity enhancements to the local network. A condition is therefore recommended to allow the development to move forward but that this issue is resolved before work commences on site. A condition is deemed appropriate and enforceable as the work is to Anglian Water network which is in their control and they are willing to work with the applicant to upgrade the system. Detailed designs would need to be agreed but again these can be conditioned to either reserved matters stage or before work commences on site.

- *Archaeology (STRAT1)*

Caistor is known to have pre-historic and Roman origins and has resulted in a number of important finds and features being identified within the town and surrounding countryside. Although there have been no finds on the application site Romano- British pottery has been identified in the garden of

a bungalow at the western end of Canada Lane some 100m to the north west of the site.

Following submission of a desk top survey negotiations led to a geophysical survey being undertaken at the site. This found a number of features including buried ditches and areas of ridge and furrow. Ferrous rich materials were also found which corresponded with modern boundaries indicating they were likely to be the result of modern interventions. To be certain however, intrusive investigations in the form of dug trenches were undertaken in those areas where the geophysical survey showed potential. Eleven trenches were dug and were overseen by an officer from LCC Archaeological Service. The results of such investigations were of limited interest although some small flint finds were made which correspond with surrounding field work at Sandbraes Farm confirming the presence of low level flint working in the vicinity.

The result show that there is limited archaeological interest at the site and no further investigations or mitigation are required.

- *Design and residential amenity (STRAT1, STRAT5, CORE10, RES3, RES5).*

The outline nature of the proposal makes the assessment of the design difficult. The applicant has, however, provided an indicative layout which indicates that 69 dwellings could be accommodated on the site. The design and access statement also indicates that the proposal would take its layout and design references from the town itself with housing close to pavements and irregular street form and town green type arrangements. The density whilst higher towards the centre reduces to the edge of the development.

In a similar way, the impact on existing residents cannot be fully assessed as the layout is only indicative. What can be determined, however, that a scheme of 69 dwellings could be accommodated on site with each property having a reasonable outlook, garden space and parking areas to maintain residential amenity.

It is noted that some of the dwellings are proposed to be three storeys in height. Such heights are characteristic of Caistor and are located at the lowest part of the site. This would have the impact of making a positive character to the entrance of town but also allowing them to be seen in the context of higher ground levels and dwellings beyond. In a similar way the two and a half storey units are shown located just forward of where land rises to the rear in quite a pronounced way reducing the impact of such properties on surrounding the area. Whilst deemed acceptable such matters can be determined in more detail at reserved matters stage.

The noise of the substation is an issue but the applicant has indicated a willingness to agree to condition to mitigate noise levels through acoustic fencing/ other measures. It should be noted that in many cases housing is close to such facilities including for example Bob Reynolds Way in Gainsborough.

Other issues



The position of the site adjoining the substation could lead to contamination but Public Protection colleagues indicate conditions would suffice to determine the potential and remediation of such ground conditions.

The reduction in house value is not a material consideration in the planning system.

### Planning Balance

The proposed development would provide a range of dwellings up to 69 in number. Although located within the open countryside in the adopted West Lindsey Local Plan (STRAT12) the majority of the site is designed within the Central Lincolnshire Local Plan (LP50) which is now submitted for examination. Its position close to Caistor Market Place would accord with Caistor Neighbourhood Plan policy 2 and provide good links to services without recourse to motor transport. It is considered that this should attract significant positive weight.

The design of the development whilst dense would accord with that found in the traditional areas of Caistor as would the heights and mix of housing types suggested. The proposal would, in part, screen the substation whilst views from other public vantage points, including the Viking Way would, again in part, be screened by topography or mature hedgerows and trees. Where views are possible the development would generally be seen in the context of existing housing as such it is considered the proposal would accord with WLLP policies NBE10 and NBE20 and CLLP policies LP1 and LP17.

The proposal would also provide 10 affordable housing units which should be afforded significant weight in accordance with WLLP policy RES6 and CLLP policy LP11 despite the reduced offer due to viability.

Access to the site can be achieved without harm to highway safety or capacity and improvements to footpaths and crossing points would allow easy access to the site subject to conditions and a s106 agreement.

Facilities and services within the town would be impacted upon, however, the applicant would be willing to provide an education contribution to reduce the impact on the school.

Although the site is not part of an ecologically important area it is linked to one and includes areas of grassland that are worth managing and enhancing in accordance with ecological guidelines to enhance bio-diversity. Details provided show that the designated site would be protected whilst subject to conditions the areas of grassland deemed worthy of enhancement on site are also maintained.

The proposal would, however, lead to a loss of a greenfield site and views which are cherished by some locals. Once built upon this site as an amenity, despite being in private ownership, would be lost. However, as has been noted such views are already limited and in part are eroded due to the

position of the substation close to Brigg Road or protected by topography and landscaping.

The site would generate additional traffic which would reduce capacity and could increase the potential for accidents as a result. The impacts, however, relative to the design of the road, the proposed reduction in speed limit, improvements to pedestrian networks and the proposed junction geometry and sight lines would be limited.

Surface water drainage is an issue in this area and the gradients on site has led to a considerable investigation as to its impacts. Building on greenfield locations such as this increases runoff which could exacerbate flooding. Despite the considerable period that has elapsed in trying to resolve this issue, an acceptable drainage strategy based on sustainable principles has not been able to be agreed and concerns remain that flooding of the site and adjoining land would occur. In addition to this, insufficient information submitted to ascertain the ability to maintain such systems.

Foul water disposal has been known to be an issue in the area due to capacity issues. Anglian Water the network operator has not objected to the proposal in principle and has requested that conditions are attached to any permission to improve the network capacity in this location.

The occupants of 69 nine new dwellings would use local services including local schools, pre-schools and medical facilities which are under stress. The applicant has indicated a willingness to provide additional funding for schools within the limits of viability to mitigate this impact. No request has been made from the NHS despite being asked a number of times during the application process. Whilst the concern over the capacity of the local GP practise the issue of doctor recruitment is not a planning matter and is a national issue which cannot be rectified by individual developments or developers.

The proximity to the Water Hills Local Wildlife site and its connection through the beck is noted. The loss of the site to development would reduce ecological interest particularly as it is known to be used by animals and birds and is also home to various plant species some of which are afforded a level of protection. Surveys indicate however, that the proposal would not lead to a significant loss of habitat of species/types of importance or that schemes for mitigation can be agreed to protect and enhance areas of importance.

