

AGENDA

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

Planning Committee

Wednesday, 19th September, 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 - 6)
 - i) **Meeting of the Planning Committee held on 25 July 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** (VERBAL REPORT)

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) 138157 - Bleak Farm, Cherry Willingham (PAGES 7 - 25)

7. **Determination of Appeals** (PAGES 26 - 48)

Mark Sturgess
Head of Paid Service
The Guildhall
Gainsborough

Tuesday, 11 September 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 25 July 2018 commencing at 6.30 pm.

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

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

In Attendance:
George Backovic Principal Development Management Officer
Russell Clarkson Development Management Team Leader
Danielle Peck Development Management Officer
Martha Rees Legal Advisor
James Welbourn Democratic and Civic Officer

Apologies: Councillor Roger Patterson

26 PUBLIC PARTICIPATION PERIOD

There was no public participation.

27 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting dated 27 June 2018 were agreed as a true record and signed by the Chairman.

28 DECLARATIONS OF INTEREST

All Members present declared an interest in application 137810, Churchill Way, Lea as the applicant was known to them as a fellow Member of the Council.

29 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

The Development Management Team Leader updated the Committee on the latest changes in planning policy.

A new National Planning Policy Framework (NPPF) was published on 24th July and came into immediate effect.

The Central Lincolnshire authorities are undertaking review as to any implications arising for the Central Lincolnshire Local Plan and this would be circulated to Members when available.

Some key headlines were:

- The introduction of a housing delivery test for local authorities in November 2018;
- Failure to show a five-year housing land supply or meet delivery targets (25% of need by November 2018; 75% by November 2020) would trigger the presumption in favour of sustainable development for housing applications;
- The new NPPF said that councils must accommodate 10% of their housing requirement on small/medium sites.

NPPF2 can be viewed here: <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

30 137810 CHURCHILL WAY LEA

The Principal Development Management Officer introduced application no. 137810, an application for a first floor extension over an existing double garage.

The Planning Officer present confirmed that the application had been assessed against the revised NPPF and it wasn't considered to raise any implications or alter the officer's recommendation.

It was confirmed that if the applicant was not a Member of the Council then this application would not have come before the Committee.

There were no further questions or comments and it was therefore moved, seconded and voted upon that permission be **GRANTED** in accordance with the conditions as set out in the report.

31 137511 LAND AT PINGLEY VALE, BIGBY HIGH ROAD, BRIGG

The Principal Development Management Officer introduced application no. 137511, a planning application to erect 13no. dwellings at Pingley Vale, Bigby High Road, Brigg DN20 9GZ.

The application had been assessed against the revised NPPF and did not alter any considerations nor did it alter the officer recommendation.

There was one speaker on the application, Mr Andrew Burling from Cyden Homes, the applicant for the application. Points he raised are listed below:

- The land in question was a former prisoner of war facility known as Pingley Camp, later used for low level commercial operations before falling into disuse. The northern

section of the site had recently been completed and was known as Pingley Park;

- The land on the southern section of the site was classified as brownfield land and contained derelict buildings, areas of contamination and sheet structures. All of these buildings and contamination had been removed and decontaminated by Cyden Homes;
- The land did have outline approval for 10 dwellings back in 2008, with subsequent reserved matters approved on a plot by plot basis; however due to market forces this permission had elapsed, with the exception of plot 4 which had been lived in for a number of years now;
- The site was acquired by Cyden Homes in 2014, with a planning application submitted for Pingley Park granted in October 2015. The final properties on that section of the site were completed in March 2018;
- The road network for the site was constructed, and then subsequently inspected by Lincolnshire County Council's Highways department. This road also connected to plot number 4 and the land to the rear of that property, connecting the plot to Bigby High Road. The road was pending adoption following a 12 month maintenance period;
- This application would complete the picture in that particular area of Bigby High Road;
- Cyden Homes contributions towards affordable housing for this development are around £176,000, and have also demonstrated they are committed to providing homes in West Lindsey.

Councillor Lewis Strange, district ward Councillor for the application was unable to make it to Committee, but wanted to reinforce his comments in the report. In response, the Principal Development Management Officer informed Committee that Lincolnshire County Council Highways had visited the road on the site for a second time, but there was no grounds to impose a lower speed limit.

Members then had a discussion about the application, and the following points were highlighted:

- LP2 of the Central Lincolnshire Local Plan (LP2) (settlement hierarchy) and part 6 of LP2 may apply to this application;
- There was opposition to the application on highways grounds;
- The lowering of the speed limit on Bigby High Road requested by Bigby Parish Council and district Councillor Lewis Strange was for desirability, and wasn't on safety grounds;
- This land was in the plan preceding the 2006 First Draft Review West Lindsey Local Plan;
- If the committee were minded to agree with the officer recommendation, then this application should be approved in isolation, and should not be used as a standing

precedent;

- It was understood that there had been a joint bid from North Lincolnshire and Lincolnshire County Councils to the safer roads fund to make improvements to Bigby High Road. It was also understood that this bid had been approved.

There were no further questions or comments and it was therefore moved, seconded and voted upon that the decision to grant planning permission be **AGREED**, subject to conditions, and would be 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:-

- An affordable housing contribution of £125,928.00

In addition to the S106 as the Community Infrastructure Levy (CIL) is in force a contribution to this will also be required.

In the event of the s106 not being completed and signed by all parties within 9 months from the date of this Committee, then the application will be reported back to the next available Committee meeting following the expiration of the 9 months.

32 DETERMINATION OF APPEALS

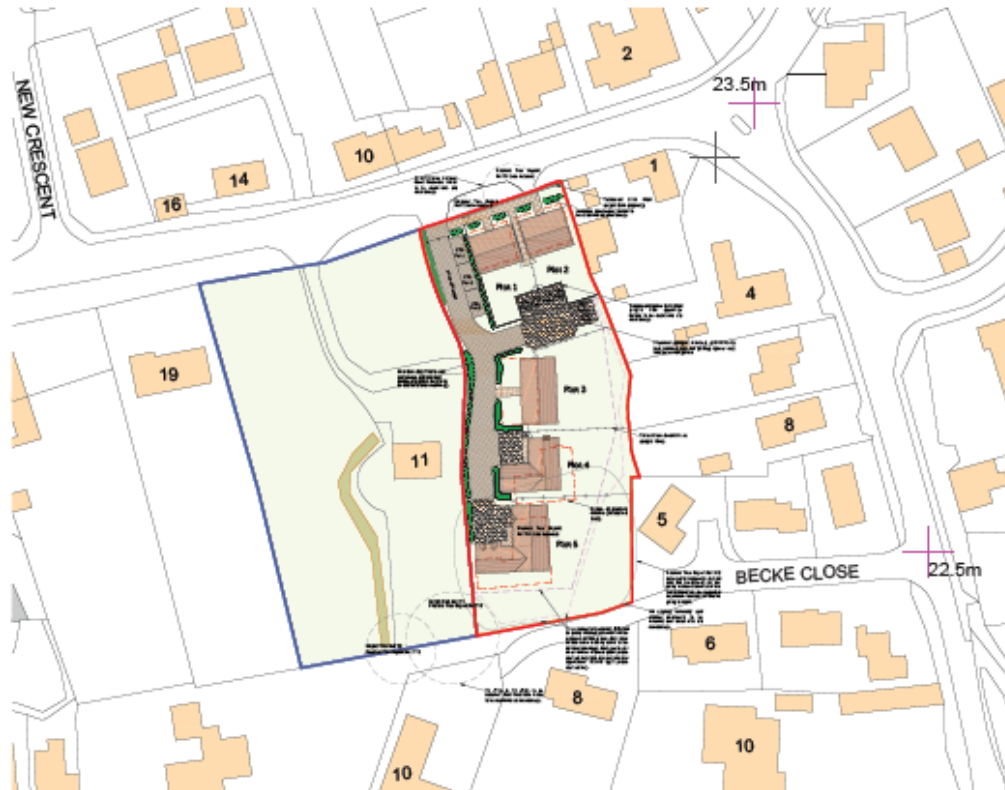
The Chairman highlighted there were three appeal decisions on this occasion.

One Member expressed disappointment with the building of houses in rear gardens.

RESOLVED that the determination of appeals be noted.

The meeting concluded at 18:50.

