

Guildhall Gainsborough

Lincolnshire DN21 2NA

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AGENDA

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

Planning Committee

Wednesday, 4th April, 2018 at 6.30 pm

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

Members:

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

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**

(PAGES 3 - 12)

- i) **Meeting of the Planning Committee held on 7 March 2018, 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**

Note – the status of Neighbourhood Plans in the District may be found via this link

<https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/>

6. **Planning Applications for Determination**

- a)** 137263 - Heynings Close, Knaith Park, Gainsborough (PAGES 13 - 18)
- b)** 137353 - Anglian Way, Market Rasen (PAGES 19 - 24)
- c)** 137326 - Land East of Hillside Cottages, Main Street, Burton (PAGES 25 - 50)

7. **Determination of Appeals** (PAGES 51 - 77)

- 136325 – Park Farm, Kettlethorpe, Lincoln
- 136116 – South Side, Low Road, Osgodby
- 135940 – Land at Smithy Lane, Bigby
- 135494 – Church Farm, Waddington Road, South Kelsey
- 136307 – Charolands Camp Site, Ingham Road, Stow

Mark Sturgess
Head of Paid Service
The Guildhall
Gainsborough

Friday, 23 March 2018

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held in the Council Chamber - The Guildhall, Marshall's Yard, Gainsborough, DN21 2NA on 7 March 2018 commencing at 6.30 pm.

Present: Councillor Ian Fleetwood (Chairman)
Councillor Owen Bierley (Vice-Chairman)

Councillor Matthew Boles
Councillor Michael Devine
Councillor Giles McNeill
Councillor Mrs Jessie Milne
Councillor Roger Patterson
Councillor Mrs Judy Rainsforth
Councillor Thomas Smith
Councillor Robert Waller

In Attendance:

Oliver Fytche-Taylor	Planning & Development Manager
Jonathan Cadd	Principal Development Management Officer
Russell Clarkson	Principal Development Management Officer
Ann Scott	Senior Development Management Officer
Joanne Sizer	Area Development Officer
Martha Rees	Lincolnshire Legal Services
James Welbourn	Democratic and Civic Officer

Also present 20 Members of the public

Apologies: Councillor David Cotton
Councillor Hugo Marfleet

62 PUBLIC PARTICIPATION PERIOD

There was no public participation.

63 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

RESOLVED that the Minutes of the meeting of the Planning Committee held on 7 February 2018, be confirmed and signed as a correct record.

64 DECLARATIONS OF INTEREST

Councillor Judy Rainsforth declared a personal interest in item 67 (planning application number 136309) as she currently lived off Willingham Road. She confirmed that she had come with an open mind to the application.

Councillor Jessie Milne declared an interest in item 67 (planning application number 136309), and would remove herself from the Committee and speak as Ward Member on the application.

Councillor Owen Bierley declared an interest in item 68 (planning application number 137095). Prior to the Caistor Town Council meeting in February Councillor Bierley had not met the applicant; therefore he wished to remain as a member of the Committee rather than stand down as a Word Member.

65 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

The Principal Development Management Officer updated the Committee on government and local changes in planning policy.

The following points were raised:

- The Government had published its draft revised National Planning Policy Framework (NPPF), with consultation closing on 10th May;
- Consultation was also underway on a review of “Supporting housing delivery through developer contributions”. The intention was to incorporate many of the policies proposed in last year’s Housing White Paper. The Central Lincolnshire authorities were coming together to provide a response;
- The presumption in favour of sustainable development would be triggered where a council cannot demonstrate a five year housing supply, or where the housing delivery test indicates that delivery of housing has been substantially below the housing requirement over the previous three years;
- A housing delivery test would impose sanctions on councils failing to meet housebuilding targets in their local plans;
- A standard methodology for assessing housing need would be implemented via the revised framework. A requirement of 20% of housing supply to be met on smaller sites was also being considered;
- Examination of the draft Osgodby Neighbourhood Plan had concluded, and the examiner found the plan sound, subject to modifications. Osgodby could now move towards a referendum;
- Great Limber Neighbourhood Plan had been formally submitted to West Lindsey District Council and was now at the consultation stage;
- Pre-submission consultations on the Glentworth and Cherry Willingham Neighbourhood Plans are underway, ahead of formal submission to West Lindsey District Council (WLDC) by the respective Parish Councils.

66 PLANNING APPLICATIONS FOR DETERMINATION

67 136309 - WILLINGHAM ROAD, LEA

The Principal Development Management Officer introduced planning application number 136309 – Willingham Road, Lea - outline planning application to erect 61no. dwellings- access to be considered and not reserved for subsequent applications.

In addition to the published paperwork, there was a further update for committee, as the Secretary of State was minded to consider to call the application in. This did not mean that it would be called in, and no way indicated that the application was in error. The call-in decision was not dependant on whether the committee decided to support the recommendation to approve or not; however, Committee would not be able to make a determination. The Secretary of State's casework unit would take over – there was no timeframe on this.

Further comments had been received from Lea Parish Council. Since they made their initial response, the Lea Neighbourhood Plan (NP) had been made. They also wanted to raise the following concerns:

- Policy 1 did indicate comprehensive redevelopment off Willingham Road. They questioned whether the bungalows at types 7 and 8 would be satisfactory for the development. Similarly concerns were raised that feature properties were not fully defined;
- Criteria B of Policy 1 of the Lea Neighbourhood Plan – the Parish Council asked that West Lindsey District Council (WLDC) be certain there be no further risk of flooding or foul water;
- Criteria D of Policy 1 of the Lea Neighbourhood Plan – concerned about traffic movements and parking around Stainton Close, and felt that the junction of Willingham Road and the A156 had been focused on instead of this. They were particularly concerned about the levels of traffic around the school's opening and closing times, and that this had not been properly assessed;
- Criteria E of Policy 1 of the Lea Neighbourhood Plan – concerned about the overall height of certain bungalows on the development and the impact on residential amenity;
- Criteria H of Policy 1 of the Lea Neighbourhood Plan – the Parish Council felt that there were very minimal areas of open space on the development, and felt that the Community Infrastructure Levy should be used on Lea Park;
- The public footpath connection to the park was a concern, with respect to its location entering the park;
- Questioned whether the off street parking for the proposed new residents was sufficient;
- Concerned whether there was sufficient drainage;

The Principal Development Management Officer responded to this by saying that the

majority of these points had been responded to as part of the committee report. In terms of the car parking space – this was an indicative plan. If the report was to be approved, then a reserved matters application would need to be submitted and would give a clearer indication of where, and how many, car parking spaces were proposed.

There was an error in page 27 of the reports pack, which should have read '12 Willingham Road', rather than '14 Willingham Road.

Finally, Lincolnshire Wildlife Trust did not wish to make any comments, and referred to the standing advice on newts and bats produced by English Nature.

Following this, Mr Simon Elliott, speaking on behalf of the applicants addressed the committee, and raised the following points:

- The application site is proposed in the Lea Neighbourhood Plan (NP) and the Local Plan (LP);
- The applicants had been in discussion with WLDC's planning officers and the Lea Neighbourhood Plan Steering Group.
- The number of proposed dwellings had been reduced to 61 units from 68 units, including 1 bedroom apartments, affordable houses, semi-detached units and bungalows;
- The number of objections was acknowledged, but Mr Elliott considered that these had been dealt with by the officer's report;
- A number of consultation responses had been received by WLDC – the Highways authority had had no objections, Historic England and Natural England had no comments, and the Conservation Officer and local drainage engineers had no objections;
- Additional screen planting and a comprehensive landscaping scheme were to be undertaken across the site.

Mr Robin Heppenstall then spoke in opposition to the application on behalf of the CLEAR group, and raised the following points:

- The Planning Portal on the WLDC website stated that planning consultation was still underway, and there was no mention of any planning meeting;
- The Lea Neighbourhood Development Plan accepted the presence of the site only as it was imposed by the Central Lincolnshire Local Plan (CLLP). However development on the site was only supported if it fitted into the historic landscape, and the historic core of Lea;
- The NP should safeguard Lea from inappropriate development;

- The application did not meet the criteria set out in the NP, in terms of the size and scale of the buildings, surface water run-off, and open spaces;
- The road access is dangerous. The proposed site access would be straight out into a plethora of parked cars, particularly difficult at school opening and closing times;
- The response from the Highways department at Lincolnshire County Council says that no development should take place until various criteria have been complied with. This response, and the response from Lea Parish Council around non-compliance with its criteria should have been enough to refuse the application at this present time;
- Only concern with the Parish Council's response was around the use of the term 'indicative'. In Mr Heppenstall's opinion, this meant that the discussions of the Lea Neighbourhood Plan Steering Group had been dismissed by the landowner, and that the NP had been disregarded;
- This was not a village development, and did not meet the Central Lincolnshire criteria for villages. It was an urban development, as part of Gainsborough's expansion – however, it did not meet Gainsborough's criteria either;
- The application would do a disservice to residents of both Lea, and Gainsborough.

Councillor Jessie Milne spoke on the application as Ward Member, and stood down from her position on the Planning Committee. The following points were highlighted:

- This application was in the same part of the parkland, albeit to the side, as the previous application for this area. The same issues were still present, namely endangered birds, and wildlife;
- Part of the land was susceptible to flooding. Surface water had always been a problem for the village;
- When Lincolnshire County Council did the highways survey, they came at the wrong times. The school and commute times were not taken into account. Willingham Road had cars parked both sides of the road as the nursery finishes at a different time to the school;
- The entrance and exit to the site was attached to a very busy road. A potential for two vehicles for family would lead to a further 100-plus vehicles in the area;
- The primary school was excellent and popular with parents; it was currently at capacity;
- The doctor's surgeries allocated for Lea in Gainsborough were struggling, and Willingham surgery was full. In addition, Willingham surgery do not dispense so medication would need to be picked up from Gainsborough;
- This application was in the LP and the NP, but that did not mean it was the right place

to build. The application would have a major impact on the lives and homes of the people in Lea. Councillor Milne could not support the outline application.

Note: Following her speech, Councillor Jessie Milne left the chamber for the remainder of the item.

The Principal Development Management Officer responded to the queries raised by speakers as follows:

- The Planning department try to take comments on applications right up until the time of committee, hence why comments provided on the day of the meeting have been brought to the attention of committee. The web site was therefore right to state that consultation was on going. The Committee agenda for each meeting would be published on line in advance of each meeting and has been available for public viewing. Comments are put on WLDC's website in advance;
- The Lea NP does indicate an acceptance of development of up to 68 dwellings, with caveats. It was considered that the application did accord with the points in the NP, and the applicant had tried to meet a lot of the concerns. It was not considered appropriate to limit the dormer style bungalows as they could be designed in such a way that from the rear they could appear as bungalows, protecting residential amenity. These would be considered at a later date when reserved matters were submitted;
- Highways officers have responded to WLDC officers outlining that they had looked at traffic on a number of occasions as part of the Local Plan and NP process, but also as part of the application. The road access and parking was considered to be acceptable. The works on the highway would be completed within specific timescales to maintain safety;
- For car parking, there were a number of properties in the indicative plan that could accommodate longer driveways; this could be investigated at the reserved matters stage;
- Drainage: surface water drainage issues in the area are noted but reports provided show the site could be drained via a mixture of soakaways and positive drainage. The central areas of the site had a clay consistency but the eastern and western areas were of a more sandy composition, so percolation could occur for drainage. In the central areas surface water would be transported via swales and pipes to a large attenuation pond. The proposal has been looked at in detail by the lead local flooding authority, and they had not objected;
- Severn Trent Water had been able to look at the foul water situation within Lea as part of their five year plan. The applicant had worked with them to see what extra load would be put onto the system and what enhancements were required. There was also a condition within the NPPF to ensure these works had been done;
- The applicant had undertaken a number of assessments on newts and bats. Indications were that the use of the pond on site from newts was very low level; additional surveys had not managed to find any newts.

Bats were using the site, in particular a tree to the rear of number 12 Willingham Road, but there was no evidence that they were roosting. There were however mitigating measures on tree felling on the site.

Note: Councillor Giles McNeill declared a personal interest as he knew Mr Heppenstall socially.

He also declared a further interest as he had dined with the Secretary of State, but the conversation had not included the application in Lea.

Note: Councillor Judy Rainsforth declared an interest as she also knew Mr Heppenstall.

There was then the opportunity for comment from Members and responses from the Principal Development Management Officer. Further points are highlighted below:

- The development may have been better split into two rather than coming as one scheme for 61 dwellings, but this the Local Plan and NP supports a single site;
- The Highways team at Lincolnshire County Council were specifically asked about the primary school opening hours, and have confirmed they are happy on a professional basis that the entrance/exit was safe;
- A condition requiring a parking strategy as part of reserved matters could be added;
- There was a mixture of house types; any future developer would have to outline the mix of housing, but a condition is proposed;
- The outcome of the Lea NP referendum was almost 3 to 1 in favour of the plan;

Both Lea and Morton were considered to meet Gainsborough's growth needs with reference made to paragraph 3.4.9 of the CLLP.

The application was proposed, seconded and voted upon and approved unanimously.

It was therefore **AGREED** that the application be **GRANTED**, subject to conditions, and delegated to the Chief Operating Officer, to enable the completion and signing of an agreement under section 106 of the Planning Act 1990 (as amended) pertaining to:-

- The delivery of no less than 20% as affordable housing;
- Measures to secure the delivery, and ongoing maintenance and management of public open space, drainage features and ecological and protected species works including potential mitigation and compensatory features/land;
- A capital contribution towards enhancements of Lea Park, playground and woodland walk and strategic sports provision.
- Provision and maintenance of a pedestrian footpath linking site to Lea Park

Members also requested additional conditions relating to parking, design, scale and the nature of the development, and also requested that the application came back at the reserved matters stage.

This was all subject to the Secretary of State not calling in the application.

Note: The meeting was adjourned at **1937** to allow some members of the public to leave the room.

Note: The meeting recommenced at **1938**, and Councillor Jessie Milne re-joined the committee.

68 137095 - BRIGG ROAD, CAISTOR

The Senior Development Management Officer introduced planning application number 137095 – workshop adjacent Ranyard Signs, Brigg Road, Caistor LN7 6RX - Planning application for change of use from industrial use-B2 to gym- D2.

There was a communication given to the committee on behalf of Councillor Lewis Strange, who supported the application on three main grounds:

1. Employment in an area short of jobs;
2. Health and wellbeing;
3. With the closure of Caistor Yarborough School, this would replace the outgoing facilities.

In the report, the gym site was mentioned as being 900 metres from the centre of Caistor. This distance was likely to be 'as the crow flies'; a more reliable walking distance would be 1.2 kilometres.

Parish Councillor Steve Critten, of Caistor Town Council spoke to the application, highlighting the following points:

- When related specifically to the Caistor NP, the following policies have been satisfied:
 - Policy 1 – the applicant had kept Caistor Town Council and the local community informed at all times, as well as involving other community groups, such as the fire service;
 - Policy 3 – the proposal involved an existing unit that will not be changed externally;
 - Policy 6 – this was a conversion of an existing business unit that had been empty for several years;
 - Policy 7 – the proposal brought an improvement to existing facilities as they were being closed down at both Caistor Yarborough and Caistor Grammar Schools;
 - Policy 8 – if the application would have been turned down, it would have led to their being no fitness facilities within 10 miles;
 - Policy 2 – most of the homes within Caistor are within 1.4 kilometres of the gym. The policy itself relates to residential units being 800 metres from the market place, and was deemed not relevant to the application.
- One of the conditions of application 136715 was a 1.2 metre wide footpath to connect the town to log cabins sited on Brigg Road. This had now been completed, and allows pedestrian access all the way to the gym;

- The gym can only add to the prosperity of Caistor, and would be good for the younger generation.