## Conclusion

The application for housing on this greenfield has courted a lot of interest and debate. The proposal for dwellings in this location would broadly accord with Local Plan policies and provide accommodation in a sustainable location, including the provision of 10% affordable housing. Subject to conditions and s106 legal agreement it is considered that the proposal would be acceptable and would not have a detrimental impact on the character of the area nor entrance to the town, highway safety/capacity, residential amenity, ecology nor the availability of services in accordance with saved policies STRAT1, RES1, RES5, RES6, NBE10 and NBE20 of the West Lindsey Local Plan.

The proposal, however, falls short of the requirements of the NPPF and NPPG which seeks development to be adequately drained utilising sustainable methods. The proposals submitted fail to adequately address the issue of drainage on the grounds that reasonable certainty that the sustainable system designed would not lead to flooding on site and to adjoining land has not been provided. In addition to this, details of future maintenance of the system has not been identified contrary to saved Policy STRAT1 of the West Lindsey Local Plan.

**RECOMMENDATION: Refuse**

The detailed foul and surface water drainage strategy submitted is not sufficient to be able to conclude that the proposal would adequately dispose of water in a sustainable manner without increasing risk to other areas from flooding. The proposed development is therefore contrary to saved Local Plan Policies STRAT1 and RES1 of West Lindsey Local Plan First Review 2006 and the National Planning Policy Framework.

**Human Rights Implications:**

The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

**Legal Implications:**

Although all planning decisions have the ability to be legally challenged it is considered there are no specific legal implications arising from this report

**Notes/Informative**

**None**

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## Officers Report

### Planning Application No: 134462

**PROPOSAL:** Planning application to construct 2no. pig rearing units and 1no. straw storage building

**LOCATION:** Land off Cow Lane, Upton, Gainsborough DN21

**WARD:** Lea

**WARD MEMBER(S):** Cllr J Milne

**APPLICANT NAME:** Mr T Elwes

**TARGET DECISION DATE:** 15/09/2016

**DEVELOPMENT TYPE:** Major - Other

**RECOMMENDED DECISION:** Grant Permission

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#### **Description:**

This application is presented to the planning committee given the level of interest.

The site is located 0.6km to the east of the village of Upton. Access would be from Cow Lane to the northeast side of the development. The landscape of the site is relatively flat. It comprises rough grassland and regenerating scrub within the section of a large arable field. The northern and eastern boundary adjoins Cow Lane and is defined by low earth embankments to the north. Elsewhere site boundaries are more undefined.

The application seeks permission to construct 2 pig rearing units and 1 straw storage building.

The application is 'EIA Development' under the 1999 Regulations and an Environmental Statement has been submitted with the application.

#### **Relevant history:**

133643 – Planning application to construct 2 pig rearing units, 1 straw storage building and a farm house for an agricultural worker. Deemed refusal 11/01/16

#### **Representations:**

**Chairman/Ward member(s):** No representations received to date

**Parish/Town Council/Meeting:** Object to the proposal with the main concerns being –

1. Financial Sustainability
2. Environmental impacts-Odour
3. Environmental impacts-Noise
4. Site contamination/alternative site consideration
5. Environmental impacts-Traffic
6. Environmental impacts-Water

7. Environmental impacts- Wildlife and visual amenity
8. Human health and animal welfare
9. Emergency planning
10. Public Fears
11. National and local policies
12. Conclusion

Upton Parish Council has been given a mandate by the residents to vehemently object.

**Local residents:** The application has received a high level of interest. The majority of the interest was due to a campaign run by Animal Aid. Sent direct to the WLDC website were 284 objections. The majority of these were not local residents. Sent via the Animal Aid Campaign were 7316 objections. Again the majority were not from the village, they were from outside the district and included many international objections. The main concerns of local residents concerns are as follows –

- Odour
- Water supply being infected
- Fire risk
- Do not want lorries and extra farm vehicles coming through the village, road structure is not good enough for this
- Devalue property
- Could this not be built on the edge of the village?
- Will detract from the peace, safety and tranquillity of the village
- No grounds for the dwelling
- Environmental report may be subjective
- Increasing the amount of livestock will add to the amount of flies and will ruin any outdoor pursuits.
- Creation of waste from this site will damage local ecology
- Will add pressure to the water supply
- Not a suitable location
- Health issues
- Concerns over the disposal of waste
- Will lose the natural landscape for wildlife
- Will lose normal countryside sound
- Will lose local pub, award winning chip shop at a loss of local jobs and the heart of the village as no customers will want to queue or sit outside enjoying a drink and food.
- Application could be the first foot in the door for a bigger unit
- If granted, animal rights protestors will arrive in the local community on mass. Would bring chaos to the village. No matter how well meaning, they will drive out regular trade
- Usual for new enterprises of this nature to be given a mobile home until the business has proved its viability
- Enterprise does not require 24/7 supervision for welfare purposes
- Many houses available in the local area which could accommodate the worker with security by CCTV becoming the industry norm
- Contrary to ECON 2 and ECON 5
- Risk of pollution
- High risk of transferring infection to other animals

- Lack of emergency planning
- Breach of residents human rights
- Animal welfare
- Concerned that a comprehensive noise impact assessment has not been made on all receptors
- Economic benefit and employment benefit has been overstated
- Visual impact
- Leisure based business will be affected by noise, odour and heavy traffic
- Too close to residential properties

The Animal Aid campaign was a pre-worded email for which objectors could insert their name and address. The concerns raised were as follows –

- Animal welfare
- Public safety
- Water pollution
- Noise
- Negative impacts on the local community

3 letters of support received stating –

- Believe the constraints on UK land and the UK requirements for cheap meat mean that these types of farming operations are desperately needed
- Support British
- Why a high welfare, small scale pig shed situated in a farming area further away from the village than the sewage and commercial buildings is a wild idea is baffling
- Having a working farm may deter fly tipping
- The proposed building is up to current RSPCA and freedom food standards therefore any negative comments about welfare are just silly
- Here in Britain we have some of the best farming practices in the world, it would be nice if people supported it

**Petition:** A petition has been received from the Parish Council by 147 residents affected by the potential granting of permission to build and operate the proposed industrial pig unit in Upton.

The petition is objecting to the proposed planning application 134462 for approval to build and operate an industrial pig unit at Upton.