Chairman



PROPOSED SITE PLAN
1:100

Accommodation Schedule

Ref.	Style	Floor Area	Beds	Parking
Plot 1	Healthy	332m ²	4	Three Car Parking Spaces
Plot 2	Healthy	332m ²	4	Three Car Parking Spaces
Plot 3	New Singlebricks	253m ²	4	Three Car Parking Spaces
Plot 4	Decorous	376m ²	4	Integrated Double Garage & Two Car Parking Spaces
Plot 5	Singlebricks	283m ²	4	Integrated Double Garage & Two Car Parking Spaces
Total Market Housing GFA (excluding garaging) = 944m ²				

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Ref.	Description	Date	Author	Checker
001	Final Design	15/03/2024	AS	AS
002	Revisions	16/03/2024	AS	AS
003	Revisions	16/03/2024	AS	AS
004	Revisions	16/03/2024	AS	AS

Client
Tennysen Homes Ltd

Project File
Residential Development in Charry Willingham

Site Name
Land South of High Street,
Charry Willingham, Lincoln
LN2 6UN

The
Proposed Site Plan

Employment Ref
J1548-PL-02

Section
PD4

Drawn
MJD

Checked
MJD

Scale
1:100

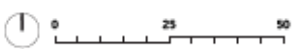
Date
15/03/2024

File
AL



Origin Design Studio Ltd
Holly House, Meadow Lane
South Hykeham, Lincoln LN6 6PP

T. 01522 405100
E. info@origindesignstudio.co.uk
www.origindesignstudio.co.uk



Officers Report

Planning Application No: 138157

PROPOSAL: Planning application to erect 5no. detached dwellings

LOCATION: Land adj Bleak Farm High Street Cherry Willingham LN4 3AH

WARD: Cherry Willingham

WARD MEMBER(S): Cllr Mrs A Welburn, Cllr Mrs M Palmer and Cllr Mr C Darcel

APPLICANT NAME: Mr H Roe

TARGET DECISION DATE: 24/09/2018

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Ian Elliott

RECOMMENDED DECISION: Grant permission subject to conditions

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

Proposal:

This full application has been submitted to construct five two storey four bedroom dwellings with two street frontage dwellings and three behind.

Site:

The application site is an area of land (0.32 hectares) positioned in the centre of Cherry Willingham. The wider site has a previous agriculture history of being farmstead (farmhouse and barns) but this use has now ceased. This site is now in an untidy condition with a derelict lean to barn to the front and a modern portal framed agricultural building (open to ends and sides) and orchard to the rear. Its appearance includes piles of rubble, bricks, roof tiles, timber and other items. The site is set just back from and above the highway and slopes upwards from north to south. The site is open to the north boundary with the occasional tree with a mix of fence panels, walls and hedging to the east. The south boundary is screened by high trees and hedging. The west boundary is screened to the rear half by high hedging and is open to the front half. Neighbouring dwellings are adjacent or opposite to the north, east and south. The remainder of the unused agricultural site sits to the west including the run down unoccupied farmhouse. A protected tree sits in the south west corner of the site. There are Listed Buildings in the vicinity of the site. These are:

- The Manor House - Grade II Listed (approximately 26 metres to the south east)
- 21, 23, 25 and 27 High Street - Grade II Listed (approximately 95 metres to the west)

Relevant history:

132418 - Outline planning application for erection of up to 13no. dwellings with all matters reserved and the conversion of a barn to a dwelling – 23/08/16 - Granted with Legal Agreement

137057 - Planning application for the residential development of 5no. detached dwellings - 04/05/18 –Refused (Planning Committee) – Notification of an appeal has been received (no start date as yet)

Reasons for refusal:

The proposed development will not protect the historic village centre of Cherry Willingham, its setting and its heritage assets including non-designated heritage assets through its detrimental layout and design. The proposal is therefore contrary to local policies LP25 and LP26 of the Central Lincolnshire Local Plan, guidance within the National Planning Policy Framework, particularly paragraph 58, 128, 132 and 133 and the statutory duty set out in section 66 of Planning (Listed Buildings and Conservation Areas) Act 1990

Representations

Cllr Welburn:

- The Planning Committee stated for the outline that they wished the details to go back to them for consideration: This is the 2nd new application on the same theme and as such should go back to the Planning committee for their comments.
- This application sits below the threshold for affordable housing but, clearly with the adjacent land, the site is overall larger; and the adopted policy allows for requirement of affordable provision when it is clear that a larger comprehensive scheme (that would be in excess of the relevant threshold) should deliver such units. Therefore, the site as a whole should be considered as Cherry Willingham is in need of affordable houses and the rules should not be circumvented by intermediate applications.
- It is also important from a conservation point of view, this is the centre of the village and is of historical importance, in the original application it was deemed that the house and barns should be saved and the development be in keeping with the surrounding street scene, through neglect and deliberate ignoring of the rules the barns have now been destroyed although the bricks have been stored, therefore amends should be made and care taken to restore the visual effect even if the original cannot be rebuilt.
- Paragraph 58 of the NPPF, as well as the adopted Local Plan policy and the Neighbourhood Plan seeks to ensure good design that will establish a strong sense of place, add to the overall quality of the area, respond to local character and optimise the potential of the (larger) site to accommodate development. Unfortunately, this design is very generic and has no design theme to complement the site and its setting next to the

farmhouse and at the historic centre of the village. No consideration is apparent of heritage or streetscape issues and the site's relationship with the street scene.

Cherry Willingham Parish Council: Objections and comments

No objection 'in principle' for residential purposes, however we do not believe this application is appropriate for this site and object to the application for the reasons detailed below. It is important that this new application is determined by committee (as was the previous refused full application in May 2018) to ensure the important heritage aspects of this site are fully considered and should permission be granted conditioned appropriately.

Heritage

The site until comparatively recent times was a working farmstead which by virtue of its age, associated activities and rural agricultural character undoubtedly defined this particular part of the village. Collectively, those qualities inform its status as a non-designated heritage asset. As confirmed by the emerging Neighbourhood Plan.

Visual Impact and Design

- Current condition of the site does not in itself provide any justification for the granting of this particular proposal.
- It is uncertain that this proposal would respond to local character and feels that the design is very generic and has no design theme to complement the site and its setting next to the farmhouse and at the historic centre of the village.
- No consideration is apparent of heritage or streetscape issues and the site's relationship with the street scene.
- Traditional materials are being proposed (e.g. clay pantiles) which is good, given the style of dwelling proposed, but the detailing is somewhat bland and suburban.
- Proportions/detailing for some window openings need reviewing and chimney stacks should be larger as a design feature to be proportionate to the scale of the dwellings and to enliven the roofscape (see immediately across the road. A more bold but honest contemporary approach would be a better fit for the site and strengthen 'sense of place'.
- Close boarded fencing is indicated, but where prominent (i.e. along the access road), this should be brick to tie the development together (and that could perhaps reflect the site history with the brick barns).
- Surface treatment to the road is also key - pavers would be suburban and not appropriate, although gravel or resin surface may work.
- A design statement/commitment of some sort should be requested and justified showing how a high quality development is being proposed.

Highways

- Additional private drives would be needed for the remainder of the site leading to a plethora of openings and harm to the street scene.

Other

- Wishes to flag up that affordable housing is needed as part of this development in due course.
- CIL should apply to the development
- The site as a whole should be considered at the same time.
- Has concerns that the whole site will end up a 'bitty' design if the whole site is not considered at the same time.

Local residents: No representations received to date

LCC Highways/Lead Local Flood Authority: No objections subject to conditions and advisory notes

Archaeology: Comments

The developer's Heritage Statement is wholly inadequate, having been produced using data obtained from the Heritage Gateway website, which includes only basic information aimed at the general interest user. It is not equivalent to the official Historic Environment Record that comprises a comprehensive and dynamic information service maintained by Lincolnshire County Council, which includes a range of data and locational information not available on this public website. It is also apparent that appropriate expertise has not been used in compiling the statement, which is evident not only in its failure to use the minimum sources of data required by the NPPF, but also in the failure to describe rather than list nearby designated and non-designated assets, and the lack of consideration of how the proposed development will actually affect them or their setting. There is also no consideration of the proposed development's impact on below ground archaeology, despite its position at the centre of the medieval village of Cherry Willingham, adjacent to its Grade II Listed Manor House, and less than 200m from Saxon settlement revealed during previous housing development nearby.

Recommendation: it is recommended that more information be required from the developer in the form of a heritage impact assessment. This should detail the significance of heritage assets to be affected by these proposals, both above and below ground, and the impacts the development will have on them, and justification for any harm. The assessment should provide the local planning authority with sufficiently detailed information in order to make a reasoned decision regarding the development's impacts on the historic environment.

Conservation Officer: No representations received to date

Tree and Landscape Officer: No objections

If sizes and positions haven't changed then I would expect my comments to remain the same. If the change is only in relation to material then they will have no relevance to trees and hedges.