Mrs Amy Atkins then spoke to the application as the applicant, and highlighted the following points:

- There were nine other potential sites within Caistor for the gym, but all were unsuitable for a variety of reasons;
- There were a range of activities available at the gym, for all ages;
- CPR training was available free to the community, once a month;
- The gym was currently situated 1.2 kilometres from the town centre. The walk from the local housing development was approximately 10 minutes. Public transport was available in the area;
- The gym created new jobs and opportunities in the area;
- The nearest other gyms were available in Market Rasen, Brigg and Grimsby, as Caistor Yarborough School gym was due to close in May 2018;
- There were 840 members of the gym; throughout 2017 there were 18.469 visits captured on the clubwise member management system. This averaged 50 visits a day;
- 80% of members were from Caistor and the surrounding villages; 10% travel from Market Rasen, and the remaining 10% were from further afield;
- There were 180 letters of support, and 520 support signatures from the local community;
- Sir Edward Leigh MP and Growth Lincolnshire both showed their support on the grounds of health and wellbeing, as well as the training and employment opportunities;
- The gym had taken on 5 apprenticeships since opening;
- The gym can lead to new friendships and the formation of stronger communities.

Note: Councillor Thomas Smith declared a non-pecuniary interest as he was Armed Forces Champion for WLDC and the applicant had stated a background in the military.

The recommendation to approve the planning application was moved, seconded and voted upon and it was **AGREED** that planning permission be **GRANTED** with the conditions as set out in the report.

69 137063 & 137064 - 25 MARKET STREET, GAINSBOROUGH

The Principal Development Management Officer introduced planning application number 137063, and listed building consent application 137064 at 25 Market Street Gainsborough, DN21 2BE. The applications were as listed below:

PLANNING APPLICATION PROPOSAL: Planning application for internal works to include the refurbishment of the ground floor shop and refurbishment of the residential accommodation on the 1st and 2nd floors to provide 2no. apartments. Also replacement windows, new roof and alterations to existing outbuilding to form bin store.

LISTED BUILDING CONSENT PROPOSAL: Listed building consent for internal works to include the refurbishment of the ground floor shop and refurbishment of the residential accommodation on the 1st and 2nd floors to provide 2no. Apartments. Also replacement windows, new roof and alterations to existing outbuilding to form bin store.

A brief update was given to committee – the applicant had been met on site, and had agreed to the retention of historic elements of the building. Revised drawings had now been submitted to reflect this. Officers therefore could now recommend that Listed Building Consent was given.

A draft list of conditions had been circulated to all Members prior to the meeting.

The revised drawings explain the existing roof would be “carefully removed, cleaned, and set aside for re-use, introduce sarking felt over existing roof timbers and replace the existing pantile roof”. The Conservation Officer had recommended an addition to the conditions, advising it appropriate to require a schedule of repairs. The Committee were advised they may consider adding this if they considered it was necessary.

The application was proposed, seconded and voted upon and approved unanimously.

It was therefore **AGREED** that:

- 1) planning permission be **GRANTED**, subject to conditions as detailed in the written report;
- 2) listed building consent be **GRANTED**, subject to conditions.

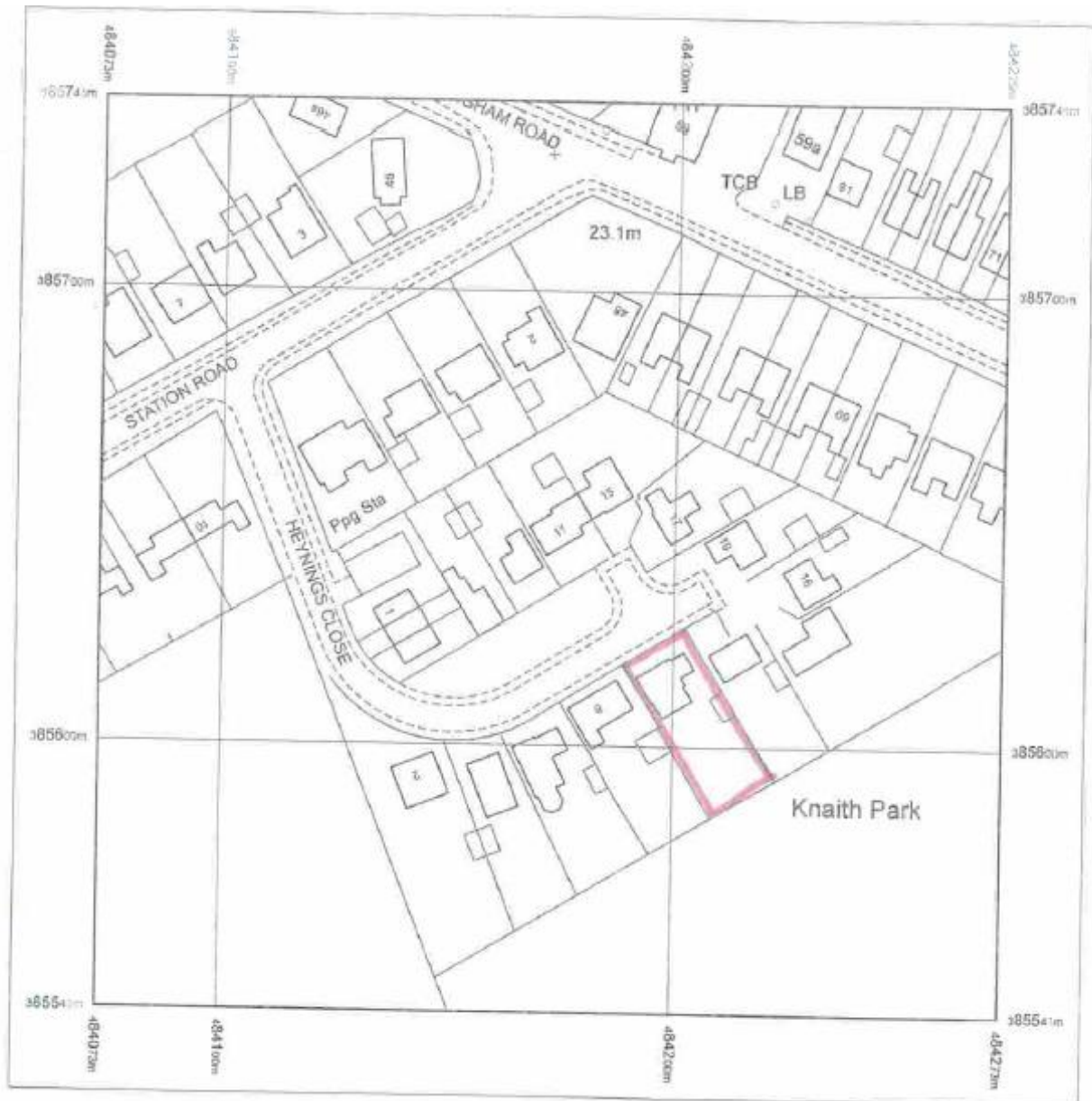
70 DETERMINATION OF APPEALS

RESOLVED that the determination of appeals be noted.

The meeting concluded at 8.03 pm.

Chairman

Site Location Plan
10 Heynings Close
137263



Officer's Report

Planning Application No: 137263

PROPOSAL: Planning application for proposed first floor extension, erect porch and 1.4m wall to front.

LOCATION: 10 Heynings Close, Knaith Park, Gainsborough, DN21 5FB

WARD: Lea

WARD COUNCILLORS: Councillor J Milne

APPLICANT NAME: Mr Dean Leek

TARGET DECISION DATE: 22/03/2018

DEVELOPMENT TYPE: Householder Development

CASE OFFICER: Abbie Marwood

RECOMMENDED DECISION: Grant subject to Conditions

Description:

The site is currently a single storey detached bungalow with low fence to the front boundary. There is a driveway leading to garage at the rear of the property. There is a single storey bungalow to the west and taller dormer bungalow to the east. The street is characterised by a mix of bungalows and two-storey dwellings with various styles and designs, including gable ends, render and brickwork.

The proposal is for a substantial first floor extension (including roof lift, extension and front gable), porch and front wall.

The proposal is brought to Planning Committee as the applicant is related to an officer of the Council.

Relevant history:

M00/P/0959 – Planning application to erect 12 houses and 5 bungalows: granted.

126654 – Planning application to erect single storey rear extension: granted.

126938 – Non-Material Amendment to planning application 126654: granted.

Representations:

Chairman/Ward member(s):	No representations received
Parish/Town Council/Meeting:	No representations received
LCC Highways & Lead Local Flood Authority:	No objections
Archaeology:	No objections
Local residents:	11 Heynings Close: support - I think the plans look fantastic and will fit in well with the surrounding properties.

	17 Heynings Close: General comment – it would be good if the height of the wall at the front of the property is of similar height and style as that of the other properties on Heynings Close. The developer, presumably with planning consent, adopted a consistent style for property boundary walls and fences and it would be a shame for this consistency to be lost.
IDOX:	16 March 2018

Relevant Planning Policies:	
National guidance	National Planning Policy Framework National Planning Practice Guidance
Local Guidance	Central Lincolnshire Local Plan (2012 -2036): LP1: A Presumption in Favour of Sustainable Development LP17: Landscape, Townscape and Views LP26: Design and Amenity
Neighbourhood Plan:	No draft or made plan at present

POLICY LP26 – Design and Amenity
Is the proposal well designed in relation to its siting, height, scale, massing and form?
<p>The proposal is for a second storey extension to the existing bungalow, including altering the front elevation from a pitched roof to a gable end. The current height to ridge is approx. 5.5m and height to the chimneys is 6.5m. The proposed gable end would have a height of approx. 7m to the ridge. It would comprise a large extension that would have an effect on the setting of the street, however, it has been designed to include features such as window details in keeping with the character of the area.</p> <p>There would be an increase in the eaves height by approx. 0.5m and increase in the ridge height, which would be viewed in the street scene. The neighbouring dwelling to the east has a ridge height of approx. 7m and beyond this the dwellings become two-storey. To the west the adjoining bungalow has an eaves height of approximately 3m and ridge height of approx. 6m?. On balance it is considered that the proposal would be acceptable in relation to height, scale and mass.</p>
Does the proposal respect the existing topography, landscape character, street scene and local distinctiveness of the surrounding area?
<p>The property currently has a pitched roof to the front elevation and the proposal is to convert this to a gable end fronting the street. There are other examples of both bungalows and two-storey dwellings in the street that have gable ends fronting the road and although a substantial change to the property it is considered that this would not be uncharacteristic in this location.</p> <p>The proposal has been amended to include details in keeping with the character of the area, such as window details and brickwork detailing. The wall to the front has been reduced to be in keeping with the height of the surrounding properties and is now 1.1m in height with buttresses and materials to match existing walls in the street-scene.</p>

Does the proposal harm any important local views into, out of or through the site?
No.
Does the proposal use appropriate materials which reinforce or enhance local distinctiveness?
Yes. The development proposes bricks and materials to match the existing property and includes design details in keeping with the local character.
Does the proposal adversely affect the residential amenity of neighbouring properties by virtue of overlooking, overshadowing, loss of light or over dominance?
No. The proposal would consist of a pitched roof which slopes away from neighbouring dwellings. The property is set approx. 6m away from the east boundary and approx. 4m from the neighbouring property on the west. The neighbour to the west has an existing pitched roof garage set back close to the boundary served by a driveway to the side of the property. Similarly the existing garage to the property would help to mitigate the scale of the development to the property to the east. It is therefore considered that the proposal would not adversely affect the amenities of neighbouring properties.
The proposal includes roof lights to serve the new floor space to be created at first floor. To the east side these serve a bathroom and en-suite and can be conditioned to remain obscure glazed reducing any potential for overlooking. To the west these serve two bedrooms and a stairwell. The height of the roof lights is to be confirmed by the applicant, however these can be conditioned to be at least 1.7m above ground level in the interests of neighbouring amenity.
The proposed balcony to the rear is partially covered by the overhanging roof and includes opaque screens to the side to reduce any overlooking of neighbouring properties. This can be conditioned as part of any grant of planning permission to ensure neighbours are not adversely affected by overlooking.
Does the proposal adversely impact any existing natural or historic features?
No.

Other considerations:
Does the proposal enable an adequate amount of private garden space to remain?
Yes.
Does the proposal enable an adequate level of off street parking to remain?
Yes.

Conclusion and reasons for Recommendation:
The decision has been considered against Policy LP1: Presumption in Favour of Sustainable Development and Policy LP26: Design and Amenity of the adopted Central Lincolnshire Local Plan, and guidance contained within the National Planning Policy Framework.

It is considered that on balance the proposal, although a large extension that would change the appearance of the dwelling, would not harm the character and appearance of the street-scene and would not have a significant impact on the living conditions of neighbouring occupiers. The extension would not have a detrimental impact on highway safety.

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.

Recommendation: Grant permission 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:

None.

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

2. 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 drawings: DAL-HC-002 Rev 1 Proposed Floor Plans and Elevations, DAL-HC-003 Proposed Front Elevation and Block Plan received 11 March 2018. 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 Policy LP26 of the Central Lincolnshire Local Plan.

3. All external materials used in the development shall match those of the existing building in colour, size, coursing and texture.

Reason: To ensure the use of appropriate materials to accord with the National Planning Policy Framework and Policy LP26 of the Central Lincolnshire Local Plan.

4. Notwithstanding the details shown on the submitted plans, prior to first occupation of the extension the roof lights in the east elevation of the development hereby permitted shall be obscure glazed and fixed and shall be retained thereafter in perpetuity.

Reason: To safeguard the residential amenity of nearby residential properties and avoid overlooking in accordance with Policy LP26 of the Central Lincolnshire Local Plan.

5. Notwithstanding the details shown on the submitted plans, the roof lights in the west elevation of the development hereby permitted shall be installed and retained at no less than 1.7m above floor level of the first floor rooms and landing.

Reason: To safeguard the residential amenities of nearby residential properties and avoid overlooking and to accord with the National Planning Policy Framework and Central Lincolnshire Local Plan Policy LP26.

6. Prior to the use of the balcony, the obscure glazed screens shall be installed to the balcony as shown on Proposed Floor Plan and Elevation DAL-HC-002 R1 received 11 March 2018 and retained thereafter.

Reason: To safeguard the residential amenities of nearby residential properties and avoid overlooking and to accord with the National Planning Policy Framework and Central Lincolnshire Local Plan Policy LP26.

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

None.

Reasons for Approval

The decision has been considered against Policy LP1: Presumption in Favour of Sustainable Development and Policy LP26: Design and Amenity of the adopted Central Lincolnshire Local Plan, and guidance contained within the National Planning Policy Framework.

It is considered that on balance the proposal, although a large extension that would change the appearance of the dwelling, would not harm the character and appearance of the street-scene and would not have a significant impact on the living conditions of neighbouring occupiers. The extension would not have a detrimental impact on highway safety.

Prepared by : Abbie Marwood

Date: 16 March 2018

Decision Level (tick as appropriate)					
Delegated		Delegated via Members		Committee	x

Site Location Plan

137353

9 Anglian Way, Market Rasen



Officers Report

Planning Application No: 137353

PROPOSAL: Planning application for rear and front extensions to dwelling

LOCATION: 9 Anglian Way Market Rasen LN8 3RP

WARD: Market Rasen

WARD COUNCILLORS: Councillor H Marfleet, Councillor J McNeill and Councillor T Smith

APPLICANT NAME: Mr Jeff Stephenson

TARGET DECISION DATE: 05/04/2018

DEVELOPMENT TYPE: Householder Development

CASE OFFICER: Abbie Marwood

RECOMMENDED DECISION: Grant subject to Conditions

Description:

The site is a semi-detached dwelling on Anglian Way. There are similar neighbouring dwellings to the north and south. The property has a front garden with off-street parking and a rear garden to the west which backs onto St Marys Church. The site is within Flood Zone 2 and 3.

The proposal is for a front extension and rear extension.

The proposal is being brought to committee as the applicant is a relative of an officer of the Council.

Relevant history:

W61/71/76 – Erect 39 dwellings: granted

W61/812/93 – First floor extension: granted

Representations:

Chairman/Ward member(s): No representations received

Parish/Town Council/Meeting: No representations received

Local residents: No representations received

LCC Highways & Lead Local Flood Authority: No objections

Archaeology: No objections

IDOX checked: 13 March 2018

Relevant Planning Policies:

National guidance

National Planning Policy Framework

National Planning Practice Guidance

Local Development Plan

Central Lincolnshire Local Plan. Relevant policies listed below:

LP1: Presumption in Favour of Sustainable Development

LP17: Landscape, Townscape and Views

LP26: Design and Amenity

Neighbourhood Plan

There is currently no neighbourhood plan for Market Rasen

Main issues

- Principle of Development
- Design and Amenity

Assessment:

Principle of Development

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

The Central Lincolnshire Local Plan contains relevant policies that are designed to deliver development that is sustainable, well designed and respects neighbouring amenities.