**Sills & Betteridge:** Solicitors letter on behalf of 3 residents in Upton. Clients wish to associate themselves with the objection of the Parish Council and amplify a number of key points.

**LCC Highways:** Initially requested that the applicant provide the information as set out below –

- Drainage of the site is reliant on a balancing pond with no outfall. The Highways and Lead Local Flood Authority (HLLFA) would request the applicant provides calculations confirming this system performs satisfactorily in terms of size of the pond/run off and catchment.
- The HLLFA request the applicant submits a transport Statement with a breakdown of the type, size and number of vehicles accessing the site



Following further information received there were no objections subject to 3 suggested conditions.

**Environment Agency:** Initially objected to the application as submitted because the applicant has not supplied adequate information to demonstrate that the risks of pollution posed to surface water can be safely managed. Further information was supplied by the applicant for which the Environment Agency thought was satisfactory and therefore withdrew their objection.

**Upper Witham Internal Drainage Board:** The site is partly within the Boards District. The applicant states that there is no discharge from the pond. Should this be required the Board wish to be re-consulted. A land drainage consent may be required from the board. A permanent undeveloped strip of sufficient width should be made available adjacent to the top of the bank of all watercourses on site and adjacent to the site to allow future maintenance works to be undertaken. Suitable access arrangements to this strip should also be agreed.

**Public Protection:** No objections

**Lincolnshire Fire and Rescue:** Object to the application on grounds of inadequate access and water supplies for firefighting.

**Natural England:** No comments

**Lincolnshire Wildlife Trust:** Our previous concerns centred on the potential for damage to Upton Grange Roadside Nature Reserve (RNR) from traffic movements generated by the proposal. We have read the Access, Transport and Traffic Statement and note that all traffic associated with the units will be routed via the west. This will therefore avoid the RNR and we are satisfied that there should not be any significant negative impacts on the nature conservation interest of Upton Grange RNR and are pleased to remove our holding objection on this basis.

**Animal Aid:** Object to the proposal and sent detailed objections divided into the following five categories -

- Animal welfare
- Public health
- Environment
- Local community
- Local economy

**Archaeology:** No objections/comments to the proposal

**Relevant Planning Policies:**

National Guidance  
National Planning Policy Framework

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

National Planning Practice Guidance

<http://planningguidance.communities.gov.uk/blog/guidance/>

Emerging Central Lincolnshire Local Plan 2012-2036

The final consultation (on the 'Proposed Submission Draft') finished on 26 May 2016 and the plan has now been submitted to the Secretary of State.

Since it is now formally within its examination period, The Submission Draft Local Plan is now at the most advanced stage possible, prior to actually being examined and adopted. It therefore carries as much weight as it is able to whilst being in a pre-adopted state.

The policies considered relevant are as follows –

LP1: A Presumption in Favour of Sustainable Development

LP14: Managing Water Resources and Flood Risk

<https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/>

West Lindsey Local Plan First Review 2006

STRAT 1: Development Requiring Planning Permission

<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm#strat1>

STRAT 12: Development in the Open Countryside

<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat12>

ECON 5: Intensive Livestock Units

<https://www2.west-lindsey.gov.uk/planning/localplan/written/cpt7.htm#econ5>

CORE 10: Open Space and Landscaping within Developments

<http://www2.west-lindsey.gov.uk/localplan/written/cpt8.htm#core10>

NBE 10: Protection of Landscape Character in Development Proposals

<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe10>

NBE 14: Waste Water Disposal

<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe14>

### **Main issues**

- Principle
- Highways
- Odour, Noise and Nuisance
- Effect on the Open Countryside
- Manure Storage and Foul Sewage
- Drainage
- Animal Welfare

## Assessment:

### Principle

The application seeks permission for the erection of 2 No. livestock buildings, each measuring 73.2m x 15.8m. The livestock buildings include 61m x 15.8m of livestock accommodation, together with an additional 12.2m of covered manure storage at the western end of the buildings.

Each building will accommodate 995 pigs on a straw based rearing system with 1990 pig places on the site in total. Pigs are reared from weaners through to finished weight at 105kg. The site will operate on a 22 week cycle with slightly more than 2 batches of pigs per annum. The site will operate on an 'all in, all out' system for both buildings.

The proposed buildings will be constructed from an internal steel portal frame. The external cladding materials are concrete panels and timber boarding for the walls, and fibre cement sheeting for the roofs.

The application needs to be assessed against policies STRAT 12 and ECON 5.

STRAT 12 states that planning permission will not be granted for development proposals in the open countryside that is, outside of the settlements listed in Policy STRAT 3, unless the development is essential to the needs of agriculture, horticulture, forestry, mineral extraction or other land use which necessarily requires a countryside location, or otherwise meets an objective supported by other Plan policies.

By its very nature the proposal requires a countryside location and therefore accords with policy STRAT 12.

Policy ECON 5 states that generally, development proposals for new or expanded livestock units in the countryside will be permitted provided that:

- i. They or any slurry or sewage sludge storage facility are located not less than 400 metres from a building occupied by people, which is not directly and functionally related to the enterprise. The final distance will be determined by other factors which will be taken into account such as prevailing winds, lack of bunding, screening and topography;
- ii. As a result there would not be an over-intensification of livestock units in a locality;
- iii. The development complies with all other relevant policies in the Local Plan.

The proposal would be located approximately 620m away from the nearest residential property and would therefore be in accordance with policy ECON 5. There is a building in commercial use approximately 200m away. Whilst this is within the 400m specified the property it is not in the path of the prevailing wind and is also in general industrial use (B2) and not a residential

dwelling. The commercial property has also consulted and no objections have been received. Given this context it considered on balance acceptable

### Highways

The highways team initially requested the following information-

- Drainage of the site is reliant on a balancing pond with no outfall. The Highways and Lead Local Flood Authority (HLLFA) would request the applicant provides calculations confirming this system performs satisfactorily in terms of size of the pond/run off and catchment.
- The HLLFA request the applicant submits a transport Statement with a breakdown of the type, size and number of vehicles accessing the site

The required calculations were subsequently submitted and the Transport information was submitted with the application. The highways team subsequently raised no objections to the proposal subject to imposition of 3 conditions.

The proposal would bring about 2 car movements per day for the 1 full time employee and an average 1.5 HGV movements per week. There would be infrequent movements of agricultural vehicles for straw delivery, feed and manure removal.