IDOX checked: 5th September 2018

Planning Policy

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

LP10 Meeting Accommodation Needs

LP13 Accessibility and Transport

LP14 Managing Water Resources and Flood Risk

LP16 Development on Land Affected by Contamination

LP17 Landscape, Townscape and Views

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/>

Cherry Willingham Neighbourhood Plan

Cherry Willingham Parish Council has formally submitted their Neighbourhood Development Plan and associated documents for consideration as part of the Neighbourhood Plan Regulations 2012 (as amended). West Lindsey District Council will now consult with the public and consultation bodies. The consultation period began on Monday 25 June 2018 and closed at 5pm on Monday 20 August 2018. The results of the consultation and inspectors assessment is unknown to date. Paragraph 48 of the National Planning Policy Framework sets out the weight that may be given to relevant policies in emerging plans in decision taking. With consideration given to paragraph 48 of the National Planning Policy Framework the draft version of the Cherry Willingham Neighbourhood Plan can be afforded increasing weight. The policies relevant to this application are noted to be:

Policy H3: Infill Development in Cherry Willingham

Policy HE1: Protecting the Historic Environment

Policy D1: Design Principles for Cherry Willingham

<https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/all-neighbourhood-plans-in-west-lindsey/cherry-willingham-neighbourhood-plan/>

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>

Greater Lincolnshire Biodiversity Action Plan 2011-20 (3rd Edition)

<http://www.glnp.org.uk/admin/resources/lincs-bap-2011-2020-review-2015final.pdf>

Main issues:

- Principle of the Development
Central Lincolnshire Local Plan 2012-2036
National Planning Policy Framework
Cherry Willingham Draft Neighbourhood Plan
Extant Planning Permission 132418
Concluding Assessment
- Listed Buildings
- Visual Impact
- Residential Amenity
- Archaeology
- Impact on Trees
- Highway Safety
- 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.

This application has been submitted 3-4 months after the refusal of planning application 137057 by the Planning Committee. The difference between this application and 137057 is the materials used particularly to plots 1 and 2.

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 Cherry Willingham as a large village and *'to maintain and enhance their role as large villages which provide housing, employment, retail and key services and facilities for the local area, the following settlements will be a focus for accommodating an appropriate level of growth'*. LP2 states that most of the housing growth in Cherry Willingham will be *'via sites allocated in this plan, or appropriate infill, intensification or renewal within the existing developed footprint'*. The application site is not an allocated site but is an appropriate infill site within the developed footprint of Cherry Willingham.

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.

Submitted Cherry Willingham Neighbourhood Plan:

As listed above the Cherry Willingham Neighbourhood Plan currently has increasing weight in the decision making process and the relevant policies are listed in the policies section above.

Policy H3 sets out criteria for infill development placing importance on the character of the area and the impact on the setting of heritage assets.

Policy HE1 provides a map identifying the position of Listed Buildings (Map 3) and Non-Designated Heritage Assets (Map 4) within the settlement and importance on protecting their setting.

Policy D1 provides design principles for all new development in the settlement and sets out criteria in different categories such as character, landscape and parking.

Extant Planning Permission 132418:

The application site is the eastern section of a larger site given outline planning permission for residential development (see history section) on 23rd August 2016. This permission gave three years for the submission of the reserved matters application, namely access, scale, appearance, layout and landscaping.

Concluding Assessment:

It is therefore considered that the principle of residential development on the site has already been established and the development can be supported subject to satisfying other material considerations.

Impact on Listed Buildings and Non-Designated Heritage Assets

The site is located within the setting of Listed Buildings. The Manor House is to the south east and is divided from the site by other residential dwellings. The Listed Buildings off High Street are almost 100 metres away. The setting of these Listed Buildings is currently harmed by the current untidy condition of the site and the adjacent land to the west.

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'*.

Policy HE1 of the Submitted Cherry Willingham Neighbourhood Plan (SCWNP) sets out criteria for protecting Heritage Assets within Cherry Willingham. Map 3 (pg30) and Map 4 (pg31) of the SCWNP identifies the location of Listed Building and Non-designated Heritage Assets. In particular criteria 1 of HE1 lists what needs to be considered when assessing the impact of development on a heritage asset.

Guidance contained within Paragraph 189 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 193 states that *'great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'*

Paragraph 195 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'*

Paragraph 197 states that *'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'*.

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'*.

The Local Authority's Conservation Area Officer (CAO) has not submitted any comments but in refused planning application 137057 the CAO stated that *'the proposed development appears standard and formulaic, particularly when*

you take into account the heritage assets that existed and how these contributed, most unusually, to a streetscape' and that 'currently, the application contains insufficient information, which does not then allow the LPA to have 'special regard' as is required under section 66 of the LB&CA Act 1990.'

The application has included the submission of a Heritage Statement dated 30th July 2018 which states that the development '*will be able to contribute to the setting of the site, the nearby existing historic assets and enjoyment for the future homeowners*'. In the design section it states that plots 1 and 2 will '*reference the historic use of the site*' in detail and materials.

The previous comments of the Conservation Officer are noted, however the site already has outline permission (132418) for residential dwellings. Included in the outline application which gained permission was an indicative layout which suggested that the dwellings to the rear of the site were to be more standard dwellings with possibly a small run of agricultural barn style terraced dwellings (plots 2-4) to the front. However planning permission 132418 does not include a condition stipulating that the dwellings to the front are designed with an agricultural barn appearance.

Taking into consideration the condition of the site and the planning history of the site it is considered that the proposal due to the siting, scale, massing and design of the dwelling will at least preserve the setting of nearby Listed Buildings and non-designated heritage assets. Therefore the proposal will accord with local policy LP25 of the CLLP, policy HE1 of the SCWNP, the statutory duty set out in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and guidance within the NPPF.

Visual Impact

Objections have been received from the local ward member and the Parish Council in regards to the visual impact of the development.

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 SCWNP sets out criteria for infill developments (Policy H3) and design principles (Policy D1). Policy D1 states that '*proposals shall only be supported where they are of a high standard of design that have fully considered the relevant design principles*'.

The site as observed at the site visit is currently in poor condition in terms of its ground condition, existing derelict buildings, piles of different materials and

other items left on site such as a bath, oil drum and tyres. The condition of the site currently detracts from the street scene along the High Street and the setting of the nearby listed buildings to the west and the buildings opposite which are considered as non-designated heritage assets in the SCWNP.

The development proposes to construct five detached two storey dwellings with 4 bedrooms to be constructed from (identified on application form):

- Reclaimed Red Bricks from the site (Plot 1 and 2)
- Red Brick (Plot 3, 4 and 5)
- Lincoln Clay Pantiles
- UPVC brown timber effect windows
- Brown timber composite door (Plot 1 and 2)
- Composite door (Plot 3, 4 and 5)

The proposed three dwellings behind plots 1 and 2 are standard dwellings but each dwelling has a different design therefore provides more interest than a development which proposes an identical dwelling and plot layout for plot 3-5. The submitted heritage statement states that *'in terms of detailing on the proposed elevations, the units (in particular units 1 & 2) reference the historic use of the site and the exact details can be dealt with via condition(s)'*.

The site is in a prime location in the centre of the settlement and in desperate need of redeveloping to improve the visual appearance and street scene along this stretch of high Street.

The site is 0.32 hectares in size and can accommodate the five dwellings proposed whilst providing sufficient garden space and off street parking. In comparison to the indicative site layout (L-BOW-025-SLPP Revision E dated 11th September 2015) proposed in outline planning permission 132418 this development provides less density of dwellings from 7 to 5 dwellings.

The area around the development site includes a mix of frontage dwellings and dwellings will sit further back from the main highways through Cherry Willingham along cul-de-sacs or no through roads. This includes Becke Close to the south east/south and Blacksmith's Green to the north.

Therefore given the present condition of the site the proposal will not have a significant adverse visual impact on the site, the street scene or the surrounding village of Cherry Willingham therefore accords to local policy LP17 and LP26 of the CLLP, policies H3 and D1 of the SCWNP and guidance within the NPPF.

Residential Amenity

The site has neighbouring dwellings adjacent or opposite in all directions. No objections have been received from neighbouring residents.

On the opposite side of High Street to the north is 4, 6, 8 and 10 High Street. To the east of the site is 1 High Street, 4, 6, 8 Church Lane and 5 Becke Close. To the south is 8 and 10 Becke Close. The proposed dwellings given

the separation distance will not impact on the living conditions of these neighbouring dwellings through a loss of privacy, an overbearing impact or a loss of light.

To the west of the site is Bleak Farm Farmhouse which is unoccupied and currently in an uninhabitable deteriorating condition. Although it seems unlikely it is possible that this dwelling could be refurbished and occupied again in the future. Proposed plot 4 and plot 5 will have bedroom windows which will look towards the east and south elevations of the farmhouse and the rear garden space. The farmhouse would still have some areas of privacy in its rear garden space. Consideration is given to the separation distances and the proposed uses of the rooms. Therefore it is considered that some overlooking of the farmhouse would occur if occupied but not to a significant degree. The proposed dwellings will not cause an overbearing impact or loss of light on the farmhouse.

It is important to consider the impact of the proposed dwellings on each other although there is a degree of buyer beware. The proposed dwellings have been positioned and designed including first floor openings to ensure the dwellings will not have a significant harm on the living conditions of the future residents.