Design and Amenity

Policy LP26: Design and Amenity set out that all development must achieve high quality sustainable design that contributes positively to local character, landscape and townscape. The proposal for front and rear extensions are single storey and small scale in nature and have been designed to be in keeping with the existing dwelling and surrounding properties.

The rear extension is proposed to retain the existing roof profile of the existing utility room and utilises tiles and bricks to match. The extension to the front comprises a single storey infill extension to bring the dining room window flush with the porch at the front of the house. This also proposes facing bricks to match the existing property.

Policy LP26 also sets out the considerations development proposal should have in relation to the amenities which neighbouring occupants may

reasonably expect to enjoy. The proposed extensions are single storey and total approx. 16 sq. metres of floor space. It is considered that the proposals would not adversely impact upon neighbouring amenities through overlooking, loss of privacy or overshadowing.

Other matters – Flood Risk

The site is within Flood Zone 2 and 3. A Flood Risk Assessment has been submitted as part of the planning application and sets out that floor levels will remain the same as existing and that electrical points will be 0.5m above ground level and served from above. The proposed new floor space created would be approx. 16sqm. There have been no concerns raised by the Lead Local Flood Authority. In light of the above it is considered that the development would not increase the risk of flooding.

Conclusion

The decision has been considered against Policy LP1: Presumption in Favour of Sustainable Development and Policy LP26: Design and Amenity of the adopted Central Lincolnshire Local Plan, and guidance contained within the National Planning Policy Framework.

In light of this assessment it is considered that the proposal would not harm the character and appearance of the street-scene or the dwelling and would not have a significant impact on the living conditions of neighbouring occupiers. The extension would not have a detrimental impact on highway safety or flooding.

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

Representors to be notified -

(highlight requirements):

Standard Letter ☐ **Special Letter** ☐ **Draft enclosed** ☐

Prepared by: Abbie Marwood

Date : 13 March 2018

Decision Level (tick as appropriate)

Delegated

Delegated via Members

Committee X

Reasons for Recommendation and Conditions

Reasons for Approval

The decision has been considered against Policy LP1: Presumption in Favour of Sustainable Development and Policy LP26: Design and Amenity of the adopted Central Lincolnshire Local Plan, and guidance contained within the National Planning Policy Framework.

In light of this assessment it is considered that the proposal would not harm the character and appearance of the street-scene or the dwelling and would not have a significant impact on the living conditions of neighbouring occupiers. The extension would not have a detrimental impact on highway safety or flooding.

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:

None.

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

2. 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 drawings: 1538S/17/12A Proposed Plan and Elevations. 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.

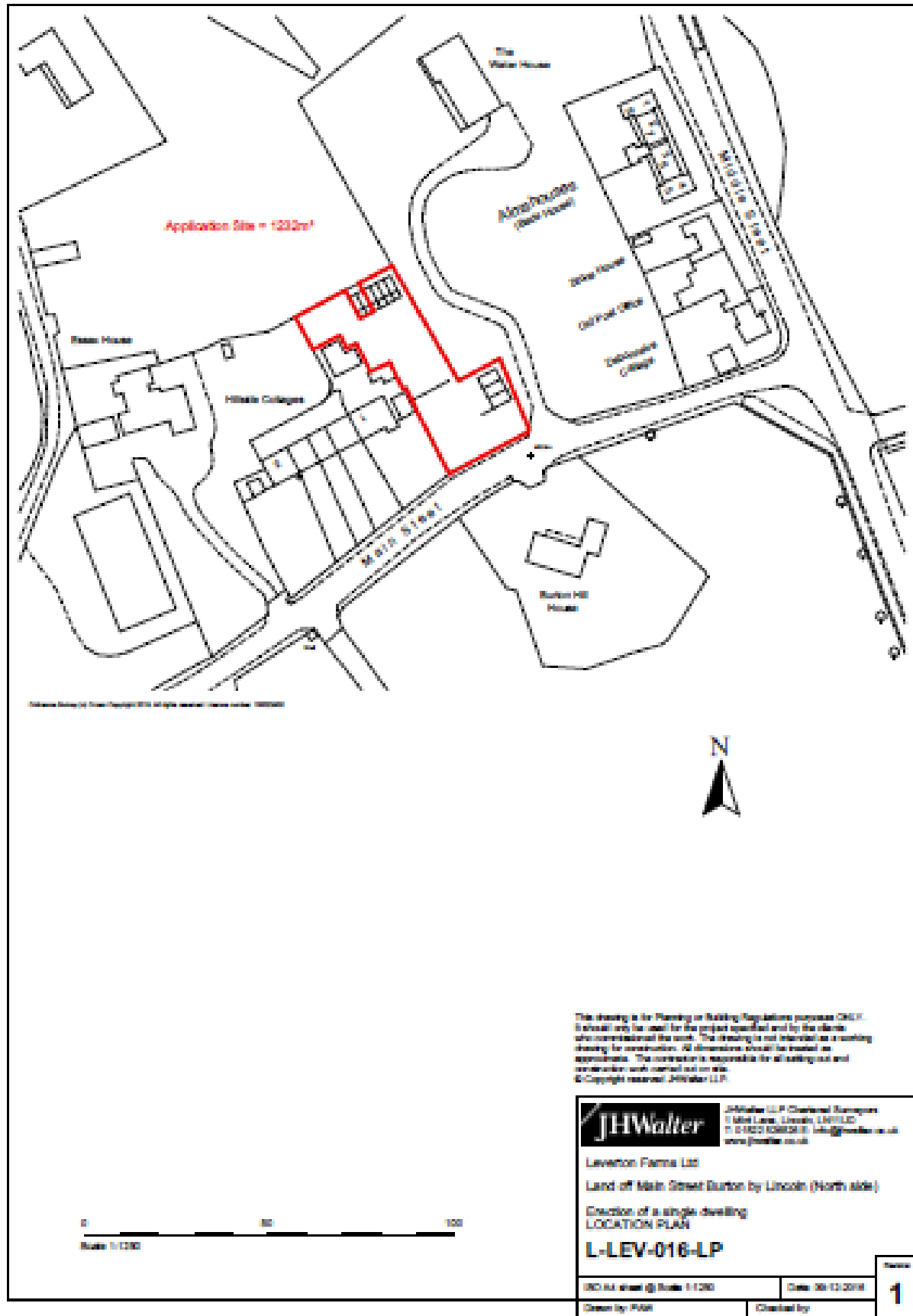
Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and Policy LP26 of the Central Lincolnshire Local Plan.

3. All external materials used in the development shall match those of the existing building in colour, size, coursing and texture.

Reason: To ensure the use of appropriate materials to accord with the National Planning Policy Framework and Policy LP26 of the Central Lincolnshire Local Plan.

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

None.



Officers Report

Planning Application No: 137326

PROPOSAL: Planning application to erect single cottage, together with part conversion and extension of an existing garage block to form ancillary annexe with access and landscaping - resubmission of 136100

LOCATION: Land East of Hillside Cottages Main Street Burton Lincoln LN1 2RD

WARD: Saxilby

WARD MEMBERS: Cllr Mrs J Brockway; Rev Cllr D J Cotton

APPLICANT NAME: Mr S Myers

TARGET DECISION DATE: 26/03/2018

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Ian Elliott

RECOMMENDED DECISION: Grant permission subject to conditions

Description:

The application seeks permission to erect a single cottage, together with part conversion and extension of an existing garage block to form ancillary annexe with access and landscaping.

The application has been referred to the Planning Committee at the request of the Ward Member.

The application site is a good sized plot of land in the settlement of Burton. The plot has an unusual shape with a wide front section (approximately 21 metres (m) x 25m) with a narrower middle section (approximately 12m width) which widens out gradually the closer you get to the rear boundary (approximately 30m width). In total the site is approximately 55 metres in length. The site is set in a prominent location just off Main Street which slopes steeply upwards from south west to north east. The site itself is primarily flat to the front section with an overgrown area to the south west side and an existing stone and pantile 3 bay garage sat in the north east corner. The middle and rear overgrown sections (largely inaccessible) appeared to be more sloped than the front section but not as steep as the highway. The rear section includes a modest pig sty building.

The front of the site is screened by high trees to the north-east and north-west boundary with a low stone wall to the south-east and south-west boundaries. The middle and rear section of the site are screened by high trees to the north-east and north-west boundaries. The south-west boundary is open with some screening provided by the neighbour's outbuildings. Neighbouring dwellings are adjacent or opposite the north-east, south-east and south-west boundaries with an open field to the north-west.

The application site is located within the Burton Conservation Area and within the setting of a number of Listed Buildings and Conservation Area Important Buildings. These are:

- Church of St Vincent to the south – Grade II* Listed
- 1-8 Monson Almshouses to the north east – Grade II Listed
- Stone Cottage to the north east – Grade II Listed
- Post Office to the north east – Grade II Listed
- Debonaire Cottage to the north east – Grade II Listed
- Coach House at Old Rectory to the south – Grade II Listed
- The Old Rectory to the south – Grade II Listed
- Essex House to the south west - Grade II Listed
- Garage at Essex House to the south west - Grade II Listed
- Old School to the south west - Grade II Listed
- Gate Piers and Gate to Old School to the south west - Grade II Listed
- Wall of Old School to the south west - Grade II Listed
- 1-5 Hillside Cottages to the south west – Conservation Area Important Buildings.

The group of trees adjacent the north east boundary of the middle/rear section of the site are protected by Tree Preservation Order 1962 (Wood 4). In addition all trees on or adjacent the site are protected by their position within the Burton Conservation Area.

Relevant history:

132100 - Outline planning application to erect one dwelling with all matters reserved – 10/03/15 - Withdrawn by Applicant

Representations

Cllr J Brockway: Objection

A version of this very contentious planning application has been turned down before and this new application is just an attempt to build on one of the most unsuitable plots I've been asked to look at. I fully support the objections of the parish council and the neighbours and must ask for it to go to Planning Committee on the planning grounds put forward by both the PC and the neighbours.

It's not remotely in keeping with the street scene and the idea of building on the existing foundations is a nonsense. This will be a new house in an unsuitable and dangerous position in a conservation area.

Burton Parish Council: Objections

Burton Village is a small village as defined by the new Central Lincolnshire Local Plan.

Although there is a presumption in favour of sustainable development as set out in LP1 any development does have to accord with the other planning policies.

Policy LP2: The Spatial Strategy and Settlement Hierarchy will support development in appropriate locations. The Parish Council submit this is not an appropriate location as it would if developed;-

*“...significantly harm the settlement’s character and appearance; and
...significantly harm the character and appearance of the surrounding countryside or the rural setting of the settlement”*

The reason for this is that the site in question is in the Conservation Area of Burton Village.

The Conservation Plan refers to the importance and significance of the following:-

The trees which are in the village

Hillside Cottages which are given a special mention

The building lines to the fronts are important to the character of the area and any new development should accord with existing building lines.

Materials used should be in “harmony” with the traditional buildings.

- The new development is not in line with existing buildings.
- The style of the buildings is not in line with the neighbouring properties and concerns on a separate annex away from main proposed building.
- The annex building is far too near the boundary wall to Main Street and will overpower the scenery in a Conservation area
- The building materials are not in keeping with the style of the Conservation area.
- There will be damage to existing trees.
- The street scene will be totally changed and will have a detrimental effect to the Hillside Cottages which are referred to within Burton Conservation plan as significance importance

In LP2 the “developed footprint” excludes “and other undeveloped land within the curtilage of buildings on the edge of the settlement where land relates more to the surrounding countryside than to the built up area of the settlement;”

Although not on the edge of a settlement this is arguable undeveloped land as it is land that has always been used as either garden, allotments or garages not housing and further development would destroy the views of Main Street in the village of Burton which have been present for generations. They have indeed only changed a little since 1891 as a painting done at this time depicts a very similar scene. The development would also block the view over Hillside Cottage and into the valley beyond.

Policy LP4: Growth in Villages

As within settlement hierarchy 6, development in Burton needs to comply with LP4

This is not in the submission of the Parish Council development on;-

1. *Brownfield land or infill sites, in appropriate locations**, within the developed footprint** of the settlement*
2. *Brownfield sites at the edge of a settlement, in appropriate locations***

3. *Greenfield sites at the edge of a settlement, in appropriate locations***

It is not a brown field site as it has never been developed for housing and any foundations for the garages would be totally insufficient for housing.

It is not *“an appropriate location”*. See comments above in relation to LP2.

In order to comply with LP2 and LP4 there needs to be evidence of *“demonstration of clear local community support” means that at the point of submitting a planning application to the local planning authority, there should be clear evidence of local community support for the scheme, with such support generated via a thorough, but proportionate, pre-application community consultation exercise .If, despite a thorough, but proportionate, pre-application consultation exercise, demonstrable evidence of support or objection cannot be determined, then there will be a requirement for support from the applicable Parish or Town Council.”*

Policy LP17: Landscape Townscape and Views

The Parish Council would draw attention to the comments listed in LP2 above and reference to the Burton Village Conservation Plan and for that reason would submit that this application is not in accordance with LP17.

Policy LP25 :The Historic Environment

This policy states that *“development Proposals should protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire”* Further and in relation to a Conservation Area it *“should preserve (and enhance or reinforce it, as appropriate) features that contribute positively to the area’s character , appearance and setting”*

This proposed development is in a key point of the Conservation Area and the view of the Parish Council is that this development due to its position, mass and size will block the views of Hillside Cottages. It will be the most prominent feature in the landscape and ruin the current views and historic setting of Hillside Cottages so is contrary to LP25.

Policy LP26: Design and Amenity

This policy states *“All development proposals must take into consideration the character and local distinctiveness of the place”* It should also *“respect topography landscape character and identity”*

The Parish Council are of the view that due to the proposed prominent location the raised height of the building in relation to its neighbouring existing property, means that this new development would breach LP26 as it would have a significant adverse effect on the site and on this sensitive conservation village setting.

There is no evidence of a consultation exercise with the community. All responses to date object to this application and previous applications which have been made by the applicant for this site.

There is no support from the Parish Council.

Therefore, in the submission of the Parish Council it fails the tests required in LP2 and LP4 and the Conservation Area Plan for the village of Burton.

Further, there is concern regarding the disturbance of archaeological artefacts and their preservation.

The Parish Council would also draw to the attention of the Planning Authority the inspector's comments on APP/N2535/W/15/3136940 The Waterhouse Main Street

Burton. Although the Inspector used the previous saved policies which are no longer relevant and have been replaced by the new Local Plan see above, he did comment and reflect on the conservation area. The importance of preserving the area was fully considered and the Parish Council believe the same comments apply to this application.

Local residents: Representations received from (All Burton):

- 1 and 5 Hillside Cottages, Main Street
- Applegate House, Main Street
- Lime Trees, Main Street
- The Old Rectory, Main Street
- 4 Hall Yard
- Debonaire Cottage, Middle Street

Objections (Summarised):

Visual Impact

- Impact on an Area of Great Landscape Value.
- Drastically adversely impact on the street scene.
- Blocks view over Hillside Cottages and into the valley.
- The siting and scale of the buildings is poor.
- The annex is too close to Main Street, outside the building line and out of character changing the scenic value of the hillside cottages. It is dominating and intrusive and will obscure some views of the village.
- Proposed buildings are not within the character of the existing buildings.
- The proposal will totally change the character and appearance of this part of the hillside.
- The proposed house is cramped into the width of the site (unlike other detached village properties).

Heritage

- Totally change the character and appearance of this part of the hillside.
- The old traditional pigsties are unique and of historical interest with their built-in feeding troughs.
- It will mar the very beautiful hillside as it stands with the church and field opposite.
- An archaeology survey should be conducted.

Residential Amenity

- Dwelling will overshadow 1 Hillside Cottage depriving of privacy and light.
- Dwellings ground floor and first floor windows of 1 Hillside Cottage will be exposed from windows, front door and driveway.
- Noise from up to 6 vehicles coming and going.
- Annex affords a constant view into 1 Hillside Cottage.