### Odour, Noise and Nuisance

It is proposed that two pig rearing houses which would accommodate up to 1,990 pigs be constructed on the land. The houses would be ventilated using uncapped high velocity ridge mounted fans. The pigs would be reared from piglets weighing around 7 kg to a weight of approximately 105 kg. Spent litter and manure would be removed from the house on a daily basis and stored in a midden to the west of the rearing houses.

Odour emission rates from the proposed pig rearing houses have been assessed and quantified based upon emission rates obtained from available published research. The odour emission rates so obtained have then been used as inputs to an atmospheric dispersion model which calculates odour exposure levels in the surrounding area.

The odour report is based on an Atmospheric Dispersion Modelling System (ADMS). The study concludes that at all the receptors considered, the predicted odour concentrations are below the Environment Agency's benchmark for moderately offensive odours.

Objections have been received with regards to odour however without firm and convincing evidence to the contrary, there is no reason to doubt the conclusions of the ADMS report.

A noise survey has been conducted to determine the typical background noise levels at the nearest dwellings to the proposed pig rearing units.

From the calculations within the report it has been concluded that the noise impact of the extract fans and livestock will be negligible.

Concern has been raised from many residents regarding the odour and noise and that businesses would suffer due to the level of odour and residential amenity will be compromised. Whilst it is accepted there would be some level of odour, more at different times of the production process, these would not be at level to warrant refusal of the application. Nor would the noise generated by the application.

Again little evidence has been submitted to substantiate claims that the noise from the pigs and unit would harm the amenity of residents.

Unsubstantiated claims have been made that the emissions from the livestock unit would be a threat to public health. The Council's Environmental Health Department has powers to control nuisance from flies, odour and noise, and neither that department nor the Environment Agency has raised any objections to the proposal.

#### Effect on the Open Countryside

The application site sits in the West Lindsey Landscape Character Area of The Till Vale. The principle for accommodating new development is that developments should be accompanied by new tree and hedgerow planting to integrate with surrounding field patterns. The new planting should be of native species, designed to frame not screen views from the surrounding, expansive farmland landscape. The development would be seen within the context of a large open arable landscape which includes commercial buildings and on this basis it is not considered to give rise to a significant adverse visual impact subject to the imposition of a landscaping condition to help integrate it within its surroundings.

#### Manure Storage and Foul Sewage

The expected volume of farmyard manure produced by the development is 1400 tonnes per annum. The manure is made up of 280 tonnes of straw and 1120 tonnes of pig manure.

The design of the internal layout of the building enables the livestock to be fastened back providing gates onto the straw bedded area to enable the dunging area to be scraped. With this type of system, the manure is removed from the dunging areas daily through scraping and the manure is stored within the designated covered storage area at the western end of the building.

The covered manure storage area at the western end of the building is required to be enclosed by a catchment drain to prevent any escape of effluent from the designated area. The manure storage area is required to be drained into a sealed effluent tank. The manure storage area will be emptied on a frequent basis and the manure stored in field heaps prior to disposal through spreading on agricultural land as a fertiliser.

Further information was required from the Environment Agency as to the manure heaps and storage on the land. This information was supplied by the agent and informed that the land is controlled by the applicant in the immediate area. The applicant also controls additional land in the direction of Harpswell which covers 260ha. The manure will be taken to and spread over any areas of the land in accordance with current DEFRA Regulations.

With regards to the foul sewage, clarification was requested with regards to the foul sewage. The agent clarified that a sewage treatment system was to be provided for human waste from the dwelling. After treatment the cleansed water run-off would discharge to the stream adjacent to the road that discharges into the head waters of the River Till within 200m. Any applications to the water board would be made separately from the planning application. Given that the dwelling has been removed the sewage treatment system will not be required.

A storage tank for the proposal is for the contained storage of any liquid run off from the pens and isolated containment of the cleaning waters used to clean the pens. The liquid is removed from site in tankers for certified treatment as needed.

The Environment Agency, Public Protection and Internal Witham Drainage Board were consulted on these proposals information and have raised no objections.

#### Drainage

The drainage of the site is reliant on a balancing pond with no outfall. The Highways and Lead Local Flood Authority (HLLFA) requested that the applicant provide calculations confirming that this system performs satisfactorily in terms of size of the pond/run off and catchment.

Following this the agent submitted surface water storage requirements for the site. It was also confirmed that roof water only is collected for attenuation due to the 100% run off characteristics of the roof materials. Rainfall onto the concrete will drain to the adjacent ground and onto the water table.

Information was also received on the depth of the balancing pond. Following this the HLLFA had no objections subject to conditions.

#### Ecology

As part of the application an ecological report has been submitted.

There were no reptiles observed during the walkover survey. None of the trees on the site had any features which would offer potential for use by roosting bats.

No protected species were found on site.

The habitats on the site do have the potential to be used for nesting by species of common bird therefore any site preparation/clearance work should commence outside the active nesting season.

The application will be conditioned to be in accordance with the recommendations of the ecology report. The recommendations also include biodiversity enhancement.

### Animal Welfare

A high level of interest has been raised with regards to the application and animal welfare by an animal rights campaign. The question of Animal welfare is not considered to be a material consideration in the determination of this application as this is beyond the scope of planning legislation and there are other regulatory frameworks that address animal welfare issues.

### Other matters

An objector has raised that it should not be allowed as it is within 3 kilometres of the perimeter of an aerodrome and would exceed 3 metres in height. This however is the permitted development limit under Part 6 of The Town and Country Planning (General Permitted Development) (England) Order 2015. The application is a full application and is not being determined as permitted development.

Sills & Betteridge have stated that no design and access statement has been submitted and therefore the application should be refused. Information is supplied with the Environmental Statement and therefore whilst not described as a Design and Access statement, it covers the necessary information that would be supplied within a Design and Access Statement.

Some objectors have stated that the proposal is contrary to policy ECON 2: Agricultural Development, however, this is not a saved policy.

The devaluation of property is not a material consideration.

Some objectors have raised the issue regarding the selection of sites. Although this is not considered to be a relevant planning consideration the agent has nevertheless informed the officer that the site has been chosen as the applicant owns the land whereas the other land being farmed is rented.

Lincolnshire Fire and Rescue have objected due to inadequate access and water supplies for firefighting. This is dealt with under separate legislation.