Due to the close proximity of neighbouring dwellings it is considered that a construction method statement is required to ensure the construction phase considers the neighbouring residents. This will be a condition on the permission.

The proposal includes parking to the side of plot 1 (1 space for plot 1, 2 and 3) and an area of 6 parking spaces (2 spaces for plot 1, 2 and 3) between the rear boundaries of plot 1/2 and the north side boundary of plot 3. The parking spaces to the side of plot 1 is not ideal but the amount of vehicle movements will not significantly disturb the residents of plot 1. The parking to the rear has close access to each serving dwelling and will be covered by natural surveillance from the rear of plots 1, 2 and 3.

Overall it is therefore considered that the proposed dwellings will not have a significant impact on the living conditions of neighbouring dwellings or future residents of the site therefore is in accordance with LP26 of the CLLP, policy D1 of the SCWNP and guidance contained with the NPPF.

Archaeology

The Historic Environment Officer at Lincolnshire County Council has requested the submission of a Heritage Impact Assessment including below ground archaeology. This representation is in complete conflict with representations made during refused planning application 137057 where the Historic Environment Officer at Lincolnshire County Council had no objections to the proposal.

It is considered unreasonable and unnecessary to require further archaeology information to be submitted when no further information was required only four months ago.

Impact on Trees

The application site includes a protected tree in the south west corner of the site and an old traditional looking orchard to the rear.

Protected Tree:

The relocation of plot 5 has moved it outside the root protection area of the protected tree and provided better clearance from its crown. The Authority's Tree and Landscape Officer has stated that the comments submitted during refused planning application 137057 are still relevant to this new application. Therefore the Tree and Landscape Officer has no objections regarding the protected tree subject to conditions requiring appropriate protective measures to be installed prior to commencement until completion and that no excavation occurs within the root protection area.

Orchard:

The southern part of the site includes an old orchard which can already be removed through the building out (providing the remaining reserved matters are approved) of extant outline planning permission 132418

Paragraph 118 of the NPPF states that:

'When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- *if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused'*

Local Policy LP21 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'.*

Pages 139-142 of the Greater Lincolnshire Biodiversity Action Plan 2011-2020 (3rd Edition) describes the importance in retention of Traditional Orchards. It states that *'traditional orchards are defined as groups of fruit or nut trees planted on vigorous rootstocks at low densities in permanent grassland, and managed in a low intensity way'* and that they have declined 60% since the 1950's.

The position of plot 5 has allowed some of the Orchard Trees to remain in place as stated on proposed site plan J1548-PL-02 dated March 2018. Again

the Authority's Tree and Landscape Officer has not objected to the part removal of the Orchard.

Given the orchard trees can be removed through extant planning permission 132418 the proposed retention of some of the orchard trees through this development is welcomed.

Subject to conditions the development will accord with LP21 of the CLLP and guidance contained with the NPPF.

Highway Safety

The proposed vehicular access off High Street will utilise an existing access in the North West corner of the site. High Street has a 30mph speed limit and the observation views were considered acceptable at the site visit.

The Highways Authority at Lincolnshire County Council have not objected to the proposed access subject to conditions. The proposal would therefore not have an adverse impact on highway safety and accords to local policy LP13 of the CLLP, policy D1 of the SCWNP and guidance contained within the NPPF.

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 addressed by the use of a condition.

Other Considerations:

Flood Risk

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

Contamination

Due to the historical use of the site and storage of chemicals it is considered necessary to include a precautionary contamination condition in the interest of public health and safety.

Community Infrastructure Levy

West Lindsey District Council adopted a Community Infrastructure Levy (CIL) which will be charged from 22nd January 2018. An additional information form has been submitted but not an assumption of liability form. On measuring the floor space of the dwellings it is estimated that the total floor space created will be approximately 998m². 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 £24,950. An advisory note will be attached to the permission.

Affordable Housing

The proposal is below the dwelling and floor space limit for an affordable housing contribution to be required in accordance with local policy LP11 of the CLLP and provisions of the NPPF.

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 Growth in Villages, LP10 Meeting Accommodation Needs, LP13 Accessibility and Transport, LP14 Managing Water Resources and Flood Risk, LP16 Development on Land Affected by Contamination, 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, relevant policies of the Cherry Willingham Draft Neighbourhood Plan 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 five dwellings on an appropriate site with the developed footprint of a large settlement and towards the housing supply in Central Lincolnshire. The proposal will not have a significant adverse visual impact on the site, the surrounding area or the street scene and will preserve the setting of nearby Listed Building and Non-Designated Heritage Assets. It not have a significant harmful impact on the living conditions of neighbouring dwellings, trees, highway safety, archaeology or drainage. 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

Representors to be notified -

(highlight requirements):

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

Prepared by: Ian Elliott

Date: 5th September 2018

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

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

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

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

2. No development shall take place until details of the external materials listed below have been submitted or inspected on site and agreed in writing by the Local Planning Authority.

- A one metre square sample panel of brickwork, mortar and bond.
- Roof materials
- rainwater goods and downpipes including the colour
- All windows including section drawings and colour finish.
- Doors

The brickwork panel constructed shall be retained on the site until the development hereby approved 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 Listed Buildings and Non-Designated Heritage Assets to accord with the National Planning Policy Framework, local policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and policies H3, HE1 and D1 of the Submitted Cherry Willingham Neighbourhood Plan.

3. 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, local policy LP14 of the Central Lincolnshire Local Plan 2012-2036 and policy D1 of the Submitted Cherry Willingham Neighbourhood Plan.

4. No development shall take place until, details of the form and position of the protection measures to protect the tree adjacent the south west boundary of the have been submitted to and approved in writing by the Local Planning Authority. The details to include a plan showing the root

protection area of the tree and no excavation or land level changes within the root protection area. The approved protection measures shall be installed prior to commencement and retained in place until the development is completed.

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.

5. No development shall take place until a landscaping scheme has been submitted including details of:

- the height and materials used for the boundary treatments
- the surface material of the road and parking spaces
- the species, height, position and planting formation of any hedging and/or trees.

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, local policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and policy D1 of the Submitted Cherry Willingham Neighbourhood Plan.

6. No development shall take place until a construction method statement has been submitted and agreed in writing by the local planning authority. The approved statement(s) shall be adhered to throughout the construction period. The statement shall provide for:

- (i) the routing and management of traffic;
- (ii) the parking of vehicles of site operatives and visitors;
- (iii) loading and unloading of plant and materials;
- (iv) storage of plant and materials used in constructing the development;
- (v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (vi) wheel cleaning facilities;
- (vii) measures to control the emission of dust and dirt;
- (viii) details of noise reduction measures;
- (ix) a scheme for recycling/disposing of waste;
- (x) the hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on the site;

Reason: To restrict disruption to the living conditions of the neighbouring dwelling and surrounding area from noise, dust and vibration and to accord with the National Planning Policy Framework and local policies LP26 of the Central Lincolnshire Local Plan 2012-2036.

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

7. 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:

- J1598-PL-02 Rev 04 dated March 2018 - Proposed Site Plan
- J1598-PL-03 Rev 02 dated March 2018 – Plot 1 and 2 Proposed Floor Plans
- J1598-PL-04 Rev 02 dated March 2018 – Plot 1 and 2 Proposed Elevations and Sections Plan
- J1598-PL-05 Rev 01 dated November 2017 – Plot 3 Proposed Floor Plans
- J1598-PL-06 Rev 01 dated November 2017 – Plot 3 Proposed Elevations and Sections Plan
- J1598-PL-07 Rev 01 dated November 2017 – Plot 4 Proposed Floor Plans
- J1598-PL-08 Rev 02 dated December 2017 – Plot 4 Proposed Elevations and Sections Plan
- J1598-PL-09 Rev 02 dated December 2017 – Plot 5 Proposed Floor Plans
- J1598-PL-010 Rev 01 dated November 2017 – Plot 5 Proposed Elevations and Sections Plan

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, local policy LP26 of the Central Lincolnshire Local Plan 2012-2036 and policy D1 of the Submitted Cherry Willingham Neighbourhood Plan.

8. Before the dwellings are occupied, the access and the individual drives/parking and turning spaces shall be completed in accordance with the approved proposed site plan J1598-PL-02 Rev 04 dated 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, local policies LP13 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and policy D1 of the Submitted Cherry Willingham Neighbourhood Plan.

9. The proposed driveways and turning spaces shown on plan proposed site plan J1598-PL-02 Rev 04 dated 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

10. If during the course of development, contamination is found to be present on site, then no further development (unless otherwise agreed in writing by the local planning authority) shall be carried out until a method statement detailing how and when the contamination is to be dealt with has been submitted to and approved in writing by the local planning authority. The contamination shall then be dealt with in accordance with the approved details.