Trees

- The roots of trees will be damaged.

Highway Safety

- Increased traffic through the village

Other

- This is a proposal for two houses.
- The annex is likely to be rented.
- Driveway along shared wall could lead to car crashing through wall.
- The stone wall would be jeopardized during and after the construction of this driveway.
- Lead to looking up at a car park above from 1 Hillside Cottages.
- This fertile land has been used for allotments
- Appeal decision from The Waterhouse has issues which apply (paragraph 6, 7, 11, 12, 13, 15, 25, 26, 27, 28 and 29).

Conservation Officer: Comments

Representation received 19th March 2018:

1. The design of the new dwelling is of a size, scale, mass, design and materials to comfortably fit into the Burton Conservation Area, subject to details.
2. The extension to the annex is domestic in appearance and top heavy in comparison to the existing garage range. It is advised that the ridge height needs to be reduced by just above halfway between the existing garage and the eaves line currently proposed, and that the chimney, an overtly domestic detail should be omitted. This will give a better balance between the new and the old.
3. Hard and soft landscaping will be an important factor as the site is readily seen from the street. It is advised against the use of tegula and other block paving.
4. Is the existing wall to be retained in situ, and will there be any gates? (if not, then Gates, walls, fences, and other means of enclosure should be removed as PD).

LCC Highways/Lead Local Flood Authority: No objections with advisory Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development is acceptable. Accordingly, Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) does not wish to object to this planning application.

Archaeology: No objection subject to a condition

Prior to any groundworks the developer should be required to commission a Scheme of Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook (2016)) in accordance with a written scheme of investigation submitted to and approved in writing by the local planning authority.

Natural England: No objections with comments

Tree and Landscape Officer: No objections subject to conditions

Comments summarised:

- The trees to the rear and their roots are on higher ground or an acceptable distance away from the development.
- The large TPO beech tree has a large root protection area overlapping the driveway/parking area in front of the existing garage. Beech trees have shallow root plates which can easily be damaged by shallow excavations, or ground compaction. There should be no excavations within this tree's RPA (radius as specified in the tree report).
- Any driveway/parking area within the beech root protection area should be constructed above existing ground levels using a cellular confinement system of appropriate depth for any vehicles likely to use it. A cellular confinement system for the purpose of root protection and load spreading to avoid ground compaction should not be set into the ground otherwise it defeats the point of using such a system.
- A replacement tree for the semi-mature oak to the east of the garage annex should be required as part of a landscape scheme. The proposed layout plan shows a replacement oak to the west side of the site entrance – this would be suitable, or any other large species tree characteristic to the village e.g. lime, walnut, beech.

IDOX checked: 22nd March 2018

Relevant Planning Policies:

Central Lincolnshire Local Plan 2012-2036 (CLLP)

Following adoption at Full Council the CLLP forms part of the statutory development plan. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policies considered relevant are as follows:

LP1 A Presumption in Favour of Sustainable Development

LP2 The Spatial Strategy and Settlement Hierarchy

LP3 Level and Distribution of Growth

LP4 Growth in Villages

LP10 Meeting Accommodation Needs

LP13 Accessibility and Transport

LP14 Managing Water Resources and Flood Risk

LP17 Landscape, Townscape and Views

LP21 Biodiversity and Geodiversity

LP25 The Historic Environment

LP26 Design and Amenity

<https://www.west-lindsey.gov.uk/my-services/planning-and-building/planning-policy/central-lincolnshire-local-plan/>

Burton Neighbourhood Plan (BNP)

Burton has to date not declared any interest in starting the process of creating a neighbourhood plan.

National Guidance

National Planning Policy Framework

<https://www.gov.uk/government/collections/planning-practice-guidance>

National Planning Practice Guidance

<https://www.gov.uk/government/collections/planning-practice-guidance>

Other

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990

<http://www.legislation.gov.uk/ukpga/1990/9/section/66>

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

<http://www.legislation.gov.uk/ukpga/1990/9/section/72>

Burton Conservation Area (BCA) dated July 1990

Main issues:

- Principle of the Development
Central Lincolnshire Local Plan 2012-2036
National Planning Policy Framework
Burton Neighbourhood Plan
Sustainability
Concluding Assessment
- Listed Buildings and Character of Conservation Area
- Visual Impact
- Residential Amenity
- Archaeology
- Impact on Trees
- Highway Safety
- Ecology
- Foul and Surface Water Drainage

Assessment:

Principle of the Development

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

Central Lincolnshire Local Plan 2012-2036:

Local policy LP2 sets out a spatial strategy and settlement hierarchy from which to focus housing growth. This policy identifies Burton as a small village and '*unless otherwise promoted via a neighbourhood plan or through the*

demonstration of clear local community support, the following applies in these settlements:

- they will accommodate small scale development of a limited nature in appropriate locations.*
- proposals will be considered on their merits but would be limited to around 4 dwellings, or 0.1 hectares per site for employment uses.*

Local policy LP2 states that *'throughout this policy, the term 'appropriate locations' means a location which does not conflict, when taken as a whole, with national policy or policies in this Local Plan (such as, but not exclusively, Policy LP26). In addition, to qualify as an 'appropriate location', the site, if developed, would:*

- retain the core shape and form of the settlement;*
- not significantly harm the settlement's character and appearance; and*
- not significantly harm the character and appearance of the surrounding countryside or the rural setting of the settlement'.*

Local policy LP4 goes on to say that Burton has a growth level of 15% due to its proximity to Lincoln (see paragraph 3.4.4 of LP4). An updated table¹ (dated 16th March 2018) of remaining growth for housing in medium and small villages has not been completed. This states that Burton has 79 dwellings which equates to a remaining growth, at 15%, of 12 dwellings. It is understood that since the publication of this growth level there are 5 dwellings with extant permission since 1st April 2015. Therefore the remaining level of growth in Burton is 7 dwellings.

Submitted policy LP4 additionally requires a sequential approach to be applied to prioritise the most appropriate land for housing within small villages. LP4 states that:

'In each settlement in categories 5-6 of the settlement hierarchy, a sequential test will be applied with priority given as follows:

- 1. Brownfield land or infill sites, in appropriate locations**, within the developed footprint** of the settlement*
 - 2. Brownfield sites at the edge of a settlement, in appropriate locations***
 - 3. Greenfield sites at the edge of a settlement, in appropriate locations***
- Proposals for development of a site lower in the list should include clear explanation of why sites are not available or suitable for categories higher up the list'.*

Paragraph 5.19 (ii) of the submitted Planning, Design and Access Statement (PDAS) dated January 2018 states that *'the site is brownfield and an infill site within the developed footprint of the village and, as such, falls within the highest priority of land for release defined in policy LP4 of the CLLP'.* It is

¹ See <https://www.west-lindsey.gov.uk/my-services/planning-and-building/planning-policy/housing-growth-in-medium-and-small-villages-policy-lp4/>

agreed that the site is an infill plot within the settlement of Burton which is primarily a greenfield site with areas which have been previously developed such as the garage building and pig sty building. Therefore the site is at the top of the sequential test for housing development.

National Planning Policy Framework:

The Central Lincolnshire Local Plan was formally adopted on 24th April 2017 following an examination in public. This established a deliverable five year supply of housing land. The latest review published January 2018 identified a housing supply of 6.19 years.

One of the core principles set out in paragraph 17 of the NPPF states that planning should '*encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value*'.

Sustainability:

Burton is a small village with extremely limited facilities and services which are a church and the Burton Estate Club (<http://www.burton-by-lincoln.info/page6.html>). The village is served by a reasonably regular bus service (PC Coaches 777) between Saxilby and Lincoln. This service has 7 stops (7.35, 9.16, 10.12, 13.45, 15.10, 17.10 and 18.05) on a Monday to Saturday. There is also a bus service (Stagecoach 354) between Lincoln and Queen Elizabeth's High School, Gainsborough but only operates on school days. The bus stops are on Middle Street which is a short walk from the site and accessible by footpath although the bus stop to the north east of Middle Street requires crossing the highway (50mph) close to the traffic lights without a pedestrian crossing. The village does not have a village shop, post office, primary school, public house or any employment opportunities. The future residents will highly likely be reliant on a vehicle to travel. Burton therefore has extremely limited sustainable credentials.

Policies LP2 and LP4 recognise this, limiting village growth to 15%, and on sites of up to 4 dwellings. The proposal falls within these parameters.

Concluding Assessment:

The site is an infill plot within the settlement of Burton with some areas of the site previously developed therefore the site meets the highest priority for housing as set out in the sequential test of local policy LP4. It is therefore considered that the site is an appropriate location for housing providing the proposal is appropriately and sensitively positioned, designed and scaled. The proposal will provide a single dwelling towards the allocated growth for Burton in local policy LP4 of the CLLP. It is therefore considered that the principle of housing development on the site is acceptable subject to meeting all other material considerations.

Impact on Listed Buildings and Conservation Area

The site is located within the Burton Conservation Area, in the setting of Listed Buildings and Conservation Area Important Buildings. Therefore the

site is very sensitively located and the impact of the proposal on its surrounding area carries significant weight.

Local policy LP25 of the CLLP states that *'Development proposals should protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire'* and provides a breakdown of the required information to be submitted as part of an application in a heritage statement. In the Listed Building section of LP25 it states that *'Development proposals that affect the setting of a Listed Building will be supported where they preserve or better reveal the significance of the Listed Building'*.

In the Conservation Area section of LP25 it states that *'Development within, affecting the setting of, or affecting views into or out of, a Conservation Area should preserve (and enhance or reinforce it, as appropriate) features that contribute positively to the area's character, appearance and setting'*. Criteria j-o provides a base to assess the impact on the Conservation Area.

Guidance contained within Paragraph 128 of the NPPF states that *'in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance'*.

Paragraph 132 states that *'great weight should be given to the asset's conservation'* and that *'Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting'*.

Paragraph 133 provides guidance that *'Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent'*.

The impact of a development of the setting of a listed building is more than just its visual presence and annex 2 of the NPPF defines the setting of a heritage asset as:

'The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral'.

Paragraph 13 (Conserving and Enhancing the Historic Environment) of the NPPG (Reference ID: 18a-013-20140306) further supports this definition declaring that *'Setting is the surroundings in which an asset is experienced, and may therefore be more extensive than its curtilage'* and *'although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors'*.

Paragraph 34 of the BCA describes the importance of Main Street and the prominence of building including Hillside Cottages which sit adjacent to the south west. Paragraph 54 of the BCA states that *'the building lines to which the frontages of existing buildings are constructed may be important to the character of the area and any new development or modification to existing development may be required to accord with the existing building lines, unless there is a good and clear aesthetic justification for not doing so'*.

The application has included the submission of a Heritage Assets and Appropriate Location (HA) section (Paragraph 5.5-5.22 (Pg11-19)) within the PDAS dated January 2018 produced by JHWalter. This has identified the heritage assets and provided an assessment of the impact with a conclusion on page 21 paragraph 6.3 stating that the *'The character and appearance of the conservation area will be preserved as will be the setting of listed buildings within the vicinity, specifically St. Vincent's Church, the Old Rectory and the Coach House'*.

The Local Authority's Conservation Area Officer (CAO) has overall accepted the design of the new dwelling and the annex building subject to further details to be accepted through conditions. The CAO has recommended that the two storey aspect of the annex building is reduced in height and the overtly domestic chimney is removed to give a better balance between the new and the old. These alterations have been accepted by the agent and reflected on amended plans.

From the site visit it was observed that Hillside Cottages (Conservation Area Important Buildings) are initially not in view when turning onto Main Street from Middle Street due to high vegetation adjacent the highway. However as you travel down Main Street the position of Hillside Cottages and the role they play in the character and appearance of the Conservation Area is revealed more significantly. The proposed annex building will be set approximately 2.5 metres in from the front north east boundary wall therefore will only be in view from immediately adjacent the site given the existing screening. However an oak tree is to be removed from the east corner of the plot which provides part of this screening and its removal will to a greater extent reveal the proposed annex building in the street scene. Given the crown spread of the existing oak tree the point at which Hillside Cottages is first revealed when travelling down Main Street will be no worse than if the proposed annex building is in place. The single difference is the softer appearance of the tree and its crown spread. Therefore the gradual subtle reveal of Hillside Cottages will be retained. When travelling north west up Main Street the position of the proposed annex with a side extension will be noticeable and in a prominent location but would not appear as over-dominant or intrusive in the street scene.

The proposed dwelling to the rear of the plot will not be prominently in view from Main Street. Hillside Cottages are a run of terraced dwellings with Essox House set back to the north west of 5 Hillside Cottages. The proposed dwelling albeit closer will mirror this relationship but to the north of 1 Hillside Cottages.

The site visit included taking in the setting of a number of Listed Buildings including the grade 2 star listed Church of St. Vincent. Most of the listed buildings are fully or partly screened from the site by high vegetation and/or trees. However as previously stated it is not just about views but about the experience of the setting and whether the proposal will preserve this setting. The position of the trees around the site particularly the attractive copper beech tree which stands out due to its spread and contrasting colour against the other normal green leafed trees do have a purpose in the character and appearance of the conservation area. The position of the dwelling and the annex will not impact on the visual presence of the copper beech tree when viewed from outside the site and will remain in view when travelling up Main Street.

The proposal due to the siting, scale, massing and design of the dwelling and the annex will preserve the setting of nearby Listed Buildings and the character and appearance of the Burton Conservation Area therefore will be in accordance with local policy LP25 of the CLLP, the statutory duty set out in section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and guidance within the NPPF.

Visual Impact

Local policy LP26(c) of the CLLP states that *All development proposals must take into consideration the character and local distinctiveness of the area (and enhance or reinforce it, as appropriate) and create a sense of place. As such, and where applicable, proposals will be required to demonstrate, to a degree proportionate to the proposal, that they:*

c. Respect the existing topography, landscape character and identity, and relate well to the site and surroundings, particularly in relation to siting, height, scale, massing, form and plot widths;

The development is proposed to be constructed from (taken from paragraph 3.1 of the PDAS):

Converted Garage:

- will retain its coursed limestone masonry walls and natural single roll clay pantile gabled roof

Annex New Build:

- Cavity walls with a blockwork inner leaf and a coursed limestone masonry outer leaf.
- Brick and stonework pointed in 1:3 lime mortar.
- Windows would be painted soft wood framed
- External doors would be solid timber and painted.
- Single roll clay pantile roof
- Rainwater goods to be black round and half-round mounted on rise and fall brackets.
- The chimney stack would be in contrasting red brick e.g Witton Multi Selected Brick.

New Dwelling:

- The new dwelling would be faced in the same materials, albeit the limestone would not be coursed.

As previously discussed (*see impact on Listed Buildings and Conservation Area*) the position of the dwelling to the rear and the annex in a more prominent location to the front of the site will not visually dominate the area and the important views along Main Street. The existing dwellings to the north west of Main Street are set back from the highway with front garden spaces of varying sizes. The development is proposed to be constructed of traditional materials and the siting, scale, massing and design of the dwelling and the annex is considered as appropriate and sensitive to the character of the area.

The proposal will therefore not have a significant adverse visual impact on the site, the street scene and the sensitive village of Burton therefore accords to local policy LP17, LP25 and LP26 of the CLLP, the statutory duty set out in section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and guidance within the NPPF.

Residential Amenity

The site has neighbouring dwellings to the north east, south east and south west. To the north east is The Waterhouse with a number of dwellings further away which front Middle Street. To the south east is Burton Hill House with 1 Hillside Cottages and Essox House adjacent the site to the south west. Objections have been received from the residents (including 1 Hillside Cottages) in relation to overshadowing, privacy and light on 1 Hillside Cottages (All measurements are taken from the submitted plans).

To the north east:

The rear garden boundaries of dwellings to the north east which front Middle Street are approximately 43 metres from the north east elevation of the proposed annex and approximately 53 metres from the north east elevation of the proposed dwelling.

The Waterhouse sits in a large plot with the dwelling located in the northern section of the site. The north east boundary of the application site follows the line of the driveway to The Waterhouse. The site is extensively screened to the north east boundary with the proposed position of the dwelling and annex a considerable distance from the main dwelling and private amenity space of The Waterhouse.

The development will therefore not have a significant impact on the living conditions of neighbouring dwellings to the north east.