### **Conclusion**

The proposal has been considered against the Development Plan namely saved policies STRAT 1: Development Requiring Planning Permission, STRAT 12: Development in the Open Countryside, ECON 5: Intensive Livestock Units, CORE 10: Open Space and Landscaping within Developments, NBE 10: Protection of Landscape Character in Development Proposals and NBE 14: Waste Water Disposal of the West Lindsey Local Plan First Review June 2006 (saved policies 2009) together with policy LP1: A

Presumption in Favour of Sustainable Development and LP14: Managing Water Resources and Flood Risk in the Central Lincolnshire Proposed Submission Local Plan (April 2016) including the advice given in the National Planning Policy Framework and the National Planning Practice Guidance. In light of this assessment, it is considered that the erection of two pig rearing units and a straw storage building is acceptable. No demonstrable harm has been demonstrated with regards to noise and odour with no objections from the Environment Agency and Public Protection. The proposal would not be detrimental to the highways safety. The proposal is located at an acceptable distance from the main settlement and is not considered to have a significant adverse impact on the character and appearance of the existing countryside due to its context within the wider landscape. Accordingly a grant of conditional planning permission is considered appropriate.

**Recommendation: Approval subject to conditions.**

**Conditions stating the time by which the development must be commenced:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**Reason:** To conform with Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

**Conditions which apply or require matters to be agreed before the development commenced:**

2. No development shall take place until, a scheme of landscaping including details of the size, species and position or density of all trees to be planted, fencing and walling, and measures for the protection of trees to be retained during the course of development have been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure that a landscaping scheme to enhance the development is provided in accordance with West Lindsey Local Plan First Review Policy STRAT 1 and CORE 10.

3. Before development commences on site further details relating to the vehicular access to the public highway, including materials, specification of works and construction method shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented on site before the development is first brought in to use and thereafter retained at all times.

**Reason:** In the interests of safety of the users of the public highway and the safety of the users of the site.

4. No development shall take place until a manure management plan has been submitted to and approved in writing by the Local Planning Authority. Development shall be in full accordance with the agreed plan.



**Reason:** To ensure the correct management and disposal of waste.

**Conditions which apply or are to be observed during the course of the development:**

5. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawing: 928-01-FCW Rev F dated Feb 2015, 928-02-FCW Rev A dated April 2015, 928-03-fcw Rev D dated April 2016, 928-04-FCW Rev B dated Feb 2015 and 928-06-fcw Rev A dated Jan 2016. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

**Reason:** To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and saved Policy STRAT 1, STRAT12, CORE 10, NBE 10 and NBE14 of the West Lindsey Local Plan First Review 2006.

6. Prior to the commencement of construction of any building(s) or commencement of the use, the vehicular access to the development shall be improved in accordance with drawing number 928-01-FCW Rev F dated Feb 2015.

**Reason:** In the interests of safety of the users of the public highway and the safety of the users of the site.

7. Prior to any of the buildings being occupied, the detailed arrangements for the surface water drainage shall be completed in accordance with the drainage strategy submitted by the applicant as part of this planning application.

**Reason:** To ensure that the development is provided with a satisfactory means of drainage.

8. Development shall be in full accordance with the recommendations made within the Ecology and Protected Species Survey, Land off Cow Lane, Upton, Gainsborough, Lincolnshire dated September 2015 by Scarborough Nixon Associates Limited.

**Reason:** To safeguard wildlife in the interests of nature conservation and to enhance bio diversity in accordance with saved policy STRAT 1 of the West Lindsey Local Plan First Review 2006 and guidance within the National Planning Policy Framework 2012

**Conditions which apply or relate to matters which are to be observed following completion of the development:**

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first operation of the lagoon or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

**Reason:** To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome, in the interests of the visual amenities of the locality and in accordance with West Lindsey Local Plan First Review 2006 Policies STRAT 1, STRAT 12 and CORE 10.

#### Informative

1. Prior to the submission of details for any access works within the public highway you must contact the Divisional Highways Manager on 01522 782070 for application, specification and construction information.



PL.09 16/17
<b>Planning Committee</b>
<b>21 September 2016</b>

**Subject: Determination of Planning Appeals**

Report by:

Chief Operating Officer

Contact Officer:

Mark Sturgess  
Chief Operating Officer  
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01427 676687

Purpose / Summary:

The report contains details of planning applications that had been submitted to appeal and for determination by the Planning Inspectorate.

**RECOMMENDATION(S): That the Appeal decisions be noted.**

**IMPLICATIONS**

**Legal:** None arising from this report.

**Financial :** None arising from this report.

**Staffing :** None arising from this report.

**Equality and Diversity including Human Rights :** The planning applications have been considered against Human Rights implications especially with regard to Article 8 – right to respect for private and family life and Protocol 1, Article 1 – protection of property and balancing the public interest and well-being of the community within these rights.

**Risk Assessment :** None arising from this report.

**Climate Related Risks and Opportunities :** None arising from this report.

**Title and Location of any Background Papers used in the preparation of this report:**  
Are detailed in each individual item

**Call in and Urgency:**

**Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?**

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

**Yes**

**No**

**Key Decision:**

A matter which affects two or more wards, or has significant financial implications

**Yes**

**No**

## **Appendix A - Summary**

- i) Appeal by Mr and Mrs P Morvinson against the decision of West Lindsey District Council to refuse planning permission for replacement of existing building with new dwelling of similar footprint at Glebe Farm, Kingsmead Park, Swinhope.

**Appeal Dismissed** - See copy letter attached as Appendix Bi.

**Officer Decision** – Refuse permission

- ii) Appeal by Mr Philip Medley against the decision of West Lindsey District Council to refuse planning permission for conversion of redundant barn into dwelling, including change of use from agricultural to domestic use at Hillside Farm, High Street, Snitterby.

**Appeal Dismissed** - See copy letter attached as Appendix Bii.

**Officer Decision** – Refuse permission

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## Appeal Decision

Site visit made on 26 July 2016

**by A Napier BA(Hons) MRTPI MIEMA CEnv**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 19 August 2016**

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**Appeal Ref: APP/N2535/W/16/3148368**

**Hillside Farm, High Street, Snitterby, Gainsborough, Lincolnshire  
DN21 4TP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Philip Medley against the decision of West Lindsey District Council.
  - The application Ref 132980, dated 15 April 2015, was refused by notice dated 22 December 2015.
  - The development proposed is conversion of redundant barn into dwelling, including change of use from agricultural to domestic use.
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### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. The appellant's appeal statement refers to possible alternative proposals, which would include the use of dormer windows. Details of these alternative schemes have not been provided and there is nothing to indicate that they have been subject to consultation or wider publicity. As such, to avoid potential prejudice to the interests of others, I intend to consider the appeal on the basis of the details that were before the Council when the planning application was determined.