Reason: In order to safeguard human health and the water environment and to accord with the National Planning Policy Framework and local policy LP26 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:

NONE

Agenda Item 7



Planning Committee

19 September 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

Key Decision:

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

Yes

No

Appendix A - Summary

- i) Appeal by Mr Jacklin-Idczak against the decision of West Lindsey District Council to refuse planning permission for a new dwelling to the rear of the existing dwelling at 35 Gainsborough Road, Lea, Gainsborough, DN21 5HR.

Appeal Dismissed – See copy letter attached as Appendix Bi.

Officer Decision – Refuse permission

- ii) Appeal by Ms Heather Sugden against the decision of West Lindsey District Council to refuse planning permission for conversion, alteration and extensions to existing barn to create one dwelling with an outbuilding to contain stabling and garage including installation of new access arrangement from Brigg Road, at Land West of Brigg Road, Caistor.

Appeal Allowed – See copy letter attached as Appendix Bii.

Officer Decision – Refuse permission

- iii) Appeal by Mr Phillip Marris against the decision of West Lindsey District Council to refuse planning permission for a new farmhouse, grain store with drying facility and workshop at Low Farm, Northorpe, West Lindsey, DN21 4AE.

Appeal Allowed – See copy letter attached as Appendix Biii.

Officer Decision – Refuse permission



Appeal Decision

Site visit made on 3 July 2018

by Elaine Worthington BA (Hons) MTP MUED MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th July 2018

Appeal Ref: APP/N2535/W/17/3189431

35 Gainsborough Road, Lea, Gainsborough, DN21 5HR

- 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 Jacklin-Idczak against the decision of West Lindsey District Council.
 - The application Ref 135881, dated 19 January 2017, was refused by notice dated 18 May 2017.
 - The development proposed is a new dwelling to the rear of existing dwelling.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The reasons for refusal in this case refer to amongst other things, whether the proposal would provide adequate living conditions for future occupiers with particular reference to daylight and outlook, and its effect on highway safety in relation to access for delivery and emergency vehicles.
3. The appellant has submitted amended plans to overcome these reasons for refusal which alter the position of the house within the site along with its orientation in relation to neighbouring properties and its design (including its fenestration details). The changes to the proposal also alter which trees would be affected within the site.
4. Paragraph M.1.1 of Annex M of the Planning Inspectorate's Procedural Guidance advises that in such instances a fresh planning application should normally be made. Paragraph M.2.1 is clear that if an appeal is made the appeal process should not be used to evolve a scheme and it is important that what was considered is essentially what was considered by the local planning authority, and on which interested people's views were sought.
5. Whilst I note the appellant's contrary views on this matter, in line with this advice and to ensure the suggested changes to the development do not prejudice interested parties (and with the 'Wheatcroft' principles in mind) , I confirm that the appeal has been decided on the basis of the proposal as set out in the submitted planning application.

Main Issues

6. The main issues in this case are:

- 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; and
- The effect of the proposal on biodiversity and protected species; and
- Whether the proposal would provide adequate living conditions for future occupiers with particular reference to daylight and outlook; and
- The effect of the proposal on highway safety, with particular reference to access for delivery and emergency vehicles.

Reasons

Sustainable patterns of development and the protection of the countryside

7. The appeal site forms part of the long rear garden of the dwelling at 35 Gainsborough Road and comprises an orchard. Policy LP2 of the Central Lincolnshire Local Plan (Local Plan) sets out the spatial strategy and settlement hierarchy. It identifies Lea as a medium village in tier 5 of the hierarchy where unless otherwise promoted via a Neighbourhood Plan or through the demonstration of clear local community support, typically and only in appropriate locations, proposals will be acceptable on sites of up to 9 dwellings.
8. Local Plan Policy LP4 concerns growth in villages and permits 15% growth (or 67 dwellings in Lea). Paragraph 3.4.9 of the supporting text confirms that an allocation included in the Local Plan for Lea counts towards the 15% growth level anticipated there. Local Plan Policy LP4 also sets out a sequential test which prioritises brownfield or infill sites. As a greenfield site on the fringes of Lea, the Council regards the site to be a greenfield site at the edge of a settlement falling within tier 3 of the sequential test. This is the lowest tier of priority and development will only be allowed there in appropriate locations, and in light of a clear explanation of why sites are not available or suitable for categories higher up the list.
9. Appropriate locations (in terms of Policies LP2 and LP4) are defined as a location which does not conflict, when taken as a whole, with national policies or policies within the Local Plan. 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.
10. The appeal site is part of No 35's extensive garden area and adjoins the host property to the east, the dwellings in Green Lane to the north and is in part abutted by dwellings to the south. However it is also immediately adjacent to open countryside to the west and south. Despite being enclosed as part of a considerable residential garden, as a traditional orchard it relates closely to that adjoining rural landscape at the edge of the settlement and as such, contributes to the rural setting of Lea.

11. The proposed dwelling and the long access to it along the southern boundary of the site would require the removal of a significant number of trees. The appellant has submitted an Arboricultural Report with the appeal which confirms that the majority of the trees that would be felled are fruit trees which fall within Category C and are of low amenity value. The Council accepts that the trees on the site are not worthy of individual or group Tree Preservation Orders. I also acknowledge the appellant's argument that the trees are not protected or in a Conservation Area and could be felled at any time.
12. Nevertheless, although the trees to the periphery of the site and in its central area would be retained, the proposal would lead the loss of a good deal of the orchard and result in the urbanisation of the site. The site is within an Area of Great Landscape Value (AGLV). Whilst I note that this covers the whole village and has not necessarily precluded development elsewhere, Local Plan Policy LP17 still requires proposals to have regard to maintaining and responding positively to any natural feature within the landscape which positively contributes to the character of the area such as trees and woodland.
13. The proposal would undermine the open nature of the site on the edge of the village and lead to the loss of an appreciable amount of the traditional orchard which contributes to the character of the area. The retained trees would help to screen the development within the site to some extent. The proposed dwelling would be single storey with significant elements of glazing which the appellant argues would reflect back images of the retained trees. Views from the wider landscape are mainly taken looking back towards the village from the public footpath along the riverbank and from Gainsborough Road to the south west of the village. I accept that these are longer range views and that the proposal would be seen to some extent against the backdrop of the village from there. I also appreciate that additional replacement planting and the management of the remaining orchard trees is intended and could be secured via a planning condition.
14. Even so, the proposal would encroach into the orchard site and in removing a substantial number of trees, and introducing a dwelling, would detract from its open character and the rural character and appearance of the surrounding area. It would be appreciated as an unsympathetic addition that would have an adverse impact on the intrinsic character and beauty of the surrounding countryside which is recognised as an AGLV. Given its location right on the fringes of Lea, it would also serve to undermine the pleasant rural setting of the village to which the appeal site currently contributes.
15. As such, overall I consider that the proposal 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 Lea as required by Local Plan Policy LP2.
16. The appellant argues that as things stand the identified growth level for Lea set out in Local Plan Policy LP4 has not been achieved and the allocated site relied on does not have planning permission. However, I am mindful that the Local Plan has only recently been adopted, and in the absence of any substantiated evidence, I see no reason to think that this allocation will not come forward over the plan period. Whilst Local Plan Policy LP4 does not prevent windfall development, paragraph 3.4.11 clarifies that where a proposed development would exceed the identified growth level, it will be expected to be accompanied

- by clear evidence of appropriate levels of community support or be supported by either allocations or policies in an adopted Neighbourhood Plan.
17. Community support is also required by Local Plan Policies LP2 and LP4 and the Council suggests that this could be generated via a pre-application community consultation exercise or support from a Parish or Town Council. Whilst I note the appellant's view that this requirement is unduly onerous and simplistic, I am conscious that the Local Plan was only recently adopted and tested against the aims of the Framework in terms of boosting housing supply. There are objections to the appeal proposal from a number of local residents and from the Lea Parish Council. On this basis, the proposal fails to demonstrate evidence of clear local community support.
 18. The Lea Neighbourhood Development Plan (Neighbourhood Plan) has been recently adopted. Although I accept that as a plot for single dwelling the appeal site is not of a size likely to be allocated, it remains that in terms of the requirements of Local Plan Policy LP4, the site is not supported by an allocation in the Neighbourhood Plan. Neighbourhood Plan Policy 2 concerns small scale and infill development and is supportive of proposals where they (amongst other things) fill a gap in an existing frontage, or on other sites, within the built up area of the village (criterion a). Despite being close to the properties in Green Lane, as set out above, the appeal site is not within the built up area of the village and the proposal would not fill a gap in an existing frontage. As such, it is not supported by Neighbourhood Plan Policy 2.
 19. Additionally, in terms of the sequential approach set out in Local Plan Policy LP4, I have seen no explanation of why sites are not available or suitable in the preferred categories or tiers higher up the list.
 20. I therefore conclude on this 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. This would be contrary to Local Plan Policies LP2, LP4, and LP17 and to Policy 2 of the Neighbourhood Plan. 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.