To the south east:

Burton Hill House sits on the other side of the highway. The proposed south east elevation of the annex has a first floor bedroom window and will sit approximately 13 metres from the front boundary and approximately 28 metres from the nearest elevation of Burton Hill House. The front boundary to

Burton Hill House is screened by very high trees/hedging and their main private amenity space is to the rear of the property.

The development will therefore not have a significant impact on the living conditions of neighbouring dwellings to the south east.

To the south west:

The land is generally in an untidy and overgrown condition particularly to the rear and south west side to the front. Residents have commented that this has previously had an allotment use. If the site was cleared and re-used for a use not requiring planning permission such as an allotment then overlooking from that use would already be present on 1 Hillside Cottages.

1 Hillside Cottages is part of a run of terraced dwellings which are located on lower ground than the application site. The site visit included experiencing the differing ground levels from the front and rear gardens of 1 Hillside Cottages. It is approximated that the drop in levels is around 2.5 metres.

The front elevation of the proposed annex will be approximately 18-20 metres from the shared boundary with 1 Hillside Cottages and is proposed to only have ground floor windows on this elevation. The proposed annex will therefore not have a significant impact on the living conditions of 1 Hillside Cottages.

The development of the site will include excavation (see plan L-LEV-016-LS dated 18th December 2017) of between a metre and 2.9 metres of earth to the rear portion of the site to flatten the area and allow the dwelling to be set lower than if built on the existing slope. The south corner of the proposed dwelling will be approximately 10 metres from the rear elevation of 1 Hillside Cottages and approximately 10 metres from the centre of 1 Hillside Cottages rear garden. The position of the existing outbuildings will provide some screening to areas of the rear garden to 1 Hillside Cottages. The front south east elevation and south west side elevation has no first floor windows with the dwelling having the appearance of a bungalow when viewed from the front. It additionally has to be considered that even though the site is in a conservation area the site can be screened along the rear south east and south west side boundaries with 2 metre boundary treatments (fence panels, wall(brick/stone) or other means of enclosure) without requiring planning permission².

It is therefore considered that the proposal will not cause any further significant overlooking on 1 Hillside Cottages due to the restriction of ground floor windows only to the proposed south east and south west elevations of the dwelling.

The roof ridge of the proposed dwelling will be approximately 1.5 metres above the level of the roof ridge to 1 Hillside Cottages. The proposed south east roof plane will fall away from 1 Hillside Cottages with the proposed principal elevation approximately 1 metre above the outbuilding in the garden

² http://www.legislation.gov.uk/ukxi/2015/596/pdfs/ukxi_20150596_en.pdf

of 1 Hillside Cottages. The proposed south west gable end of the dwelling sits in line with the outbuilding set in the rear of the garden to 1 Hillside Cottages. It is acknowledged that the position of the proposed dwelling and its relationship to 1 Hillside Cottages will have some overbearing impact on 1 Hillside Cottages. However after careful consideration bearing in mind the heights of boundary treatments which could be installed without planning permission the proposed dwelling will have some but not a significant overbearing impact on 1 Hillside Cottages.

The proposed dwelling will not cause a significant loss of light due to the direction of the sun.

Objections have additionally been raised in relation to the noise and disruption caused by the volume of traffic generated by the site. The proposed driveway run along the shared rear boundary with 1 Hillside Cottages. Parts of the driveway within the root protection area of trees will need to be constructed using an above ground cellular confinement system. The site will have a two bedroom dwelling and a one bedroom annex. It is estimated that the development would generate use of up to four vehicles (three for the dwelling and one for the annex) not considering visitors, deliveries etc. It is considered that at least one of the four vehicles would make use of the proposed annex garaging or the external parking area in front of the proposed annex garaging. The vehicles using the driveway will do so at low speeds and this is further encouraged by the bend in the driveway. It is not considered that the development will generate an amount of traffic journeys which will have a significant disruptive impact on 1 Hillside Cottages through noise and headlight glare.

Due to the close proximity of 1 Hillside Cottage a condition will be attached to the permission restricting conversion work times to:

- 8am and 6pm Monday to Friday
- 9am to 1pm on a Saturday
- not on a Sunday or Bank Holiday

Overall it is therefore considered that the proposed dwelling and annex will not have a significant impact on the living conditions of neighbouring dwellings therefore is in accordance with LP26 of the CLLP and guidance contained with the NPPF.

Archaeology

It has been highlighted by the Historic Environment Officer at Lincolnshire County Council Archaeology that the proposed development lies *'in an area of archaeological sensitivity, in the core of the medieval settlement and within the conservation area. Records show that significant Roman remains have been found nearby, possibly a villa site. Any development here could disturb previously undisturbed archaeological remains'*.

Consequently it has been recommended that prior to any ground works the developer should be required to commission a scheme of Archaeological

Works which should be secured by appropriate conditions to enable heritage assets within the site to be recorded prior to their destruction. Initially this would involve monitoring of all groundwork's. Therefore a suitable pre-commencement condition will be attached to the planning permission.

Impact on Trees

The site is adjacent a group of protected trees which includes a particularly prominent large copper beech tree which has visual merit in the Conservation Area and the street scene. Additionally the Burton Conservation Area also protects any trees with a stem diameter greater than 7.5cm when measured at 1.5m above ground level. The position of the dwelling and annex has been influenced to by the presence of the protected trees.

The Tree and Landscape Officer (TLO) has no objections to the proposal subject to a number of comments including the use of an above ground cellular confinement system to construct the areas of driveway within the root protection area of the Copper Beech Tree.

Therefore suitable pre-commencement conditions will be attached to the planning permission regarding:

- Tree protection measures to be implemented prior to commencement of construction and retained until completion.
- Details and position of the above ground cellular confinement system

Highway Safety

Objections have been received in relation to highway safety concerns. The proposal will utilise the existing vehicular access to the front onto a 30mph highway. The visibility in both directions as observed during a site visit appeared acceptable. The Highways Authority at Lincolnshire County Council have not objected to the proposed access. The proposal would therefore not have an adverse impact on highway safety and accords to local policy LP13 of the CLLP and guidance contained within the NPPF.

Ecology

A Phase-1 Habitat Survey & Protected Species Assessment (HSPSA) compiled by ESL (Ecological Services) Ltd dated February 2017 has been submitted with the application. In summary section 7 (Protective measures and Biodiversity Gain) of the HSPSA states:

- The mature trees and shrubs on the boundaries of the site should be retained (paragraph 7.1.1)
- Installation of one bat box into fabric of building (paragraph 7.2.2)
- All demolitions and vegetation clearance activities must be undertaken between 1 September and 1 March. Outside this period, an ecologist must make a search for active nests in advance of work starting. Any nests found with eggs or young will be identified and protected until the young have fledged (paragraph 7.3.1).
- Installation of four quality timber bird nest-boxes (paragraph 7.3.2).

It is additionally important to note that paragraph 8.1.1 states that '*Ecological surveys are just a 'snapshot' in time and the survey must be repeated if planning consent has not been granted by 1 June 2017*'.

Local policy LP21 of the CLLP states that '*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'*

Guidance contained within paragraph 118 of the NPPF encourages '*opportunities to incorporate biodiversity in and around developments should be encouraged*'. The incorporation of bat and bird boxes to the site will provide a biodiversity benefit to the area. The proposal will not have an adverse impact on ecology therefore conforms to local policy LP21 of the CLLP and guidance contained within the NPPF.

Suitable ecology conditions will be attached to the permission in relation to:

- An up to date ecology survey including identifying suitable locations for the bat box and four bird boxes.
- The proposed development shall be completed in accordance with paragraph 7.1.1, paragraph 7.3.1 and any other recommendation stated in the later ecology survey

Foul and Surface Water Drainage

The application form states that foul drainage will be disposed of to the mains sewer. Surface water is proposed to be dealt with through soakaway which is a method of sustainable urban drainage system and is encouraged, however the suitability of the site for soakaways has not been justified through appropriate testing. Therefore it is considered that foul and surface water is capable of being addressed by the use of a condition.

Other Considerations:

Annex Use

The proposed annex contains all the required elements to be a self-contained one bedroom dwelling. The annex will provide accommodation for the occupant who will use the facilities in the main dwelling as well as the annex. Therefore the annex is ancillary to the main dwelling but the use of the annex needs restricting through a condition on the permission to ensure it cannot be sold or rented as a separate residential unit.

It is considered reasonable and necessary to condition the annexes garaging to be retained as garaging in perpetuity to resist any intentions to convert them to further living accommodation such as an additional bedroom.

Flood Risk

The site sits within flood zone 1 therefore has the lowest risk of flooding therefore meets the NPPF sequential test.

Permitted Development

It is considered relevant and necessary to remove certain permitted development rights. This is due to the sensitive location of the site and the proximity of the proposed dwelling and the overall site to protected trees. The permitted development rights to be removed would be Class A-H of Part 1 and Class A of Part 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification).

Community Infrastructure Levy

West Lindsey District Council adopted a Community Infrastructure Levy (CIL) which will be charged from 22nd January 2018. The site is within charging zone 1, where the charge would be £25 per square metre for houses.

On measuring the floor space of the dwelling and the new build element of the annex it is estimated that the floor space created will be approximately 200m² (Dwelling 145m² and annex 55m²). Therefore using this approximate figure the development, which is located in the Lincoln Strategy Area will be liable to a CIL payment required prior to commencement of the development of approximately £5,000. An advisory note will be attached to the permission.

Conclusion and reasons for decision:

The decision has been considered against policies LP1 A presumption in Favour of Sustainable Development, LP2 The Spatial Strategy and Settlement Hierarchy, LP3 Level and Distribution of Growth, LP4 Growth in Villages, LP10 Meeting Accommodation Needs, LP13 Accessibility and Transport, LP14 Managing Water Resources and Flood Risk, LP17 Landscape, Townscape and Views, LP21 Biodiversity and Geodiversity, LP25 The Historic Environment and LP26 Design and Amenity of the Central Lincolnshire Local Plan 2012-2036 in the first instance and guidance contained within the National Planning Policy Framework and National Planning Practice Guidance.

In light of this it is considered that the principle of the development is acceptable including the contributing an additional dwelling on an appropriate site towards the allocated growth of Burton and housing supply in Central Lincolnshire. The proposal will preserve the character and appearance of the Conservation Area and the setting of nearby Listed and Conservation Area Important Buildings. It will not have a significant adverse visual impact on the site, the surrounding area or the street scene and will not have a significant harmful impact on the living conditions of neighbouring dwellings, trees, highway safety, archaeology, drainage or ecology. This is subject to pre-commencement conditions.

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

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 or works shall take place until details of the schedule of works including specification and methodology where appropriate have been submitted to and approved in writing by the Local Planning Authority in relation to the following:
 - Sample panel of stonework and bond to be used for the external surfaces, shall be made available on site.
 - Sample panel of brickwork and bond to be used for the external surfaces of the buildings, shall be made available on site.
 - Sample panel of brickwork and bond to be used for the retaining wall, shall be made available on site.
 - Details on the construction method of the retaining wall.
 - Sample of roof tile to be inspected on site.
 - All joinery details to include drawings, sections at 1:5 scale and details of colour finish, method of opening, cill and headers.
 - Rainwater goods including material, profile, method of fixing and colour finish.
 - Rooflight details including colour finish.

The development shall be completed in accordance with the approved details and retained thereafter. The sample panels of brickwork and stone work shall remain on site until the respective stone and brickwork has been completed.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and the character and appearance of the site and the surrounding area including the Conservation Area and the setting of Listed Buildings to accord with the National Planning Policy Framework and local

policies LP17, LP25, LP26 and LP55 of the Central Lincolnshire Local Plan 2012-2036.

3. No development shall take place until, details of the form and position of the protection measures to protect the trees adjacent the sites boundaries and details of the above ground level cellular confinement system to construct sections of the driveway including a plan clearly identifying the covered areas have been submitted to and approved in writing by the Local Planning Authority. The approved protection measures shall be installed prior to commencement and retained in place until the development is completed. The cellular confinement system shall be installed in accordance with the approved details.

Reason: To safeguard the existing boundary trees during construction works, in the interest of visual amenity to accord with the National Planning Policy Framework and local policies LP17, LP21, LP25 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

4. No development shall take place until details of a scheme for the disposal of foul sewage and surface water from the site (including the results of any necessary soakaway/percolation tests and connectivity plan) have been submitted to and approved in writing by the Local Planning Authority. No occupation shall occur until the approved scheme has been installed.

Reason: To ensure adequate drainage facilities are provided to serve each dwelling, to reduce the risk of flooding and to prevent the pollution of the water environment to accord with the National Planning Policy Framework and local policy LP14 of the Central Lincolnshire Local Plan 2012-2036.

5. No development shall take place until an up to date ecology survey including appropriate locations for a bat box and four bird boxes has been submitted and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the recommendations in the ecology report and the bat and bird boxes shall be retained thereafter.

Reason: In the interest of nature to accord with the National Planning Policy Framework and local policy LP21 of the Central Lincolnshire Local Plan 2012-2036.

6. No development shall take place until a landscaping scheme has been submitted including details of the height and materials used for the boundary treatments and the surface material of the parking spaces have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that appropriate landscaping is introduced and will not adversely impact on the character and appearance of the site to accord with the National Planning Policy Framework and local policies LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

7. No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the local planning authority. This scheme shall include the following

1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
2. A methodology and timetable of site investigation and recording.
3. Provision for site analysis.
4. Provision for publication and dissemination of analysis and records.
5. Provision for archive deposition.
6. Nomination of a competent person/organisation to undertake the work.
7. The scheme to be in accordance with the Lincolnshire Archaeological Handbook.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological and local policy LP25 of the Central Lincolnshire Local Plan 2012-2036.

8. The local planning authority shall be notified in writing of the intention to commence the archaeological investigations in accordance with the approved written scheme referred to in condition 7 at least 14 days before the said commencement. No variation shall take place without prior written consent of the local planning authority.

Reason: In order to facilitate the appropriate monitoring arrangements and to ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework and local policy LP25 of the Central Lincolnshire Local Plan 2012-2036).

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

9. 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 drawings:

- L-LEV-016-BPP Rev H dated 22nd March 2018 – Proposed Block Plan
- L-LEV-016-EP Rev I dated 20th March 2018 – Proposed Dwelling Elevations
- L-LEV-016-FPP Rev I dated 18th December 2017 – Proposed Floor Plans
- L-LEV-016-GAP Rev A dated 20th March 2018 – Proposed Annex Elevations, Floor Plans and Section Drawing.
- L-LEV-016-LS Revision B dated 18th December 2017 – Proposed Long Sections

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 local policy LP26 of the Central Lincolnshire Local Plan 2012-2036.

10. Before the dwelling is occupied, the access, drives and turning spaces shall be completed in accordance with the approved plan drawing number L-LEV-016-BPP Rev H dated 22nd March 2018 and retained for that use thereafter.

Reason: To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety and to allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety to accord with the National Planning Policy Framework and local policy LP13 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

11. Construction work shall only be undertaken between the hours of 8am and 6pm Monday to Friday and 9am to 1pm on a Saturday and not on a Sunday or Bank Holiday

Reason: To preserve residential amenity to accord with the National Planning Policy Framework and local policy LP26 of the Central Lincolnshire Local Plan 2012-2036.

12. The proposed driveway and turning spaces shown on plan L-LEV-016-BPP Rev H dated 22nd March 2018 shall be constructed from a permeable material and retained thereafter.

Reason: To reduce the risk of flooding to the proposed development and future occupants to accord with the National Planning Policy Framework and local policy LP14 of the Central Lincolnshire Local Plan 2012-2036

13. The archaeological site work shall be undertaken only in full accordance with the written scheme required by condition 7.

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework and local policy LP25 of the Central Lincolnshire Local Plan 2012-2036.

14. Following the archaeological site work referred to in condition 13 a written report of the findings of the work shall be submitted to and approved in writing by the local planning authority within 3 months of the said site work being completed.

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning

Policy Framework and local policy LP25 of the Central Lincolnshire Local Plan 2012-2036).

15. The report referred to in condition 14 and any artefactual evidence recovered from the site shall be deposited within 6 months of the archaeological site work being completed in accordance with a methodology and in a location to be agreed in writing by the local planning authority.