### Main Issues

3. The Council's officer report indicates that the appeal building is considered to be 'curtilage listed' in relation to the adjacent grade II listed Hillside House. The submitted details, including the appellant's Heritage Assessment and the Council's officer report, indicate that the appeal building dates from 1809. Its form, design details and previous agricultural function indicate a close association with that property and I understand that it was historically part of a single agricultural complex with the main listed building.
4. Consequently, from the evidence provided, I am satisfied that it would be appropriate to treat the appeal building as part of the listed building under s.1(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and a designated heritage asset. Furthermore, given the Council's consideration above, I am satisfied that my intention to consider the appeal on this basis would not be materially prejudicial to the interests of any party. The appeal before me relates solely to the refusal of planning permission and I have not

been made aware of an application for listed building consent in respect of the proposal. Nonetheless, I am mindful of my statutory duties in this regard.

5. The main issues in this appeal are:

- The effect of the proposal on the character and appearance of the area, with particular regard to whether or not the proposal would preserve the listed building, any features of special architectural or historic interest that it possesses, or its setting; and
- Whether the proposal would represent sustainable development, having particular regard to the policies of the development plan and the National Planning Policy Framework (the Framework).

## **Reasons**

### *Character and appearance*

6. From the evidence available to me, including the listing description, I consider that the significance of the adjacent listed Hillside House is largely derived from its historic age, use, form, fabric and architectural features. In addition, its setting, within but on the edge of the village, forming the dominant element within the historic farmyard complex, is also important. Whilst now separated from the principal building, the appeal building is a small scale, former agricultural building, constructed of locally traditional materials and with a largely functional design. From the evidence provided, I consider that the value of the appeal building to the significance and special interest of the heritage asset is largely derived from its remaining agricultural character, its remaining historic fabric and its siting in relation to the main listed farmhouse.
7. It is not a matter of dispute that the condition of the appeal building is very poor and, at the time of my visit, the roof no longer existed and some of the walls had collapsed or had been partially demolished. The Council has indicated that the removal of the roof and part of the walls was undertaken without the consent or notification of the local planning authority and is considered likely to have had a destabilising effect on the remaining structure. Whether or not listed building consent was required for the works to the building is not a matter before me as part of this appeal. However, the current condition of the building is not a matter in contention and it appears to me to be highly unlikely that the building would continue to exist in the longer term without some form of intervention.
8. Even in its poor condition, due to its remaining fabric, form, character and siting within the historic farmyard complex, the appeal structure continues to make a positive contribution to the setting of the listed farmhouse. The submitted evidence, including the structural survey, indicates that the retention and refurbishment of the remaining part of the building would be unlikely to be economically viable or feasible, with the possible exception of one wall. Consequently, in all probability, I find it very likely that the appeal proposal would require the demolition and rebuild of the majority, if not all, of the appeal building.
9. Having regard to the Planning Practice Guidance (PPG), there is nothing before me to indicate that the neglect of the building or damage to its fabric has been

deliberate in the hope of making permission easier to obtain.<sup>1</sup> Indeed, the details provided indicate that the generally positive pre-application response of the local planning authority to the principle of a proposed residential conversion was not maintained in relation to the formal planning application, largely due to the deterioration in the condition of the building. Nonetheless, in these particular circumstances, it appears to me that a sensitively designed partial re-use or rebuild of the existing structure would be less harmful to the setting of the main listed building than the loss of this ancillary building entirely.

10. Although new openings, a side extension and an increase in the height of the building would materially alter its appearance, the proposal seeks to broadly follow the form and scale of the building as it previously existed. In this respect, the Council have not raised objections to the design of the proposed dwelling. However, concerns have been raised about the potential loss of historic fabric and the submitted evidence is somewhat limited in this regard. There is relatively little information regarding the detailed construction and demolition methods proposed, including in relation to the storage and re-use of existing materials, details of proposed new materials or the means by which the stability of the appeal building and neighbouring structures would be ensured during these works.
11. In some circumstances, it may be possible for such matters to be addressed by condition. However, given the sensitivity of the building and the importance of the remaining structure to the setting and significance of the heritage asset, I am not satisfied that such an approach would be appropriate in this particular case. Accordingly, whilst the proposal would retain a building on the site, for the above reasons, I am not satisfied that the details provided are sufficient to demonstrate that the development proposed would appropriately conserve the contribution of the appeal building to the significance of the heritage asset, including through the successful re-use of historic fabric and in terms of its impact on the setting of the principal building.
12. The appeal site is situated on the edge of the settlement and currently forms part of a larger area of land associated with Hillside Farm, which is a relatively modern two-storey dwelling. The appeal building is separated from the open agricultural land by a garage outbuilding and a large yard, which I understand is currently used for HGV parking by the appellant. As such, I am satisfied that the proposal would not result in an extension of built development into the wider countryside and, given its location in relation to existing development, I consider that it would have only a very limited effect on the streetscene. However, these matters would not address the harm identified above.
13. Consequently, for the above reasons, I conclude that the proposal would have the real potential to have a significantly detrimental effect on the character and appearance of the wider local area, as the details provided do not satisfactorily demonstrate that the appeal development would appropriately preserve the listed building, without material harm to its setting. As such, the proposal would not be in accordance with the *West Lindsey Local Plan First Review 2006* (LP) Policy STRAT 1, where it seeks to protect local character and appearance, including in relation to the historic environment.
14. For the reasons given, I have found that the proposal has the real potential to result in harm to the significance of the heritage asset, which is a matter to

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<sup>1</sup> PPG ID: 18a-014-21040306



which I give great weight and importance. However, it would not involve the loss of the principal building or damage to any features of particular special interest. As such, whilst material, I consider the resulting harm would be less than substantial. Paragraph 134 of the Framework requires that, in the case of designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