Biodiversity and protected species

21. Traditional orchard is a priority habitat listed in the UK Biodiversity Action Plan (BAP) and the Lincolnshire BAP. It is a composite habitat that is important for a range of species and is of a high ecological value. The Lincolnshire BAP recognises that orchards on the edge of settlements are prime locations for development and are under threat. The proposal would lead to the loss of a good deal of the orchard and I share the Council's concerns that pressure to fell more trees would be likely to arise in the future in order to provide useable garden space for the future occupants of the proposed dwelling.
22. The appellant considers that biodiversity enhancements including the replacement of existing trees and on-going management of the retained trees could be secured via a condition requiring an Ecological Enhancement and Mitigation Plan. However, given the extent of the trees that would be lost to the development, I am not convinced that overall the proposal would be likely to lead to an increase in the site's habitat contribution. As such, the proposal

- would have an adverse impact on this priority habitat and would fail to minimise impacts on biodiversity. This would be at odds with paragraph 109 of the Framework which seeks to minimise the impact of development on biodiversity and halt the overall decline in biodiversity by providing net gains in biodiversity wherever possible.
23. Additionally, the appellant has submitted a Protected Species Survey with the appeal which finds that the proposal would have an extremely limited impact on roosting bats, nesting birds and Great Crested Newts. However, the survey indicates that potential bat roosting features were discovered in many of the trees. It recommends that all the trees to be felled should be individually assessed for their likelihood of supporting bats and advises that trees that are to be felled and contain potential bat roosting features will require nocturnal surveys during the optimal season.
24. I share the Council's concerns that this approach is contrary to paragraph 99 of Circular 06/2005 which states that it is essential that the presence or otherwise of protected species, and the extent to which they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. Although surveys should only be required where there is a reasonably likelihood of species being present and affected by the development, the Circular advises that surveys should be carried out before planning permission is granted. It is also clear that surveys should only be required by condition in exceptional circumstances.
25. The submitted initial survey finds that the roof void in an outbuilding on the wider site serves as a bat roost. It also explains that excellent connectivity between the site and the wider environment via the mature tree line along the southern boundary, the orchard and nearby hedgerows offers good foraging and commuting potential for bats. Consequently, it seems to me that there is a reasonably likelihood of protected species being present and affected by the development. The initial survey indicates that more detailed survey evidence is required in relation to bats. In the absence of these (and whilst I note the mitigation measures set out in the initial survey), I am unable to determine whether the proposal would have an adverse effect, and if so whether it could be overcome by any proposed mitigation measures.
26. I therefore conclude on this main issue that the proposal would be harmful to biodiversity and protected species. This would be contrary to Local Plan Policy LP21 which requires development to protect, manage and enhance the network of habitats, species and sites of international, national and local importance (statutory and non-statutory) and minimise impacts on biodiversity and geodiversity and seeks to deliver net gain in biodiversity and geodiversity. It would also conflict with paragraph 109 of the Framework.

Living conditions

27. Three of the proposed bedrooms would each be served by a single north facing high level window. I appreciate that the house is designed to maximise solar gain and its main elevation would be glazed. The bedrooms are not of a size to accommodate sitting or work areas and would be predominantly used at night. I am also aware of the appellant's argument that everyday activities would take place in the living room or dining kitchen or home office.

28. I also accept that north facing windows are not in themselves unacceptable and am content that some natural light would be provided to the bedrooms. However, the high level nature of the windows would mean that no eye level views would be afforded out of them and the future occupiers of those rooms would have no outlook at all. As a result, to my mind the bedrooms would be experienced as unduly closed in and oppressive in nature. I do not regard this to be an acceptable situation in terms of living conditions. Whilst this is the appellant's design choice, I am mindful that the occupation of the dwelling would not be restricted to the appellant. Accordingly, this is not a reason to allow development that would provide an unsatisfactory standard of living conditions and a low quality of life.
29. Although I am aware that the appellant is amenable to negotiation on this point, as set out above, I have determined the appeal on the basis of the submitted plans that were considered by the Council.
30. I therefore conclude on this main issue that whilst it would be acceptable in terms of daylight, the proposal would fail to provide adequate living conditions for future occupiers with particular reference to outlook. This would be at odds with the core planning principle of the Framework to secure a good standard of amenity for all existing and future occupiers of land and buildings.

Highway safety

31. The proposal fails to provide sufficient on site turning space for delivery and emergency vehicles. These are considered essential by the Council given the proposed access arrangements via a long driveway to the side of No 35. The appellant does not dispute this matter and I see no reason to come to a different view. Although a reason for refusal, the Council acknowledges that the lack of turning space is a relatively simple matter to overcome with amendments. These were not sought during its consideration of the planning application due to the Council's objections to the proposal in principle. Whilst turning details have been provided as part of the appeal, for the reasons set out above, I have determined the appeal on the basis of the submitted plans.
32. I therefore conclude on this main issue that the proposal would be harmful to highway safety, with particular reference to access for delivery and emergency vehicles. This would be contrary to Local Plan Policy LP13 which requires all development to provide well designed safe and convenient access for all (criterion c).

Other matters

33. Despite the concerns of local residents, the Council raises no objections to the proposal in terms of its detailed design, or its effect on drainage or the living conditions of nearby occupiers. The absence of harm in these regards counts neither for, nor against the proposal.
34. The proposal would provide a custom self-build dwelling for the appellant and represents a windfall site. The Framework seeks to significantly boost the provision of housing growth and the proposal would add to supply. The appellant does not dispute that the Council can demonstrate a 5 year supply of deliverable housing sites, but I am mindful that housing targets are nevertheless a minimum not a maximum. Whilst these are benefits of the proposal, given the scheme's limited scale for a single dwelling, its contribution

in these regards would not be great. Consequently, they are insufficient to outweigh the harm that would be caused to in relation to the main issues in this case.

Conclusion

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

Elaine Worthington

INSPECTOR

Appeal Decision

Site visit made on 5 July 2018

by D Guiver LLB (Hons) Solicitor

an Inspector appointed by the Secretary of State

Decision date: 14 August 2018

Appeal Ref: APP/N2535/W/18/3199961

Land West of Brigg Road, Caistor

- 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 Ms Heather Sugden against the decision of West Lindsey District Council.
 - The application Ref 136656, dated 15 August 2017, was refused by notice dated 27 October 2017.
 - The development proposed is conversion, alteration and extensions to existing barn to create one dwelling with an outbuilding to contain stabling and garage including installation of new access arrangement from Brigg Road.
-

Decision

1. The appeal is allowed and planning permission is granted for conversion, alteration and extensions to existing barn to create one dwelling with an outbuilding to contain stabling and garage including installation of new access arrangement from Brigg Road at Land West of Brigg Road, Caistor in accordance with the terms of the application, Ref 136656, dated 15 August 2017, subject to the conditions in the attached Schedule.

Preliminary Matters

2. Since the date of the Council's decision, the National Planning Policy Framework 2018 (the Framework) has been published and has effect. Local development plan policies that pre-date the publication should be given due weight according to the degree of consistency with the Framework.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the host building and the surrounding area

Reasons

4. Policy LP55 of the Central Lincolnshire Local Plan 2017 (the Local Plan) seeks to limit the conversion of buildings in the countryside for residential use to those having architectural merit that are worthy of retention but can no longer be used for the purposes for which they were built or last used, and which are capable of conversion with minimal alteration. Policy LP55 is consistent with the Framework, which advises at paragraph 127 that policies should ensure developments add to the overall quality of the area and are sympathetic to local character and history. Therefore, the Policy should be given full weight.

5. The appeal site comprises an open field located off Brigg Road in the countryside a mile or so from the centre of the market town of Caistor. The surrounding area is principally agricultural land, although there are a few houses nearby as well as some commercial premises and a large touring-caravan site.
6. The field contains a derelict red-brick barn that appears to have been developed and extended on an *ad hoc* basis over a number of years. The building has a principally 'L-shaped' footprint comprising a main section with a split level dual-pitched roof (the main building) and a seven-metre or so later extension creating a side wing (the wing). There is an additional flat-roofed extension running parallel to the wing creating a small open courtyard and further small extension to the gable at the opposite end of the main building from the wing (the minor extensions). There is evidence of the site having historically contained a number of additional buildings but these are now largely demolished. The building is an interesting example of a brick-built agricultural building worthy of retention that sits comfortably in the wider landscape. However, in its current state it is unfit for continued use and is likely to further deteriorate.
7. The barn has the benefit of a prior approval for conversion to a dwelling pursuant to Class Q, Part Three of Schedule Two to The Town and Country Planning (General Permitted Development) (England) Order 2015¹ (the GPDO). The proposal is for the repair and extension of the barn, beyond that permissible under the GPDO, and its conversion into a single dwelling, together with the erection of an 'L-shaped' outbuilding providing garaging and stables, the creation of a large pond and the provision of a hard-surface access. Works would be undertaken to provide a split level to the existing courtyard to take account of the site's topography, and this would be mirrored to the rear of the building.