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework and local policy LP25 of the Central Lincolnshire Local Plan 2012-2036).

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

16. Notwithstanding the provisions of Classes A, B, C, D, E, F, G and H of Schedule Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) the dwelling hereby permitted shall not be extended or altered and no buildings or structures shall be erected within the curtilage of the site unless planning permission has first been granted by the Local Planning Authority.

Reason: To enable any such proposals to be assessed in terms of their impact on the resulting amount of space around the dwelling and the visual impact on the sensitive location to accord with the National Planning Policy Framework and local policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

17. Notwithstanding the provisions of Classes A of Schedule Part 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no boundary treatments shall be installed or erected within the curtilage of the site unless planning permission has first been granted by the Local Planning Authority.

Reason: To enable any such proposals to be assessed in terms of their visual impact on the sensitive location to accord with the National Planning Policy Framework and local policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

18. The annex building identified on plan L-LEV-016-BPP Rev H dated 22nd March 2018 and L-LEV-016-GAP Rev A dated 20th March 2018 shall only be used and occupied in conjunction with the existing dwelling and shall not be used as a separate unit of living accommodation.

Reason: The creation of an independent dwelling in this location would be contrary to the National Planning Policy Framework and local policy LP26 of the Central Lincolnshire Local Plan 2012-2036.

19. The proposed annex garages shown on plan L-LEV-016-GAP Rev A dated 20th March 2018 shall only be used solely for that purpose and shall not be converted for any other use.

Reason: To retain the adequate parking on the site and to resist the extension of living accommodation to the proposed annex to accord with the National Planning Policy Framework and local policies LP13, LP17, LP25 and LP26 of the Central Lincolnshire Local Plan 2012-2036.



Planning Committee

4 April 2018

Subject: Determination of Planning Appeals

Report by:

Chief Operating Officer

Contact Officer:

Mark Sturgess
Chief Operating Officer
Mark.sturgess@west-lindsey.gov.uk
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

x

Key Decision:

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

Yes

☐

No

x

Appendix A - Summary

- i) Appeal by Mr Allan Thomas, R A Holdings Ltd against the decision of West Lindsey District Council to refuse planning permission for the demolition of 6 No. existing livestock buildings and erection of 6 No. poultry buildings, together with associated feed bins, control rooms, hardstandings, service building and attenuation pond without complying with a condition attached to planning permission Ref 132019, dated 23 December 2014 at Park Farm, Park Farm Road, Kettlethorpe, Lincoln LN1 2LD.

Appeal Allowed - See copy letter attached as Appendix Bi.

Officer Decision – Refuse permission

- ii) Appeal by Mr & Mrs A Boyles against the decision of West Lindsey District Council to refuse planning permission for a new dwelling with Annexe. The site's single dwelling will be reminiscent of a farmhouse in style and feature a range of subservient stable-like buildings to the rear which will house an annexe, garages and stores on an area of land between The Willows (dwelling) and garden of cottage adjacent to Boyles Yard, South side, Low Road, Osgodby.

Appeal Dismissed - See copy letter attached as Appendix Bii.

Officer Decision – Refuse permission

- iii) Appeal by Mr Pinney against the decision of West Lindsey District Council to refuse planning permission for the erection of a single dwelling with associated access arrangements, car parking and landscaping on land at Smithy Lane, Bigby.

Appeal Dismissed - See copy letter attached as Appendix Biii.

Officer Decision – Refuse permission

- iv) Appeal by Mr Douglas Hill against the decision of West Lindsey District Council to refuse planning permission for total of 12 detached dwellings with the addition of 3 affordable dwellings. The site also includes a large open space to act as a buffer between the development and St Mary's church at Church Farm, Waddington Road, South Kelsey, Market Rasen, Lincolnshire, LN7 6PN.

Appeal Dismissed - See copy letter attached as Appendix Biv.

Officer Decision – Refuse permission

- v) Appeal by Mr & Mrs Howes against the decision of West Lindsey District Council to refuse planning permission for the redevelopment of the existing caravan park to provide a single new dwelling at Charolands Camp Site, Ingham Road, Stow, Lincoln, LN1 2DG.

Appeal Allowed - See copy letter attached as Appendix Bv.

Officer Decision – Refuse permission

Appeal Decision

Site visit made on 13 February 2018

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th March 2018

Appeal Ref: APP/N2535/W/17/3184033

Park Farm, Park Farm Road, Kettlethorpe, Lincoln LN1 2LD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Allan Thomas, R A Holdings Ltd against the decision of West Lindsey District Council.
 - The application Ref 136325, dated 2 June 2017, was refused by notice dated 6 September 2017.
 - The application sought planning permission for the demolition of 6 No. existing livestock buildings and erection of 6 No. poultry buildings, together with associated feed bins, control rooms, hardstandings, service building and attenuation pond without complying with a condition attached to planning permission Ref 132019, dated 23 December 2014.
 - The condition in dispute is No 19 which states that: *The loading or unloading of large vehicles (defined as those with a gross vehicle weight of 3.5 tonnes and above) and the arrival or departure from the site of large vehicles shall be limited to the hours of 0700 to 2100 Mondays to Saturdays with no operations on Sunday.*
 - The reason given for the condition is: *To protect the amenity of the occupants of nearby dwellings and in accordance with policy STRAT1 of West Lindsey Local Plan First Review 2006 (Saved Policies).*
-

Decision

1. The appeal is allowed and planning permission is granted for the demolition of 6 No. existing livestock buildings and erection of 6 No. poultry buildings, together with associated feed bins, control rooms, hardstandings, service building and attenuation pond at Park Farm, Park Farm Road, Kettlethorpe, Lincoln LN1 2LD in accordance with the application Ref 136325 dated 2 June 2017, without compliance with condition number 19 previously imposed on planning permission Ref 132019 dated 23 December 2014 and subject to the conditions in the attached schedule.

Procedural Matter

2. The appellant submitted a noise assessment¹ (NA) with the appeal. As the Council and interested parties have had the opportunity to comment on this document, I have considered the NA in coming to my decision. I have also considered parties' views on conditions.

¹ Transport & Delivery/Collection Noise Assessment, Acoustics Report M1623/R02a, 8th September 2017.

Background

3. The appeal concerns an intensive livestock unit which the appellant wishes to be able to be served by large vehicles for loading and unloading purposes 24 hours a day 7 days a week. This is prevented by condition 19 on planning permission ref: 132019 which restricts these operations to the hours of 0700 to 2100 Mondays to Saturdays, and not at all on Sundays. The development approved under planning permission ref: 132019 has been implemented. The appellant has suggested an alternative condition that would require the use of an access road from the site directly onto the A156 outside of the hours currently permitted by the condition. The access road has been granted planning permission (ref: 136009) by the Council and, at the time of my site visit, was under construction.

Main Issue

4. I consider the main issue is whether condition 19 is reasonable and necessary, in the interests of protecting the living conditions of the occupiers of the nearest residential properties, in relation to the potential for noise and disturbance.

Reasons

5. The site is located at the end of Park Farm Road, which joins onto the A57 a considerable distance to the south of the site. The end of the access road contains a widened hardstanding area adjacent to the livestock buildings, and is used for associated purposes of loading and unloading. The route of the new access road lies beyond the livestock buildings, next to an attenuation pond.
6. Park Farm Road contains a number of isolated residential properties which lie approximately 450m and more from the livestock buildings that are within the appeal site boundary. The greatest concentration of these properties is towards where Park Farm Road joins the A57, furthest from the livestock buildings. However, large vehicles have to pass these properties in order to access and exit the site. A number of other livestock buildings, which are outside of the appeal site boundary, and buildings associated with an agricultural supplier are also accessed off Park Farm Road. Further isolated dwellings are found to the north of the site, separated by a number of fields, as well as along the A156.
7. As there is the potential for the proposal to cause additional noise through the increase in hours, the NA sets out to assess noise levels generated by the loading and unloading activities within the site with regard to British Standard (BS) 4142:2014 and, in relation to noise associated with vehicle movements, it utilises BS5228-1:2009 and ProG: Planning and Noise. The NA finds there would be a low likelihood of adverse impact at worst.
8. The Planning Practice Guidance: Noise (PPG) recognises that the subjective nature of noise means that there is not a simple relationship between noise levels and the impact on those affected. Therefore, it is also important to consider the effect of the characteristics of the noise. The PPG sets out that a contributory factor includes non-continuous sources of noise. This is of relevance to the proposal because of the intermittent nature of the noise that would be likely to arise from the loading and unloading, and the transport movements of large vehicles. It would also be at a time when noise levels

would be likely to be at their quietest. The NA does, however, include an assessment of the characteristics of noise and adds corrections for tonality, impulsivity and intermittency, which I have taken into account.

9. The potential for the occupiers of the nearest residential properties to experience noise also has to be considered in the context that the loading and unloading, and the transport movements of large vehicles, would be likely to be occasional, based on the evidence concerning the operation of the livestock unit provided by the appellant. The effect of the appellant's alternative condition would be to remove any restriction on loading and unloading, although these activities would take place some distance from the nearest residential properties, and the use of Park Farm Road by large vehicles during the additional hours would not be permitted. Taking these matters together, I find no reasons to disagree with the conclusions of the NA.
10. I am able to consider what, if any, conditions, should be attached to the grant of planning permission. When the restriction by condition of using only the access road from the site directly onto the A156 outside of the hours currently permitted is taken together with the low likelihood of noise impact, I consider this would adequately safeguard the living conditions of local residents.
11. I acknowledge local residents' concerns over the use of Park Farm Road by large vehicles associated with the livestock unit, given the proximity of the transport movements to their properties and disturbance arising from noise. However, the proposal would not allow the extension of the current time periods under the original planning permission when large vehicles are permitted to use Park Farm Road. It would not, therefore, result in an increase of noise and disturbance in this regard, nor nuisance which may arise from vehicle lights, or cause additional highway safety and road surfacing effects, or other environmental issues. The transport movements of large vehicles would only be permitted during the additional hours when the access road directly onto the A156 is completed and available for use.
12. It has also been raised whether or not the current restrictions in the condition are being complied with. This is a matter for the Council and the appellant, though, and so I attach this limited weight in my decision.
13. Therefore, I conclude the proposal would not have an unacceptable effect on the living conditions of nearby residents, in relation to the potential for noise and disturbance. As such, condition 19 is not reasonable or necessary, and its removal would comply with the tests for planning conditions set out in paragraph 206 of the National Planning Policy Framework (Framework) and the related advice in the PPG concerning the application of these tests, subject to the imposition of the matters under condition that I have set out above.
14. The proposal would also comply with Policy LP26 of the Central Lincolnshire Local Plan 2012 – 2036 (2017) which states that the amenities which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy must not be unduly harmed by or as a result of development, and that proposals should demonstrate how adverse noise and vibration have been considered. It would also comply with associated guidance in the Framework.

Conditions

15. I have included a new condition in relation to the restrictions on deliveries to and from the site by large vehicles. I have not imposed conditions relating to the timescale for implementation, the drawings which the development shall be carried out in accordance with and in relation to construction activities, as the physical works subject of the original planning permission have been implemented.
16. I have imposed all those remaining conditions from the original planning permission that I consider remain necessary and relevant. Where I have altered the wording of the remaining conditions put forward by the Council and the appellant, I have done so in the interests of precision and reflecting that the development subject of the original planning permission has been implemented and is in use, without changing their overall intention.

Conclusion

17. The proposal would not have an unacceptable effect on the living conditions of the occupiers of nearby residential properties, in relation to the potential for noise and disturbance. I have considered all matters that have been raised but none would demonstrate that condition 19 is reasonable and necessary. Accordingly, I conclude the appeal should be allowed and condition 19 should be removed, subject to the imposition of the new condition.

Darren Hendley

INSPECTOR

Schedule of Conditions

- 1) The extractor fans fitted with attenuators that meet the specified insertion loss values recommended by the acoustic report prepared by Matrix acoustic design consultants shall be retained and maintained.
- 2) The external walling and roofing materials approved by the Local Planning Authority under reference 133059 shall be retained and maintained.
- 3) The surface water drainage scheme approved by the Local Planning Authority under reference 133059 shall be retained and maintained.
- 4) The foul water drainage scheme approved by the Local Planning Authority under reference 133059 shall be retained and maintained.
- 5) All planting, seeding or turfing comprised in the details of landscaping approved by the Local Planning Authority under reference 133059 shall be retained and maintained. If any trees or plants which within a period of 5 years from the completion of the development that was approved under reference 132019 die, are removed, or become seriously damaged or diseased they shall be replaced in the next planting season with others of similar size and species and retained thereafter.
- 6) The bio diversity enhancement details approved by the Local Planning Authority under reference 133059 shall be retained and maintained.
- 7) Deliveries to and from the site by large vehicles (defined as those with a gross vehicle weight of 3.5 tonnes and above) using the Park Farm Access Road shall be limited to the hours of 0700 – 2100 Monday to Saturdays. Outside of these hours, any large vehicle accessing or leaving the site shall only use the access road approved under planning permission 136009 directly to the A156.

Appeal Decision

Site visit made on 6 February 2018

by Elaine Worthington BA (Hons) MTP MUED MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th March 2018

Appeal Ref: APP/N2535/W/17/3181471

Area of land between The Willows (dwelling) and garden of cottage adjacent to Boyles Yard, South side, Low Road, Osgodby

- 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 & Mrs A Boyles against the decision of West Lindsey District Council.
 - The application Ref 136116, dated 13 April 2017, was refused by notice dated 5 June 2017.
 - The development proposed is described as 'the proposed development is for a new dwelling with Annexe. The sites single dwelling will be reminiscent of a farmhouse in style and feature a range of subservient stable-like buildings to the rear which will house an annexe, garages and stores. Mr Boyles' elderly father will occupy the annexe'.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is whether the proposal would provide a suitable site for development having regard to national and local policies which seek to achieve sustainable patterns of development and protect the countryside.

Reasons

3. The appeal site is an open field bounded by hedges and trees with an existing access from Low Road. A previous proposal for a house on the site was dismissed at appeal under reference APP/N2535/W/16/3145733. Since that decision the Central Lincolnshire Local Plan (Local Plan) has replaced the West Lindsey Local Plan. Additionally, the Osgodby Neighbourhood Plan (Neighbourhood Plan) has been submitted for examination and subject to consultation which ended in January 2018.
4. The Council regards the site to be in the countryside and refers to Local Plan Policy LP55. This states that applications for new dwellings in the countryside will only be acceptable where they are essential to the effective operation of rural operations listed in Local Plan Policy LP2. The appellants do not argue that the proposal would fall within the categories to which development in the countryside is restricted. Rather, they consider that the site is within Osgodby which is identified as a small village where small scale development is anticipated by Local Plan Policy LP2.

5. There is no defined settlement boundary for Osgodby in the Local Plan. The appeal site is immediately adjacent to The Willows and there are a number of other dwellings further to the east on Low Road and Sand Lane. Osgodby is one of the larger villages in the district and is sparsely populated. The village sign is at the Low Road/Sand Lane junction where there is some infrastructure associated with the settlement including grit bins, a post box and a footpath.
6. Even so, despite its proximity to The Willows the appeal site adjoins countryside to the south along with open land to the west and there are fields on the other side of Low Road to the north. It is set well apart from the main part of the village to the west which is centred on Main Street and is separated from the more continuous high density development that begins around the junction with Mill Lane. The 30 mph speed limit sign for the village referred to by the appellants is located around this point. Whilst there are other dwellings nearby, including those further to the east, these are dispersed pockets of development with intervening areas of open land which themselves sit within the countryside and do not form part of the built up area of the village.
7. Paragraph 55 of the National Planning Policy Framework (the Framework) indicates that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. Given the site's relationship to nearby development I accept that it is not particularly isolated. Even so, it relates closely to the surrounding countryside and is very much detached from the main continuous built up area of the village. The Council refers to Policy Diagram 1 of the emerging Neighbourhood Plan which indicates the built form of the village (or its developed footprint). The appeal site and the other outlying development towards the eastern end of Low Road and Sand Lane are excluded from this. Since the appeal site is neither within nor adjacent to the developed footprint of Osgodby, the Council advises that it is not suitable for development under the terms of emerging Neighbourhood Plan Policies 1 or 2.
8. I am mindful that the emerging Neighbourhood Plan is yet to be examined or adopted and I have not been made aware of the extent of any unresolved objections to it. As such, I afford its policies only limited weight at this stage. Nevertheless, taking all these factors into account, in my opinion the appeal site is well outside the village and somewhat detached from it. As a consequence it cannot reasonably be regarded to be part of the settlement and it is therefore in the countryside in policy terms. The appellants advise that the appeal site was put forward as part of a 'call for sites' and also refers to the sequential test set out in the emerging Neighbourhood Plan. However, since it is a greenfield site in the countryside that is not within or adjacent to the developed footprint of Osgodby, I am not persuaded that the appeal site would fall within categories d, f or h of the sequential test as suggested.
9. As development in the countryside, the Council is concerned about the effect of the proposal on the aims of the spatial strategy set out in Local Plan Policy LP2 which focuses on delivering sustainable growth. It cites the previous appeal decision relating to the site where the Inspector found that for the majority of the time and for convenience reasons, the occupiers of a dwelling in the location proposed would tend to be highly dependent on travel by the private car to access services and facilities.