15. The main public benefits resulting from the scheme would be the provision of a new dwelling, which would add to the local housing stock and contribute to meeting local housing need. Whilst the village has a limited range of local services and facilities, the proposal would be located within close proximity to existing development and within walking distance of those local facilities, such as the nearby public house and church. As such, it would be likely to make a modest contribution to supporting these local services, both during construction and after occupation. As a result, I consider that the proposal would have some social and economic benefits. Given the scale of the development proposed, these benefits would be likely to be very limited. Nonetheless, having regard to the general support for such development within the Framework, I give them moderate weight.
16. Paragraph 132 of the Framework advises that great weight should be given to the conservation of a heritage asset in considering the impact of a proposal on its significance. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. In addition, paragraph 131 of the Framework refers to the desirability of new development making a positive contribution to local character and distinctiveness. For the above reasons, I consider that the development would not make such a contribution and, as such, whilst the use of the site as proposed may be viable, it would not represent its optimum use.
17. For these reasons, I conclude that the benefits of the proposal would not be sufficient to outweigh the harm identified to the significance of the heritage asset and the proposal would not meet the aims of paragraph 17 of the Framework, to achieve high quality design, take account of the different roles and character of different areas and conserve heritage assets in a manner appropriate to their significance.

#### *Sustainable development*

18. Snitterby is a relatively small rural village, which is situated towards the lower end of the development plan settlement hierarchy, as defined in LP Policy STRAT 3. In that respect, it is a location where LP Policy STRAT 8 generally limits new residential development, with certain defined exceptions for smaller scale proposals, including in relation to local needs housing. Planning law requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. The Framework is such a consideration, to which I give considerable weight.
19. In this case, the Council has indicated that it considers that the relevant policies of the Local Plan for the supply of housing should not be considered as up-to-date. There is nothing before me that would lead me to an alternative view on this matter and I am mindful of paragraphs 47-49 and 14 of the Framework in this regard, including Footnote 9.

20. Given my findings above, I consider that the Framework policies in relation to designated heritage assets indicate that development should be restricted. As such, I find that it would not be appropriate to apply the weighted balance of paragraph 14 of the Framework in this particular case. However, I am also mindful of the aims of the Framework, to boost significantly the supply of housing, as well as the advice within the PPG, that all settlements can play a role in delivering sustainable development in rural areas.<sup>2</sup>
21. The three roles of sustainable development are mutually dependent. Paragraphs 6-9 of the Framework indicate that 'sustainability' should not be interpreted narrowly. Elements of sustainable development cannot be undertaken in isolation but should be sought jointly and simultaneously. Sustainable development also includes 'seeking positive improvements in the quality of the built, natural and historic environment as well as in people's quality of life'.
22. I have found above that the proposal would result in some public benefits, which are matters that weigh in its favour. For the above reasons, I find that the proposal would not result in a new isolated dwelling within the countryside, but would make a limited contribution to maintaining the vitality of the village. Furthermore, I understand that the proposal is intended to provide accommodation for the appellant's daughter. Whilst there is relatively little information before me on this matter, I recognise that the personal benefits to the appellant in this regard would be likely to be significant and this is a matter that also weighs in favour of the scheme.
23. In addition, with the use of appropriate conditions, I am satisfied from the details provided that the proposal would not be materially harmful to the living conditions of neighbouring occupiers. However, I have also found that it would cause unacceptable harm to the significance of the heritage asset and the character and appearance of the local area. As a result, in these respects, it would be contrary to LP Policies STRAT1, STRAT 3 and STRAT 8. The Council has also referred to LP Policy RES9, which provides for the re-use of existing buildings within the countryside. However, given its location, I do not regard this particular policy as directly relevant to the appeal proposal.
24. Consequently, considered overall and having regard to paragraph 14 of the Framework, I conclude that the benefits of the scheme would not outweigh the harm identified. Therefore, I find that the proposal would not meet the overarching aims of the Framework, to achieve sustainable development, and its contribution to the supply of housing would not represent a compelling reason to allow the appeal.

#### *Other matters*

25. Reference has been made to other recent development elsewhere. I do not have full details of these other schemes or the background to those decisions. However, from the limited information available to me, these other developments appear to be materially different to the appeal proposal in terms of their nature, scale, design details and relationship to other development nearby. I therefore consider that they are not directly comparable to the appeal scheme, which I have considered on its merits and in light of all representations made.

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<sup>2</sup> PPG ID: 50-001-20160519

26. Concerns have been expressed about delays in the provision of pre-application advice and the determination of the application. However, this is not a matter that is primarily before me in this appeal, but is an issue for the Council in the first instance, and does not lead me to alter my findings above.

**Conclusion**

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

*A Napier*

INSPECTOR



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## Appeal Decision

Site visit made on 19th July 2016

**by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 26 August 2016**

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**Appeal Ref: APP/N2535/W/16/3149287**

**Glebe Farm, Kingsmead Park, Swinhope, Market Rasen LN8 6HT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr and Mrs P Morvinson against the decision of West Lindsey District Council.
  - The application Ref 133688, dated 4<sup>th</sup> November 2015, was refused by notice dated 18 March 2016.
  - The development proposed is replacement of existing building with new dwelling of similar footprint.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The application is in outline with all matters reserved for future consideration. I have dealt with the appeal on that basis, treating the site layout and elevation plans as indicative.
3. In their appeal statement the Council refers to policies in the emerging Central Lincolnshire Local Plan. However, this document remains unexamined and un-adopted and as such, this limits the weight I can attach to its policies. I have therefore determined the appeal on the basis of the saved policies within the West Lindsey Local Plan Review, 2006 (LP) as well as the National Planning Policy Framework (the Framework).

### Main Issues

4. The main issues are (a) whether the site is a suitable location for residential development and (b) the effect of the proposed development on the living conditions of future occupants with regards to privacy and the provision of outdoor amenity space.