Conversion and Alterations Works

8. The works to the main building would comprise repairs to the split-level roof, the addition of a chimney serving an internal heat source, partial reinstatement of an arched window in one gable and the complete or partial use of the existing and bricked-up doors in the rear elevation to provide two new doors. The two doors in the courtyard elevation of the main building would be used wholly or in part to provide two new doors to the proposed split level courtyard.
9. The wing would be widened by approximately two metres by rebuilding the flank wall facing the courtyard and the existing mono-pitch would be replaced with a dual-pitch that would raise the height of the roof by half a metre or so. Two doors in the wing's rear elevation would be used wholly or in part to provide a new door and a kitchen window. A second kitchen window would be added together with a high-level window providing natural light to a utility room. The three openings in the courtyard elevation would be removed with the rebuilding of the wall and a single door and high-level window would be added to the new elevation with further door for the utility room added in the extended width of the gable end.
10. The minor extensions would be demolished and replaced by a new extension whose footprint would be of similar size to the widened wing on the opposite

¹ Application Ref 133604

side of the courtyard. A dual-pitched roof would be added to this extension. The existing openings in the minor extensions would be removed and the replacement extension would provide a bathroom window five additional windows serving bedrooms.

11. The dual-pitched roofs added to both side extensions and to the extension to the main building would all be lower than both elements of the latter's existing split-level roof. The extensions added together would add approximately 20 percent to the overall floor space of the building. The Courtyard would be slightly narrower than at present but would provide an important private amenity space away from the more open views across the site from the nearby highway. The 13 or so existing door and window openings in the building would be replaced by approximately 18 new door and window openings. Of these, nine would be located in new walls and seven would wholly or partially use existing openings and the remaining two would be added to existing walls. Six openings would be removed following the demolition of some existing walls.

Other works

12. The outbuilding providing stables and garaging would be located in a corner of the site close to the existing building and on the probable site of an earlier, now demolished structure. The limited height of the proposed outbuilding would be clearly subordinate to the main building and given the evidence of a building previously on the site would amount to redevelopment and would not result in any significant impact to the surrounding countryside. The proposed pond is unlikely to cause any significant adverse visual impacts, and could provide some biodiversity benefits to the proposal, it is therefore considered to be acceptable. There are two existing access points into the field, one of which has a dropped kerb that would be utilised as the site entrance. The road adjacent to the access point is straight with good visibility for some distance and the proposed site layout would provide ample turning space for vehicles to enter and leave in forward gear. The location of the access is therefore acceptable. I note that the Council reached a similar conclusion on these matters.
13. Although the appellant describes the proposal as 'wholesale redevelopment of the existing structure' I consider this to mean that works would be required to all elements of the building, including repair as well as extension, and not to be an indication that the buildings would be completely replaced. The proposal represents an opportunity to salvage an architecturally interesting building that would otherwise likely be lost after falling into significant disrepair. The proposed additions would largely replace the most dilapidated, and most recent, additions to the main building while retaining the central core. The proposed additional windows appear to be sympathetic to the overall building and are not excessive or detrimental to the barn's appearance. The works required would be no more than necessary to create a modern single-storey two-bedroom property while retaining the overall shape and character of the building. Therefore, the proposal would accord with Policy LP55 of the Local Plan.

Conditions

14. The conditions set out in the accompanying schedule are based on those suggested by the Council. Where necessary I have amended the wording of

these in the interests of precision and clarity in order to comply with the advice in the Planning Practice Guidance.

15. In the interests of proper planning I have imposed the standard condition in respect of time limits. For certainty I have imposed a condition requiring compliance with the plans. To ensure the site is adequately drained without risk of contamination I have imposed a condition for the approval of foul and surface water drainage to be given before development occurs. Given the historical nature of the site I have imposed conditions requiring a scheme of archaeological investigation and reporting.

Other Matters

16. There is a statement in the evidence before me that the Council considered that the proposal would result in a two-storey building because of the proposed extension sitting adjacent to the higher element of the split-level courtyard. However, the split level merely reflects the topography of the appeal site and the extension would be a single-storey construction and would retain the single level character of the building as a whole.

Conclusion

17. For the reasons given above, and taking account of all other matters raised, I conclude that the appeal should succeed.

D Guiver

INSPECTOR

Schedule

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2017-19/P01 Rev B; and 2017-19/S01 Rev B.
- 3) Development shall not commence until drainage works for foul and surface water disposal shall have been carried out in accordance with details which shall have been submitted to and approved in writing by the local planning authority.
- 4) No demolition or 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 in accordance with the Lincolnshire Archaeological Handbook. The scheme shall include an assessment of significance of the existing buildings on the site and:
 - i) the programme and methodology of site investigation and recording;
 - ii) the programme for post investigation assessment;
 - iii) the provision to be made for analysis of the site investigation and recording;
 - iv) the provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - v) the provision to be made for archive deposition of the analysis and records of the site investigation;
 - vi) the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.
- 5) No demolition or development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 4.



Appeal Decision

Hearing held on 7 August 2018

Site visit made on 7 August 2018

by Alison Partington BA (Hons) MA MRTPI

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

Decision date: 24th August 2018

Appeal Ref: APP/N2535/W/18/3200130

Low Farm, Northorpe, West Lindsey DN21 4AE

- 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 Phillip Marris against the decision of West Lindsey District Council.
 - The application Ref 136875, dated 5 October 2017, was refused by notice dated 22 November 2017.
 - The development proposed is a new farmhouse, grain store with drying facility and workshop.
-

Decision

1. The appeal is allowed and outline planning permission is granted for a new farmhouse, grain store with drying facility and workshop at Low Farm, Northorpe, West Lindsey DN21 4AE in accordance with the terms of the application, Ref 136875, dated 1 October 2017, subject to the conditions set out in Annex A.

Background and Main Issues

2. The Council confirmed at the hearing that they have no objection to the proposed agricultural buildings, only to the dwelling. Therefore, the main issues in the appeal are:
 - Whether, having regard to the development plan and the *National Planning Policy Framework* (the Framework) which seek to avoid isolated new homes in the countryside, there is an essential need for a dwelling to accommodate a rural worker; and
 - The effect of the proposed dwelling on the character and appearance of the area.

Reasons

Essential Need

3. Policy LP55 of the *Central Lincolnshire Local Plan (adopted April 2017)* (CLLP) indicates that new dwellings in the countryside will only be acceptable when they are essential to the effective operation of rural operations. Similarly paragraph 79 of the Framework indicates that isolated new homes in the countryside should be avoided. However, it states that one of the few special circumstances for permitting such homes is to meet an essential need for a

rural worker to live permanently at, or near, their place of work in the countryside. This is the only circumstance which is argued in this case.

a) Operational Need

4. The site forms part of a farming business operated by Mr and Mrs R Marris and their two sons, one of whom is the appellant. The farming business is run from Cockthorn Farm which is located to the north west of the site between the villages of Scotton and Scotter. The business consists of approximately 335ha of land, the majority of which is owned. This includes a significant land holding surrounding both the site and Cockthorn Farm as well as other land around the villages of Scotter, Scotton and Blyton. I was told that sporadic landholdings are not typical of farms in the area but reflected how the business had expanded over the last 60 years. The business has two properties, one at Cockthorn Farm where Mr and Mrs R Marris live, and a property in Scotter where the appellant lives with his family. It has not been disputed that the scale of the operation requires 3 full time workers or that the business is a successful and profitable enterprise.
5. Although the farm has had some livestock in the past it is now an entirely arable enterprise growing a variety of crops including winter wheat, spring barley, spring beans, oilseed rape, red beet and potatoes. There is a storage building on the appeal site, but due to security concerns only heavy duty trailers can be kept there. All other storage of both crops and machinery takes place at Cockthorn Farm.
6. The expansion of the business, and changes in legislation, require greater storage capacity than currently can be provided at Cockthorn Farm. The ability to expand further at this site is limited by the close proximity of the farmstead to a main gas pipeline, and to the boundaries of the landholding. I observed that the only available space for a building would have a detrimental impact on the outlook from a number of windows on the existing farmhouse. As a consequence, an alternative site is required. The appeal site would enable the operation to have a base for both staff and machinery that would be able to serve the southern landholdings, and so is preferable to a location on any of the northern landholdings.
7. At the hearing it was outlined that the variety of crops grown means that sowing takes place each year between August and March, with harvesting between June and October. Between sowing and harvesting the crops need regular checks to ensure fertilisers and pesticides are applied at the correct time. The application of these is heavily dependent on weather conditions, and so often requires work either early in the morning and/or late at night. The proposed dwelling would reduce the amount of travelling that currently has to be made to check on crops, to move machinery and would also enable more accurate monitoring of the microclimate.
8. Once harvested the grain has to be dried and its moisture content controlled. Even with automated systems I was told that this requires regular checks to be made on the humidity, moisture and temperature of the grain. Changes in the outside weather conditions can also affect the drying and storage process. As such, this often involves work outside the 'normal' working day. The correct drying and storage of grain enables it to be stored for several months so that it can be sold at times when the best price can be achieved.