10. The appellants live nearby and run a successful waste haulage business from Boyles Yard on Low Road close to the appeal site. The proposed house includes an annexe for Mr Boyles' elderly father who lives alone nearby. Mrs Boyles works at the local primary school which their children attend. The appellants estimate that the appeal site is 600 metres from the school and 100 metres from the yard. I note that the appellants and their children would continue to walk or cycle to work and school from the appeal site. There is an existing footpath on the north side of Low Road which leads to the village and I understand that the emerging Neighbourhood Plan proposes a new footpath along Sand Lane.
11. Even so, it remains that the main part of the village is some distance from the appeal site and the range of services there is quite limited (in line with Osgodby's status as a small village in the settlement hierarchy). It seems to me that in order to access a wider range of services the occupiers of the proposed house would need to travel further afield. It has not been put to me what opportunities exist for public transport to the larger settlements nearby. However, I have seen no evidence to demonstrate that circumstances have changed since the previous appeal decision. As such, whilst some opportunities for walking, cycling and the use of public transport may exist, I also find that the occupiers of the proposed house would be for the most part reliant on the use of the private car to access the services they would need to meet their day to day requirements.
12. The appellants work nearby and their children attend school locally. They only have one car and this would not alter as a result of the appeal scheme. The appellants argue that car usage would be reduced as a result of the proposal due to Mr Boyles' father living with the family (such that journeys to his existing home would no longer be necessary and there would be the potential for shared trips). That said, I am mindful that although these are the personal circumstances of the appellants at the moment, they may change in the future. Since the house would not be tied to the appellants, I am also conscious that it could be sold and that any future occupiers may not be employed so locally. Additionally, the existing two homes occupied by the appellants and Mr Boyles' father are intended to be released. As such, the trips associated with the creation of a new dwelling on the appeal site would still arise over and above the trips associated with the occupation of those properties.
13. As set out at paragraph 29 of the Framework, the Government recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas. However, even appreciating the sparse nature of the population in Osgodby and accepting that some reliance on car journeys in rural areas is not unusual, I cannot see that the proposal would support the aims of the Framework to promote sustainable forms of transport and reduce greenhouse gas emissions. Through its settlement hierarchy the Council is seeking to focus development into existing settlements, where development would generally make the best use of existing services and infrastructure and minimise the need for travel. This aligns with one of the core planning principles of the Framework to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling. The creation of new houses in locations where the future occupants would be reliant on the use of the car (such as the appeal site) would undermine the Council's locational strategy and the overall aim of promoting development within settlements and in sustainable locations.

14. Turning to character and appearance, the proposed house would be 2.5 storeys high with a substantial attached single storey annex to the rear. Its design and massing is intended to be similar to that of others nearby on Low Road and it would be set back from the road and positioned well into the site. Even so, the proposal would introduce a very large house on to the site that would fill much of its width and extend at great depth into it. In my view this would result in a significant intrusion of built development into the countryside.
15. The trees within the site would not be affected by the proposal and the hedging and trees on the site's southern boundary would restrict some open views of the site from the countryside beyond it. The proposal would not interrupt a key view or historic topography. Nevertheless, despite the trees and hedges to the other site boundaries, this considerable intrusion of urbanisation would be keenly appreciated from Low Road and would seriously detract from the site's open rural appearance and the character of the surrounding area.
16. This would be contrary to Local Plan Policy LP17 which seeks to protect the intrinsic value of the landscape, including the setting of settlements, and requires development to respond positively to any natural features within the landscape which positively contribute to the character of the area. It would also undermine Local Plan Policy LP26 which requires development to achieve high quality sustainable design that contributes positively to local character, landscape and townscape and to take into consideration the character and local distinctiveness of the area (and enhance or reinforce it, as appropriate) and create a sense of place.
17. I therefore conclude on the main issue that the proposal would fail to provide a suitable site for development having regard to national and local policies which seek to achieve sustainable patterns of development and protect the countryside. For the reasons given, this would be contrary to Local Plan Policies LP55, LP2, LP17 and LP26. It would also undermine the core planning principles of the Framework to seek to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, to secure high quality design, and to recognise the intrinsic character and beauty of the countryside.

Other matters

18. Despite the concerns of local residents, the Council raises no objections as to the impact of the proposal on the living conditions of nearby occupiers. The absence of harm in this regard counts neither for, nor against the proposal.
19. The future occupiers of the proposed house would support local services and facilities and the proposal would release two existing dwellings in the village and add to housing land supply. As such, the proposal would help to maintain and enhance the vitality of the rural community in line with paragraph 55 of the Framework. However, whilst these are benefits of the scheme, they are limited by the proposal's limited scale for a single dwelling.
20. The appellants suggest that the proposal would allow the business to remain operating, but I have seen no substantiated evidence to demonstrate that in the absence of the appeal proposal the business would necessarily be adversely affected or likely to close. Thus, although I accept that the proposal would allow the appellants to live close to the business, as things stand, the particular

contribution that it would make to the vitality of that rural enterprise over and above the existing situation has not been demonstrated.

21. I appreciate that if the appellants had to move away from the parish more car use would be likely to arise. I also note the appellants' view that the residential development of the yard would conflict with the growth of that business and would not be supported by local policy. However, I have seen no compelling evidence to suggest that these fallback positions are likely to be pursued by the appellants if the appeal is dismissed, or to explain under what circumstance they would be likely to arise. As such, they add only very minimal weight in favour of the scheme.
22. The proposal would provide more spacious living conditions for the appellants and their family who currently live in a small cottage. It would also provide an annex for Mr Boyles' elderly father who has health issues. These are personal benefits to the appellants which count in the scheme's favour. However, even in conjunction with the other limited benefits of the scheme considered above, they are insufficient to outweigh the harm I have identified in relation to the main issue in this case.
23. The appellants refer to development allowed elsewhere in the village including on appeal. No further details have been provided and I am not aware of the full circumstances that led to those decisions and so cannot be sure that they are the same as in the case before me. I also note the appellants' dissatisfaction that the decision on the planning application was issued without any discussions taking place. However, this is a matter between the Council and the appellant. I confirm in any event in relation to these points that I have determined the appeal proposal on its individual planning merits and made my own assessment as to its impacts.

Conclusion

24. For the reasons set out above, I conclude that the appeal should be dismissed.

Elaine Worthington

INSPECTOR

Appeal Decision

Site visit made on 6 February 2018

by Elaine Worthington BA (Hons) MTP MUED MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th March 2018

Appeal Ref: APP/N2535/W/17/3188297

Land at Smithy Lane, Bigby

- 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 Pinney against the decision of West Lindsey District Council.
 - The application Ref 135940, dated 9 March 2017, was refused by notice dated 30 May 2017.
 - The development proposed is the erection of a single dwelling with associated access arrangements, car parking and landscaping.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

3. The appeal site is a paddock accessed via a track from the end of Smithy Lane. It is adjacent to an agricultural building to the east and Low Farm to the south with open fields to the west and north. A public footpath runs along the south and west boundaries of the site and forms part of the Viking Way.
4. Policy LP2 of the Central Lincolnshire Local Plan (Local Plan) designates Bigby as a small village where small scale development of a limited nature in appropriate locations can be accommodated. To qualify as an appropriate location the site would; retain the core shape and form of the settlement; not significantly harm the settlement's character and appearance; and not significantly harm the character and appearance of the surrounding countryside or the rural setting of the settlement.
5. The Council accepts that the proposal would not exceed the growth for Bigby anticipated by Local Plan Policy LP4. However, this also sets out a sequential approach to development which prioritises; (1) brownfield land or infill sites in appropriate locations within the developed footprint of the settlement; (2) brownfield sites at the edge of the settlement in appropriate locations; and (3) greenfield sites at the edge of a settlement in appropriate locations.
6. Local Plan Policy LP2 defines the developed footprint of a settlement (for the purposes of Local Plan Policies LP2 and LP4) as the built up area of the settlement and excludes (amongst other things); (a) individual buildings or

groups of dispersed buildings which are clearly detached from the continuous built up area of the settlement; and (b) gardens, paddocks and other undeveloped land within the curtilage of buildings on the edge of the settlement where land relates more to the surrounding countryside than to the built up area of the settlement.

7. The appeal site at the end of a track leading from Smithy Lane. There are dwellings to the south in Smithy Lane including at Low Farm which is immediately to the south of the appeal site. However, the character of the surrounding area is overwhelmingly rural rather than urban. The site sits alongside an agricultural building to the east (with further paddocks to the east of that) and relates closely to the open countryside to the north and west where it separated from the adjoining fields by a post and rail fence. As such, the site appears very much as part of the surrounding rural landscape.
8. This being so, I do not regard the site to be within the developed footprint of the settlement, rather it is a greenfield site at the edge of the settlement and would thus sit within the third tier of development identified by Local Plan Policy SP4. The proposal would be small scale and of a limited nature, but consideration needs to be given as to whether it would represent an appropriate location under the terms of Local Plan Policy LP2.
9. The proposed house would be positioned in the south east corner of the site and would generally be in line with the existing house and buildings at Low Farm to the south. However, Low Farm is separated from the appeal site by the public footpath which runs to the south of the appeal site. The current extent of the residential development served by Smithy Lane, including that at Low Farm, is to the south of this. Although there is an agricultural building immediately to the east of the appeal site this is of a functional rural appearance that is typical of its countryside location and is itself surrounded by open fields.
10. The appeal proposal would extend residential development north of the footpath and would protrude into the countryside there well beyond any other dwellings. Rather than rounding off the village envelope as suggested by the appellant, to my mind it would expand residential development into the countryside and represent an unwelcome intrusion that would fail to respect the core shape and form of this part of the settlement. In doing so it would undermine the open nature of the site on the edge of the village. Even though the proposed house is designed to reflect the local character of the area and use of materials nearby, it would encroach into the countryside and, in introducing a dwelling, would detract from its rural character and appearance.
11. I accept that the proposal would be screened in views from Main Street by the existing agricultural building and would not be visible in views from Smithy Lane due to the intervening buildings and its offset position at the end of the access track. Nevertheless, it would be clearly visible from the adjacent public footpath. It would also be seen from the wider countryside to the north and west. I note the appellant's argument that the proposal would be screened during the summer months by a maize crop in the adjacent field and that it would be seen in some views against the backdrop of the agricultural building and adjacent row of tall conifers. I am also aware that additional hedge and tree planting is proposed to the site boundaries and within the site.

12. That said, the maize would screen the site only partially and for limited periods only and any such new native planting would take some time to establish and would in any case provide only limited screening particularly when it is not in leaf during the winter months. Additionally, views of the house would be possible down the driveway. Thus, overall I am not convinced that these factors would lessen the proposal's unacceptable visual impact to any great extent. In my opinion, it would appear as a prominent and unsympathetic addition to the area that would have an adverse impact on the intrinsic character and beauty of the surrounding countryside which is recognised as an Area of Great Landscape Value (AGLV). Given its location right on the north/west edge of Bigby, it would also serve to undermine the pleasant rural setting of the village to which the appeal site currently makes an important contribution.
13. As such, overall I consider that the proposal would fail to retain the core shape and form of the settlement and would significantly harm the character and appearance of the surrounding countryside and the rural setting of the settlement. Consequently, it would not qualify as an appropriate location for development in Bigby as required by Local Plan Policy LP2.
14. I therefore conclude on this issue that the proposal would be harmful to the character and appearance of the surrounding area. This would be contrary to Local Plan Policies LP2 and LP4. It would also conflict with Local Plan Policy LP17 which indicates that to protect and enhance the intrinsic value of our landscape and townscape, including the setting of settlements, proposals should have particular regard to maintaining and responding positively to any natural and man-made features within the landscape and townscape which positively contribute to the character of the area. Furthermore, it would be at odds with the core planning principle of the National Planning Policy Framework (the Framework) to recognise the intrinsic character and beauty of the countryside and support thriving rural communities within it.

Other matters

15. The Council raises no objections to the proposal in terms of the sustainability of the location or the site's access to services and facilities. Despite the concerns of the Parish Council nor does it object in terms of drainage. There are no other objections from the Parish Council, or from the Ward Councillor or the Public Rights of Way Officer. Nor are there any objections in terms of highway safety, archaeology, ecology, or from members of the public. The absence of harm in these regards counts neither for, nor against the proposal.
16. The appellant owns the land adjacent to the site which is used for keeping horses and would like to live nearby to utilise it fully and to remain in the local area and reduce the need to travel. However, I have seen no substantiated evidence to demonstrate that the appeal proposal is the only way in which these personal benefits to the appellant could be realised. The proposal would also help to support the existing services and facilities in the village and nearby, add to housing land supply, provide ecological enhancements through landscaping and contribute to Council Tax revenues. Although these are all benefits of the scheme, they are limited by the proposal's modest scale for a single dwelling and are insufficient to outweigh the harm I have identified in relation to the main issue in this case.

17. Although I note the appellant's reference to the presumption in favour of sustainable development, I have seen nothing to suggest that the development plan is absent, silent or that the relevant policies are out of date. As such, and given the proposal's conflict with the development plan described, the tilted balance set out at paragraph 14 of the Framework is not engaged in this instance.

Conclusion

18. For the reasons set out above, I conclude that the appeal should be dismissed.

Elaine Worthington

INSPECTOR



Appeal Decision

Site visit made on 6 February 2018

by Elaine Worthington BA (Hons) MTP MUED MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th March 2018

Appeal Ref: APP/N2535/W/17/3187890

Church Farm, Waddington Road, South Kelsey, Market Rasen, Lincolnshire, LN7 6PN

- 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 Douglas Hill against the decision of West Lindsey District Council.
 - The application Ref 135494, dated 15 November 2016, was refused by notice dated 27 April 2017.
 - The development proposed is described as 'the proposal is for a total of 12 detached dwellings with the addition of 3 affordable dwellings. The site also includes a large open space to act as a buffer between the development and St Mary's church.'
-

Decision

1. The appeal is dismissed.

Background

2. The appeal site forms part of a site that has previously been granted planning permission for residential development. It was allocated for housing in the West Lindsey Local Plan 1998 and in the subsequent West Lindsey Local Plan First Review 2006. Most recently outline planning permission¹ for 9 dwellings and 3 affordable dwellings (total of 12 dwellings) was granted in 2012. I understand that these were intended to be developed as individual open market plots. The central access road and other infrastructure works have been completed and one detached house has been built on the western part of the wider site. This is occupied and is excluded from the appeal site.
3. There is disagreement between the parties as to how many affordable homes are proposed. The application form indicates 3, but the Council considers that amendments were made during its consideration of the application to increase this number to 4. However, the appellant confirms that 3 affordable units are proposed and the submitted planning obligation reflects this. Accordingly, I confirm that I have considered the appeal on this basis.

Main Issue

4. The main issue is whether the proposal would provide a suitable site for development having regard to local policies which seek to achieve sustainable patterns of development and protect the character and appearance of the area.