### Reasons

#### *Location of Development*

5. The Council acknowledge that the policies within the LP in respect of the spatial strategy are considered to be out of date. Therefore, regardless of the specific status of 5 year housing land supply in West Lindsey (as disputed by parties), paragraph 14 of the Framework applies. This requires permission to be granted unless any adverse impacts of doing so would significantly and

- demonstrably outweigh the benefits, when assessed against the policies of the Framework as a whole.
6. Paragraph 55 of the Framework is clear that for development in rural areas to be sustainable, this should be located where it will enhance or maintain the vitality of rural communities. Consequently, new residential development should not be detached from being part of a viable and vibrant rural community, where there would be ready access to an immediate social network and ready access to some day to day facilities without the need to travel. In addition, one of the core planning principles of the Framework seeks to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling (paragraph 17).
  7. The appeal site comprises part of the rear garden area of Glebe Farm, which contains an existing depilated outbuilding which would be demolished. Adjacent to the site is a large development called 'Kingsmead Park' which contains around 60-70 park homes. There are no services and facilities associated with this development.
  8. The nearest settlement of Brookenby is around 200m away from the appeal site. This is a small village with limited services and facilities which comprise of a village hall, a church and a business park. In terms of access to services, Brookenby is supported by Binbrook, a larger village which is around 1 mile away from this settlement. Binbrook has a greater provision including a primary school, nursery, village hall, pubic house, church and a variety of shops. There is also a medical practice which would cover the area of the appeal site. Brookenby and Binbrook are linked by a pedestrian footpath which is unlit.
  9. The appeal site is accessed from Swinhope Road. At my site visit, I saw that this road, while not heavily trafficked, was reasonably well used, as one of the access roads leading towards Brookenby. Speeds along here are at the national speed limit and there is no footpath linking the appeal site to the village centre.
  10. The appeal site is a considerable distance from the services and facilities at Binbrook at around 1970m away. I note that this distance falls within the figures for acceptable walking distances as recommended by the Institution of Highways and Transportation, and has been found to be an acceptable distance in respect of other developments in the area. However, the appeal site falls just within the preferred maximum figure for commuter/school/sightseeing and, given the lack of dedicated footpath from the appeal site and the lack of speed restrictions, on balance, I consider that residents would be unlikely to be able to safely access such facilities by foot.
  11. I note the provision of a bus services on No53B which includes a stop at Kingsmead Park, and gives access to larger settlements of Market Rasen, Lincoln and Grimsby and No25 between Ludford and Grimsby. However the frequency of these services is limited, with No 53B being a twice daily service in school times only and no weekend service. No25 is a single service Monday-Friday with an extra service on Tuesdays and Thursdays only. There is also a 'Call-Connect' service which operates on a booking basis, and also provides a fixed route service between Brookenby, Binbrook and Market Rasen to Louth ones daily Monday-Friday.

12. Accordingly, while I recognise that some needs may be met by the bus services, due to the limitations of this provision, I consider that the use of a car would still be necessary. Moreover, the bus services, as a single mode of alternative transport, would be unlikely to represent a realistic travel choice for many of the necessary regular journeys, resulting in reliance on unsustainable forms of travel, contrary to the core principles of the framework.
13. I accept that the site is not isolated from other residential properties in the area, including the Kingsmead Park development, however, overall, I find that the appeal site is remote from basic services and amenities required for day to day living. Consequently, I do not consider that development in this location would be appropriate when account is taken of the social and environmental objectives underlying Framework policies on transport and accessibility.
14. I also have no evidence before me that services in nearby areas are under threat of closure or that one additional house would significantly enhance or maintain the vitality of those communities. The proposal therefore runs contrary to this element of Paragraph 55 of the Framework.
15. The appellant contends that the site is on brownfield land due to the location of the appeal site within the curtilage of Glebe Farm, quoting part of a decision notice for a different application in respect of the change of use of garden land. However, in the glossary of the Framework, private residential gardens are specifically excluded from the definition of previously developed land. In any case, should the land have been considered to be previously developed, this would not have overcome the concerns I have in respect of the location of the site, and its remoteness from services and facilities.
16. While development has been permitted at Kingsmead Park, I saw that these were park homes, having a temporary appearance and as such are not comparable to the erection of a dwelling, as a brick built, permanent structure. Furthermore, I do not have the details of the history of this site, nor do I have the details that led to those proposals being accepted or information relating to the planning conditions under which it operates. In any case, I have dealt with the appeal on its own merits.
17. Overall, I conclude that the location of the proposed development would not be suitable. The development would therefore run contrary to the aims of the framework paragraphs 17 and 55 which envisage new rural housing to be located within viable and vibrant rural communities, where there would be ready access to some day to day services, using sustainable forms of transport. The proposal would also fail to accord with Policy STRAT 12 of the LP which seeks to restrict development within the countryside.

#### *Living Conditions*

18. The appeal site is located to the rear of Glebe Farm, situated behind an existing outbuilding. While the application is in outline form, the indicative plans show that the site would utilise and extend an existing driveway which runs to the rear of Glebe Farm. It is also indicated that the dwelling would benefit from a private garden area to the front of the dwelling as the red line site plan showing a reasonable sized plot.
19. I acknowledge that the appeal site would be surrounded on 3 sides by garden land of Glebe Farm, however, I am not persuaded that the relationship

between future occupier of the proposed dwelling and occupiers of Glebe Farm would be materially harmed. Specifically, appropriate landscaping, along with the siting, and design of the proposed dwelling, secured at reserved matters stage, could ensure that there would be no loss of privacy.

20. Furthermore, given the size of the plot and the indicative site layout, while the outdoor amenity space would be on the small size, I am satisfied that this would be adequate for the level of accommodation proposed. Moreover, the scale of the proposed dwelling would be dealt with at reserved matters stage and would ensure that an appropriate balance is struck between the footprint of the built development, and its surrounding garden space.
21. On this issue, I therefore conclude that there would be no significant impact upon existing occupiers of Glebe Farm, or future occupants of the proposed dwelling. The proposal would therefore be in accordance with saved LP policies STRAT 1 and RES3 which seek to safeguard the quality of life of residents and protect living conditions of residents.

### **Conclusion**

22. The proposal would make a small contribution to local housing supply as windfall development and I have also found that there would be no harm to living conditions of future occupants of the site. I also agree with the Council's assessment that the development would not have any adverse impact upon the natural beauty of the Lincolnshire Wolds Area of Outstanding Natural Beauty or the area of landscape vale as it is well screened by established trees and hedgerows and due to its location on the footprint of an existing structure.
23. However, the site is in the open countryside with very limited access to services and facilities which would be highly likely to necessitate the use of private car.
24. The Framework, at paragraph 8, seeks to ensure that development is sustainable and that all three dimensions of sustainable development (environmental, economic and social) are achieved jointly and simultaneously through the planning system. The appeal proposal would not secure that balance and I conclude that the environmental and social harm arising from the location of development away from services and facilities significantly and demonstrably outweigh the benefits of the scheme.
25. For the reasons above, and taking into account all other matters raised, I dismiss the appeal.

*C Searson*  
INSPECTOR

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