9. It was highlighted that a dwelling on the site would not only facilitate this out of hours monitoring, and enable an accurate assessment of the climate but would enable family members to help out with monitoring work during the day when the appellant was working elsewhere. It would also help to pass on skills and knowledge to the next generation.
10. Consideration has been given to converting the existing barn, but from the appellant's evidence and what I saw on site, it is clear that this would require extensive building works. Moreover, as the storage provided by this barn is required as well as new storage buildings, this would not reduce the quantum of development on the site.
11. All in all, whilst I can appreciate that a dwelling on the site would be both desirable and much more convenient, I am not satisfied that on its own, the operational needs of the business gives rise to an essential need for this, especially given the relative close proximity of both the existing farmhouse, and other farm-owned dwelling, to the site and the various landholdings.

b) Security

12. It is clear that an enterprise of this size requires a significant range of valuable equipment and machinery in order to function efficiently and effectively. Secure storage of agricultural chemicals, fuel and fertilisers is also essential, with the latter often requiring storage for lengthy periods of time, as it is bought when the price is lowest. It is also clear that rural crime is an increasingly major issue, and the evidence shows specific problems of theft, arson and hare coursing in the area.
13. Providing security to a scattered landholding is no doubt difficult although the appellant has highlighted that field gates are locked and physical deterrents such as hedges, ditches and bunding have been used to protect fields. At present all equipment, machinery and crops are stored at Cockthorn Farm. Suitable buildings have locks and alarms, and equipment has data tagging. CCTV has also been investigated, but as such footage is apparently rarely beneficial in bringing a conviction it has not been pursued.
14. There are undoubtedly security benefits in having a day and night presence close to buildings used for the storage, a fact confirmed by the police. The experience at Cockthorn Farm is that the on-site presence, whilst not preventing crime entirely, has allowed a rapid response to be made and the loss of goods to be minimised. I appreciate too that the loss or damage of critical machinery at crucial times of the year has the potential to cause major disruption and financial loss to the business.
15. It was highlighted that the railway line and river that form the boundaries to two sides of the landholding around the appeal site provides good 'natural' security to the appeal site as they limit escape routes. Moreover, I observed on my site visit, that the proposed position of the farmhouse would enable natural surveillance over the majority of the immediate landholding as well as the agricultural buildings.
16. Crime prevention and security on its own is rarely sufficient to demonstrate an essential need for a dwelling. However, there are good farming reasons for needing new storage buildings on this site, and the need to provide

adequate security to the equipment and goods stored in them, adds to the need for a dwelling on the site.

c) Transport and Highway Issues

17. As highlighted above, all machinery, equipment and fuel is currently stored at Cockthorn Farm. The scattered landholding results in the frequent movement of large farm machinery to, and from, Cockthorn Farm along the public highway. Given the weather dependent nature of farming activities, this can involve the movement of machinery both early in the morning and late at night.
18. I observed at my site visit that much of the machinery is of a considerable size, and that a lot of the surrounding road network comprises quite narrow country lanes. In particular the village of Scotton, which lies between Cockthorn Farm and the southern landholdings, has narrow roads and tight bends which are made more difficult to negotiate by parked cars. The appellant has highlighted that there have been times when it has been impossible to get machinery through this village.
19. I note the Council do not consider that the current traffic movements cause a significant highway issue. However, local councillors expressed the concerns of residents regarding the noise and disruption this causes, as well as highlighting the damage to the road network caused by the frequent movement of agricultural machinery along the roads, and highway safety concerns.
20. I appreciate that the number of traffic movements will vary over the course of the year, and that other farms in the locality will also have to move machinery along the road network. However, in this specific case the scattered nature of the landholdings, and the combination of narrow roads, and an intervening village that is particularly difficult to traverse with agricultural machinery, gives rise to significant problems for the business.
21. Overall, it is clear that the ability to store machinery, fuel and crops at Low Farm would result in a significant reduction in the number of traffic movements required, particularly through Scotton. This would not only bring highway safety improvements, but would be beneficial to the living conditions of local residents and the efficiency of the farming operation. At the same time, I am satisfied that the proposal would not markedly increase traffic movements through the village of Northorpe, as it was indicated that this route is already used at present.

Conclusion on essential need

22. Bringing these points together, although in operational terms I do not consider that it is essential for there to be a dwelling on the appeal site, there are good farming reasons why it would be both desirable and more convenient to be able to be located there. The need to provide security to equipment, crops and materials increases this need, and in this case this is enhanced by the good natural surveillance that can be provided from this site to the immediate landholding. Moreover, the proposal would result in a significant reduction in the movements of machinery to and from Cockthorn

Farm, limiting the disruption, danger and damage this causes, and undoubtedly improving the efficiency of the farming operation.

23. Overall, in this case I consider that the combination of these three considerations and benefits that arise from the specific circumstances of this farming operation is sufficient to establish an essential need for a new dwelling in the countryside. Accordingly, there would be no conflict with Policy LP55 of the CLLP or paragraph 79 of the Framework outlined above.

Character and Appearance

24. The appeal site is located in gently undulating open countryside. Fields, which are often large, are generally marked by hedges and trees, and small areas of woodlands are interspersed in places amongst the fields. Development is focused within the villages, but sporadic farmsteads are scattered across the landscape.
25. The proposed storage building and workshop would be located adjacent to the existing barn, with the dwelling located to the south, across an area of hardstanding. The dwelling would not be seen from the B1205 to the south, and the high hedges along the side of the road between Scotton and Northorpe restrict views of the site to gaps created by field accesses. Existing vegetation also means there are no views of the site from the public footpath that runs along the access road, and when it diverges from this to cross the fields, views of the dwelling would largely be obscured by the proposed barns.
26. In the light of this, although the design and appearance of the dwelling are not being determined at this stage, I am satisfied that a dwelling and any domestic paraphernalia that may exist around it would not be a prominent feature in the landscape. In those views of it that would be possible, it would be seen in the context of the agricultural buildings, and so appear as a farmstead that is typical in this agricultural landscape.
27. Therefore, I consider that the proposal would not have a detrimental impact on the character and appearance of the area. Consequently, it would not conflict with Policy LP17 of the CLLP which seeks to protect and enhance the intrinsic value of the landscape.

Other matters

28. The buildings would be located a sufficient distance from dwellings within Northorpe to ensure that residents would not be affected by noise from the grain dryers. Whilst I note the concerns of the Parish Council regarding the impact on wildlife, there is no persuasive evidence to indicate that the proposal would have a detrimental impact in this regard, and the proposal does not meet the threshold for an Environmental Impact Assessment.
29. Whilst the proposal would result in additional movements along the access road, which also serves as a public footpath, forward visibility along this is good, and so I consider the proposal would not adversely affect the safety of those using the footpath.

Conclusion and Conditions

30. To conclude, although both national and local policy seek to avoid isolated new dwellings in the countryside, in this case I have found that an essential need has been proven for a new dwelling for a rural worker. In addition, the dwelling would not harm the character and appearance of the countryside.
31. For the reasons set out above, I conclude the appeal should be allowed.
32. In addition to the standard implementation and reserved matters conditions, to provide certainty it is necessary to define the plans with which the scheme should accord. To ensure the satisfactory drainage of the site it is necessary to control details of the drainage systems. The rural location means an agricultural occupancy condition is necessary to comply with national and local policy.

Alison Partington

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Elton Mould	Agricultural Consultant
Philip Maris	Appellant
Gemma Owston	Owston Associates
Josephine Wright	Owston Associates
Andrew Brown	NFU Mutual
Richard Marris	Cockthorn Farm
Cllr Jeff Summers	Councillor - West Lindsey District Council
Cllr Patricia Mewis	Councillor - West Lindsey District Council

FOR THE LOCAL PLANNING AUTHORITY:

Rachel Woollass	Principal Planning Officer – West Lindsey District Council
Joanne Sizer	Planning Officer - West Lindsey District Council

DOCUMENTS SUBMITTED AT THE HEARING

1. Note outlining implications of revised NPPF submitted by the appellant.
2. Copies of aerial photographs showing the position of the gas pipeline.

Annex A

Conditions

- 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 three years from the date of this permission.
- 3) The development hereby permitted shall take place not later than two 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 plans: Site Location Plan Scale 1:5000; and Site Plan Scale 1:500.
- 5) No development shall take place until a scheme for the disposal of surface and foul water has been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved details and the dwelling shall not be occupied until the drainage system has been completed, and it shall be retained as such thereafter.
- 6) The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower or surviving civil partner of such a person, and to any resident dependants.