¹ Reference 127235

Reasons

5. The appeal site is a former farmyard. It is accessed from Waddingham Road via an existing access to the side of St Mary's Church (a Grade II listed building). The site adjoins the rear gardens of the properties fronting Brigg Road to the east and open countryside to the west. The proposal is for a total of 15 dwellings.
6. Policy LP2 of the Central Lincolnshire Local Plan (Local Plan) sets out the spatial strategy for the District. It focuses on delivering sustainable growth and concentrating growth on the main urban areas and in settlements that support their roles. It identifies South Kelsey as a small village where, unless otherwise promoted via a Neighbourhood Plan or through the demonstration of clear community support, small scale development of a limited nature in appropriate locations will be accommodated and will be limited to around 4 dwellings.
7. Local Plan Policy LP2 clarifies that appropriate locations means a location which does not conflict, when taken as a whole with national policy or policies in the Local Plan (such as, but not exclusively, Policy LP26). In addition, to qualify as an appropriate location the site if developed would, retain the core shape and form of the settlement, not significantly harm the settlement's character and appearance, and not significantly harm the character and appearance of the surrounding countryside or the rural setting of the settlement.
8. Whilst the Council accepts that the site is suitable for housing, the proposal would represent a significantly larger development than that anticipated by Local Plan Policy LP2 (which sets a limit at 4 units). Although the appellant refers to an emerging Neighbourhood Plan, I understand that this at a very early stage of preparation and have seen nothing to suggest that it promotes the appeal site for development. Nor have I seen any demonstration of clear local community support for the scheme. As such, the proposal is at odds with Local Plan Policy LP2 and the spatial strategy for the District.
9. Local Plan Policy LP4 indicates that South Kelsey will be permitted to grow by 10% in the number of dwellings over the plan period. The appellant considers this equates to 17 or 21 dwellings over the plan period to 2036. The Council confirms that the village has a remaining growth of 18 dwellings. Although Local Plan Policy LP4 sets the % growth for small villages, I am mindful that this is within the context of Local Plan Policy LP2 and the small scale development of a limited nature that this envisages.
10. The appellant has undertaken a sequential search which finds only one potentially suitable alternative site in the village (which is in any case unavailable and would only provide 2 dwellings). Other potential sites are also identified but considered to be unsuitable. The Council does not dispute these findings. I note the appellant's view that only one dwelling has been delivered so far in the village with little evidence of housing sites to meet future need (other than the appeal site). However, I am mindful that the remaining growth for the settlement is to be delivered over the relatively long term period of the Local Plan (some 18 years). Whilst the appellant considers it to be preferable for development to come from a planned estate (such as the appeal site) rather than in an ad-hoc manner, the Local Plan encourages only small scale development of a limited nature in villages such as South Kelsey.

11. The appellant argues that the appeal site has always been part of the developed footprint of the settlement and is an infill site that is in part previously developed land. As such he considers it would fall within Category 1 of the sites for release in Local Plan Policy LP4 (brownfield land or infill sites in appropriate locations within the developed footprint of the settlement). Although the Council does not dispute these matters, I am conscious that even sites in Category 1 are required under the terms of Local Plan Policy LP4 to be in appropriate locations (as defined in LP2).
12. Turning to the matter of appropriate locations, the wider site has in part been developed with the introduction of the single dwelling and the access. The proposal would generally retain the core shape and form of the settlement and the Council raises no objections on this ground. However, the appeal site adjoins open countryside to the west and the proposal would introduce further residential development adjacent to this on the rural edge of the village. The existing house is a large detached dwelling within a generous plot and is set well back from its western boundary with the fields beyond.
13. In contrast, the appeal proposal would introduce detached houses which would for the most part fill the widths of their much more modest plots. In particular, it seems to me that the houses on Plots 9, 10, and 11 would be positioned tightly together with very little space between them. They would also be sited in rather close proximity to the site's boundary with the countryside. The rear of the house on Plot 9 would be located almost hard up to the site's western boundary and those on Plots 10 and 11 would have very shallow rear gardens.
14. This being so, the proposal would introduce a substantial pocket of densely built up development that would be very near to the countryside. Despite the proposed native hedgerow and tree planting on the site's western boundary, this high density development would appear as an abrupt and prominent feature that would be in stark contrast to the open fields to the west. The short rear gardens and lack of space around the dwellings on the western side of the site would fail to provide any sense of transition between the settlement and the adjacent countryside. As such, overall the proposal would be appreciated as an unsympathetic overdevelopment of the site that would seriously undermine the rural edge of the village and detract from the character of the settlement there.
15. Whilst I recognise the site's planning history and the support afforded to it by the previous development plan, the proposal would nevertheless be of a higher density than the development previously approved or allocated there (a maximum of 12 dwellings). Taking all these factors into account, I am not convinced that the proposal would relate well to the site or its surroundings, or that it would be at a density and scale appropriate to its context.
16. The appellant regards the appeal site to be a building site and I have had regard to his argument that its completion would improve the character and appearance of the site and the surrounding area and enhance the setting of the adjacent listed building at St Mary's Church. The proposal includes an area of open space in the southern part of the site adjacent to its boundary with the church and the Council raises no objections as to the proposal's impact on the setting of that heritage asset.

17. That said, I am not persuaded that the site's current condition detracts unduly from the character and appearance of the area or that it adversely affects the setting of the church to any great extent. Since I have found the proposal would be harmful to the character and appearance of the surrounding area, I am not convinced that it would represent an improvement over and above the current situation. Besides, it seems to me that these benefits of completing the development of the site could be realised via a less substantial scheme more akin to those previously intended there.
18. The appellant advises that the completion of the previously approved development on the wider site was suspended due to economic conditions but that the intention was always to complete the development. He also mentions that a lower amount of development on the site would not be viable. However I have seen no substantiated evidence in this regard or information to demonstrate why the completion of the site could only be achieved by a scheme for 15 houses. I have also had regard to the appellant's argument that if it remains undeveloped the site may become overgrown and detract further from the visual amenity of the area. However, I am not convinced that in practical terms this fallback position would be more harmful than the appeal proposal.
19. Bringing matters together, notwithstanding the site's planning history, the scale of the development proposed (for which there is no clear community or Neighbourhood Plan support) is contrary to Local Plan Policy LP2 and so would undermine the Council's spatial strategy and settlement hierarchy. Furthermore, since it would cause significant harm to the character and appearance of the settlement and its rural setting, it would not be an appropriate location under the terms of Local Plan Policy LP2. It would also fail to support the aims of Local Plan Policy LP26 which requires development to achieve high quality sustainable design that contributes positively to local character, landscape and townscape, and to take into consideration the character and local distinctiveness of the area and create a sense of place, and to demonstrate that it respects the existing topography, landscape character and identity and relates well to the site and surroundings, particularly in relation to siting, height, scale, massing form and plot widths (c).
20. I therefore conclude on the main issue that the proposal would fail to provide a suitable site for development having regard to local policies which seek to achieve sustainable patterns of development and protect the character and appearance of the area and would be contrary to Local Plan Policies LP2 and LP26. It would also fail to support the core planning principle of the National Planning Policy Framework (the Framework) to secure high quality design.

Other matters

21. The proposal would contribute to housing land supply and would provide three affordable units in line with Local Plan Policy LP11 and the requirements set out in the Strategic Housing Market Assessment. A planning obligation has been provided in this regard and I appreciate that affordable housing may not be required on alternative smaller schemes in the village. The proposal would also bring new residents to the village and support the services and facilities there including those at the Church. This would help to enhance and maintain the vitality of the rural community in South Kelsey. These are all benefits of the proposal which count in its favour.

22. However, even taken together these benefits are insufficient to outweigh the harm I have identified in relation to the main issue in this case. As such, I confirm that it has not been necessary for me to consider the details of the submitted planning obligation further or in the light of the tests set out at paragraph 204 of the Framework.
23. The Council does not dispute that the site is in a sustainable location with suitable access to services, facilities and public transport. Despite the concerns of local residents, the Council considers that adequate separation distances to nearby dwellings are achieved and raises no objections to the proposal in terms of its impact on the living conditions of nearby occupiers. Subject to the imposition of conditions, nor does the Council object to the proposal in terms of flood risk or drainage. Additionally there are no objections from statutory consultees. I have seen nothing that would lead me to a different view on any of these matters. However, the absence of harm in these regards counts neither for, nor against the proposal.
24. The appellant considers that it is unreasonable (in terms of residential amenity) to expect the occupier of the existing house to live on an uncompleted development marooned in a building site. However, whilst I am not aware of the circumstances that led to only a single dwelling being completed on the wider site, I am not convinced that the state of the appeal site as things stand causes any undue harm to the living conditions of the occupiers of that property. For the reasons set out above, I am also conscious that the completion of the wider site via an alternative scheme cannot be ruled out.
25. The appellant refers to an application for 20 dwellings at a site in Brigg where a single dwelling had been built and the Council permitted the other dwellings in order to complete the development. I am not aware of the full circumstances that led to that decision so cannot be sure that they are the same as in the case before me. I confirm in any event that I have considered the appeal on its individual planning merits and made my own assessment as to its potential impacts.

Conclusion

26. For the reasons set out above, I conclude that the appeal should be dismissed.

Elaine Worthington

INSPECTOR



Appeal Decision

Site visit made on 6 February 2018

by Elaine Worthington BA (Hons) MTP MUED MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th March 2018

Appeal Ref: APP/N2535/W/17/3183113

Charolands Camp Site, Ingham Road, Stow, Lincoln, LN1 2DG

- 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 & Mrs Howes against the decision of West Lindsey District Council.
 - The application Ref 136307, dated 31 May 2017, was refused by notice dated 13 July 2017.
 - The development proposed is the redevelopment of the existing caravan park to provide a single new dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the redevelopment of the existing caravan park to provide a single new dwelling at Charolands Camp Site, Ingham Road, Stow, Lincoln, LN1 2DG in accordance with the terms of the application, Ref 136307, dated 31 May 2017 subject to the conditions in Annex A.

Procedural Matter

2. The application was submitted in outline with all matters reserved for future consideration. However, an indicative plan was provided showing a two storey dwelling with access taken from Ingham Road via the existing driveway, to which I have had regard.

Main Issue

3. The main issue in this case is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

4. The appeal site is part of a campsite for touring caravans. It comprises a grassed area with gravel parking areas and the wider site is enclosed by a fence with some boundary hedgerows and trees. It is immediately adjacent to the dwelling at Charolands. There are open fields to the north and a paddock to the east with a further dwelling beyond. The Council accepts that the appeal site is on the edge of the settlement of Stow.
5. Policy LP2 of the Central Lincolnshire Local Plan (Local Plan) designates Stow as a small village where small scale development of a limited nature in appropriate locations can be accommodated. As a single dwelling the proposal would align with the growth levels anticipated in Stow by Local Plan Policy LP4.

6. However to qualify as an appropriate location the site would; retain the core shape and form of the settlement; not significantly harm the settlement's character and appearance; and not significantly harm the character and appearance of the surrounding countryside or the rural setting of the settlement.
7. Local Plan Policy LP26 requires all development to achieve high quality sustainable design that contributes positively to local character, landscape and townscape. Criterion (e) requires proposals to demonstrate that they do not result in ribbon development, nor extend existing linear features of the settlement and instead retain, where appropriate a tight village nucleus.
8. The appellants consider the site to be brownfield land. I have seen no response to this from the Council but am mindful of Annex 2 of the National Planning Policy Framework (the Framework). This defines previously developed land as that which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure. The appeal site has an access driveway which runs from the road into the centre of the site with a number of spurs that provide areas of hardstanding for the caravans. However, there are no permanent structures there and it has not been put to me that any previously existed. As such, based on the evidence before me, I do not regard the site to be previously developed land under the terms of the Framework.
9. Nevertheless, the site forms part of a wider area that has an established use as a campsite. Although its use by touring caravans is transient and periodic, it is nevertheless laid out with a significant amount of hardstanding. This being so, despite its generally open nature, it does not appear as a paddock and does not read obviously as part of the wider open countryside to the north and east. The appeal site takes in the south west corner of the wider campsite only and aligns with the depth and width of the curtilage of Charolands. It relates closely to that existing development which itself forms part of the continuous form of the built up part of the settlement that stretches further to the west. The village speed limit restrictions end just eastwards of the appeal site entrance and there is existing residential development on the south side of Ingham Road opposite the site.
10. Whilst the proposal would be ribbon development, it seems to me that the campsite is to some extent already an existing linear feature of the settlement. Although the proposal would introduce a dwelling in place of the campsite, it would not extend this existing pattern or impinge into the open countryside. Rather, it would contain development into a smaller part of the wider site. Nor would it expand development beyond the extent of residential development on the south side of the road. The appellants advise that the campsite is to become redundant and so that use of the wider site would cease as a result of the appeal scheme. An open area would thus be retained to the east and north of the appeal site that is within the appellants' control. A planning condition could be imposed to secure the removal of the hardstanding from this remaining campsite land along with its restoration to grassland. There is a paddock east of the campsite boundary and the single dwelling beyond that would remain well separated from the appeal site and the main built up extent of the village.

11. Taking all these factors into account, I am not persuaded that the proposal would unduly undermine the core shape and form of the settlement or threaten the overall form of the village. Thus it would be inkeeping with the character and appearance of the settlement and would not detract from the character and appearance of the surrounding countryside or compromise the rural setting of Stow.
12. Although I have not been provided with any further details, I appreciate that the Council has refused planning applications to the east of the appeal site. I have had regard to the concerns raised by the Council and local residents that to approve the appeal scheme would set a damaging precedent for future development of this type. However, no directly comparable sites to which this might apply have been put forward and given that I have concluded that the proposal would be acceptable, I can see no reason why it would lead to harmful developments on other sites in the area. Each application and appeal must be determined on its own individual merits and a generalised concern of this nature does not justify withholding planning permission.
13. I therefore conclude on the main issue that the proposal would cause no harm to the character and appearance of the surrounding area. Thus I see no conflict with Local Plan Policies LP2 or LP26. I am also content that the proposal would support the Framework's core planning principles to secure high quality design and recognise the intrinsic character and beauty of the countryside.

Other matters

14. Despite the concerns of local residents, the Council raises no objections to the site's access to services and facilities or in terms of any likely increase in car usage or traffic on Ingham Road. Nor are any highway or pedestrian safety concerns raised and, subject to the imposition of a condition, the Council is satisfied that the site can be adequately drained. I have seen no substantiated evidence that would lead me to take a different view on these matters.

Conclusion and Conditions

15. For the reasons set out above, I conclude that the appeal should be allowed.
16. I have considered the Council's suggested conditions in light of the advice in the National Planning Practice Guidance. I have attached conditions limiting the life of the planning permission and setting out requirements for the reserved matters in accordance with the requirements of the Act. It is necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. A condition relating to foul and surface water disposal is required to ensure the site is appropriately drained and to prevent flooding and water pollution. A condition requiring a Written Scheme of Archaeological Investigation is needed in the interests of sustaining and enhancing the significance of heritage assets. I have also imposed a condition to secure the restoration of the remaining campsite area to grassland in the interests of the character and appearance of the area. Whilst the Council suggests conditions relating to turning for vehicles within the site and materials for hardstanding areas, I am satisfied that these can be controlled via the reserved matters.

Elaine Worthington

INSPECTOR

Annex A

- 1) Details of the access, appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plan: Drawing number A1/101 dated 01/2016 (but only in respect of those matters not reserved for later approval).
- 5) Development shall not commence until drainage works for the disposal of foul and surface water shall have been carried out in accordance with details which shall have been submitted to and approved in writing by the local planning authority.
- 6) No development shall take place until a Written Scheme of Archaeological Investigation shall have been submitted to and approved in writing by the local planning authority. The scheme shall include: an assessment of significance and proposed mitigation strategy; a methodology and timetable of site investigation and recording; provision for site analysis; provision for publication and dissemination of analysis and records; provision for archive deposition; nomination of a competent person/organisation to undertake the work; and shall be in accordance with the Lincolnshire Archaeological Handbook. No development shall take place other than in accordance with the approved Written Scheme of Investigation.
- 7) No development shall take place until details of a scheme to remove the areas of hardstanding from the remaining campsite land (edged blue on the approved plan) and restore it to grassland shall have been submitted to and approved in writing by the local planning authority. These details shall include an implementation programme. The restoration works shall be carried out in accordance with the approved details.